

**MEMORANDUM**

**TO:** Mayor and Town Council

**FROM:** W. Calvin Horton, Town Manager

**SUBJECT:** Hilltop and Greenway Condominiums at Meadowmont – Application for a Special Use Permit (File No. 7.52..6, PIN NOs. 9798-66-4564, 9798-64-6799)

**DATE:** March 25, 2002

**INTRODUCTION**

Tonight the Council continues the Public Hearing from February 18, 2002, regarding the Special Use Permit application to authorize construction of 64 multi-family units within the Meadowmont development. Adoption of Resolution A, B, C, D, or E would approve a Special Use Permit application with conditions. Adoption of Resolution F would deny the request.

This package of materials has been prepared for the Town Council's consideration, and is organized as follows:

- ◆ **Cover Memorandum:** Provides background information on the development proposal and the Town's review process, presents evidence in the record thus far in support of and in opposition to approval of the application, and offers recommendations for Council action.
- ◆ **Attachments:** Includes comments on questions raised during the February 18 Public Hearing, letters and correspondence, and a copy of the February 18<sup>th</sup> Public Hearing memorandum and its related attachments.

**BACKGROUND**

On October 23, 1995, the Town Council approved a Master Land Use Plan for the Meadowmont development. The plan proposed a mix of residential, office, and commercial uses on the 435-acre site. The Master Plan identifies the Hilltop and Greenway Condominium sites as residential, multi-family development. Pursuant to that Master Plan approval, this application for a Special Use Permit has been submitted.

This is an application for a Special Use Permit. The Development Ordinance requires the Town Manager to conduct an evaluation of this Special Use Permit application, to present a report to the Planning Board, and to present a report and recommendation to the Town Council. We have

reviewed the application and evaluated it regarding its compliance with the standards and regulations of the Development Ordinance; we have presented a report to the Planning Board; and on February 18<sup>th</sup> we submitted our report and recommendation to the Council.

On February 18, 2002, a Public Hearing was held for consideration of a Special Use Permit application to authorize construction of 64 multi-family dwelling units on two separate tracts located in the Meadowmont development. The Public Hearing on the Special Use Permit application was recessed until March 25, 2002. Questions regarding the application were raised during the February 18<sup>th</sup> Public Hearing, and the Hearing is being reopened tonight to receive applicant and staff responses to these questions.

On February 18, the Council determined that contiguous property would be defined as those properties that are within 1,000 feet of the two tracts.

### EVALUATION OF THE APPLICATION

The standard for review and approval of a Special Use Permit application involves consideration of four findings of fact that the Council must consider for granting a Special Use Permit. However, in the case where a Special Use Permit is requested for a parcel of land covered by an approved and valid Master Land Use Plan, and the proposed development is consistent with the Master Land Use Plan, then a rebuttable presumption shall be established that the Council can make three of the four findings of fact (findings a), c) and d) as defined in Section 18.3) required for a Special Use Permit.

Evidence was presented on February 18<sup>th</sup> and additional evidence may be presented tonight. If, after consideration of the evidence, the Council decides that it can make the necessary findings, the Development Ordinance directs that the Special Use Permit shall then be approved. If the Council decides that the evidence does not support making the findings, then the application cannot be approved and accordingly should be denied by the Council.

***Finding Regarding Consistency with the Meadowmont Master Plan.***

We believe the evidence in the record to date can be summarized as follows:

Evidence in support: We believe the development proposed with this application can be found to be generally consistent with the Master Plan. Each portion of the application is designated on the Master Plan as attached dwellings. We note the following differences between the proposed Hilltop Condominiums portion of the application and the 1995 Meadowmont Master Land Use Plan:

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- Multi-family type rather than townhome-style development;
- The presence of parking lot between proposed buildings and the residential lots to the west; and
- Preservation of a stand of trees that the Master Plan showed as cleared.

We also note the following differences between the proposed Greenway Condominiums portion of the application and the 1995 Meadowmont Master Land Use Plan:

- Multi-family type rather than townhome-style development; and
- Vehicular access relocated to West Barbee Chapel Road (as necessitated by the Village Center Special Use Permit approval).

Please see the Statement of Justification from the applicant, (provided as an attachment to the February 18<sup>th</sup> Public Hearing memorandum) describing similarities and differences between the Master Plan and this development application.

We believe the proposal is generally consistent with the Master Plan and a “rebuttable presumption” can be established by the Council for three of the four findings of fact (findings a), c) and d) as defined in Section 18.3 of the Development Ordinance) that are required for approval of a Special Use Permit Modification.

Evidence in opposition: No one who spoke at the Public Hearing offered evidence in opposition.

We anticipate that further evidence may be presented for the Council’s consideration as part of the continued Public Hearing process.

***Finding Regarding Compliance with all applicable regulations and standards of the Development Ordinance: That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 12, 13, and 14 and with all other applicable regulations.***

We believe the evidence in the record to date can be summarized as follows:

Evidence in support: Evidence in support of this finding for the application has been provided by the applicant’s Statement of Justification (provided as an attachment to the February 18<sup>th</sup> Public Hearing memorandum). We note the following key points raised by the applicant.

- “The proposed design complies with the Chapel Hill Zoning Ordinance with regard to Use Regulations, Article 4; Intensity Regulations, Article 5; Design Standards, Article 6 as well as the approved Master Land Use Plan and the approved Meadowmont Design Guidelines.” *[Applicant Statement]*
- “The principal use of these buildings will be residential use group R, which is a permitted use in the R5-C zone.” *[Applicant Statement]*

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- “Compliance with Article 5 is evidenced through information contained on supporting documents to this request.” [*Applicant Statement*]

Evidence in opposition: No one who spoke at the Public Hearing offered evidence in opposition.

We anticipate that further evidence may be presented for the Council’s consideration as part of the continued Public Hearing process.

### KEY ISSUES

We believe that the key issues raised during the February 18<sup>th</sup> Public Hearing focused on affordable housing, differences between the Master Land Use Plan and the Hilltop Condominium site, and pedestrian access at the Greenway Condominium site. We offer additional information on these issues below. We also have provided a list of other questions raised during the Hearing, followed by comment from the applicant and/or Town staff, as Attachment 1 to this memorandum.

**Affordable Housing**: Two key issues concerning affordable housing were raised at the February 18<sup>h</sup> Public Hearing. Those issues concerned:

- Clustering affordable units within the Greenway Condominium buildings; and
- Use of a Land Trust to ensure affordability.

***Clustering affordable units within the Greenway Condominium buildings***: Some Council members expressed a concern about the proposal to locate all of the affordable housing units that are proposed within the Greenway Condominium building. A Council member stated that it did not seem appropriate to segregate all of the affordable units within one building. Another noted that the affordable units were next to the recycling center and behind the grocery store.

***Comment***: This Special Use Permit application for 64 multi-family residential units includes a proposal by the applicant addressing the Town’s objective of increasing affordable housing opportunities. The applicant is proposing that 15 percent of the 64 multi-family units (10 units) be available at prices affordable to low and moderate income households. The applicant has proposed 10 affordable units within the 16-unit Greenway Condominium portion of the development.

We believe that this proposal, to locate the 10 affordable units within the Greenway portion of the development, is reasonable and addresses the objective of the Comprehensive Plan as it relates to multi-family developments and affordable housing provisions. We note that this will be the second location within the Meadowmont development where affordable housing is being developed.

We recommend that Resolution A include a stipulation that identifies and reserves no less than ten (10) affordable housing units (collectively the “Reserved Units”).

***Use of a Land Trust to ensure affordability:*** The Town Manager's Preliminary Recommendation included a stipulation that, in order to ensure the future affordability of the affordable units in the Greenway Condominium building, each deed conveying title to such units include restrictions on resale addressing affordability of said unit. Several Council members expressed support for use of a land trust as the mechanism insuring future affordability.

***Comment:*** We note that previous developments approved by the Council (Providence Glen, Meadowmont Affordable Housing, Scarlette Drive Townhomes, The Homestead), have addressed the affordability questions in one of two ways.

One approach involves placing the site within a land trust. Meadowmont Affordable Housing, Scarlette Drive Townhomes and a portion of The Homestead are structured such that the land is owned by Orange Community Housing and Land Trust. The second approach, approved by the Council most recently with the Providence Glen Special Use Permit, involves placing deed restrictions on the sale and re-sale of individual units identified as affordable.

We have discussed the issue of a condominium/land trust model with Orange Community Housing and Land Trust. Attachment #2 of this memorandum is a letter to the Council from Orange Community Housing and Land Trust. Although Orange Community Housing and Land Trust is researching how the land trust model can be used with future condominium projects, at this time, it is unable to accommodate the Council's request to include the Greenway Condominiums in the land trust.

We believe that the approach used with the Providence Glen project (deed restrictions on the sale and re-sale) is workable for this proposed development.

Resolution A stipulates that the 10 "Reserved Units" shall be offered for sale at a price not to exceed a base price of \$130,000. Resolution A stipulates that the 10 "Reserved Units" shall be subject to deed restrictions regulating the resale price to ensure future affordability.

Resolution A also stipulates that the 10 "Reserved Units" shall be constructed and available for occupancy, prior to issuance of a Certificate of Occupancy for the 25<sup>th</sup> Hilltop Condominium unit.

We also note that the applicant has agreed to place deed restrictions on six (6) Greenway Condominium units (collectively the "non-Reserved Units"). The proposed deed restriction would regulate the re-sale price to ensure the future affordability of these units as well. We recommend that Resolution A include a stipulation that identifies six (6) Greenway Condominium units as "non-Reserved Units" and that such units shall be subject to deed restriction regulating resale price.

**Differences in the number of units between the Master Land Use Plan and the Hilltop Condominium Site:** The Council received a letter from a citizen expressing a concern with the proposed unit density at the Hilltop Condominiums site. The letter states that the number of units proposed at the Hilltop site is a "significant change from the original (Master Land Use )

plan.” A Council member also asked how many units were shown on the Master Land Use site plan in the area proposed as the Hilltop Condominium development.

*Comment:* We reviewed the adopted Meadowmont Master Land Use Plan Resolution and that portion of the Meadowmont Master Land Use site plan that is now proposed as the Hilltop Condominium site. We note that unlike other portions of the Meadowmont Master Land Use site plan, the area encumbered by the Hilltop Condominium site does not include text referring to maximum units or floor area limitations. We also note that the adopted Master Land Use Plan Resolution does not specifically address number of units in this area.

There is a maximum number of dwelling units for the entire Meadowmont development. Dwelling units and floor area allocations were established for each Meadowmont parcel as part of final plans for the Infrastructure Special Use Permit. We have been monitoring the different components of the Meadowmont development to assure compliance with these allocations; the Hilltop and Greenway sites as proposed here are consistent with these allocations.

We note however that the portions of the Meadowmont Master Land Use site plan include graphic representations of building footprints and lot lines. The area of the Master Land Use site plan encumbered by the Hilltop Condominium site includes these building footprints and lot lines (please see Attachment #4). We believe that the graphic representation of building footprints within this area include ten (10) single-family units, two (2) duplex units, one (1) four-plex unit, 21 townhome units, and ten (10) garage-apartment units. In summary we believe the Master Land Use Plan showed approximately 49 dwelling units within the area proposed for the Hilltop Condominium development. The applicant is proposing to construct 48 dwelling units within this area.

**Pedestrian access at the Greenway Condominium site:** Pedestrian connectivity on the Greenway Condominium site was raised as an issue with the Bicycle and Pedestrian Advisory Board and noted as a concern with the Planning Board. In response to that concern, the Manager’s Preliminary Recommendation included a stipulation requiring that the final plans for the Greenway Condominiums include additional pedestrian sidewalk connections. The stipulation required the applicant to investigate additional pedestrian connections to the public sidewalk, the County’s recycling center and the adjacent grocery store. At the Public Hearing a Council member requested additional information on specific locations for these pedestrian connections.

*Comment:* We believe that a sidewalk along the east side of the Greenway Condominium building, connecting the West Barbee Chapel Road sidewalk and the sidewalk network behind the building is appropriate. A stipulation to that affect is included in Resolution A. Resolution A also includes a stipulation that, if feasible, a landscape buffer be located between the east side of the Greenway Condominiums and this sidewalk.

## RECOMMENDATIONS

Recommendations are summarized below. Summaries of board actions are attached to the February 18, 2002 memorandum.

Planning Board's Recommendation: The Planning Board reviewed this proposal on January 15, 2002, and voted 8-0 to recommend that the Council approve the application with the adoption of Resolution B.

Resolution A, the Town Manager's Revised Recommendation, and Resolution B include the following recommended condition of the Planning Board:

- Board Recommendation: That the stipulation concerning a Construction Management Plan delete the following text:

“Within the Meadowmont development no construction vehicles serving this site shall use Pinehurst Drive, south of Gurnsey Trail. The Town Manager may restrict construction vehicles from other residential streets within the Meadowmont development if deemed necessary.”

The Board and the applicant agreed that in this case, prohibiting construction traffic within the Meadowmont development was unreasonable and restrictive. It was noted that most of the Meadowmont development is and will remain an active constructive site for some undetermined time. It was also noted by the Board and the applicant that construction vehicles must use Pinehurst Drive, south of Gurnsey Trail, to access and construct the southern entrance into the Hilltop site.

*Comment:* Resolution A, the Manager's Recommendation includes the above recommendation from the Planning Board. We anticipate that travel by most of the heavy construction equipment associated with this proposed development will likely be concentrated on West Barbee Chapel Road. We believe that the impact of construction traffic, associated with this proposal, on the overall Meadowmont neighborhood will be minimal and therefore the above noted restrictions would be unnecessary.

We also believe that it is unreasonable to prohibit construction vehicles from traveling on the southern most block of Pinehurst Drive. Access to the Hilltop site from Pinehurst Drive was shown and approved during the Infrastructure Special Use Permit. We believe that use of this portion of Pinehurst Drive by construction vehicles for this project should not be restricted.

Transportation Board Recommendation: The Transportation Board reviewed this application on January 15, 2002, and voted 6-1 to recommend that the Council adopt Resolution C.

Parks and Recreation Commission Recommendation: The Parks and Recreation Commission Board reviewed this application on January 18, 2002, and voted 8-0 to recommend that the Council adopt Resolution C.

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Greenways Commission Recommendation: The Greenways Commission reviewed this application on January 23, 2002, and voted 3-0 to recommend that the Council adopt Resolution C.

*Comment:* Resolution C differs from Resolution A, the Manager's Revised Recommendation, on the issue concerning a construction traffic management plan. Please see the discussion under the Planning Board Recommendation for additional information on this issue.

Community Design Commission Recommendation: The Community Design Commission reviewed this application on January 16, 2002, and voted 8-0 to recommend that the Council approve Resolution D.

Resolution A, the Town Manager's Revised Recommendation, and Resolution D include the following recommended condition of the Community Design Commission:

- Board Recommendation: That the steep slopes around Building #1 be stabilized with plantings and /or more significant techniques than just planting grass.

Resolution D differs from Resolution A because it includes the two following recommendations from the Community Design Commission:

- Board Recommendation: That bio-retention areas be created between the Meadowmont Hilltop Condominiums.

*Comment:* The Hilltop Condominium site drains into a retention/detention pond located near the southeast corner of the Hilltop development, between the southern end of Pinehurst Drive and NC 54 Highway. This pond, part of the Meadowmont Infrastructure Special Use Permit, is just downhill from the Hilltop site and was constructed to retain stormwater and allow pollutants to settle out. The pond will adequately accommodate the stormwater retention/detention requirements for this site. Resolution A, the Manager's Revised Recommendation, does not include the above recommendation from the Community Design Commission.

- Board Recommendation: That additional bicycle parking be provided in the common bicycle storage building at the Greenway Condominiums, in order to reduce the need for first-floor residents to park their bicycles on their porches.

The Commission expressed concern that if bicycles are parked on the porches of the Greenway Condominium buildings, it will adversely affect the appearance of the development.

*Comment:* In order to accommodate additional bicycle parking in the common storage building, it would be necessary to increase the size of the proposed storage building. Although a larger storage building could accommodate more bicycles, the available space would not prohibit some first floor residents from storing bicycle on their porch. Resolution



A, the Manager's Revised Recommendation, does not include the above recommendation from the Community Design Commission.

In addition to the above recommendations concerning bio-retention and bicycle parking, Resolution D differs from Resolution A, the Manager's Revised Recommendation, on the construction traffic management plan. Please see the discussion under the Planning Board Recommendation for additional information on this issue.

Bicycle and Pedestrian Advisory Board: The Bicycle and Pedestrian Advisory Board reviewed this application on January 22, 2002, and voted 6-0 to recommend that the Council approve Resolution E.

Resolution A, the Town Manager's Revised Recommendation, and Resolution E include the following four recommended conditions of the Bicycle and Pedestrian Advisory Board:

- Board Recommendation: For the Hilltop Condominiums, that pedestrian connection be provided between the parking areas and the buildings.
- Board Recommendation: For the Greenway Condominiums, that greenery be provided along the eastern edge of the property.
- Board Recommendation: For the Greenway Condominiums, that a crosswalk be provided across the western entrance into the project site. The crosswalk should be designed consistent with similar crosswalks in the Meadowmont development.
- Board Recommendation: For the Greenway Condominiums, that a pedestrian connection be provided on the east side of the property, from the north side of the buildings south to a crosswalk connecting to the Village Center property.

Resolution E differs from Resolution A, the Manager's Revised Recommendation, on the issue concerning a construction traffic management plan. Please see the discussion under the Planning Board Recommendation for additional information on this issue.

Manager's Revised Recommendation: Based on our evaluation of the application, our recommendation is that, with the stipulations in Resolution A, the application complies with the standards and regulations of the Development Ordinance, and is consistent with the approved Master Land Use Plan. Accordingly, we continue to recommend that the application be approved with the adoption of Resolution A.

Resolution A has been revised to include a stipulation requiring that a pedestrian connection be provided on the east side of the Greenway Condominium building, from the north side of the building south to a crosswalk connecting to the village center property.

Resolution B would approve the application as recommended by the Planning Board.

Resolution C would approve the application as recommended by the Transportation Board, the Parks and Recreation Commission and the Greenways Commission.

Resolution D would approve the application as recommended by the Community Design Commission.

Resolution E would approve the application as recommended by the Bicycle and Pedestrian Advisory Board.

Resolution F would deny the application.

A table comparing these alternative resolutions follows.

**Hilltop Condominiums and Greenway Condominiums at Meadowmont  
Special Use Permit**

**Differences between Resolutions**

<b>Issue</b>	<b>Resolution A Manager's Revised Recommendation</b>	<b>Resolution B Planning Board Recommendation</b>	<b>Resolution C Transportation Board, Park and Recreation Commission, Greenways Commission Recommendation</b>	<b>Resolution D Community Design Commission Recommendation</b>	<b>Resolution E Bicycle and Pedestrian Advisory Board Recommendation</b>
Construction Traffic within Meadowmont	No restrictions	No restrictions	Prohibited on some streets	Prohibited on some streets	Prohibited on some streets
Landscape steep slopes at Hilltop Condos	Yes	*	*	Yes	*
On-site bio-retention at Hilltop	No	*	*	Yes	*
Enlarge bicycle shed at Grnwy Condos	No	*	*	Yes	*
Pedestrian connections between parking and Hilltop Condos	Yes	*	*	*	Yes
Sidewalk on eastside of Grnwy Condos (access to Village Center)	Yes	*	*	*	Yes
Landscape eastside of Grnwy Condos	Yes (if feasible after installation of sidewalk)	*	*	*	Yes
Grnwy Condos Crosswalk	Yes	*	*	*	Yes

\*Issue was not discussed at this particular advisory board's meeting and is therefore not included in this Resolution.

**ATTACHMENTS**

1. List of Questions and Issues raised during the February 18, 2002 Public Hearing (p. 31).
2. March 15, 2002 letter from Orange Community Housing and Land Trust (p. 33).
3. February 18, 2002 letter from Jill Ridky-Blackburn (p. 34).
4. Meadowmont Master Land Use site plan 1995 (Hilltop Condominium site) (p. 35).
5. Area Map (p. 36).
6. February 18, 2002 Public Hearing and Related Attachments (p. 37).

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RESOLUTION A  
(Town Manager's Revised Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT (2002-03-25/R-15a)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

Stipulations Specific to the Developments

1. That construction begin by March 25, 2004 (two years from the date of Council approval) and be completed by March 25, 2005 (three years from the date of Council approval).
2. Land Use Intensity: This Special Use Permit authorizes the construction of a multi-family residential development, specified as follows:

Land Use Intensity	Hilltop Condominiums	Greenway Condominiums
Total # of Buildings	4	2*
Maximum # of Dwelling Units	48	16
Minimum # of Affordable Units	0	10
Maximum Floor Area	85,600 sq ft	16,656 sq ft
Minimum Outdoor Space	194,326 sq ft	22,292 sq ft
Minimum Livability Space	164,765 sq ft	10,445 sq ft
Minimum Recreation Space	3,000 sq ft	0 sq ft
Maximum # of Parking Spaces	96	25
Minimum # of Bicycle Spaces	58	21

\* Bicycle storage building included in Total # of Buildings

That because the land area of the this Special Use Permit does not provide sufficient land to demonstrate compliance with the Land Use Intensity requirements of the Development Ordinance, prior to issuance of a Zoning Compliance Permit, the applicant shall obligate land within the bounds of the Master Land Use Plan to enable this development to demonstrate compliance with the Land Use Intensity requirements. With any application for Final Plan Approval, the applicant shall provide document(s), to be recorded at the Orange County Register of Deeds Office, that obligates allowable Land Use Intensity requirements of land located within the boundary of the Master Plan, but outside the boundary of this Special Use Permit, to ensure compliance of this application with the Land Use Intensity requirements of the Development Ordinance.

Stipulations Related to Affordable Housing

3. Restriction of Sales Price of Units: That the Applicant shall identify and reserve ten (10) units in the Greenway Condominium project, collectively the "Reserved Units," for individuals or families with a gross income equal to one hundred percent (100%) or less of the Median Family Income by household size as published periodically by the U.S. Department of Housing and Urban Development for the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area (collectively, the "Qualified Buyers," and individually, a "Qualified Buyer").

The applicant shall identify and designate the remaining six (6) Greenway Condominium Units at this property as the "non-Reserved Units."

Each Qualified Buyer shall deliver to the Applicant written evidence, acknowledged in writing by the Town Manager, that such buyer qualifies as a Qualified Buyer. The Applicant shall have no further obligation to inquire about such buyer's qualifications for Qualified Buyer status.

That the 10 "Reserved Units" shall be offered for sale at a price not to exceed a base price of \$130,000. The base price shall be applicable to all sales of "Reserved Units" during 2002. The sales price of "Reserved Units" may be adjusted upward in future years for any "Reserved Units" not sold by the Applicant. That any increase to the Base price shall be limited to the increase in the U.S. Consumer Price Index during the previous year(s).

- A. Restrictions on Appreciation of "Reserved" and "non-Reserved" Units: The following restrictions shall be contained in the Declaration of Condominium for all "Reserved Units" and "non-Reserved Units" and any other appropriate recorded document at the Orange County Register of Deeds Office for this property (or similar language as approved by the Town Manager):

If at any time prior to ninety-nine (99) years after the initial sale of a unit by the Applicant, an owner desires to sell a "Reserved" or "non-Reserved" Unit in the Greenway Condominium project to a third party, such sale shall be at a price not exceeding the sum of the following:

- (a) the purchase price owner paid for the Unit; plus
  - (b) documented reasonable and customary closing costs paid by the owner at time of acquisition of the Unit; plus
  - (c) documented permanent capital improvements to the Unit not exceeding an aggregate cost of Two Thousand, Five Hundred and No/100 Dollars (\$2,500.00) per annum during the period the unit is owned; plus
  - (d) documented extraordinary assessments paid to the condominium homeowners association during the term of ownership by the owner; plus
  - (e) documented reasonable and customary closing costs to the owner to sell the Unit; plus
  - (f) an amount which shall be the product of (a) above and a factor which shall be one hundred fifty percent (150%) of the increase in the U.S. Consumer Price Index for the period of time the owner has owned the Unit through and including the proposed date of sale of the Unit to a third party.
- B. Determination of Sale of "Reserved" and "non-Reserved" Units: Before offering any "Reserved" or "non-Reserved" Unit for sale, owner shall deliver to the Town Manager, notice of its intention to sell its Unit along with the proposed selling price and documentation of the calculation thereof. The Town Manager shall have ten (10) business days from receipt to review the proposed sales price and calculation to confirm that it is consistent with these restrictions. If the Town Manager fails to respond within the ten (10) day period, consent shall be deemed to have been received and the owner shall be free to sell the Unit to a third party at its proposed sales price. If during the ten day period, the Town Manager finds that the proposed sales price differs from that allowed by these restrictions, the Town Manager shall promptly advise owner what the approved maximum selling price should be. The owner shall sell the Unit for the maximum price established by the Town Manager, subject to the restrictions below if the unit is a "Reserved Unit."
- C. Restriction on Sale of "Reserved" Units: Before accepting the Offer of a third party to buy a "Reserved" Unit, Buyer shall deliver to the Town Manager, two copies each of a purchase contract embodying the terms of the Offer, signed by the Buyer, information on whether the offer is from a "Qualified Buyer," together with written notice of Buyer's intention to make the Offer embodied in the contract if the Offer is not accepted by the Town Manager in accordance with the terms hereof. The Town Manager shall have ten (10) business days from receipt of the contract and such notice to accept the Offer embodied in the contract. If the Town Manager elects to accept the Offer, the Town Manager must do so by signing one copy of the contract and returning it to Buyer within the ten (10) day period. If the Town Manager does not accept the Offer embodied in the contract within the ten (10) day period, Buyer shall be free to sell the "Reserved" Unit to a third party on the same terms and conditions set forth in the Offer and subject to compliance with Paragraph B. The term of this restriction (the "Restriction Term") shall be ninety-nine (99) years after the initial sale of a unit by the Applicant.

For its determination of what any proposed sales price shall be, the Town Manager shall rely solely upon those items (a) – (f) above and no other. If the Greenway Condominium

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building is demolished prior to December 31, 2052 these restrictions shall expire at such time that the Greenway Condominium building is demolished.

- D. Other Provisions: This provision shall not be amended or changed without the prior approval of the Town Manager. The Town may assign any of its powers and obligations contained herein.

A person offering a Greenway Unit for sale shall lawfully reference in the Grant Deed conveying title of any such unit, and record with the Orange County Recorder of Deeds Office, a covenant or Declaration of Restrictions in a form approved by the Town Manager. Such covenant or Declaration of Restrictions shall reference applicable contractual agreements, restrictive covenants, and resale restrictions as are necessary.

All of the "Reserved Units" shall be constructed and available for sale and occupancy, prior to issuance of a Certificate of Occupancy for the 25<sup>th</sup> Hilltop Condominium unit.

#### Stipulations Related to on-site Recreation Space

4. Recreation Space: That the developer provides 3,000 square feet of improved recreation space on the Hilltop Condominium site. This improved recreation space is to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

No Certificate of Occupancy shall be issued for the Hilltop Condominium residential units until all the active recreation facilities for that development have been completed.

#### Stipulations Related to Access and Circulation

5. Parking Lots: That all parking lots and drive aisles associated with the proposed development shall be constructed to Town standards.
6. Hilltop Condominium Parking Lot Design: That the final plans for the Hilltop Condominiums include a revised parking lot design incorporating pedestrian connections between the parking areas and the buildings. The type, location and number of the pedestrian connections shall be reviewed and approved by the Town Manager.
7. Greenway Condominium Crosswalk: That the final plans for the Greenway Condominiums shall include a crosswalk across the western entrance into the project site. The crosswalk should be designed consistent with similar crosswalks in the Meadowmont development. The final crosswalk design shall be reviewed and approved by the Town Manager.
8. Greenway Condominium Pedestrian Connection to the Village Center: That a pedestrian connection be provided on the east side of the property, from the north side of the buildings south to a crosswalk connecting to the village center property.
9. Bicycle Parking: That the development comply with the Town's Design Manual for bicycle parking standards as follows:



<b>Minimum Bicycle Parking Requirements</b>		
	<b>Hilltop Condominiums</b>	<b>Greenway Condominiums</b>
<b>Total Number or Required Spaces</b>	58	21
<b>Number of Class I Spaces (Garage or secure indoor areas)</b>	52	17
<b>Number of Class II Spaces (Stationary rack)</b>	6	4

**Stipulation Related to Watershed Protection District**

10. **Watershed Protection District:** Compliance with the Town Watershed Protection District regulations, if applicable, shall be demonstrated with the provision of multiple permanent ponds. For those portions of the development complying with the Low Density Option identified in the Chapel Hill Development Ordinance, permanent stormwater retention shall not be required. For those portions of the development complying with the High Density option identified in the Development Ordinance, permanent stormwater retention shall be required in accordance with the requirements of the Development Ordinance.
- A. The size, accessibility, location, and design of each pond shall be approved by the Town Manager.
  - B. These wet retention ponds shall meet or exceed the North Carolina Division of Environmental Management requirements and shall be designed so as to be approved by the Division of Environmental Management, the North Carolina Division of Water Quality, the Army Corps of Engineers, and the Town Manager.
  - C. The property owner shall post a performance bond or other surety instrument satisfactory to the Town, in an amount approved by the Town Manager, to assure maintenance, repair, or reconstruction necessary for adequate performance of the engineered stormwater controls.
  - D. For ponds proposed to be located within the Resource Conservation District, the ponds must be designed so as not to be inundated by the flood waters from the base flood discharge.
  - E. The Owners' or Homeowners' Association shall be responsible for arranging for annual inspections of all ponds by an appropriately certified engineer, to determine whether the ponds and associated structures are operating acceptably according to design requirements, and to report findings of said inspections to the Town Manager, with such recommendations for maintenance or repair as may be warranted. Any needed repairs shall be completed within 120 days unless otherwise approved by the Town Manager. Restrictive covenants shall be recorded which shall identify these responsibilities of the Owners' or Homeowners' Association, including pond maintenance.

- F. Maintenance of the ponds shall be the responsibility of the developer or a property/homeowners' association. A maintenance plan shall be provided for each of the retention ponds, to be approved by the Town Manager. The plans shall address inspection, maintenance intervals, type of equipment required, access to each pond, and related matters.
- G. As part of every application for Final Plan Approval, Zoning Compliance Permit, and residential Building Permit, the developer shall provide an up-to-date cumulative total for impervious surfaces in the particular sub-basin.
- H. The minimum permanent pool depth shall be at least three (3) feet in addition to enough volume to store the accumulated sediment between clean out periods.
- I. All sediment deposited in the ponds during construction activity on contributing sites must be removed before "normal" pond operation begins.
- J. Emergency drains shall be installed in all ponds to allow access for repairs and sediment removal as necessary.
- K. Anti-seepage collars shall be used on any structures penetrating dams or water retaining embankments.
- L. Public storm drainage systems, or other utilities, shall not be located within a pond or dam structure.
- M. That no ponds be created within the perimeter landscaped buffer required for the Meadowmont development.
- N. That the ponds be located and designed such that damage to existing large trees can be minimized.

That the applicant provide calculations confirming Meadowmont's overall compliance with Impervious Surface Limits.

#### Stipulations Related to Landscape and Architectural Elements

- 11. Landscape Protection Plan: That a detailed landscape protection plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall include areas of vegetation to be preserved; the anticipated clearing limit lines; proposed grading; proposed utility lines; a detail of protective fencing; and construction parking and materials staging/storage areas. That silt fencing and/or tree protection fencing is installed along all construction limits lines including those that are proposed to overlap property lines.
- 12. Removal of Significant Tree: That the 29-inch oak tree, along the western property line on the Hilltop development site plan, may be removed.

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13. **Landscape Plan Approval:** That detailed landscape plans (including buffers), landscape maintenance plans, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. That the landscape plan shall include:
- A. The 20-foot wide landscape buffer area between the Hilltop development and the adjacent residential single family lots;
  - B. The 5-foot wide landscape buffer area between the Greenway development and the Meadowmont greenway;
  - C. A re-landscaping plan for the proposed erosion control sediment basins. The landscaping of the sediment basin associated with the Greenway site shall included two, 2 ½ to 3 inch caliper canopy trees; and
  - D. A re-landscaping plan for the NC 54 entranceway corridor if deemed necessary by the Town Manager.
  - E. A landscape plan for the steep slopes around Hilltop Condominiums Building #1.
  - F. A landscape plan for the east side of the Greenway Condominium Building. That if a sidewalk is installed in this area, landscaping shall only be installed if there is an adequate planting areas between the sidewalk and the building.
14. **Parking Lot Screening:** That all Hilltop Condominium parking areas shall be screened from highway view. The screening plans shall be approval by the Town Manager.
15. **Community Design Commission Approval:** That the Community Design Commission shall approve the building elevations and the lighting plan for the development, prior to the issuance of a Zoning Compliance Permit.

#### Stipulations Related to Utilities

16. **Utility/Lighting Plan Approval:** That the final utility/lighting plan be approved by Orange Water and Sewer Authority (OWASA), Duke Power Company, BellSouth, Public Service Company, Time/Warner Cable and the Town Manager before issuance of a Zoning Compliance Permit. That the final plans demonstrate there is no conflict between utility lines, easements, and other site elements.
17. **Utility Lines:** That all utility lines shall be underground and shall be indicated on final plans.

#### Stipulations Related to Steep Slopes

18. **Steep Slopes:** That each submittal for Final Plan approval shall include a map showing lots and street segments on slopes of 10% or more, and indicating how the development and construction will comply with the steep slopes regulations in the Development Ordinance:
- For slopes of 10 - 15%, site preparation techniques shall be used which minimize grading and site disturbance;
  - For slopes of 15 - 25%, demonstrate specialized site design techniques and approaches for building and site preparation; and

- For slopes of 25% or greater, provide a detailed site analysis of soil conditions, hydrology, bedrock conditions, and other engineering or environmental aspects of the site.

Each Final Plan application shall demonstrate compliance with the steep slopes regulations in the Development Ordinance. The Town Manager shall decide if the proposed building and site engineering techniques are appropriate.

#### Stipulations Related to Fire Protection

19. Fire Flow: That a fire flow report shall be prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
20. Sprinkler System: That the buildings shall have a sprinkler system in accordance with Town Code, which shall be approved by the Town Manager prior to the issuance of a Building Permit.
21. Fire Hydrant Location: That all new structures shall be located within 500 feet of a fire hydrant, subject to the approval of the Town Manager.
22. Fire Department Connections: That fire department connections shall be no more than 50 feet from the hydrants and located on street side of buildings in visible, accessible locations, subject to Town Fire Marshall approval.

#### Stipulations Related to Refuse and Recycling Collection

23. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling and for the management and minimizing of construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. That a shared access agreement with the Village Center shall be submitted to the Town Manager and recorded with the Orange County Register of Deeds Office prior to the issuance of a Zoning Compliance Permit.
24. Illumination of Hilltop Refuse Area: That the final plans included a lighting plan for the illumination of the refuse collection areas at the Hilltop site.
25. Heavy-Duty Paving: That all drive aisles that provide or potentially provide access to compactors, dumpsters or recycling facilities, shall be constructed with heavy-duty pavement.

#### Miscellaneous Stipulations

26. Construction Management Plan: That a Construction Management Plan, indicating how construction vehicle traffic will be managed, shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The Construction Management Plan shall

specify that no construction vehicles serving this site shall use any existing streets, outside the Meadowmont development area, within the area bounded by Ephesus Church Road, George King Road, NC Highway 54, and Fordham Boulevard.

27. Declaration of Condominium: That the Declaration of Condominium document shall be reviewed and approved by the Town Manager prior to recordation at the Durham County Register of Deeds Office. That prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a copy of the recorded document to the Town.
28. Ownership and Responsibilities of Common Areas: That an owners' association be created for the maintenance and regulation of the private (residential, office, park, landscape, and commercial) areas including privately maintained streets and alleys.
- A. All property owners owning land within the area of the Master Land Use Plan approval, excluding governmental bodies, shall be represented in the owners' association. This owners' association shall have maintenance responsibilities for commercially owned development elements which affect the entire development, including the stormwater management facilities.
- B. In addition, separate neighborhood association(s) and/or owners' association(s) shall be created for the maintenance and regulation of the residential, office, and commercial areas. The documents creating these entities shall be reviewed for approval by the Town Manager, and shall be recorded in the Orange County Register of Deeds Office prior to the issuance of a Zoning Compliance Permit.
- C. The responsibilities of these entities shall include the ownership and maintenance of the private alleys, private green spaces, private parks and recreation space, private retention and detention basins, parking lots, and the landscape buffers.
- D. These entities shall also be responsible for any "add-on fees" charged by Duke Power for special street lighting.
- E. These entities shall have the ability to place a lien on property for nonpayment of dues or fees.
- F. The Homeowners' Association documents shall be reviewed and 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. That prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a copy of the recorded document to the Town.
29. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are complete, and that a note to this effect shall be placed on the final plat.

That 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; 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, and that a note to this effect shall be placed on the final plat.

30. Detailed Plans: That the final detailed site plan, grading plan, utility/lighting plans, and landscape plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans shall conform to the plans approved by this application and demonstrate compliance with all applicable conditions and design standards of the Development Ordinance and Design Manual.
31. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for maintenance of facilities and modifications of the plan if necessary, be approved by the Orange County Erosion Control Officer and the Town Manager prior to issuance of a Zoning Compliance Permit. That a performance guarantee be provided in accordance with Section 5-97.1 of the Town Code of Ordinances prior to issuance of any permit to begin land-disturbing activity.
32. Open Burning: That no open burning shall be permitted during the construction of this development.
33. Energy Management: That an energy management program, designed to minimize energy consumption, be prepared and submitted to the town Manager as part of final plans, prior to issuance of a Zoning Compliance Permit.
34. Silt Control: That the developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
35. Construction Sign Required: That the developer shall post a construction sign that lists the property owner's representative, with a telephone number; the contractor's representative, with a telephone number; and a telephone number for regulatory information at the time of issuance of a Zoning Compliance Permit. The construction sign may have a maximum of 32 square feet of display area and may not exceed 8 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.
36. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
37. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the 25<sup>th</sup> day of March, 2002.

(60)

RESOLUTION B  
(Planning Board Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT (2002-03-25/R-15b)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#s: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development unless modified or superseded by those stipulations below.
2. Landscape Plan Approval: That the Landscape Plan Approval stipulation shall not include:
  - A landscape plan for the steep slopes around Hilltop Condominiums Building #1.; and
  - A landscape plan for the east side of the Greenway Condominium Building.
3. Delete Stipulations: Stipulations related to Hilltop Condominium Parking Lot Design, Greenway Condominium Pedestrian Connection to the Village Center and Greenway Condominium Crosswalks shall be deleted from the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the 25<sup>th</sup> day of March, 2002.

(61)

RESOLUTION C  
(Transportation Board,  
Parks and Recreation Commission and  
Greenways Commission Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT (2002-03-25/R-15c)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#:s: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development unless modified or superseded by those stipulations below.
2. Construction Management Plan: That the Construction Management Plan stipulation shall include the following:
  - Within the Meadowmont development no construction vehicles serving this site shall use Pinehurst Drive, south of Gurnsey Trail. The Town Manager may restrict construction vehicles from other residential streets within the Meadowmont development if deemed necessary.
3. Landscape Plan Approval: That the Landscape Plan Approval stipulation shall not include:
  - A landscape plan for the steep slopes around Hilltop Condominiums Building #1.; and
  - A landscape plan for the east side of the Greenway Condominium Building.
4. Delete Stipulations: Stipulations related to Hilltop Condominium Parking Lot Design, Greenway Condominium Pedestrian Connection to the Village Center, and Greenway Condominium Crosswalks shall be deleted from the resolution.



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NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the 25<sup>th</sup> day of March, 2002.

RESOLUTION D  
(Community Design Commission Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT (2002-03-25/R-15d)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development unless modified or superseded by those stipulations below.
2. Construction Management Plan: That the Construction Management Plan stipulation shall include the following
  - Within the Meadowmont development no construction vehicles serving this site shall use Pinehurst Drive, south of Gurnsey Trail. The Town Manager may restrict construction vehicles from other residential streets within the Meadowmont development if deemed necessary.
3. Landscape Plan Approval: That the Landscape Plan Approval stipulation shall not include:
  - A landscape plan for the east side of the Greenway Condominium Building.
4. Delete Stipulations: Stipulations related to Hilltop Condominium Parking Lot Design, Greenway Condominium Pedestrian Connection to the Village Center, and Greenway Condominium Crosswalks shall be deleted from the resolution.
5. Insert Stipulations: The following stipulations shall be inserted into the resolution:

- a) Hilltop Condominiums bio-retention facility: That bio-retention areas be created between the Meadowmont Hilltop Condominiums. That the final design and location(s) shall be reviewed and approved by the Town Manager.
- b) Greenway Condominiums bicycle storage shed: That additional parking be provided in the common bicycle storage in order to reduce the need for first-floor residents to park their bicycles on their porches. That the final design, dimension and location shall be reviewed and approved by the Town Manager.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the 25<sup>th</sup> day of March, 2002.

RESOLUTION E  
(Bicycle and Pedestrian Advisory Board Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT (2002-03-25/R-15e)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#s: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development unless modified or superseded by those stipulations below.
2. Construction Management Plan: That the Construction Management Plan stipulation shall include the following:
  - Within the Meadowmont development no construction vehicles serving this site shall use Pinehurst Drive, south of Gurnsey Trail. The Town Manager may restrict construction vehicles from other residential streets within the Meadowmont development if deemed necessary.
3. Landscape Plan Approval: That the Landscape Plan Approval stipulation shall not include:
  - A landscape plan for the steep slopes around Hilltop Condominiums Building #1.
4. Delete Stipulation: Stipulation related to Greenway Condominium Pedestrian Connection to the Village Center, shall be deleted from the resolution.
5. Insert Stipulation: The following stipulation shall be inserted into the resolution:
  - a) Greenway Condominium Pedestrian Connection to the Village Center: That a pedestrian connection be provided on the east side of the property, from the north side of the

buildings south to a crosswalk connecting to the village center property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the 25<sup>th</sup> day of March, 2002.

(67)

RESOLUTION F  
(Denying the Application)

**A RESOLUTION DENYING APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT (2002-03-25/R-15f)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#s: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, would not:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Council finds:

(INSERT ADDITIONAL REASONS FOR DENIAL)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the 25<sup>th</sup> day of March, 2002.

**HILLTOP AND GREENWAY CONDOMINIUMS AT MEADOWMONT****Questions/Issues Raised at the February 18, 2002 Public Hearing**

Questions were raised at the Public Hearing on February 18, 2002 concerning building encroachment into the meadow, increase in traffic, hours of service vehicle operation at the County's future recycling center, and an area map. Below is a response to these questions from the Public Hearing.

1. *Building encroachment into the meadow:* The Council received a letter from a citizen expressing a concern with the proposed Hilltop Condominiums project encroaching upon the meadow. At the Public Hearing staff stated that because both proposed development sites are not adjacent to the meadow, the citizen's comment may be directed towards a different project proposed on the opposite side of West Barbee Chapel Road.

*Comment:* We have contacted the individual who wrote the letter and confirmed that the concern about a building encroaching into the meadow involves another project not associated with the Hilltop or Greenway Condominiums.

2. *Increase in traffic:* The Council received a letter from a citizen expressing a concern that the increased density is a "significant change from the original plan" and therefore will result in an increase in traffic.

*Comment:* During the Public Hearing on the Meadowmont Infrastructure Special Use Permit, East-West Partners presented the Council with projections on traffic generated by the Meadowmont development at build-out. We note that the increase in traffic, associated with this project, is consistent with the overall traffic numbers reviewed and approved by the Council during the Infrastructure Special Use Permit application

3. *Hours of service vehicle operation at the County's future recycling center:* A Council member wondered if Orange County Recycling has determined which hours their service vehicles will be collecting recyclable from the recycling center next to the Greenway Condominium site.

*Comment:* In response to this question, the County's Recycling Department indicated anticipated service hours would be between 6 a.m. and 4 p.m. Monday thru Friday, with occasional Saturday daytime service. We note that the recycling center is not part of this Special Use Permit application and therefore Council is unable, under this process, to regulate hours of service vehicle operation.

We note that the recently adopted noise ordinance states that noise resulting from the provisions of sanitation and recycling services, between the hours of 5:30 a.m. and 11:00 p.m. is permitted in accordance with a permit issued by the Town Manager.

4. Area Map: A Council member stated that they had some difficulty finding the proposed site within the Meadowmont development. They noted that the February 18<sup>th</sup> Public Hearing memorandum did not include an Area Map that clearly identified the Hilltop or Greenway Condominium sites.

*Comment:* The Town has standardized area maps by using the mapping information provided by the GIS systems. We typically provide a standardized area map with the development applications. The area map for this application was inadvertently omitted from the Public Hearing memo. An area map is provided as an attachment to this memo.





## Board of Directors

*Alison Weiner*  
Chair

*Wayne Kuncel*  
Vice-Chairman

*Robin Lackey Jacobs*  
Treasurer

*Josh Gurlitz*  
Secretary

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*Shirley Marshall*  
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(70)

March 14, 2002

Mayor Kevin Foy and Chapel Hill Town Council Members  
Chapel Hill Town Hall  
306 North Columbia Street  
Chapel Hill, NC 27514

Re: Greenways Condominiums

Dear Mayor Foy and Council Members:

We very much appreciate and support the Council's policy of asking developers to structure their projects so that 15% of the proposed dwelling units are affordable. We are also very willing to work with developers to place these units in the land trust in order to keep them permanently affordable.

Condominiums are a more complex form of ownership than townhomes (as we did at Legion Road). At this time, we have not yet determined how best to include condominiums within the land trust model. We believe that the condominium model will be increasingly used in local developments, and we have already begun researching how OCHLT can work with this model. We will find out how land trusts in other states work with condominiums (we know that there are examples), we will consult with our friends at ICE, and we will work with our attorney, the Town Attorney and the County Attorney to craft a structure that will work in North Carolina. We hope to present to the Council in September a proposal for including condominiums in the land trust.

Given the schedule of Mr. Gammon's project, we will be unable to accommodate the Council's request to include the Greenways Condominiums at Meadowmont in the land trust. If we can play an alternative role with the Greenways Condominiums, we are happy to do so. Thank you for the support and confidence you have for our work.

Sincerely,

Alison Weiner  
Chair

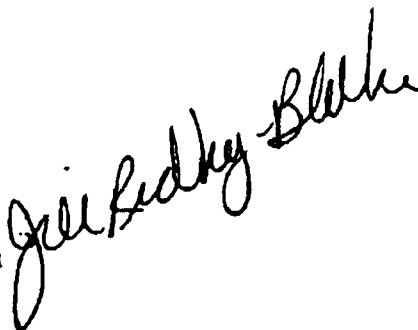
cc: Mr. Cal Horton, Town Manager

(71)

TO: Mayor of Chapel Hill  
Town Council

DATE: February 18, 2002

FROM: Jill Ridky-Blackburn



RE: Hilltop and Greenway Condos- Meadowmont  
2-18 Town Council Meeting

I am taking this opportunity to send this note to the Mayor and Council Members since I will not be able to attend the meeting tonight.

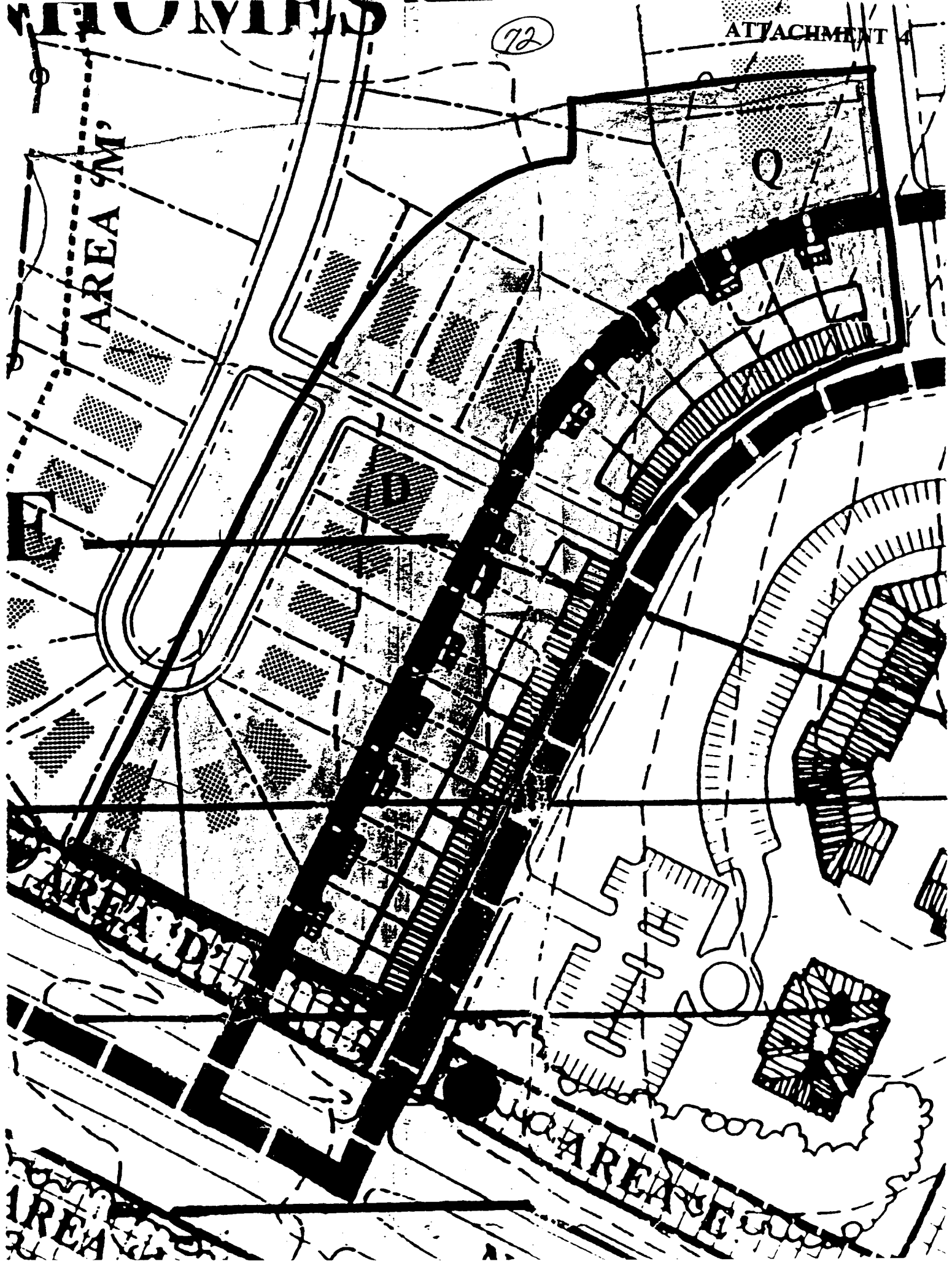
Item 5 on the agenda will discuss the Hilltop and Greenway Condos at Meadowmont. The following comments were also shared with the Design Review Board :

During the long and extensive Public Hearings about Meadowmont, one of the few "wins" was the decision to preserve of "The Meadow". Even in the early stages of Meadowmont's development, signs were posted indicating "Meadow Under Restoration".

The Hilltop and Greenway Proposal is a significant change from the original plan. It is a change that not only significantly increase the density, and therefore traffic as well, but also encroaches upon the Meadow that everyone fought so hard to be restored and preserved.

I am not against a private company like Health Decisions having a presence at Meadowmont. However, no commercial or residential building should encroach upon the Meadow or reduce its appeal. Do we really want more high density units sitting so close to Hwy. 54 ? What ever happened to our significant road setbacks and buffers ?

AREA 'M'



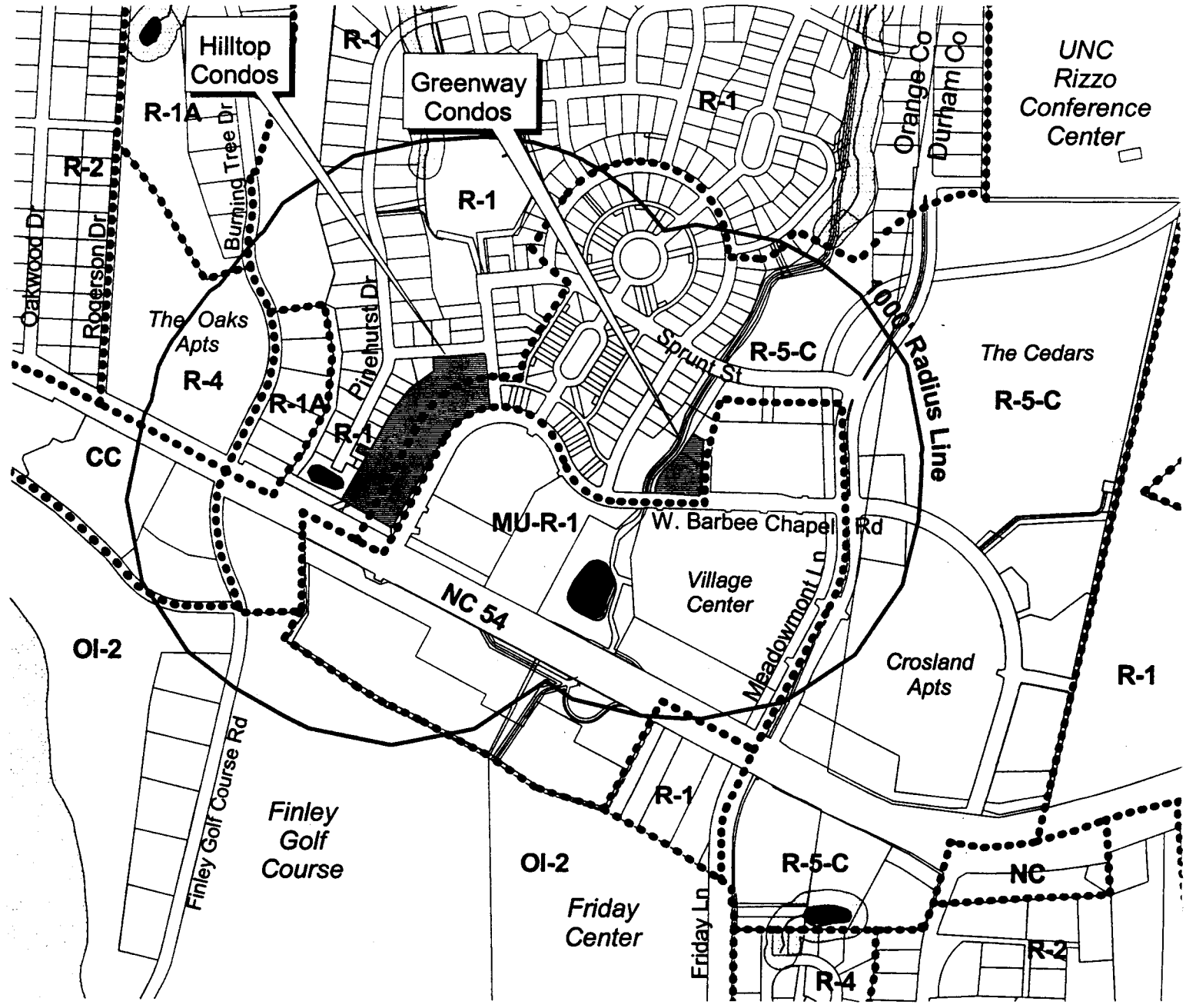
WARDEN'S

CHURCH

WATER

AREA 'N'

# Hilltop and Greenway Condos at Meadowmont Special Use Permit Application



- Sites of Hilltop and Greenway Condos
- Chapel Hill Zoning
- Streams/Ponds with RCD/Floodplain

N

200 0 200 400 Feet

GIS Map prepared by  
Chapel Hill Planning

Public Hearing  
March 25, 2002

(74)

## MEMORANDUM

TO: Mayor and Town Council

FROM: W. Calvin Horton, Town Manager

SUBJECT: Public Hearing: Hilltop and Greenway Condominiums at Meadowmont – Application for a Special Use Permit (File No. 7.52..6, PIN NOs. 9798-66-4564, 9798-64-6799)

DATE: February 18, 2002

## INTRODUCTION

This memorandum describes an application seeking approval of a Special Use Permit for a multi-family development located within the Meadowmont development. The applicant is proposing to construct 64 multi-family units on two separate parcels. The applicant is also proposing that 10 of the units be identified and reserved as permanently affordable dwelling units.

Tonight's Public Hearing has been scheduled to receive evidence in support of and in opposition to approval of the application, and further to receive evidence which the Council may consider as it determines any appropriate conditions to impose upon the proposed development.

This package of materials has been prepared for the Town Council's consideration, and is organized as follows:

- ◆ **Cover Memorandum:** Introduces application, describes process for review, summarizes staff and advisory board comments, and offers recommendations for Council action.
- ◆ **Staff Report:** Offers a detailed description of the site and proposed development, and presents an evaluation of the application regarding its compliance with the standards and regulations of the Development Ordinance.
- ◆ **Attachments:** Includes a checklist of requirements for this development, resolutions of approval and denial, advisory board comments, and the applicant's materials.

## BACKGROUND

On October 23, 1995, the Town Council approved a Master Land Use Plan for the Meadowmont development. The plan proposed a mix of residential, office, and commercial uses on the 435-acre site. The Master Plan identifies the Hilltop and Greenway Condominium sites as residential, multi-family development. Pursuant to that Master Plan approval, this application for a Special Use Permit has been submitted. We believe the development proposed on each

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parcel can be found to be generally consistent with the Master Plan. Each parcel is designated on the Master Plan as multi-family dwellings.

We believe that the proposed development is consistent with the Master Land Use Plan. Please see the attached Statement of Justification from the applicant describing similarities and differences between the Master Plan and this development application.

### **APPLICATION SUBMISSION**

Typically, the submission of a Special Use Permit application involves a development proposal located on one or more adjacent parcels of land. However, we note in this case the applicant is submitting a single application for a development proposal located on two non-adjacent parcels of land. We believe that it is appropriate to review this proposed development as a single Special Use Permit application.

The two proposed development sites are located within the Meadowmont development and are encumbered by the Meadowmont Master Land Use Plan. In the context of a Master Land Use Plan, individual developments within the planned area are inter-connected and share common elements (infrastructure, open/recreation space, homeowners association). Although these two parcels are not adjacent to each other, we believe that their location within the Meadowmont community and the shared relationships commonly found within a master land use plan support submission and review as a single application.

We also note that there is Town Council precedent for review and action on a single Special Use Permit application that encumbers non-adjacent zoning lots, even without the context of a Master Land Use Plan. An example was the Pavilion Special Use Permit, approved by the Town Council for two downtown lots, one on West Franklin Street and one on West Rosemary Street.

### **PROCESS**

The Development Ordinance requires the Town Manager to conduct an evaluation of this Special Use Permit application, to present a report to the Planning Board, and to present a report and recommendation to the Town Council. We have reviewed the application and evaluated it against Town standards; we have presented a report to the Planning Board; and tonight we submit our report and preliminary recommendation to the Council.

The standard for review and approval of a Special Use Permit application involves consideration of four findings (description of the findings follows below). Evidence will be presented tonight. If, after consideration of the evidence, the Council decides that it can make each of the four findings, the Development Ordinance directs that the Special Use Permit shall then be approved. If the Council decides that the evidence does not support making one or more of the findings, then the application cannot be approved and, accordingly, should be denied by the Council.

In a typical Special Use Permit proceeding, the burden is on the applicant to present a case demonstrating why the Council should make the four findings required for approval of a Special Use Permit. With Council approval of a conceptual Master Plan, however, if the Special Use

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Permit application is found to be consistent with the Master Plan, the burden regarding three of the four findings then shifts to those opposed to approval of the Permit. A "rebuttable presumption" is established that three of the four findings can be made. The Council must only make the finding that the proposed development complies with all applicable sections of the Development Ordinance.

### CONTIGUOUS PROPERTY

One of the findings that the Council must make when considering a Special Use Permit application is:

That the use of 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.

The Development Ordinance defines contiguous property as follows:

Contiguous Property: Property adjoining, neighboring, and nearby the outer boundary of a proposed development. For development proposals that are small in scale and similar in proposed use to existing uses in the immediate vicinity, contiguous property shall be construed to be those properties immediately adjacent. For large development proposals and/or proposed uses that are significantly different from existing uses nearby, or proposals that have significant topographic features that could impact nearby properties, contiguous property shall be construed to include those properties in a larger area, and those likely to experience negative impacts resulting from the proposed development. But in every case, for a proposal over 10 acres but less than 100 acres, at a minimum all property within 500 feet shall be considered contiguous; for development proposals that are over 100 acres, at a minimum all properties within 1,000 feet shall be considered contiguous.

The Town Attorney has advised that the Council should specify what area it considers to be contiguous property for each Special Use Permit application that comes before the Council for consideration. Therefore, based on the Town Attorney's advice to the Council, we suggest that prior to recessing the hearing this evening the Council discuss and determine by vote what should be considered contiguous property for this application. The attached Resolution G provides a format for determining the definition of contiguous property for this application.

### DESCRIPTION OF THE APPLICATION

This Special Use Permit request seeks authorization to construct 64 multi-family units on two separate parcels located within the Meadowmont development. The first parcel (Hilltop Condominium) is located on the west side of West Barbee Chapel between NC Highway 54 and Old Barn Lane. Development proposed on this 5.58-acre parcel includes 4 buildings containing a total of 48 residential units and 96 off-street parking spaces. The second parcel (Greenway Condominium) is located on the north side of West Barbee Chapel Road, south of the Town's future recycling drop-off center, west of Meadowmont Village and east of the greenway trail. Development proposed on this 1.5-acre site includes 16 residential units and 25 off-street parking

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spaces. The applicant is proposing that 10 of the 16 Greenway Condominium units be identified and reserved as permanently affordable dwelling units.

### EVALUATION OF THE APPLICATION

We have evaluated the application regarding its compliance with the standards and regulations of the Development Ordinance and consistency with the Meadowmont Master Land Use Plan. We have prepared a Staff Report that discusses the following: Consistency with Meadowmont Master Land Use Plan; Affordable housing; Intensity standards; Recreation requirements; Access and circulation; Parking; Bicycle parking; Traffic impact; Construction management; Buffers and landscaping; Building elevations; Lighting plans; Watershed Protection District; Stormwater management; Steep slopes; Refuse management; Utilities; Fire; and Erosion control. A checklist describing compliance with regulations is also provided as an attachment to this memorandum.

Based on our evaluation, we believe that the proposal, with the conditions in our preliminary recommendations in Resolution A, meets the requirements of the Development Ordinance and is consistent with the Meadowmont Master Land Use Plan.

Tonight the Council receives our attached evaluation, and also receives information by the applicant and others. The applicant's materials are included as attachments to this memorandum. We have not received any other written information from any other citizens as yet. Staff, applicant, and others may provide information at the Public Hearing. All information that is submitted will be placed into the record of this Public Hearing.

In a typical Special Use Permit proceeding, the burden is on the applicant to present a case which allows the Council to make the required four findings for approving a Special Use Permit. The four findings are:

#### **Special Use Permit – Required Findings of Fact**

**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.*

**Finding #2:** *That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 12, 13, and 14 and with all other applicable regulations.*

**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.*

**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.*



With Council approval of a conceptual Master Plan, however, if the Special Use Permit application is found to be consistent with the Master Plan, the burden regarding three of the four findings then shifts to those opposed to approval of the Permit. The Council must only make the finding that the proposed development complies with all applicable sections of the Development Ordinance. Evidence will be presented at the Public Hearing on this application. If the Council decides that the evidence does not support making the fourth finding, or if the Council finds that the application is inconsistent with the Master Plan, then the application cannot be approved and accordingly should be denied by the Council.

Following the Public Hearing, we will prepare an evaluation of the evidence submitted in support of, and in opposition to, this application. If, after consideration of the evidence, the Council decides that it can make the necessary findings, the Development Ordinance directs that the Special Use Permit shall then be approved. If the Council decides that the evidence does not support making the necessary findings, then the application cannot be approved and, accordingly, should be denied.

### KEY ISSUES

Based on the review of this development application by Town advisory boards and the Town staff, we believe three key issues have been identified. The issues are: consistency with the Meadowmont Master Land Use Plan; land use intensity requirements; and affordable housing. These issues are discussed below.

1. Consistency with the Meadowmont Master Land Use Plan: The Meadowmont Master Land Use Plan indicates multi-family development on the Hilltop Condominium and Greenway Condominium parcels. The approved site plan generally depicts attached residential structures adjacent to the street with parking behind the buildings. Unlike other development sites conceptually depicted on the Meadowmont Master Land Use Plan, the Master Land Use Plan does not specifically define maximum number of dwelling units or floor area limits for these two parcels.

*Comment:* We believe the development proposed on each parcel can be found to be generally consistent with the Master Plan. Each parcel is designated on the Master Plan as multi-family dwellings.

We note the following differences between the proposed Hilltop Condominiums and the 1995 Meadowmont Master Land Use Plan:

- Attached multi-family type rather than townhome-style development;
- The presence of parking lot between proposed buildings and the residential lots to the west; and
- Preservation of a stand of trees that the Master Plan showed as cleared.

We also note the following differences between the proposed Greenway Condominiums and the 1995 Meadowmont Master Land Use Plan:

- Attached multi-family type rather than townhome-style development; and
- Vehicular access relocated to West Barbee Chapel Road (as necessitated by the Village Center Special Use Permit approval).

Please see the attached Statement of Justification from the applicant describing similarities and differences between the Master Plan and this development application.

We believe that the proposed development is consistent with the Master Land Use Plan.

2. **Land Use Intensity Requirements:** We note that the Hilltop Condominium proposal exceeds the maximum permitted floor area for the specific parcel on which it is located, and does not meet minimum outdoor or recreation space requirements. This is true for the Greenway Condominium portion of the application as well.

*Comment:* The applicant proposes that the floor, outdoor space, livability and recreation space areas for the Hilltop and Greenway developments be reviewed in the context of the entire Meadowmont development, rather than as a stand-alone project. We believe that this approach is appropriate in the context of a Master Plan. We note that this approach to satisfying land use intensity requirements is the same approach used for the review and approval of the Meadowmont Apartments, the Meadowmont Hilton, the Cedars of Chapel Hill and the recently approved Meadowmont elementary school.

We also note that both the Meadowmont developer and Town staff have been monitoring the distribution of floor area, outdoor space, livability space and recreation allocations. Within the context of a Master Plan approval, the overall Meadowmont development must comply with the limitations approved by the Town Council. Individual Special Use Permits are not required to meet the land use intensity standards typically associated with an individual parcel. This proposal for these two parcels is consistent with the floor area, outdoor space, livability space, and recreations space distributions that we have been monitoring.

3. **Affordable Housing:** We note that the Town's Comprehensive Plan contains the following language:

“The Town shall encourage developers of residential developments of 5 or more units to (a) provide 15 percent of their units at prices affordable to low and moderate income households, (b) contribute in-lieu-fees, or (c) propose alternative measures so that the equivalent of 15 percent of their units will be available and affordable to low and moderate income households.”

The applicant has been informed of this language. The applicant has also been informed of the community's expectation that applicants seeking approval of a Special Use Permit, containing a residential component, will incorporate an affordable feature into their plans, including mechanisms assure ongoing affordability of the so-designated dwelling units.

*Comment:* This Special Use Permit application for 64 multi-family residential units includes

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a proposal by the applicant addressing the Town's objective of increasing affordable housing opportunities. The applicant is proposing that 15 percent (10 units) of the 64 multi-family units be available at prices affordable to low and moderate income households. The applicant has proposed 10 affordable units within the 16-unit Greenway Condominium portion of the development. We believe that this proposal addresses the objective of the Comprehensive Plan as it relates to multi-family developments and affordable housing provisions.

The applicant's proposal does not include details on how the initial sale price of the 10 affordable units will be determined nor how the re-sale price will ensure continued affordability as desired by the Council. We note that previous developments approved by the Council (Providence Glen, Meadowmont Affordable Housing, Scarlette Drive Townhomes, The Homestead), have addressed the affordability questions in one of two ways.

One approach involves placing the site within a land trust. Meadowmont Affordable Housing, Scarlette Drive Townhomes and a portion of The Homestead are structured such that the land is owned by Orange Community Housing and Land Trust. The second approach, approved by the Council most recently with the Providence Glen Special Use Permit, involved placing deed restrictions on the sale and re-sale of individual units identified as affordable.

We believe that the approach used with the Providence Glen project is desirable for this proposed development. We note that Land Trust dwelling units are owned individually with the underlying land owned by the Land Trust. Since the applicant is proposing that a portion of the building on the Greenway site include affordable units, we believe that a land trust agreement would be difficult to construct.

We recommend that Resolution A include a stipulation that identifies and reserves no less than ten (10) affordable housing units. We recommend that these 10 units satisfy the affordable housing requirements for the Hilltop and Greenway development. Resolution A also stipulates that all of the affordable units shall be constructed and available for occupancy, prior to issuance of a Certificate of Occupancy for the 25<sup>th</sup> Hilltop Condominium unit.

### **SUBSEQUENT REGULATORY STEPS**

Following is a brief outline describing the next steps in the development review process, should the Council approve the Special Use Permit application:

1. Applicant accepts and records a Special Use Permit, which incorporates the terms of the Council-adopted resolution;
2. Applicant submits detailed Final Plans and documentation, complying with Council stipulations. Information is reviewed by Town departments and the following agencies:
  - Orange Water and Sewer Authority,
  - Duke Power Company,

- Public Service Company, and
  - BellSouth.
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3. Community Design Commission reviews and approves building elevations and site lighting plan.
  4. Upon demonstration of compliance with remaining Council stipulations, Town staff issues a Zoning Compliance Permit authorizing site work. Permit includes conditions specific to the development and requires pre-construction conferences with Town staff.
  5. Engineering Department issues an Engineering Construction Permit, authorizing work within the public right-of-way; and
  6. Inspections Department issues Building Permits and Certificates of Occupancy.

### RECOMMENDATIONS

Recommendations are summarized below. Please see summaries of board actions.

**Planning Board's Recommendation:** The Planning Board reviewed this proposal on January 15, 2002, and voted 8-0 to recommend that the Council approve the application with the adoption of Resolution B. Resolutions A and B include the following recommended condition of the Planning Board:

- **Board Recommendation:** That the stipulation concerning a Construction Management Plan delete the following text:

“Within the Meadowmont development no construction vehicles serving this site shall use Pinehurst Drive, south of Gurnsey Trail. The Town Manager may restrict construction vehicles from other residential streets within the Meadowmont development if deemed necessary.”

The Board and the applicant agreed that in this case, prohibiting construction traffic within the Meadowmont development was unreasonable and restrictive. It was noted that most of the Meadowmont development is and will remain an active constructive site for some undetermined time. It was also noted by the Board and the applicant that construction vehicles must use Pinehurst Drive, south of Gurnsey Trail, to access and construct the southern entrance into the Hilltop site.

***Comment:*** Resolution A, the Manager's Preliminary Recommendation, includes the above recommendation from the Planning Board. We anticipate that travel by most of the heavy construction equipment associated with this proposed development will likely be concentrated on West Barbee Chapel Road. We believe that the impact of construction traffic, associated with this proposal, on the overall Meadowmont neighborhood will be minimal and therefore the above noted restrictions unnecessary.

We also believe that it is unreasonable to prohibit construction vehicles from traveling on the



southern most block of Pinehurst Drive. Access to the Hilltop site from Pinehurst Drive was shown and approved during the Infrastructure Special Use Permit. We believe that use of this portion of Pinehurst Drive by construction vehicles for this project should not be restricted.

Resolution B differs from Resolution A, the Manager's Preliminary Recommendation, on issues concerning landscaping, pedestrian connections and crosswalks. We note that these three issues were raised by other advisory boards after the Planning Board's review of the application. Please refer to the matrix on differences between resolutions and the discussions under recommendations from the Community Design Commission and Bicycle and Pedestrian Advisory Board for additional information on these issues. Please see the attached Planning Board Summary of Action.

Transportation Board Recommendation: The Transportation Board reviewed this application on January 15, 2002, and voted 6-1 to recommend that the Council adopt Resolution C. Please see the attached Transportation Board Summary of Action.

Parks and Recreation Commission Recommendation: The Parks and Recreation Commission Board reviewed this application on January 18, 2002, and voted 8-0 to recommend that the Council adopt Resolution C. Please see the attached Parks and Recreation Commission Summary of Action.

Greenways Commission Recommendation: The Greenways Commission reviewed this application on January 23, 2002, and voted 3-0 to recommend that the Council adopt Resolution C. Please see the attached Greenways Commission Summary of Action.

Resolution C differs from Resolution A, the Manager's Preliminary Recommendation, on issues concerning construction traffic management, landscaping, pedestrian connections and crosswalks. These issues were raised by other advisory boards and were not discussed by the Transportation Board, the Parks and Recreation Commission and Greenways Commission during their review of the application. Please refer to the matrix on differences between resolutions and the discussions under recommendations from the Planning Board, Community Design Commission and Bicycle and Pedestrian Advisory Board for additional information on these issues.

Community Design Commission Recommendation: The Community Design Commission reviewed this application on January 16, 2002, and voted 8-0 to recommend that the Council approve Resolution D.

Resolutions A and D include the following recommended condition of the Community Design Board:

- Board Recommendation: That the steep slopes around Building #1 be stabilized with plantings and /or more significant techniques than just planting grass.

*Comment:* Resolution A, the Manager's Preliminary Recommendation, includes this recommendation from the Community Design Commission. Resolution A stipulates that the

applicant provide a landscape plan for the steep slopes around Hilltop Condominiums Building #1.

Resolution D includes the two following recommendations from the Community Design Commission:

- **Board Recommendation:** That bio-retention areas be created between the Meadowmont Hilltop Condominiums.

*Comment:* The Hilltop Condominium site drains into a retention/detention pond located near the southeast corner of the Hilltop development, between the southern end of Pinehurst Drive and NC 54 Highway. This pond, part of the Meadowmont Infrastructure Special Use Permit, is just downhill from the Hilltop site and was constructed to retain stormwater and allow pollutants to settle out. The pond will adequately accommodate the stormwater retention/detention requirements for this site. Resolution A, the Manager's Preliminary Recommendation, does not include the above recommendation from the Community Design Commission.

- **Board Recommendation:** That additional bicycle parking be provided in the common bicycle storage building at the Greenway Condominiums, in order to reduce the need for first-floor residents to park their bicycles on their porches.

The Commission expressed concern that if bicycles are parked on the porches of the Greenway Condominium buildings, it will adversely affect the appearance of the development.

*Comment:* In order to accommodate additional bicycle parking in the common storage building, it would be necessary to increase the size of the proposed storage building. Although a larger storage building could accommodate more bicycles, the available space would not prohibit some first floor residents from storing bicycle on their porch. Resolution A, the Manager's Preliminary Recommendation, does not include the above recommendation from the Community Design Commission.

In addition to the two issues discussed above, Resolution D differs from the Manager's Preliminary Recommendation on issues concerning construction traffic management, pedestrian connections and crosswalks. Please refer to the matrix on differences between resolutions and the discussions under recommendations from the Planning Board and Bicycle and Pedestrian Advisory Board for additional information on these issues. Please see the attached summary of Community Design Commission Action.

**Bicycle and Pedestrian Advisory Board:** The Bicycle and Pedestrian Advisory Board reviewed this application on January 22, 2002, and voted 6-0 to recommend that the Council approve Resolution E.

Resolutions A and E includes the following three recommended conditions of the Bicycle and Pedestrian Advisory Board:

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- **Board Recommendation:** For the Hilltop Condominiums, that pedestrian connections be provided between the parking areas and the buildings.

*Comment:* We believe that it may be possible, with some minor modifications, to include pedestrian connections between the parking areas and the buildings. We believe that design modifications, accommodating pedestrian movements through the parking lot should be investigated. Resolution A, the Manager's Revised Recommendation, includes a stipulation that requires the applicant to propose revisions to the parking lot design that include pedestrian connections between the parking areas and the buildings. The type, location and number of the pedestrian connections shall be reviewed and approved by the Town Manager.

- **Board Recommendation:** For the Greenway Condominiums, that greenery be provided along the eastern edge of the property.

*Comment:* Resolution A, the Manager's Preliminary Recommendation, includes the above recommendation from the Bicycle and Pedestrian Advisory Board. Resolution A stipulates that the applicant submit a landscape plan for the east side of the Greenway Condominium Building. The Resolution also stipulates that landscaping shall not be necessary if the east side of the building includes a sidewalk. We do not believe that there is adequate room for both a five foot sidewalk and landscaping. For additional information on sidewalks and the Greenway Condominiums please see the discussion below under the final recommendation from the Bicycle and Pedestrian Advisory Board.

- **Board Recommendation:** For the Greenway Condominiums, that a crosswalk be provided across the western entrance into the project site. The crosswalk should be designed consistent with similar crosswalks in the Meadowmont development.

*Comment:* We believe that a crosswalk across the western entrance into the Greenway Condominium project site is desirable. Resolution A, the Manager's Preliminary Recommendation, includes a stipulation requiring that the final plans for the Greenway Condominiums include a crosswalk across the western entrance into the project site. The crosswalk should be designed consistent with similar crosswalks in the Meadowmont development. The final crosswalk design shall be reviewed and approved by the Town Manager.

Resolution E includes the following recommended condition of the Bicycle and Pedestrian Advisory Board:

- **Board Recommendation:** For the Greenway Condominiums, that a pedestrian connection be provided on the east side of the property, from the north side of the buildings south to a crosswalk connecting to the Village Center property.

*Comment:* We note that pedestrian connectivity on the Greenway Condominium site was raised as an issue with the Bicycle and Pedestrian Advisory Board and noted as a concern with the Planning Board. We believe that an opportunity exists, during the review of the

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final plan, for greater pedestrian connections between the Greenway Condominium building and the County's recycling center, the Village Center and the sidewalk along West Barbee Chapel Road. In lieu of the above recommendation, Resolution A includes a stipulation that the final plans for the Greenway Condominiums include additional pedestrian sidewalk connections. The final plan shall investigate additional pedestrian connections to the public sidewalk, the County's recycling center and the adjacent grocery store. The final location of additional sidewalk segments shall be reviewed and approved by the Town Manager.

Resolution E differs from the Manager's Preliminary Recommendation on issues concerning construction traffic management, landscaping at the Hilltop Condominiums, and pedestrian connections. Please see the matrix outlining differences between the resolutions for additional information. Please see the attached summary of the Bicycle and Pedestrian Advisory Board.

Manager's Preliminary Recommendation: Based on our evaluation of the application, our preliminary conclusion is that the application complies with the standards and regulations of the Development Ordinance.

Following tonight's Public Hearing, we will prepare an evaluation of the evidence submitted in support of and in opposition to this application. If the Council makes these findings for approval of a Special Use Permit, we recommend that the application be approved with the adoption of Resolution A.

Resolution B would approve the application as recommended by the Planning Board.

Resolution C would approve the application as recommended by the Transportation Board, the Parks and Recreation Commission and the Greenways Commission.

Resolution D would approve the application as recommended by the Community Design Commission.

Resolution E would approve the application as recommended by the Bicycle and Pedestrian Advisory Board.

Resolution F would deny the application.

Resolution G would determine the definition of contiguous property for this application.

A table comparing these alternative resolutions follows immediately.



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**Hilltop Condominiums and Greenway Condominiums at Meadowmont  
Special Use Permit**

**Differences between Resolutions**

<b>Issue</b>	<b>Resolution A Manager's Preliminary Recommendation</b>	<b>Resolution B Planning Board Recommendation</b>	<b>Resolution C Transportation Board, Park and Recreation Commission, Greenways Commission Recommendation</b>	<b>Resolution D Community Design Commission Recommendation</b>	<b>Resolution E Bicycle and Pedestrian Advisory Board Recommendation</b>
Construction Traffic within Meadowmont	No restrictions	No restrictions	Prohibited on some streets	Prohibited on some streets	Prohibited on some streets
Landscape steep slopes at Hilltop Condos	Yes	*	*	Yes	*
On-site bio-retention at Hilltop	No	*	*	Yes	*
Enlarge bicycle shed at Grmwy Condos	No	*	*	Yes	*
Pedestrian connections between parking and Hilltop Condos	Yes	*	*	*	Yes
Sidewalk on eastside of Grmwy Condos (access to Village Center)	No (Location and # of additional sidewalks to be determined by Town Manager during final plan review.)	*	*	*	Yes
Landscape eastside of Grmwy Condos	Yes	*	*	*	Yes
Grmwy Condos Crosswalk	Yes	*	*	*	Yes

\*Issue was not discussed at this particular advisory board's meeting and is therefore not included in this Resolution.

**ATTACHMENTS**

1. Staff Report (p. 15)
2. Project Fact Sheet Requirements (p. 30).
3. Resolution A (p. 31).
4. Resolution B (p. 39).
5. Resolution C (p. 41).
6. Resolution D (p. 43).
7. Resolution E (p. 45).
8. Resolution F (p. 47).
9. Resolution G (p. 48).
10. Summary of Planning Board Action (p. 49).
11. Summary of Transportation Board (p. 50).
12. Summary of Community Design Commission (p. 51).
13. Summary of Parks and Recreation Commission (p. 52).
14. Summary of Greenways Commission (p.53).
15. Summary of Bicycle and Pedestrian Advisory Board (p. 54).
16. Statement of Justification (p. 55).
17. Hilltop Condominiums Project Fact Sheet (p. 59).
18. Greenway Condominiums Project Fact Sheet (p. 61).
19. Traffic Impact Summary (p. 63).
20. 1995 Meadowmont Master Land Use Site Plans (p. 68).
21. Reduced Plans (p. 70).

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**Staff Report**

**SUBJECT:** Hilltop and Greenway Condominiums at Meadowmont – Application for a Special Use Permit (File # 7.52..6, PIN #'s. 9798-66-4564, 9798-64-6799)

**DATE:** February 18, 2002

**INTRODUCTION**

Attached for your consideration is an application for a Special Use Permit to construct 64 multi-family units on two separate parcels located within the Meadowmont Development. The first parcel (Hilltop Condominium) is located on the west side of West Barbee Chapel between NC Highway 54 and Old Barn Lane. Development proposed on this portion of the application (5.58-acres) includes 4 buildings containing a total of 48 residential units and 96 off-street parking spaces. The second portion of the application (Greenway Condominium) is located on the north side of West Barbee Chapel Road, south of the County's future recycling drop-off center, west of Meadowmont Village and east of the greenway trail. Development proposed on this 1.5-acre portion of the application includes 16 residential units and 25 off-street parking spaces. The applicant is proposing that 10 of the 16 Greenway Condominium units be identified and reserved as permanently affordable dwelling units.

**BACKGROUND**

On October 23, 1995, the Town Council approved a Master Land Use Plan for the Meadowmont development. The plan proposed a mix of residential, office, and commercial uses on the 435-acre site. The Master Plan identifies the Hilltop and Greenway Condominium sites as residential, multi-family development. Pursuant to that Master Plan approval, this application for a Special Use Permit has been submitted.

In a typical Special Use Permit proceeding, the burden is on the applicant to present a case demonstrating why the Council should make the four findings required for approval of a Special Use Permit. With Council approval of a conceptual Master Plan, however, if the Special Use Permit application is found to be consistent with the Master Plan, the burden regarding three of the four findings then shifts to those opposed to approval of the Permit. A "rebuttable presumption" is established that three of the four findings can be made. The Council must only make the finding that the proposed development complies with all applicable sections of the Development Ordinance.

***Consistency with the Master Land Use Plan:*** We believe the development proposed with this application can be found to be generally consistent with the Master Plan. Each portion of the application is designated on the Master Plan as attached dwellings. We note the following differences between the proposed Hilltop Condominiums portion of the application and the 1995 Meadowmont Master Land Use Plan:

- Multi-family type rather than townhome-style development;

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- The presence of parking lot between proposed buildings and the residential lots to the west; and
- Preservation of a stand of trees that the Master Plan showed as cleared.

We also note the following differences between the proposed Greenway Condominiums portion of the application and the 1995 Meadowmont Master Land Use Plan:

- Multi-family type rather than townhome-style development; and
- Vehicular access relocated to West Barbee Chapel Road (as necessitated by the Village Center Special Use Permit approval).

Please see the attached Statement of Justification from the applicant describing similarities and differences between the Master Plan and this development application.

We believe that the proposed development is consistent with the Master Land Use Plan.

## EVALUATION

We have reviewed this application for compliance with the standards of the Development Ordinance and Design Manual and offer the following evaluation. This evaluation discusses the Hilltop Condominium and Greenway Condominium portions of the application individually. Both sites are part of a single Special Use Permit application.

### EXISTING CONDITIONS

#### Location:

**Hilltop Condominiums:** The Hilltop portion of this Special Use Permit application is located on the north side of NC Highway 54 at the West Barbee Chapel Road/NC Highway 54 intersection. The 5.58-acre site is located on the west side of West Barbee Chapel between NC Highway 54 and Old Barn Lane. In addition to having street frontage on West Barbee Chapel Road and Old Barn Lane, a portion of the site has street frontage on Gurnsey Trail. A portion of the site's west property line adjoins 8 single-family dwellings on Pinehurst Drive. The southwest corner of the site shares a common border with Stormwater Quality Pond #4 part of the Meadowmont Infrastructure development.

**Greenway Condominiums:** The Greenway Condominium portion of this Special Use Permit application is located on the north side of West Barbee Chapel Road, between the Village Center (future home of Harris Teeter) and a segment of the Meadowmont greenway. The north property line of this 1.5-acre site adjoins the County's future recycling drop-off center.

#### Access:

**Hilltop Condominiums:** As noted, this portion of the application has street frontage on West Barbee Chapel Road, Old Barn Hill Lane and on Gurnsey Trail. A street stub-out at the south end of Pinehurst Drive, approved with the Meadowmont Infrastructure Special Use Permit, also provides secondary access to the site.

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**Greenway Condominiums:** Access to this portion of the application is along West Barbee Chapel Road. The east property line of this site adjoins a private service driveway for the County's recycling center and the Harris Teeter grocery store, both part of the Meadowmont Village Center Special Use Permit. At this time, accessibility to the Greenway Condominium site from this private drive is controlled by the adjacent property owner and is not available for this proposed development. The Village Center Special Use Permit did not include a connection to this residential area.

**Topography, Drainage, Vegetative Cover:**

**Hilltop Condominiums:** The topography on the Hilltop site generally slopes down from the northeast (elevation 342 feet) to the southwest (elevation 292 feet). Most of the site contains slopes within the 10 to 15 percent range. A portion of the northeast corner of the site exhibits slopes between 15-25 percent. This site does not contain any notable drainage channels or streams. Except for the steeper northeast corner, the site is primarily covered by a young pinelands forest typically found in abandoned farm fields. The steeper northeast corner of the site contains several large significant oak trees and a 30-inch pine tree. A 32-inch oak is located near the west property line.

**Greenway Condominiums:** The Greenway site gently slopes down from east (elevation 314 feet) to west (elevation 304 feet). Vegetative cover on the site is primarily young pines and scattered deciduous trees.

**DEVELOPMENT DESCRIPTION**

**Hilltop Condominiums:** This portion of the Special Use Permit application proposes construction of four (4) three-story residential buildings containing a total of 85,600 square feet of floor area. The proposal includes a total of 48 residential units (twelve units per building). The applicant is proposing to locate the buildings approximately 18 feet back from the public sidewalk on West Barbee Chapel Road.

Forty-eight (48) of the 96 proposed parking spaces are proposed to be located below the buildings. The remaining parking spaces are proposed to be located behind the buildings and along the west property line. Two points of access (Gurnsey Trail and Pinehurst Drive) are proposed for the parking lot. Pedestrian connections are proposed between each building and the West Barbee Chapel Road sidewalk.

The Hilltop portion of the proposal includes an on-site recreation area and refuse and recycling collection areas. The applicant is also proposing to preserve a stand of several significant trees in the northeast corner of the site. Two other significant trees, along the western property line, are also shown as being retained on the proposed site plans. We note that information presented on the submitted site plans regarding these two trees is inaccurate. For additional information please see the discussion below under *Tree Protection - Hilltop Condominiums*. Except for the preservation of the immediate area in the northeast corner containing the significant trees, most of the vegetation on this portion of the applications will be removed.

The applicant is not proposing to include affordable housing units within the Hilltop

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Condominium portion of the development. Please refer to the section below under *Affordable Housing* for additional information.

Three sediment basins are proposed with this portion of the development. All three are located along the west property line. One sediment basin extends off-site near the Stormwater Quality Pond #4. Once construction of the site is complete, the basins are to be re-graded and re-vegetated.

The Hilltop proposal does not include any off-site improvements. Off-site infrastructure improvements for this development, including stormwater, public utilities, roadway and street improvements and traffic signals were constructed or installed with the Meadowmont Infrastructure Special Use Permit. All required off-site infrastructure for this development is in place and will be operational prior to occupancy of the development.

**Greenway Condominiums:** This portion of the Special Use Permit application proposes construction of one (1) two-story residential building containing a total of 16,656 square feet of floor area. Eight residential dwelling units are proposed for each floor (16 total units). The applicant is proposing to locate the buildings along the street edge of West Barbee Chapel Road. Twenty five on-site parking spaces are proposed behind the building. A single point of access to the parking, from West Barbee Chapel Road, is proposed.

This portion of the development includes a refuse and recycling collection area and a bicycle storage structure.

We believe that the development of this portion of the application will involve clearing of all existing vegetation.

One sediment basin is proposed with this development. The proposed location for this basin is off-site, and adjacent to the greenway. The planned location for this sediment basin is in an area that was cleared when the path for the greenway was cleared and graded.

The applicant is proposing that 10 of the 16 Greenway Condominium units be permanently affordable dwelling units. This proposal, put forth by the applicant in the submission of this Special Use Permit application, intends to satisfy the affordable housing objective for the Hilltop and Greenway Condominium developments. Please refer to the section below under *Affordable Housing* for additional information.

The Greenway Condominium proposal does not include any off-site improvements. Off-site infrastructure improvements for this development, including stormwater, public utilities, roadway and street improvements and traffic signals requirements were included under the Meadowmont Infrastructure Special Use Permit.

**Affordable Housing:** We note that the Comprehensive Plan contains the following language:

“The Town shall encourage developers of residential developments of 5 or more units to  
(a) provide 15 percent of their units at prices affordable to low and moderate income

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households, (b) contribute in-lieu-fees, or (c) propose alternative measures so that the equivalent of 15 percent of their units will be available and affordable to low and moderate income households.”

This Special Use Permit application for 64 multi-family residential units includes a proposal by the applicant addressing the Town’s objective of increasing affordable housing opportunities. The applicant is proposing that 15 percent (10 units) of the 64 multi-family units be available at prices affordable to low and moderate income households. The applicant has proposed all 10 affordable units be located within the 16-unit Greenway Condominium portion of the application. We believe that this proposal addresses the objective of the Comprehensive Plan as it relates to multi-family developments and affordable housing provisions.

The applicant’s proposal does not include details on how the initial sale price of the 10 affordable units will be determined nor how the re-sale price will ensure continued affordability as desired by the Council. We note that previous developments approved by the Council (Providence Glen, Meadowmont Affordable Housing, Scarlette Drive Townhomes, The Homestead), have addressed the affordability questions in one of two ways. One approach involves placing the site within a land trust. Meadowmont Affordable Housing, Scarlette Drive Townhomes and a portion of The Homestead are structured such that the land is owned by Orange Community Housing and Land Trust.

Another approach approved by the Council, most recently with the Providence Glen Special Use Permit, involved placing deed restrictions on the sale and re-sale of individual units identified as affordable. We believe that this approach is desirable for this proposed development. Since the applicant is proposing that a portion of the building on the Greenway site include affordable units, a land trust agreement would be difficult to construct. Land Trust dwelling units are owned individually with the underlying land owned by the Land Trust.

We recommend that Resolution A include a stipulation that identifies and reserves no less than ten (10) affordable housing units. We recommend that these 10 units satisfy the affordable housing requirements for the Hilltop and Greenway development. Resolution A also stipulates that all of the affordable units shall be constructed and available for occupancy, prior to issuance of a Certificate of Occupancy for the 25<sup>th</sup> Hilltop Condominium unit.

### **ORDINANCE REQUIREMENTS**

**Zoning:** This Hilltop portion of the application is located within two zoning districts; Residential-1 (R-1) and Residential-5-C (R-5-C). The Greenway Condominiums portion is located with the Residential-5-C (R-5-C) zoning district.

As previously stated, the Town Council approved a Master Land Use Plan for the Meadowmont development. The Master Plan identifies the Hilltop and Greenway Condominium sites as multi-family residential development. The R-1 and R-5-C zoning designations of these sites were approved by the Town Council in conjunction with the Council’s approval of the Master Land Use Plan.

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**Intensity Standards:** The land use intensity standards for the Residential-1 and Residential-5-Conditional zoning districts for the 5.58-acre Hilltop Condominium site is shown in the table below.

<b>Hilltop Condominiums: Land Use Intensity Table</b>					
Land Use Intensity Standards	R-1 District Requirements	R-5-C District Requirements	Total	Proposed	Surplus (+) or Deficit (-)
Maximum Floor Area	10,263 sq ft	32,063 sq ft	42,325 sq ft	85,600 sq ft	43,275 (-) sq ft
Minimum Outdoor Space	120,182 sq ft	82,537 sq ft	202,719 sq ft	194,326 sq ft	8,393 (-) sq ft
Minimum Livability Space	101,277 sq ft	52,909 sq ft	154,186 sq ft	164,765 sq ft	10,579 (+) sq ft
Minimum Recreation Space	3,376 sq ft	5,291 sq ft	8,667 sq ft	3,000 sq ft	5,667 (-) sq ft

As indicated in the table above, the Hilltop Condominium portion exceeds the maximum permitted floor area for the specific parcel on which it is located, and does not meet minimum outdoor or recreation space requirements.

The land use intensity standards for the Residential-5-Conditional zoning districts for the 1.6-acre Greenway Condominium site are shown in the table below.

<b>Greenway Condominiums: Land Use Intensity Table</b>			
Land Use Intensity Standards	R-5-C District Requirements	Proposed	Surplus (+) or Deficit (-)
Maximum Floor Area	8,975 sq ft	16,656 sq ft	15,782 (-) sq ft
Minimum Outdoor Space	23,221 sq ft	21,292 sq ft	1,929 (-) sq ft
Minimum Livability Space	14,886 sq ft	10,445 sq ft	4,441 (-) sq ft
Minimum Recreation Space	1,489 sq ft	0 sq ft	1,489 (-) sq ft

As indicated in the table above, the Greenway Condominium portion exceeds the maximum permitted floor area for the specific parcel on which it is located, and does not meet minimum outdoor, livability or recreation space requirements.

The applicant proposes that the floor, outdoor space, livability and recreation space areas for the Hilltop and Greenway developments be reviewed in the context of the entire Meadowmont



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development, rather than as a stand-alone project. We believe that this approach is appropriate in the context of a Master Plan. We note that this approach to satisfying land use intensity requirements is the same approach used for the review and approval of the Meadowmont Apartments, the Meadowmont Hilton, the Cedars of Chapel Hill and the recently approved Meadowmont elementary school.

We also note that both the Meadowmont master developer and Town staff have been monitoring the distribution of floor area, outdoor space, livability space and recreation allocations. Within the context of a Master Plan approval, the overall Meadowmont development must comply with the limitations approved by the Town Council. Individual Special Use Permits are not required to meet the land use intensity standards typically associated with an individual parcel. This proposal for these two parcels is consistent with distributions that we have been monitoring.

We have included a stipulation in Resolution A, which would require the applicant to provide confirmation that excess off-site floor area, outdoor space, livability and recreation space within the Meadowmont development is available for use by this development.

**Recreation Requirements:**

***Hilltop Condominiums:*** Based on the Residential-1 and Residential-5-Conditional zoning, the Development Ordinance requires a minimum of 8,677 square feet of active recreation space for the Hilltop Condominium portion of this Special Use Permit application. The applicant is proposing approximately 3,000 square feet of recreation space to be located on the Hilltop Condominium portion of this development. Anticipating that many of the future residents living in the Hilltop units will be retirees, the applicant is proposing that recreation amenities for this facility include shuffleboard or bocce ball.

As noted in the discussion on *Intensity Standards*, the applicant intends to satisfy the active recreation requirements on this site by counting excess recreation space within the overall Meadowmont development.

***Greenway Condominiums:*** Based on Residential-5-Conditional zoning, the Development Ordinance requires a minimum of 1,489 square feet of active recreation space for the Greenway Condominium portion of this multi-family residential development. The applicant is proposing to satisfy the recreation requirements of this portion of the application by counting excess recreation space within the overall Meadowmont sites.

Resolution A includes a stipulation requiring the applicant to provide confirmation that excess off-site recreation space and improvements within the Meadowmont development are available to satisfy the recreation requirements for the Hilltop and Greenway developments.

**TRANSPORTATION**

**Access and Circulation:**

***Hilltop Condominiums:*** The applicant is proposing two points of vehicular access to the portion of the site identified as the Hilltop Condominiums. The first access point is along the south side of Gurnsey Trail. We anticipate that this will be used as the primary vehicular and service

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vehicle access into and out of site. The second access point is near the southern end of Pinehurst Drive. This connection between the proposed site and Pinehurst Drive was approved with the Meadowmont Infrastructure Special Use Permit. We believe the two access points are reasonable.

Public sidewalks are located on both sides of West Barbee Chapel Road, Gurnsey Trail and Pinehurst Drive. The NC 54 greenway is located approximately 120 feet south of Building #4. Internal sidewalks connect each building to the West Barbee Chapel Road sidewalk.

**Greenway Condominiums:** This proposal includes a single point of access along West Barbee Chapel Road. The adjacent service drive behind Harris Teeter is intended to be used by refuse vehicles servicing the on-site refuse container. Given the limited number of units in the Greenway development, we believe one point of access is reasonable.

Public sidewalks are located on both sides of West Barbee Chapel Road. The internal north/south Meadowmont greenway trail, which will eventually connect the greenway along NC 54 to the Town's future park, is located immediately adjacent to this site. An internal sidewalk connects the back of the building to the West Barbee Chapel Road sidewalk. This internal sidewalk also extends to the refuse collection area and a proposed bicycle storage building.

**Traffic Impact:** The Traffic Impact Study for this Special Use Permit application corresponds with the overall Traffic Impact Study for the entire Meadowmont development. The overall study was approved as part of the Master Land Use Plan and the Infrastructure Special Use Permit, and calls for several improvements to NC 54. The overall study assumed office and retail development, as well as residential units, in the section of Meadowmont north of NC 54.

The applicant's Traffic Impact Analysis for this proposal assumes that the Council-approved improvements to NC 54 would be in place, including widening NC 54 to a 6-lane facility from Burning Tree Drive to Barbee Chapel Road, that Meadowmont Lane would be a 4-lane drive and that West Barbee Chapel Road would be completed from Meadowmont Lane to NC 54. Meadowmont Lane has been completed up to the Rizzo Center, West Barbee Chapel Road is complete. Except for a traffic signal at NC 54 and West Barbee Chapel Road, NC 54 improvements required for the Meadowmont development are complete. We anticipate that the traffic signal at NC 54 and West Barbee Chapel Road will be operational within the next few months.

**Parking:**

**Hilltop Condominiums:** The Development Ordinance requires the Hilltop portion of the proposed multi-family development to provide a minimum of 96 off-street parking spaces. This proposed development includes a total of 96 off-street parking spaces. Ground level parking areas, below each building, will provide parking spaces for 48 vehicles. The remaining 48 parking spaces are located in several parking bays behind the building and adjacent to the nearby residential neighborhood.

We recommend, and the applicant has agreed, that the parking lot be designed and constructed to Town standards. Resolution A includes a stipulation to this effect.

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**Greenway Condominiums:** The Development Ordinance requires the Greenway portion of the proposed multi-family development to provide a minimum of 24 off-street parking spaces. This proposed development includes 25 parking spaces. The parking spaces are located behind the building, next to the County's recycling center and the Meadowmont greenway.

We recommend, and the applicant has agreed, that the parking lot be designed and constructed to Town standards. Resolution A includes a stipulation to this effect.

**Bicycle Parking:**

**Hilltop Condominiums:** With regard to the area of the application identified as the Hilltop site, the applicant is proposing a lockable storage closet on the garage level for each of the 48 units. Each proposed storage closet will provide approximate 100 square feet of secure storage area for each residential unit. We believe that these storage closets satisfy the Class I bicycle parking space requirements. The applicant is also proposing to include a wave type bicycle rack for the required Class II spaces. We believe that the proposed storage closets and the wave type bicycle rack will satisfy the Town's Design Manual standards for bicycle parking this portion of the development.

**Greenway Condominiums:** With regard to the Greenway portion of the application, the applicant is proposing that residents of each of the eight ground floor units store their bikes inside the unit or on their porch. For the remaining 9 Class I parking spaces, the applicant is proposing a free-standing structure with a roof and enclosed side walls. This proposed structure will provide lockable weather protected storage for 9 bicycles. Unlike the Hilltop development this single storage building will collectively store the bicycles in a single area and will not provide for each bicycle to be locked apart from each other bicycle. For Class II parking requirements, a bike rack is proposed outside the building near its entrance of sufficient size to hold up to four bikes. We believe that the proposed storage will satisfy the Town's Design Manual standards for bicycle parking for this portion of the development. A table outlining the minimum bicycle parking guidelines for this Special Use Permit application is provided below:

<b>Minimum Bicycle Parking Requirements</b>				
	<b>Hilltop Condominiums</b>		<b>Greenway Condominiums</b>	
	<b>Number of Required Spaces</b>	<b>Type of proposed parking</b>	<b>Number of Required Spaces</b>	<b>Type of proposed Parking</b>
<b>Number of Class I Spaces (Garage or secure indoor areas)</b>	52	Each unit (48) will include a secure storage closet under the buildings. Multiple bicycles can be parked in each closet.	17	8 spaces provided within the 8 ground floor units, 9 spaces provided in a common secure storage building located between parking lot and the recycling center
<b>Number of Class II Spaces (Stationary rack)</b>	6	Stationary rack with a minimum of 6 spaces	2	Stationary rack with a minimum of 4 spaces

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**Construction Management Plan:** During the Council's review of the Infrastructure Special Use Permit, residents in the vicinity of Meadowmont area expressed a concern with the impact that the construction traffic from this proposed development might have on their neighborhood. In light of that concern, Resolution A includes a recommendation that a Construction Management Plan, indicating how construction vehicle traffic will be managed, be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

## **LANDSCAPING AND ARCHITECTURAL ISSUES**

### **Buffer Requirements:**

**Hilltop Condominiums:** Some of the boundaries of the Hilltop site are internal to the Meadowmont development. We note that landscape buffers are not required to separate this development from adjacent Meadowmont developments. However, the southern property boundary line of this Special Use Permit application comprises part of the Meadowmont development perimeter boundary along NC Highway 54. The Meadowmont Master Land Use Plan require a Type "D" landscape buffer (50 feet minimum width) at this location. This landscape buffer was also stipulated as part of the Infrastructure Special Use Permit entranceway corridor. We note that this buffer requirement was satisfied and completion of this segment of the entranceway corridor finalized during the construction of the Infrastructure Special Use Permit.

As part of the proposed landscaping plan for the Hilltop site, the applicant proposes to plant a 20-foot wide landscape buffer between the residential single-family dwellings on Pinehurst Drive and the Hilltop Condominium parking lot. Resolution A includes a stipulation that a landscape planting and maintenance plan for the proposed 20-foot wide landscape buffer and the three proposed sediment basins be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

We also recommend that a landscape and maintenance plan be submitted for the segment of the NC 54 entranceway corridor along the southern edge of the site. We note that the proposed plans included a temporary sediment and erosion control drainage swale along the north edge of the entranceway corridor. We note that the proposed swale may remove or damage some of the existing vegetation within the entranceway corridor and recommend that the applicant, if necessary, re-landscape this area. This stipulation has been included in Resolution A.

**Greenway Condominium:** The boundaries of the Greenway development are internal to the Meadowmont development. Landscape buffers are not required to separate this development from adjacent Meadowmont. However the Greenway development proposal includes a five foot planting strip between the proposed parking area and the adjacent greenway.

In addition to this landscaping proposed by the applicant, we recommend that the proposed silt basin adjacent to the Greenway be re-graded and landscaped once construction is complete. We recommend that this area include at least two large caliper canopy trees. Resolution A includes this stipulation.

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We recommend that a detailed landscape plan and landscape maintenance plan for the Greenway developments be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. A stipulation to this affect is included in Resolution A.

**Tree Protection:**

***Hilltop Condominiums:*** On this portion of the development site, the applicant is proposing to preserve a stand of several significant trees in the northeast corner of the site. Two other significant trees, along the western property line, are also shown as being retained on the proposed site plans. Additional tree protection fencing is proposed along the edge of the NC 54 entranceway corridor. Except for the preservation of the area in the northeast corner containing the significant trees and the oaks along the western property line, most of the site's vegetation will be cleared and the site re-graded.

As previously stated, the applicant is proposing to install tree protection fencing around two significant trees along the western property line. We note that the trees are not accurately located on the submitted site plan. We also note that the plans inaccurately identify the 29-inch oak tree as an existing tree. A recent site inspection by staff determined that this tree has fallen over. We believe that a corrected tree survey would locate the remaining tree approximately 20 feet east of the west property line (and therefore place the tree within the proposed parking lot drive aisle). If the proposed Hilltop site is approved as designed, we believe the 32-inch oak would be removed during the construction of the parking area. We recommend, and Resolution A includes, a stipulation authorizing the applicant to remove this 32-inch oak.

***Greenway Condominiums:*** We believe that the development of this portion of the application will involve clearing of all existing vegetation and some re-grading. The applicant is proposing tree protection fencing between the development and the adjacent greenway. We recommend that a Landscape Protection Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall include tree protection and/or clearing limit lines for the proposed land disturbance

For both the Hilltop and Greenway development sites, we recommend that silt fencing and/or tree protection fencing be installed along all construction limit lines including those that are proposed to overlap property lines.

These recommendations have been incorporated into Resolution A.

***Building Elevations:*** We have included our standard stipulation in Resolution A that the Community Design Commission approve the building elevations for the Hilltop and Greenway projects prior to issuance of a Zoning Compliance Permit.

***Lighting Plans:*** We have included our standard stipulation in Resolution A that the Community Design Commission approve the light plans for the Hilltop and Greenway development prior to issuance of a Zoning Compliance Permit. We note that the proposed parking lot for the Hilltop Condominiums is adjacent to a residential neighborhood and that special consideration will be required.

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## ENVIRONMENTAL ISSUES

### ***Watershed Protection District:***

The Meadowmont development is located within the Town of Chapel Hill's Watershed Protection District. All development in the Watershed Protection District is subject to one of two options, or a combination of options, to control non-point source and stormwater pollution. An applicant may choose to use either the Low Density Option or the High Density Option (listed in Section 10.5.2 of the Development Ordinance) to satisfy the watershed protection regulation. The Low Density Option restricts impervious surface to 24% of gross land area. The High Density Option permits up to 50% impervious surface with controlled stormwater runoff from the first inch of rainfall.

The Meadowmont Master Land Use Plan identifies watershed sub-basin areas of both low and high-density development. Sub-basins identified as high-density development would have a limit of 50% impervious surface coverage, and would be required to drain to a retention pond. Individual developments within each sub-basin would not necessarily be subject to the 50% limit. However, the total impervious surface area, of all developments within individual high-density sub-basins, may not exceed 50% of the sub-basin's total land area.

***Hilltop Condominiums:*** The Hilltop Condominium portion of this application is located within the 14.9-acre high-density sub-basin Area 4 of Meadowmont. This 14.9 acre sub-basin includes all or portions of 21 single family residential lots west of the proposed development, several townhouse lots to the east and a portion of the future restaurant and office development proposed for the east side of West Barbee Chapel Hill Road. The retention pond (Pond #4) for this sub-basin is located near the southeast corner of this proposed development, between the southern end of Pinehurst Drive and NC 54 Highway. This pond, as designed and constructed, will accommodate the stormwater retention/detention requirements for this site.

***Greenway Condominiums:*** The Greenway Condominium portion of this application is located within the 39.1-acre high-density sub-basin Area 1 of Meadowmont. This 39.1 acre sub-basin includes all of the main meadow area, most of the west half of the Village Center development, the remaining portion of the previously noted West Barbee Chapel Road restaurant and office development and 40 residential lots. The retention pond (Pond #1) for this sub-basin is located in the main meadow between NC 54 and West Barbee Chapel Road. The pond, as designed and constructed, will accommodate the stormwater retention/detention requirements for this site.

The Meadowmont developers, with previous development proposals, submitted a tally sheet showing that impervious surface in the high-density portion of Meadowmont will not exceed 50%, thus meeting the high-density requirements. We will continue to monitor the combined impervious surfaces for compliance with the high-density option requirements. We have also included stipulations regarding watershed protection that were provided in the Meadowmont Master Land Use Plan.

***Resource Conservation District:*** These sites are not encumbered by the Resource Conservation District.

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**Steep Slopes:** Subsection 14.4.2 (Site Design) of the Development Ordinance addressed proposed development and steep slopes. The provisions call for minimal grading and site disturbance as well as specialized site design techniques in areas of steep slopes. Portions of the Hilltop Condominium site contain land slopes of between 15 and 25 percent. We recommend that a steep slopes plan be developed for this property during the final plan review. We have included a stipulation to this effect in Resolutions A.

**Stormwater Management:** The Meadowmont Infrastructure Special Use Permit included the stormwater management infrastructure for the entire Meadowmont development including the Hilltop and Greenway Condominiums. These stormwater features were reviewed and approved by staff during final plan approval for the Infrastructure Special Use Permit. As noted above the construction of pond # 1 and #4 is complete and their design will provide stormwater management for the proposed developments. Therefore Resolution A does not include the standard stipulation requiring the submission of a Stormwater Management Plan.

**Erosion Control:** We recommend that a detailed soil erosion and sedimentation control plan, including provision for maintenance of facilities and modifications of the plan if necessary, be approved by the Orange County Erosion Control Officer and the Town Manager prior to issuance of a Zoning Compliance Permit. A performance guarantee shall be required, in accordance with the Town Code of Ordinances, and the guarantee shall be approved by the Town Manager prior to issuance of any permit authorizing land-disturbing activity. We have included a stipulation to this effect in Resolution A.

### **UTILITY AND SERVICE ISSUES**

**Utilities:** We recommend that detailed utility plans be reviewed and approved by OWASA, Duke Power Company, Public Service Company, BellSouth, Time Warner Cable and the Town Manager prior to issuance of a Zoning Compliance Permit.

We recommend that the final plans demonstrate there is no conflict between utility lines, easements, and other site elements. We also recommend that all utility lines shall be placed underground and shall be indicated on the final plans. We have included a stipulation to this effect in Resolution A.

**Fire:** We have included our standard stipulation in Resolution A requiring that a fire flow report sealed by a professional engineer be submitted for review and approval by the Town Manager prior to the issuance of a Zoning Compliance Permit.

We note that it is Town Policy that all structures shall be located within 500 feet of a fire hydrant. We have included a stipulation in Resolution A requiring that the final plans show all hydrant locations, in order to verify that hydrants are properly spaced throughout the development.

In addition, we believe that each of these multi-family residential structures will need to be sprinklered in accordance with Town Code. We note that the Town seeks to maintain a 50-foot

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maximum distance between fire hydrants and fire department connections for sprinklered buildings (in a clearly visible and accessible location on the street side of buildings). A stipulation to this affect has been incorporated into Resolution A.

***Refuse Management and Recycling:*** This applicant is proposing that the Town of Chapel Hill provide refuse collection service and Orange County recycling pick-up. The Hilltop portion of the application includes two refuse and recycling areas. Each area includes a refuse and cardboard dumpster and recycling containers. One area is located at the southern end of the parking lot near Building #4. The second collection area is north of Building #1.

One refuse area is proposed with the Greenway development. The collection area is located at the eastern end of the parking lot. This facility includes a single refuse dumpster. The refuse area does not contain a dumpster for cardboard or recycling containers. Due to the immediate proximity of this development to the future recycling center, we recommend that the residents of this proposed development recycle at the adjacent County recycling facility.

We note that refuse service vehicle access to the Greenway development refuse facility is from the service driveway behind the future Harris Teeter building. We believe that service vehicle access easements across this service driveway were previously acquired by the Town as part of the final plan approvals for the Village Center and Meadowmont Affordable Housing projects. Resolution A includes a stipulation that, prior to the issuance of a Zoning Compliance Permit, the applicant provide documentation of an access easement permitting the Town of Chapel Hill refuse collection access across the Harris Teeter Service drive.

We recommend that the final plans show how the applicant intends to illuminate the solid waste enclosures at the Hilltop site. We also recommend that the refuse/recycling service vehicle routes for the Hilltop site be heavy-duty pavement. Resolution A includes the standard requirement that the Town Manager approves a Solid Waste Management Plan, including provisions for recycling and for the management and minimizing of construction debris.

## **SUMMARY**

***Special Use Permit Findings:*** For approval of a Special Use Permit the Council is required to make findings based on 1) public health, safety and general welfare, 2) compliance with the town's development regulations and standards, 3) the value of contiguous property and 4) the physical development of the Town.

In a typical Special Use Permit proceeding, the burden is on the applicant to present a case, demonstrating why the Council should make the four findings required for approval of a Special Use Permit. With Council approval of a conceptual Master Plan, however, if the Special Use Permit application is found to be consistent with the Master Plan, the burden regarding three of the four findings then shifts to those opposed to approval of the Permit. A "rebuttable presumption" is established that three of the town findings can be made. The Council must only make the finding that the proposed development complies with all applicable sections of the Development Ordinance. Evidence will be presented at the Public Hearing for this application. If the Council decides that the evidence does not support making the fourth finding, or if



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evidence is presented which indicates the application is inconsistent with the Master Plan, then the application cannot be approved and accordingly should be denied by the Council.

### CONCLUSION

We believe that the proposal, with the conditions in Resolution A, meets the requirements of the Development Ordinance and that the proposal is consistent with the Meadowmont Master Land Use Plan.

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## PROJECT FACT SHEET REQUIREMENTS

### Check List of Regulations and Standards Special Use Permit Application

<b>HILLTOP AND GREENWAY CONDOMINIUMS AT MEADOWMONT</b>	<b>STAFF EVALUATION</b>	
	<b>Compliance</b>	<b>Non- Compliance</b>
Use Permitted	√	
Min. Gross Land Area	√	
Min. Lot Width	√	
Max. Floor Area	√ *	
Min. Outdoor Space	√ *	
Min. Livability Space	√ *	
Min. Recreation Space	√ *	
Impervious Surface Limits	√ *	
Min. # Parking Spaces	√	
Min. # Loading Spaces	N/A	
Min. # Handicap Spaces	√	
Max. # Dwelling Units	√	
Min. Street Setback	√	
Min. Interior Setback	√	
Min. Solar Setback	√	
Max. Height Limit	√	
Min. Landscape Buffers	√	
Public Water and Sewer	√	

N/A = Not Applicable

*Prepared: January 9, 2002*

\* In the context of the entire Meadowmont development

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RESOLUTION A  
(Town Manager's Preliminary Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

Stipulations Specific to the Developments

1. That construction begin by \_\_\_\_\_ (two years from the date of Council approval) and be completed by \_\_\_\_\_ (three years from the date of Council approval).
2. Land Use Intensity: This Special Use Permit authorizes the construction of a multi-family residential development, specified as follows:

Land Use Intensity	Hilltop Condominiums	Greenway Condominiums
Total # of Buildings	4	2*
Maximum # of Dwelling Units	48	16
Minimum # of Affordable Units	0	10
Maximum Floor Area	85,600 sq ft	16,656 sq ft
Minimum Outdoor Space	194,326 sq ft	22,292 sq ft
Minimum Livability Space	164,765 sq ft	10,445 sq ft
Minimum Recreation Space	3,000 sq ft	0 sq ft
Maximum # of Parking Spaces	96	25
Minimum # of Bicycle Spaces	58	21

\* Bicycle storage building included in Total # of Buildings

That because the land area of the this Special Use Permit does not provide sufficient land to demonstrate compliance with the Land Use Intensity requirements of the Development Ordinance, prior to issuance of a Zoning Compliance Permit, the applicant shall obligate land within the bounds of the Master Land Use Plan to enable this development to demonstrate compliance with the Land Use Intensity requirements. With any application for Final Plan Approval, the applicant shall provide document(s), to be recorded at the Orange County Register of Deeds Office, that obligates allowable Land Use Intensity requirements of land located within the boundary of the Master Plan, but outside the boundary of this Special Use Permit, to ensure compliance of this application with the Land Use Intensity requirements of the Development Ordinance.

#### Stipulations Related to Affordable Housing

3. **Affordable Housing**: That the Developer shall identify and reserve no less than ten (10) units at the Meadowmont Greenway Condominium site (collectively, the "Reserved Homes," and individually a "Reserved Home") for individuals or families with a gross income equal to eighty percent (80%) or less of the Median Family Income of Chapel Hill, North Carolina (collectively, the "Qualified Buyers," and individually, a "Qualified Buyer").

The plans for marketing, sales and continued affordability of these units shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

In order to ensure the future affordability of the Reserved Homes, each deed conveying title to a Reserved Home shall contain the restrictions as approved by the Town Manager.

That all of the affordable units shall be constructed and available for occupancy, prior to issuance of a Certificate of Occupancy for the 25<sup>th</sup> Hilltop Condominium unit.

#### Stipulations Related to on-site Recreation Space

4. **Recreation Space**: That the developer provides 3,000 square feet of improved recreation space on the Hilltop Condominium site. This improved recreation space is to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

No Certificate of Occupancy shall be issued for the Hilltop Condominium residential units until all the active recreation facilities for that development have been completed.

#### Stipulations Related to Access and Circulation

5. **Parking Lots**: That all parking lots and drive aisles associated with the proposed development shall be constructed to Town standards.
6. **Hilltop Condominium Parking Lot Design**: That the final plans for the Hilltop Condominiums include a revised parking lot design incorporating pedestrian connections between the parking areas and the buildings. The type, location and number of the pedestrian connections shall be reviewed and approved by the Town Manager.

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7. Greenway Condominiums Pedestrian Network: That the final plans for the Greenway Condominiums include additional pedestrian sidewalk connections. The final plan shall include additional pedestrian connections to the public sidewalk, the County's recycling center and the adjacent grocery store.
8. Greenway Condominium Crosswalk: That the final plans for the Greenway Condominiums shall include a crosswalk across the western entrance into the project site. The crosswalk should be designed consistent with similar crosswalks in the Meadowmont development. The final crosswalk design shall be reviewed and approved by the Town Manager.
9. Bicycle Parking: That the development comply with the Town's Design Manual for bicycle parking standards as follows:

<b>Minimum Bicycle Parking Requirements</b>		
	<b>Hilltop Condominiums</b>	<b>Greenway Condominiums</b>
<b>Total Number or Required Spaces</b>	58	21
<b>Number of Class I Spaces (Garage or secure indoor areas)</b>	52	17
<b>Number of Class II Spaces (Stationary rack)</b>	6	4

Stipulation Related to Watershed Protection District

10. Watershed Protection District: Compliance with the Town Watershed Protection District regulations, if applicable, shall be demonstrated with the provision of multiple permanent ponds. For those portions of the development complying with the Low Density Option identified in the Chapel Hill Development Ordinance, permanent stormwater retention shall not be required. For those portions of the development complying with the High Density option identified in the Development Ordinance, permanent stormwater retention shall be required in accordance with the requirements of the Development Ordinance.
- A. The size, accessibility, location, and design of each pond shall be approved by the Town Manager.
- B. These wet retention ponds shall meet or exceed the North Carolina Division of Environmental Management requirements and shall be designed so as to be approved by the Division of Environmental Management, the North Carolina Division of Water Quality, the Army Corps of Engineers, and the Town Manager.
- C. The property owner shall post a performance bond or other surety instrument satisfactory to the Town, in an amount approved by the Town Manager, to assure maintenance, repair, or reconstruction necessary for adequate performance of the engineered stormwater controls.

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- D. For ponds proposed to be located within the Resource Conservation District, the ponds must be designed so as not to be inundated by the flood waters from the base flood discharge.
- E. The Owners' or Homeowners' Association shall be responsible for arranging for annual inspections of all ponds by an appropriately certified engineer, to determine whether the ponds and associated structures are operating acceptably according to design requirements, and to report findings of said inspections to the Town Manager, with such recommendations for maintenance or repair as may be warranted. Any needed repairs shall be completed within 120 days unless otherwise approved by the Town Manager. Restrictive covenants shall be recorded which shall identify these responsibilities of the Owners' or Homeowners' Association, including pond maintenance.
- F. Maintenance of the ponds shall be the responsibility of the developer or a property/homeowners' association. A maintenance plan shall be provided for each of the retention ponds, to be approved by the Town Manager. The plans shall address inspection, maintenance intervals, type of equipment required, access to each pond, and related matters.
- G. As part of every application for Final Plan Approval, Zoning Compliance Permit, and residential Building Permit, the developer shall provide an up-to-date cumulative total for impervious surfaces in the particular sub-basin.
- H. The minimum permanent pool depth shall be at least three (3) feet in addition to enough volume to store the accumulated sediment between clean out periods.
- I. All sediment deposited in the ponds during construction activity on contributing sites must be removed before "normal" pond operation begins.
- J. Emergency drains shall be installed in all ponds to allow access for repairs and sediment removal as necessary.
- K. Anti-seepage collars shall be used on any structures penetrating dams or water retaining embankments.
- L. Public storm drainage systems, or other utilities, shall not be located within a pond or dam structure.
- M. That no ponds be created within the perimeter landscaped buffer required for the Meadowmont development.
- N. That the ponds be located and designed such that damage to existing large trees can be minimized.

That the applicant provide calculations confirming Meadowmont's overall compliance with Impervious Surface Limits.

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Stipulations Related to Landscape and Architectural Elements

11. Landscape Protection Plan: That a detailed landscape protection plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall include areas of vegetation to be preserved; the anticipated clearing limit lines; proposed grading; proposed utility lines; a detail of protective fencing; and construction parking and materials staging/storage areas. That silt fencing and/or tree protection fencing is installed along all construction limits lines including those that are proposed to overlap property lines.
12. Removal of Significant Tree: That the 29-inch oak tree, along the western property line on the Hilltop development site plan, may be removed.
13. Landscape Plan Approval: That detailed landscape plans (including buffers), landscape maintenance plans, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. That the landscape plan shall include:
  - A. The 20-foot wide landscape buffer area between the Hilltop development and the adjacent residential single family lots;
  - B. The 5-foot wide landscape buffer area between the Greenway development and the Meadowmont greenway;
  - C. A re-landscaping plan for the proposed erosion control sediment basins. The landscaping of the sediment basin associated with the Greenway site shall included two, 2 ½ to 3 inch caliper canopy trees; and
  - D. A re-landscaping plan for the NC 54 entranceway corridor if deemed necessary by the Town Manager.
  - E. A landscape plan for the steep slopes around Hilltop Condominiums Building #1.
  - F. A landscape plan for the east side of the Greenway Condominium Building. That the plan and landscaping shall not be necessary if the area is necessary for additional sidewalk connections.
14. Parking Lot Screening: That all Hilltop Condominium parking areas shall be screened from highway view. The screening plans shall be approval by the Town Manager.
15. Community Design Commission Approval: That the Community Design Commission shall approve the building elevations and the lighting plan for the development, prior to the issuance of a Zoning Compliance Permit.

Stipulations Related to Utilities

16. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority (OWASA), Duke Power Company, BellSouth, Public Service Company, Time/Warner Cable and the Town Manager before issuance of a Zoning Compliance Permit. That the final plans demonstrate there is no conflict between utility lines, easements, and other site elements.
17. Utility Lines: That all utility lines shall be underground and shall be indicated on final plans.

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### Stipulations Related to Steep Slopes

18. **Steep Slopes**: That each submittal for Final Plan approval shall include a map showing lots and street segments on slopes of 10% or more, and indicating how the development and construction will comply with the steep slopes regulations in the Development Ordinance:
- For slopes of 10 - 15%, site preparation techniques shall be used which minimize grading and site disturbance;
  - For slopes of 15 - 25%, demonstrate specialized site design techniques and approaches for building and site preparation; and
  - For slopes of 25% or greater, provide a detailed site analysis of soil conditions, hydrology, bedrock conditions, and other engineering or environmental aspects of the site.

Each Final Plan application shall demonstrate compliance with the steep slopes regulations in the Development Ordinance. The Town Manager shall decide if the proposed building and site engineering techniques are appropriate.

### Stipulations Related to Fire Protection

19. **Fire Flow**: That a fire flow report shall be prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
20. **Sprinkler System**: That the buildings shall have a sprinkler system in accordance with Town Code, which shall be approved by the Town Manager prior to the issuance of a Building Permit.
21. **Fire Hydrant Location**: That all new structures shall be located within 500 feet of a fire hydrant, subject to the approval of the Town Manager.
22. **Fire Department Connections**: That fire department connections shall be no more than 50 feet from the hydrants and located on street side of buildings in visible, accessible locations, subject to Town Fire Marshall approval.

### Stipulations Related to Refuse and Recycling Collection

23. **Solid Waste Management Plan**: That a Solid Waste Management Plan, including provisions for recycling and for the management and minimizing of construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
24. **Illumination of Hilltop Refuse Area**: That the final plans included a lighting plan for the illumination of the refuse collection areas at the Hilltop site.



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25. Heavy-Duty Paving: That all drive aisles that provide or potentially provide access to compactors, dumpsters or recycling facilities, shall be constructed with heavy-duty pavement.

#### Miscellaneous Stipulations

26. Construction Management Plan: That a Construction Management Plan, indicating how construction vehicle traffic will be managed, shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The Construction Management Plan shall specify that no construction vehicles serving this site shall use any existing streets, outside the Meadowmont development area, within the area bounded by Ephesus Church Road, George King Road, NC Highway 54, and Fordham Boulevard.
27. Ownership and Responsibilities of Common Areas: That an owners' association be created for the maintenance and regulation of the private (residential, office, park, landscape, and commercial) areas including privately maintained streets and alleys.
- A. All property owners owning land within the area of the Master Land Use Plan approval, excluding governmental bodies, shall be represented in the owners' association. This owners' association shall have maintenance responsibilities for commercially owned development elements which affect the entire development, including the stormwater management facilities.
  - B. In addition, separate neighborhood association(s) and/or owners' association(s) shall be created for the maintenance and regulation of the residential, office, and commercial areas. The documents creating these entities shall be reviewed for approval by the Town Manager, and shall be recorded in the Orange or Durham County Register of Deeds Office prior to the issuance of a Zoning Compliance Permit.
  - C. The responsibilities of these entities shall include the ownership and maintenance of the private alleys, private green spaces, private parks and recreation space, private retention and detention basins, parking lots, and the landscape buffers.
  - D. These entities shall also be responsible for any "add-on fees" charged by Duke Power for special street lighting.
  - E. These entities shall have the ability to place a lien on property for nonpayment of dues or fees.
28. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are complete, and that a note to this effect shall be placed on the final plat.

That 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; 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, and that a note to this effect shall be placed on the final plat.

29. **Detailed Plans**: That the final detailed site plan, grading plan, utility/lighting plans, and landscape plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans shall conform to the plans approved by this application and demonstrate compliance with all applicable conditions and design standards of the Development Ordinance and Design Manual.
30. **Erosion Control**: That a detailed soil erosion and sedimentation control plan, including provision for maintenance of facilities and modifications of the plan if necessary, be approved by the Orange County Erosion Control Officer and the Town Manager prior to issuance of a Zoning Compliance Permit. That a performance guarantee be provided in accordance with Section 5-97.1 of the Town Code of Ordinances prior to issuance of any permit to begin land-disturbing activity.
31. **Open Burning**: That no open burning shall be permitted during the construction of this development.
32. **Energy Management**: That an energy management program, designed to minimize energy consumption, be prepared and submitted to the town Manager as part of final plans, prior to issuance of a Zoning Compliance Permit.
33. **Silt Control**: That the developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
34. **Construction Sign Required**: That the developer shall post a construction sign that lists the property owner's representative, with a telephone number; the contractor's representative, with a telephone number; and a telephone number for regulatory information at the time of issuance of a Zoning Compliance Permit. The construction sign may have a maximum of 32 square feet of display area and may not exceed 8 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.
35. **Continued Validity**: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
36. **Non-severability**: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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## ATTACHMENT 4

RESOLUTION B  
(Planning Board Recommendation)**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT (2002)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#:s: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development unless modified or superseded by those stipulations below.
2. Landscape Plan Approval: That the Landscape Plan Approval stipulation shall not include item E) and F) as noted by the ~~strikeout~~ text below:
  - A) The 20-foot wide landscape buffer area between the Hilltop development and the adjacent residential single family lots;
  - B) The 5-foot wide landscape buffer area between the Greenway development and the Meadowmont greenway;
  - C) A re-landscaping plan for the proposed erosion control sediment basins. The landscaping of the sediment basin associated with the Greenway site shall include two, 2 ½ to 3 inch caliper canopy trees; and
  - D) A re-landscaping plan for the NC 54 entranceway corridor if deemed necessary by the Town Manager.
  - E) ~~A landscape plan for the steep slopes around Hilltop Condominiums Building #1.~~
  - F) ~~A landscape plan for the east side of the Greenway Condominium Building. That the plan and landscaping shall not be necessary if the area is necessary for additional sidewalk connections.~~

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3. Delete Stipulations: Stipulations related to Hilltop Condominium Parking Lot Design, Greenway Condominiums Pedestrian Network, and Greenway Condominium Crosswalks shall be deleted from the resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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RESOLUTION C  
 (Transportation Board,  
 Parks and Recreation Commission and  
 Greenways Commission Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#:s: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations, with the modifications listed below; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development unless modified or superseded by those stipulations below.
2. Construction Management Plan: That the Construction Management Plan stipulation shall be edited with the insertion of the underlined text as shown below:

Construction Management Plan: That a Construction Management Plan, indicating how construction vehicle traffic will be managed, shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The Construction Management Plan shall specify that no construction vehicles serving this site shall use any existing streets, outside the Meadowmont development area, within the area bounded by Ephesus Church Road, George King Road, NC Highway 54, and Fordham Boulevard. Within the Meadowmont development no construction vehicles serving this site shall use Pinehurst Drive, south of Gurnsey Trail. The Town Manager may restrict construction vehicles from other residential streets within the Meadowmont development if deemed necessary.

3. Landscape Plan Approval: That the Landscape Plan Approval stipulation shall not included item E) and F) as noted by the strikeout text below:

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- A) The 20-foot wide landscape buffer area between the Hilltop development and the adjacent residential single family lots;
- B) The 5-foot wide landscape buffer area between the Greenway development and the Meadowmont greenway;
- C) A re-landscaping plan for the proposed erosion control sediment basins. The landscaping of the sediment basin associated with the Greenway site shall included two, 2 ½ to 3 inch caliper canopy trees; and
- D) A re-landscaping plan for the NC 54 entranceway corridor if deemed necessary by the Town Manager.
- E) ~~A landscape plan for the steep slopes around Hilltop Condominiums Building #1.~~
- F) ~~A landscape plan for the east side of the Greenway Condominium Building. That the plan and landscaping shall not be necessary if the area is necessary for additional sidewalk connections.~~

4. Delete Stipulations: Stipulations related to Hilltop Condominium Parking Lot Design, Greenway Condominiums Pedestrian Network, and Greenway Condominium Crosswalks shall be deleted from the resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#:s: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations, with the modifications listed below; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development unless modified or superseded by those stipulations below.
2. Construction Management Plan: That the Construction Management Plan stipulation shall be edited with the insertion of the underlined text as shown below:

Construction Management Plan: That a Construction Management Plan, indicating how construction vehicle traffic will be managed, shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The Construction Management Plan shall specify that no construction vehicles serving this site shall use any existing streets, outside the Meadowmont development area, within the area bounded by Ephesus Church Road, George King Road, NC Highway 54, and Fordham Boulevard. Within the Meadowmont development no construction vehicles serving this site shall use Pinehurst Drive, south of Gurnsey Trail. The Town Manager may restrict construction vehicles from other residential streets within the Meadowmont development if deemed necessary.

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3. Landscape Plan Approval: That the Landscape Plan Approval stipulation shall not included item F) as noted by the ~~strikeout~~ text below:
- A) The 20-foot wide landscape buffer area between the Hilltop development and the adjacent residential single family lots;
  - B) The 5-foot wide landscape buffer area between the Greenway development and the Meadowmont greenway;
  - C) A re-landscaping plan for the proposed erosion control sediment basins. The landscaping of the sediment basin associated with the Greenway site shall included two, 2 ½ to 3 inch caliper canopy trees; and
  - D) A re-landscaping plan for the NC 54 entranceway corridor if deemed necessary by the Town Manager.
  - E) A landscape plan for the steep slopes around Hilltop Condominiums Building #1.
  - F) ~~A landscape plan for the east side of the Greenway Condominium Building. That the plan and landscaping shall not be necessary if the area is necessary for additional sidewalk connections.~~
4. Delete Stipulations: Stipulations related to Hilltop Condominium Parking Lot Design, Greenway Condominiums Pedestrian Network, and Greenway Condominium Crosswalks shall be deleted from the resolution.
5. Insert Stipulations: The following stipulations shall be inserted into the resolution:
- a) Hilltop Condominiums bio-retention facility: That bio-retention areas be created between the Meadowmont Hilltop Condominiums. That the final design and location(s) shall be reviewed and approved by the Town Manager.
  - b) Greenway Condominiums bicycle storage shed: That additional parking be provided in the common bicycle storage in order to reduce the need for first-floor residents to park their bicycles on their porches. That the final design, dimension and location shall be reviewed and approved by the Town Manager.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2002.



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## RESOLUTION E

(Bicycle and Pedestrian Advisory Board Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#:s: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, and the conditions listed below, would:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations, with the modifications listed below; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for the Hilltop and Greenway Condominiums at Meadowmont in accordance with the plans listed above and the conditions listed below:

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development unless modified or superseded by those stipulations below.
2. Construction Management Plan: That the Construction Management Plan stipulation shall be edited with the insertion of the underlined text as shown below:

Construction Management Plan: That a Construction Management Plan, indicating how construction vehicle traffic will be managed, shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The Construction Management Plan shall specify that no construction vehicles serving this site shall use any existing streets, outside the Meadowmont development area, within the area bounded by Ephesus Church Road, George King Road, NC Highway 54, and Fordham Boulevard. Within the Meadowmont development no construction vehicles serving this site shall use Pinehurst Drive, south of Gurnsey Trail. The Town Manager may restrict construction vehicles from other residential streets within the Meadowmont development if deemed necessary.

3. Landscape Plan Approval: That the Landscape Plan Approval stipulation shall not include item E) as noted by the strikeout text below:
  - A) The 20-foot wide landscape buffer area between the Hilltop development and the adjacent residential single family lots;

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- B) The 5-foot wide landscape buffer area between the Greenway development and the Meadowmont greenway;
  - C) A re-landscaping plan for the proposed erosion control sediment basins. The landscaping of the sediment basin associated with the Greenway site shall included two, 2 ½ to 3 inch caliper canopy trees; and
  - D) A re-landscaping plan for the NC 54 entranceway corridor if deemed necessary by the Town Manager.
  - E) ~~A landscape plan for the steep slopes around Hilltop Condominiums Building #1.~~
  - F) A landscape plan for the east side of the Greenway Condominium Building. That the plan and landscaping shall not be necessary if the area is necessary for additional sidewalk connections.
4. Delete Stipulation: Stipulation related to Greenway Condominiums Pedestrian Network, shall be deleted from the resolution.
5. Insert Stipulation: The following stipulation shall be inserted into the resolution:
- a) Greenway Condominium Pedestrian Connection to the Village Center: That a pedestrian connection be provided on the east side of the property, from the north side of the buildings south to a crosswalk connecting to the village center property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

(120)

RESOLUTION F  
(Denying the Application)**A RESOLUTION DENYING APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#s: 9798-66-4564 and 9797-86-4799), if developed according to the site plan prepared on October 08, 2001 and stamped December 21, 2001, the Meadowmont Master Land Use Plan, would not:

1. Comply with all required regulations and standards of the Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations, with the modifications listed below; and
2. Be consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

BE IT FURTHER RESOLVED that the Council finds:

(INSERT ADDITIONAL REASONS FOR DENIAL)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the Special Use Permit application for the Hilltop and Greenway Condominiums at Meadowmont.

This the \_\_\_\_ day of \_\_\_\_\_, 2002.

**ATTACHMENT 9****RESOLUTION G**

(Defining Contiguous Property)

**121****A RESOLUTION DETERMINING CONTIGUOUS PROPERTY WITH RESPECT TO THE SPECIAL USE PERMIT APPLICATION FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT MEADOWMONT (2002-02-18/R-1)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, having considered the evidence submitted in the Public Hearing thus far pertaining to the application for Special Use Permit for the Hilltop Condominiums and Greenway Condominiums at Meadowmont, proposed by Roland Gammon and White Oak Properties, Inc., on property identified as Chapel Hill Township Tax Maps 52, Lot 6 and Lot 38 (PIN#:s: 9798-66-4564 and 9797-86-4799),. hereby determines, for purposes of Development Ordinance Section 18.3, Finding of Fact c), contiguous property to the site of the development proposed by this Special Use Permit application to be that property described as follows:

All properties within \_\_\_\_\_ feet of the site.

This the 18<sup>th</sup> day of February, 2002.

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## SUMMARY OF PLANNING BOARD ACTION

**Subject:** Hilltop and Greenway Condominiums at Meadowmont - Application for a Special Use Permit

**Meeting Date:** January 15, 2002

**Recommendation:** That the Council approves this application for a Special Use Permit with conditions as recommended with Resolution A in the Planning Staff Report dated January 15, 2002, subject to the following change to stipulation #24:

1. That the last two sentences in stipulation #24 are removed as noted below (show as strike through):

Construction Management Plan: That a Construction Management Plan, indicating how construction vehicle traffic will be managed, shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The Construction Management Plan shall specify that no construction vehicles serving this site shall use any existing streets, outside the Meadowmont development area, within the area bounded by Ephesus Church Road, George King Road, NC Highway 54, and Fordham Boulevard. ~~Within the Meadowmont development no construction vehicles serving this site shall use Pinhurst Drive, south of Gurnsey Trail. The Town Manager may restrict construction vehicles from other residential streets within the Meadowmont development if deemed necessary.~~

**Vote:** 8 - 0

**Aye:** Julie Coleman, Coleman Day, Gay Eddy, Nancy Gabriel, John Hawkins, Scott Radway, Bob Reda, Ruby Sinreich

**Issue Raised:** 1. Several board members noted the absence of a pedestrian connection to the front of the Greenway Condominium building. Some board members suggested that the applicant investigate the feasibility of incorporating a pedestrian connection between the front of the Greenway Condominium building and West Barbee Chapel Road.

**Prepared by:** John Hawkins, Chair, Chapel Hill Planning Board *B for JH*  
Gene Poveromo, Staff

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**SUMMARY OF TRANSPORTATION BOARD ACTION**

**Subject:** Hilltop and Greenway Condominiums at Meadowmont-Special Use Permit

**Meeting Date:** January 15, 2002

**Recommendation:** The Transportation Board voted to recommend the Council approve Resolution A, approving the proposed projects.

**Vote:** 6-1

**Aye:** Neville, Hampton, Sayle, Howe, Dobbins, Schroeder  
**Nay:** Hinz

**Reasons for Dissent:**

A Boardmember felt that the number of parking spaces should have been reduced.

**Prepared by:**

Loren Hintz Chair, Chapel Hill Transportation Board  
David Bonk, Senior Transportation Planner, Staff



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# SUMMARY OF COMMUNITY DESIGN COMMISSION ACTION

**Subject:** Meadowmont Hilltop and Greenway Condominiums –  
Application for a Special Use Permit

**Meeting Date:** January 16, 2002

**Recommendation:** That the Council approve this application for a Special Use Permit with conditions as recommended in the Planning Staff Report dated January 15, 2002, subject to the following changes and/or stipulations:

- That steep slopes around Building #1 be stabilized with plantings and/or more significant techniques than just planting grass.
- That bio-retention areas be created between the Meadowmont Hilltop Condominium buildings.
- That additional bicycle parking be provided in the common bicycle storage building at the Greenways Condominiums, in order to reduce the need for first-floor residents to park their bicycles on their porches.

**Vote:** 8 - 0

**Aye:** Weezie Oldenburg, Richard Barrett, Dale Coker, Terry Eason, Sarah Haskett, Charlotte Newby, Martin Rody, and Polly Van de Velde.

**Nay:** None

- Issues Raised:**
- 1) One Commission member expressed concern regarding the proposed architecture and appearance of the Greenways condominium building.
  - 2) The Commission expressed concern that if bicycles get parked on the porches of the buildings, it will adversely affect the appearance of the development.

**Prepared by:** Weezie Oldenburg, Chair, Community Design Commission  
Rob Wilson, Staff





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ATTACHMENT 13

# CHAPEL HILL PARKS AND RECREATION COMMISSION

200 PLANT ROAD, CHAPEL HILL, NORTH CAROLINA 27514  
VOICE/TTD: (919) 968-2784 • FAX: (919) 932-2923

## MEMORANDUM

TO: Mayor Foy and Council

FROM: John Covach, Chair, Parks and Recreation Commission  
*JC (1/15)*

RE: Development Proposal for the Greenways and Hilltop Condos in Meadowmont

DATE: January 18, 2002

At its January 16 meeting the Commission voted unanimously (8-0) to recommend that the Council approve the plans for the Greenways Condos and Hilltop Condos in Meadowmont. The Commission understands that the required recreation area for both small projects is already provided in the Meadowmont community.

Voting in favor of the motion: Covach, Rohrbacher, Anderson, Broad, Caldwell, Hemminger, Huskamp, and Tyson.



(126)

## MEMORANDUM

TO: Mayor and Town Council

FROM: Greenways Commission  
Joe Herzenberg, Chair *BW Am JH*

SUBJECT: Development Application: Meadowmont Greenway Condominiums

DATE: January 23, 2002

The Commission voted unanimously (3-0) to recommend that the Council approve the Meadowmont Greenway Condominiums project without changes.

Voting yes were Joe Herzenberg (Chair), Audrey Booth (Vice-Chair), and Peter Calingaert

The Commission did not have a quorum.

(27)

## SUMMARY OF BICYCLE AND PEDESTRIAN ADVISORY BOARD ACTION

**Subject:** Hilltop/Greenway Condos (Meadowmont) – Special Use Permit

**Meeting Date:** January 22, 2002

**Recommendation:** The Bicycle and Pedestrian Advisory Board recommends that the Council approve Resolution A, approving the application, with the following conditions:

- For the Hilltop Condominiums, that pedestrian connections be provided between the parking area and the buildings.
- For the Greenway Condominiums, that a pedestrian connection be provided on the east side of the property, from the north side of the buildings south to a crosswalk connecting to the village center property.
- For the Greenway Condominiums, that greenery be provided along the eastern edge of the property.
- For the Greenway Condominiums, that a crosswalk be provided across the western entrance into the project site. The crosswalk should be in designed consistent with similar crosswalks in the Meadowmont development.

**Vote:** 6 - 0.

**Aye:** Eva Metzger (Chair), Barbara Chaiken, Kate Millard, Tom Mills, Wayne Pein, Doug Venema

**Nay:** none

**Comments:** Regarding the Greenway Condominiums, some members of the Board were concerned with the location of the bicycle storage building next to the greenway.

**Prepared by:** Eva Metzger, Chair, Bicycle and Pedestrian Advisory Board EM (by TA)  
Than Austin, Long Range Planner

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**White Oak Properties, Inc.**

---

**G. Roland Gammon**

**Hilltop and Greenway Condominiums  
Meadowmont**

**STATEMENT OF JUSTIFICATION**

**Roland Gammon  
10 October 2001**

This SUP matter concerns two condominium projects to be constructed within the Meadowmont Community: **Hilltop Condominiums and Greenway Condominiums.**

- **Hilltop Condominiums** (hereinafter “**Hilltop**”) consists of four residential building structures to be constructed on Parcel #9 of the Meadowmont Master Land Use Plan (hereinafter “**MLUP**”).
- **Greenway Condominiums** (hereinafter “**Greenway**”) consists of one residential building structure to be constructed on Parcel #12A of the Meadowmont Master Land Use Plan (hereinafter “**MLUP**”).

At present each parcel is undeveloped. There will be no loss of housing stock resulting from this proposal.

**A discussion of the issue of consistency between the proposed development and the MLUP.**

The proposed designs differ from the MLUP, but are, however, consistent with the MLUP. In the case of each parcel, the original MLUP showed attached homes on relatively shallow fee simple lots installed in a continuous unbroken line. In subsequent action following the initial approval of the MLUP, the Council amended and modified the MLUP with its approval of the Special Use Permit for Meadowmont Infrastructure (“SUP-MI”). Quite significant in the SUP-MI was the substantial modification in the parcel size and proportion of parcel 9 from what was shown in the MLUP.

The proposed designs employs separate condominium buildings of stacked flats rather than the “wall” like design of the MLUP. In the particular case of the Hilltop project on parcel 9, the revised parcel renders the town home style originally shown on the MLUP to be practically impossible. Its very steep slopes and sizable lot depth are significant detriments to the town home form which is successfully being built on lots further up West Barbee Chapel Road and along the Oval and Circle parks. Such lots have far less depth and more gradual slopes and are supported by rear loaded public alley access.

Illustrative materials presented to the Council during its consideration of SUP-MI showed four “H” condominium buildings on parcel 9 rather than the original row of town homes. While the SUP-MI didn’t specifically define an alternative housing type to be built on parcel 9, deliberative materials and the resultant actions support the fact that the town home style of homes on parcel 9 were being replaced with an alternate and more appropriate style.

The proposed design of the Greenway condos on parcel 12A was modified from its originally shown town home form in order to provided increased density (within the approved density cap of Meadowmont) thus creating an opportunity for a yet again different housing type plus complying with recently enacted Council policy regarding affordable housing. In light of this, 14 of the 72 units in this SUP application will be less than \$130,000, 19.4% of the total application amount.

**A discussion of the proposed design elements.**

The proposed design of **Hilltop** provides for 48 units of approximately 2,350 square feet each (four buildings--three floors each--four units per floor). The units are configured in a stacked flat manner with a substantial amount of under-building parking being provided to the rear in a manner which conveniently conceals this parking from street view and also conforms to the steeply declining grade away from the street. Each unit is accessible by a public elevator allowing for diverse ownership opportunities not included in the MLUP, particularly for seniors or mobility impaired individuals. Further, the controlled entry into each building (and ultimately into each unit) via a secure public lobby allows for greater security of the occupants.

The proposed design of **Greenway** provides for 24 units of 800-1,000 square feet each (one building--two floors--eight units per floor). The units are configured in a stacked flat manner with surface parking adjacent to the building. Each unit is accessible through a common area lobby. Further, the controlled entry into each building (and ultimately into each unit) via a secure public lobby allows for greater security of the occupants. The affordability and relatively low projected purchase prices allow the **Greenway** units to provide for diverse ownership opportunities among particularly first time home buyers, single seniors and buyers with modest incomes, not included in the MLUP.

With regard to the **Hilltop** units, the earlier units shown were large rowhouses. Seventy one (71) of these remain as originally approved along upper Barbee Chapel Road, Oval Park Drive and Circle Park Drive. These rowhouses are quite large, hence more expensive, than the proposed Hilltop Condominiums. By shifting a portion of the rowhouses to this alternate design it is possible to offer another housing option from that which was originally approved in the MLUP. While it might seem strange to speak of affordability in terms of units which might sell in the \$300-400,000 range, the Hilltop Condominiums are projected to initially sell in the high \$300,000's while the rowhouses which remain are all planned to sell for \$500,000 and beyond.

With regard to the **Greenway** units, the earlier units shown on the MLUP were attached townhouses on a small infill site next to the Village Center. These original townhouses were shown to be tight against the street and offered little connection to the adjacent greenway amenity for the occupants. The only vehicle access for off-street parking was via an access road which was on the Village Center property leading to the solid waste facility.

**A summary of areas in which the proposed development exceeds the MLUP.**

1. Proposed design has more green space than MLUP
2. Proposed design has less impervious surfaces than MLUP
3. Proposed design has greater housing diversity than MLUP

4. Proposed design has greater housing affordability opportunity than MLUP.
5. Significant stand of hardwoods trees will be retained undisturbed in northern end of parcel 9 whereas these were shown to be missing in MLUP.

**Required finding.**

*Finding #2: That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 12, 13 and 14 and the applicable specific standards contained in Sections 18.7 and 18.8 and with all other applicable regulations.*

- The proposed design complies with the Chapel Hill Zoning Ordinance with regard to Use Regulations, Article 4; Intensity Regulations, Article 5; Design Standards, Article 6 as well as the approved Master Plan and the approved Meadowmont Design Guidelines.
- The principal use of these buildings will be residential use group R, which is a permitted use in the R5-C zone.
- Compliance with Article 5 is evidenced through information contained on supporting documents to this request.

## PROJECT FACT SHEET

**A. IDENTIFICATION OF DEVELOPMENT**

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Date: 8 Jan 2002

SP

Plans dated: 8 Jan 2002

Tax Map Page \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Name of Project Hilltop CondominiumsType of Request Special Use PermitUse Group (Sec. 12.5): A Zoning District \_\_\_\_\_ R-5C, R-1 Summary \_\_\_\_\_**B. GROSS LAND AREA (Sec. 13.5)**Net Land Area – Area within zoning lot boundaries \_\_\_\_\_ NLA 240,886

Choose one of the following (or a combination) not to exceed 10% of the net land area figure:

Credited Street Area (Sec. 2.51) Total adjacent frontage x ½ width of the right-of-way CSA \_\_\_\_\_

Credited Open Space (Sec. 2.51) Total adjacent frontage x ½ public or dedicated open space COS 0TOTAL GROSS LAND AREA (Sec. 2.51) NLA + (CSA and/or COS) = GLA (not to exceed NLA + 10%) GLA 240,886**C. REQUIRED LAND USE INTENSITY (Sec. 13.11.1, 13.11.2, 13.11.3)***(For multiple zoning districts, please attach a separate sheet with calculations)*

Land Use Intensity Rating	LUI	<u>SEE INDIV.</u>		
Floor Area Ratio	FAR	<u>SEE INDIV.</u>	Maximum Floor Area (FAR x GLA)	MFA <u>42,325</u>
Open Space Ratio	OSR	<u>SEE INDIV.</u>	Minimum Open Space (OSR x GLA)	MOS <u>202,719</u>
Livability Space Ratio	LSR	<u>SEE INDIV.</u>	Minimum Livability Space (LSR x GLA)	MLS <u>154,186</u>
Recreation Space Ratio	RSR	<u>SEE INDIV.</u>	Minimum Recreation Space (RSR x GLA)	RSR <u>8667</u>

**D. PROPOSED LAND USE INTENSITY (Based upon proposed plans)**

Floor Area (Sec. 13.7.3)		Floor area on all floors	FA	<u>85600</u>
Principal Building Area		Floor area at Ground Level	BA(1)	<u>22160</u>
Garage Building Area		Enclosed Car Parking Area	BA(2)	<u>24400</u>
Other Enclosed Building Area		Community Building, Storage, etc.	BA(3)	<u>0</u>
Other Group Level Bldg. Area		Covered Porches, Breezeways, Car Parking (if underneath), etc.	BA(4)	<u>0</u>
Building Area		BA(1) + BA(2) + BA(3) + BA(4) + BA(5)	BA	<u>46560</u>
Basic uncovered Open Space (Sec. 13.7.4)		GLA - BA	UOS(1)	<u>194,326</u>
Other Uncovered Open Space (Sec. 13.7.7)		Improved Roof Area, Open Balconies, etc.	UOS(2)	<u>0</u>
Covered Open Space at Ground Level (Sec. 13.7.4)		Open space under buildings, carports, etc.	COS(1)	<u>00</u>
Covered Outdoor Space above Ground Level (Sec. 13.7.4)		Covered Balconies, etc.	COS(2)	<u>0</u>
Open Space (Sec. 13.7.4)		[ UOS(1) + UOS(2) + ½ COS(1) + COS (2) ]	OS	<u>194,326</u>
Car Movement Area	Driveways, Drive Aisles, Other Pavement for Auto Traffic On-site		CMA	<u>22,515</u>
Car Storage Area	Parking Spaces		CAS	<u>9,046</u>
Livability Space (Sec. 13.7.6)	OS – (CMA + CAS)		LS	<u>164,765</u>
Recreation Space (Sec. 13.7.8)	Livability Space improved for recreation		RS	<u>3000</u>
Use Intensities (Sec. 13.4)				

(PLEASE COMPLETE THE REVERSE SIDE)

**E. OTHER**

Gross Land Area with Impervious Surface 72,825 SF Percent of Gross Land Area with Impervious Surface 30%

If located in Watershed Protection District, existing Impervious Surface 0

Minimum Lot Size (Sec 13.5.2) N/A

Minimum Lot Width (Sec. 13.6) N/A Proposed Lot Width 205

Minimum Street Frontage Width (Sec. 13.6.4) N/A Proposed Street Frontage Width \_\_\_\_\_

Required Buffers (Sec. 14.12) \* See Meadowmont Master Land Use Plan

Required Minimum Setbacks	Street	*	Proposed Minimum Setbacks	Street	*
	Interior	*		Interior	*
	Solar	*		Solar	*

Maximum Height (Sec. 13.9.10 and 13.9.11)	Primary	*	Proposed Maximum Height	Primary	_____
	Secondary	*		Secondary	_____

Number of Dwelling Units 48 Number of Buildings 4

# Efficiency		2 Bedroom Units	
# Single Bedroom Units		# 3 or more Bedrooms	48

Required Number of Parking Spaces (Sec. 14.6.7) 96 Proposed Number of Parking Spaces (Sec. 14.6.5g) 96

# Regular Spaces	96	# Total Spaces	96
# Compact Spaces	0	% of Compact Spaces	0

Required Number of Loading Spaces (Sec. 14.6.9) 0 Proposed Number of Loading Spaces 0

**Utilities**

Water		Sewer		Electric Service		Telephone Service	
OWASA	X	OWASA	X	Underground	X	Underground	X
Individual Wells		Individual Septic Tanks		Above Ground		Above Ground	
Community Wells		Community Pkg. Plant					
Other		Other					

Estimated Wastewater Discharge (Gallons/Day) 6240 Fire Protection Provided By Town of Chapel Hill

Solid Waste Collection Provided By Town of Chapel Hill

Total Area Within Floodway N/A Total Area Within Flood Plain N/A

Total Area Within Resource Conservation District N/A Total Area Within Watershed Protection District N/A

Soil Type(s) \_\_\_\_\_ Generalized Slope of Site 10%

**Adjoining or Connecting Streets**

Street Name	Right-of-Way Width	Pavement Width	# of Lanes	Paved or Unpaved	Existing Sidewalk (Yes/No)	Existing Curb/Gutter (Yes/No)
West Barbee Chapel Road	73'	39'	2	P	Y (future)	Y (future)
Road "B"	55'	22'	2	P	FUTURE	FUTURE



**TOWN OF CHAPEL HILL  
PROJECT FACT SHEET**

**ATTACHMENT**

**A. IDENTIFICATION OF DEVELOPMENT**

134

Date: 8 Jan 2002

Plans dated: 8 Jan 2002

Tax Map Page \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Name of Project Greenway Condominiums

Type of Request Special Use Permit

Use Group (Sec. 12.5): A Zoning District R5-C PD-MU

**B. GROSS LAND AREA (Sec. 13.5)**

Net Land Area – Area within zoning lot boundaries \_\_\_\_\_ NLA 29620

Choose one of the following (or a combination) not to exceed 10% of the net land area figure:

Credited Street Area (Sec. 2.51)	Total adjacent frontage x ½ width of the right-of-way	CSA	_____
Credited Open Space (Sec. 2.51)	Total adjacent frontage x ½ public or dedicated open space	COS	<u>0</u>
<b>TOTAL GROSS LAND AREA (Sec. 2.51)</b>	<b>NLA + (CSA and/or COS) = GLA (not to exceed NLA + 10%)</b>	<b>GLA</b>	<b><u>29620</u></b>

**C. REQUIRED LAND USE INTENSITY (Sec. 13.11.1, 13.11.2, 13.11.3)**

*(For multiple zoning districts, please attach a separate sheet with calculations)*

Land Use Intensity Rating	LUI	<u>46</u>		
Floor Area Ratio	FAR	<u>.303</u>	Maximum Floor Area (FAR x GLA)	MFA <u>8975</u>
Open Space Ratio	OSR	<u>.78</u>	Minimum Open Space (OSR x GLA)	MOS <u>23,221</u>
Livability Space Ratio	LSR	<u>.50</u>	Minimum Livability Space (LSR x GLA)	MLS <u>14,886</u>
Recreation Space Ratio	RSR	<u>.05</u>	Minimum Recreation Space (RSR x GLA)	RSR <u>1489</u>

**D. PROPOSED LAND USE INTENSITY (Based upon proposed plans)**

Floor Area (Sec. 13.7.3)	Floor area on all floors	FA	<u>16,656</u>
Principal Building Area	Floor area at Ground Level	BA(1)	<u>8328</u>
Garage Building Area	Enclosed Car Parking Area	BA(2)	<u>0</u>
Other Enclosed Building Area	Community Building, Storage, etc.	BA(3)	<u>0</u>
Other Group Level Bldg. Area	Covered Porches, Breezeways, Car Parking (if underneath), etc.	BA(4)	<u>0</u>
Building Area	BA(1) + BA(2) + BA(3) + BA(4) + BA(5)	BA	<u>8328</u>
Basic uncovered Open Space (Sec. 13.7.4)	GLA - BA	UOS(1)	<u>21,292</u>
Other Uncovered Open Space (Sec. 13.7.7)	Improved Roof Area, Open Balconies, etc.	UOS(2)	<u>0</u>
Covered Open Space at Ground Level (Sec. 13.7.4)	Open space under buildings, carports, etc.	COS(1)	<u>0</u>
Covered Outdoor Space above Ground Level (Sec. 13.7.4)	Covered Balconies, etc.	COS(2)	<u>0</u>
Open Space (Sec. 13.7.4)	[ UOS(1) + UOS(2) + ½ COS(1) + COS (2) ]	OS	<u>21,292</u>
Car Movement Area	Driveways, Drive Aisles, Other Pavement for Auto Traffic On-site	CMA	<u>6505</u>
Car Storage Area	Parking Spaces	CAS	<u>4342</u>
Livability Space (Sec. 13.7.6)	OS - (CMA + CAS)	LS	<u>10,445</u>
Recreation Space (Sec. 13.7.8)	Livability Space improved for recreation	RS	<u>0</u>
Intensities (Sec. 13.4)			

(PLEASE COMPLETE THE REVERSE SIDE)

**E. OTHER**

(135)

Gross Land Area with Impervious Surface 13,404 SF Percent of Gross Land Area with Impervious Surface 45%

If located in Watershed Protection District, existing Impervious Surface 0

Minimum Lot Size (Sec 13.5.2) N/A

Minimum Lot Width (Sec. 13.6) N/A Proposed Lot Width 256

Minimum Street Frontage Width (Sec. 13.6.4) N/A Proposed Street Frontage Width 256

Required Buffers (Sec. 14.12) \* See Meadowmont Master Land Use Plan

Required Minimum Setbacks	Street	*	Proposed Minimum Setbacks	Street	*
	Interior	*		Interior	*
	Solar	*		Solar	*

Maximum Height (Sec. 13.9.10 and 13.9.11)	Primary	*	Proposed Maximum Height	Primary	
	Secondary	*		Secondary	*

Number of Dwelling Units 16 Number of Buildings 1

# Efficiency		2 Bedroom Units	
# Single Bedroom Units	16	# 3 or more Bedrooms	0

Required Number of Parking Spaces (Sec. 14.6.7) 24 Proposed Number of Parking Spaces (Sec. 14.6.5g) 25

# Regular Spaces	25	# Total Spaces	25
# Compact Spaces	0	% of Compact Spaces	0

Required Number of Loading Spaces (Sec. 14.6.9) 0 Proposed Number of Loading Spaces 0

**Utilities**

Water		Sewer		Electric Service		Telephone Service	
OWASA	X	OWASA	X	Underground	X	Underground	X
Individual Wells		Individual Septic Tanks		Above Ground		Above Ground	
Community Wells		Community Pkg. Plant					
Other		Other					

Estimated Wastewater Discharge (Gallons/Day) 1920 Fire Protection Provided By Town of Chapel Hill

Solid Waste Collection Provided By Town of Chapel Hill

Total Area Within Floodway N/A Total Area Within Flood Plain N/A

Total Area Within Resource Conservation District N/A Total Area Within Watershed Protection District N/A

Soil Type(s) \_\_\_\_\_ Generalized Slope of Site 6.5%

**Adjoining or Connecting Streets**

Street Name	Right-of-Way Width	Pavement Width	# of Lanes	Paved or Unpaved	Existing Sidewalk (Yes/No)	Existing Curb/Gutter (Yes/No)
West Barbee Chapel Road	73'	39'	2	P	Y (future)	Y (future)



Kimley-Horn  
and Associates, Inc.

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July 11, 2001

Mr. Jim Wiley  
East-West Partners  
190 Finley Golf Course Road  
Chapel Hill, NC 27514

■  
P.O. Box 33068  
Raleigh, North Carol  
27636-3068

Re: Traffic Generation Comparison  
Meadowmont

Dear Mr. Wiley:

Kimley-Horn and Associates has completed our review and analysis of the residential traffic generation for the Meadowmont Development. The approved Meadowmont Master Plan included the following residential development and corresponding Average Daily Traffic (ADT) volumes:

Land Use Code	Land Use	ADT
210	343 Single family units	3,212
220	555 Apartment units	3,571
230	163 Townhome units	986
<b>Total Residential</b>		<b>7,769</b>

The approval provided for the above residential mix and ADT volume with an alternate option to provide for either 265 apartments or 350 congregate care facility units on the approximate 50 acres located on the east side of Barbee Chapel Road.

The Meadowmont Development has implemented the congregate care facility unit option, but has only provided for 300 units instead of the 350 units. A Trip Generation for the new residential mix has been prepared based upon the current SUP permits and the known development plans within Meadowmont today. The following summarizes the Trip Generation for this new mix:

Land Use Code	Land Use	ADT
210	349 Single Family Units	3,274
220	258 Apartment Units	1,681
252	300 Congregate Care Facility Units	645
230	*199 Townhome Units	1,168
<b>Total Residential</b>		<b>6,768</b>

\*199 Townhome units consist of:

- 71-Row houses
- 32-Affordable townhomes
- 24-Village Condos
- 48-Hilltop Condos
- 24-Greenway Condos

199 Total Units SUP/Development plans

■  
TEL 919 677 2000  
FAX 919 677 2050



Based upon the current residential mix, the residential ADT is 1,001 trips lower than the approved Master Plan (7,769-6,768 = 1,001).

There is a current proposal to provide an additional 74 townhome units within the Village Center. The following indicates the trip generation for the new residential mix with the 74 unit increase.

Land Use Code	Land Use	ADT
210	349 Single Family Units	3,274
220	258 Apartment Units	1,681
252	300 Congregate Care Facility Units	645
230	*273 Townhome Units	1,529
<b>Total Residential</b>		<b>7,129</b>

\*273 Townhome units consist of:  
-199-Current SUP/development plans  
-74-Additional units in Village Center

Based upon our analyses the additional 74 townhome units within the Village Center would not increase the total ADT traffic generation above the 7,769 approved threshold.

If you have any questions concerning our analyses or findings please do not hesitate to call me at 919-677-2062.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

R. Michael Horn, P.E.  
Sr. Vice President

RMH:slr

CC: George Krichbaum



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December 18, 1997

Mr. Chris Allen, P.E.  
WK Dickson  
5540 Centerview Drive  
Suite 315  
Raleigh, North Carolina 27606

■  
P.O. Box 33068  
Raleigh, North Carol  
27636-3068

Re: Meadowmont Hilltop Condos Special Use Permit  
Traffic Impact Study

Dear Mr. Allen:

Kimley-Horn and Associates, Inc. has completed the Traffic Impact Study (TIS) for a Special Use Permit applied for in association with the Meadowmont development in Chapel Hill, North Carolina.

The approved Meadowmont development is located north and south of NC 54 between Burningtrees Drive and Barbee Chapel Road in Chapel Hill, North Carolina. The development is located on approximately 429 acres, with approximately 399 acres located north of NC 54. The remaining 30 acres is located south of NC 54.

This Special Use Permit is for 48 condominiums. These condominiums are located east of the Hilltop Collector and north of NC 54 (see attached site plan). This portion of the development will have their main access from NC 54 to the Hilltop Collector and secondary access from Meadowmont Lane.

The traffic generation potential of the proposed site was determined using the traffic generation rates published in the *Trip Generation* (Institute of Transportation Engineers, 6th Edition, 1997) and the Master TIS performed for Meadowmont on May 24, 1996. These trip generation rates assume suburban development, little use of transit or bicycles, and limited ride-sharing and are therefore conservative estimates of future traffic volumes. Table 1 summarizes the estimated traffic for the 48 condominiums proposed.

Table 1 ITE Traffic Generation (Vehicles)							
Land Use Code	Land Use	24 Hour		AM Peak		PM Peak	
		In	Out	In	Out	In	Out
230	48 condominiums	175	175	5	24	23	11



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The traffic generated by the 48 condominiums is consistent with the traffic approved in the Master TIS and will not require any additional roadway improvements above the improvements that have been agreed upon by the developer.

We appreciate the opportunity to assist you on this project. If you have any questions or require additional information, please call me at (919) 677-2062.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

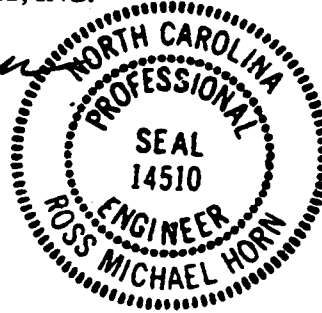
*R. Michael Horn*

R. Michael Horn, P.E.  
Vice President

RMH:cbs

Attachments

H:\PM01155500\HILLTOP.LTR



140

NC HIGHWAY 54

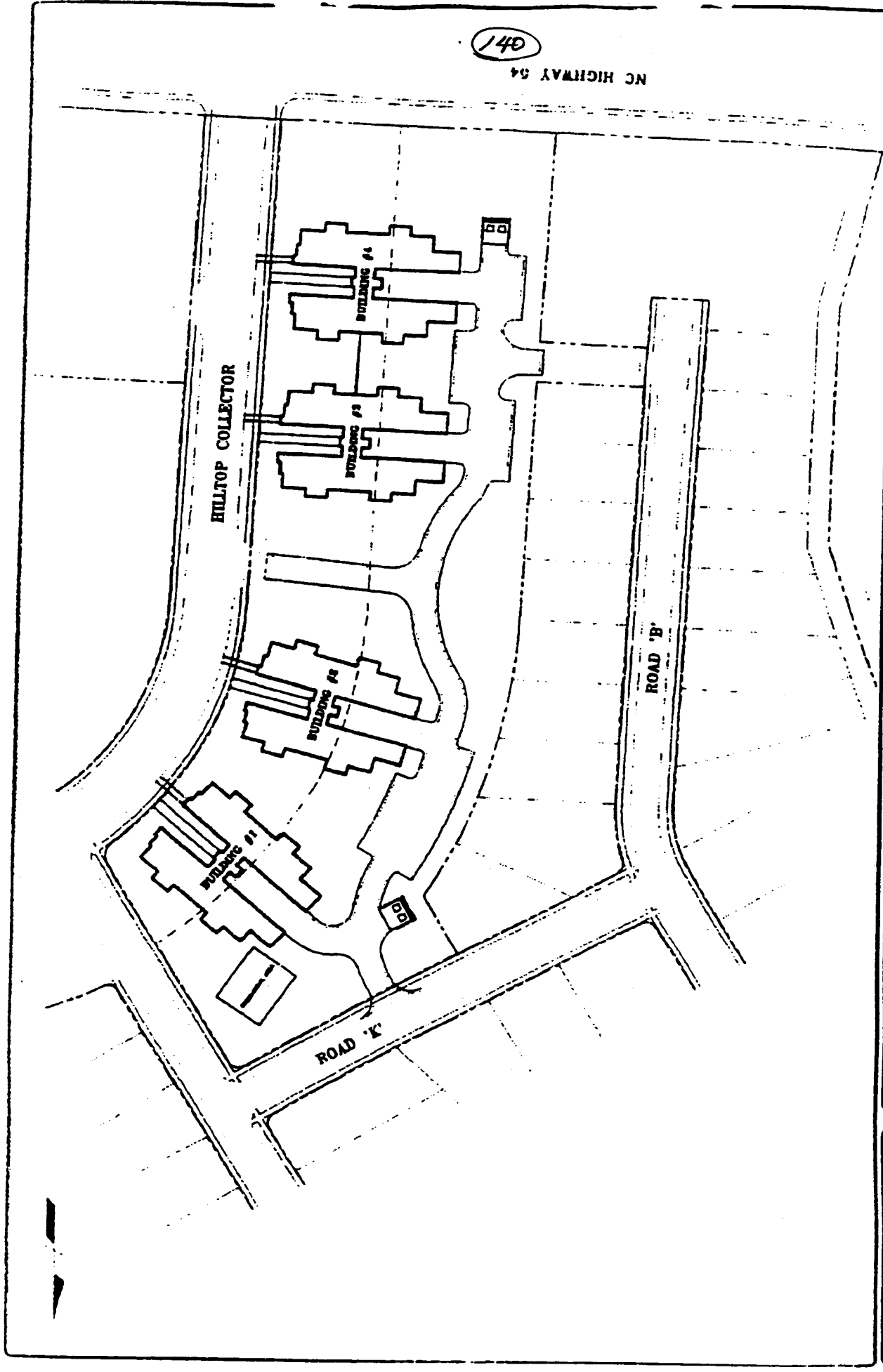
2/5

SITE PLAN

HILLTOP CONDOMINIUMS  
MANAGEMENT INC.  
1234 5th St.  
Charlotte, NC 28202

DATE	10/15/88
SCALE	AS SHOWN
DRAWN BY	W.K. DICKEON
CHECKED BY	
DESIGNED BY	
APPROVED BY	
DATE	10/15/88

NO.	1
DATE	10/15/88
SCALE	AS SHOWN
DRAWN BY	W.K. DICKEON
CHECKED BY	
DESIGNED BY	
APPROVED BY	
DATE	10/15/88



ATION FACILITY  
SF

1995 Meadowmont Master Land U  
Site Plan ATTACHMENT 20

(Hilltop Condominium at Meadowmont)

Tennis Courts

STONE TOWNHOMES

Lake  
minims

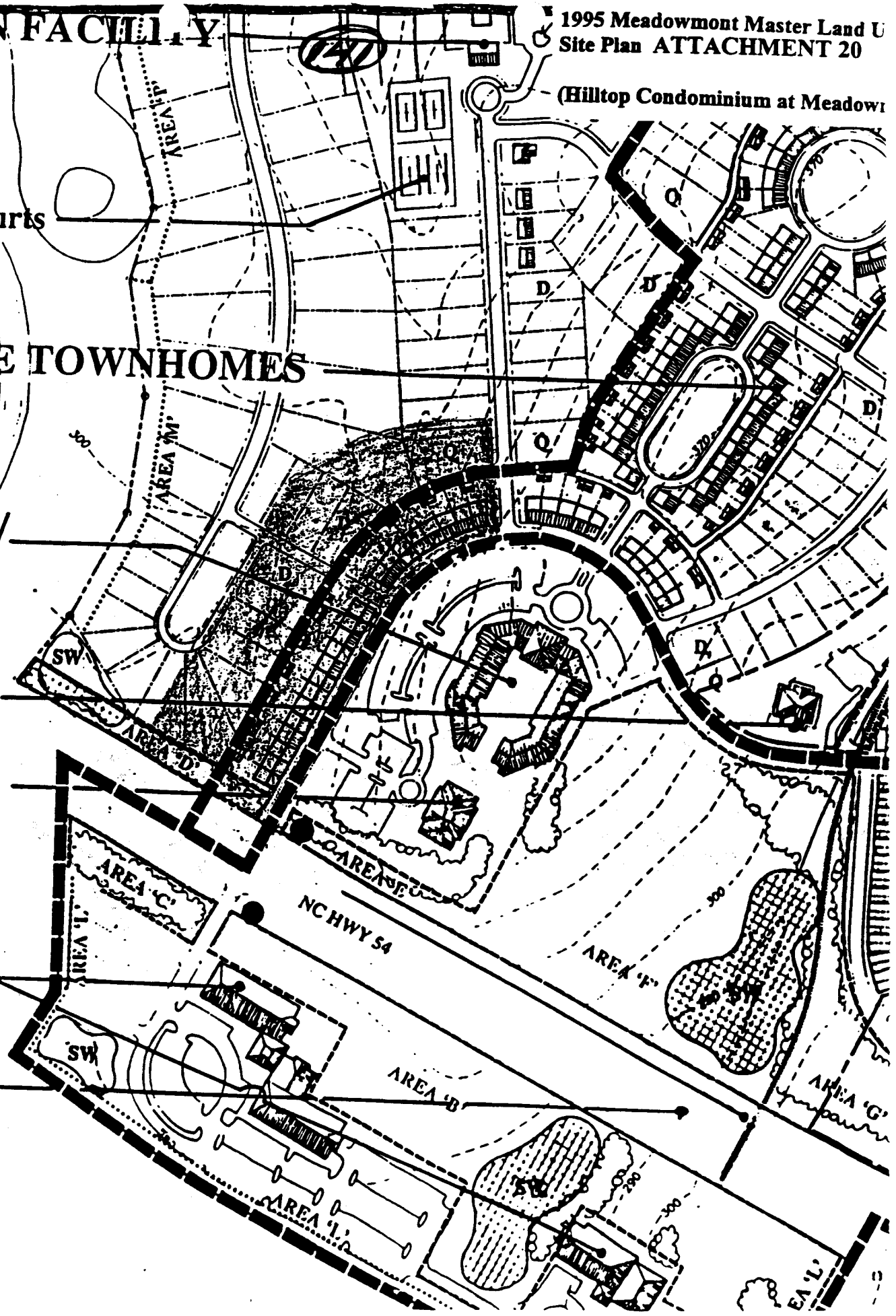
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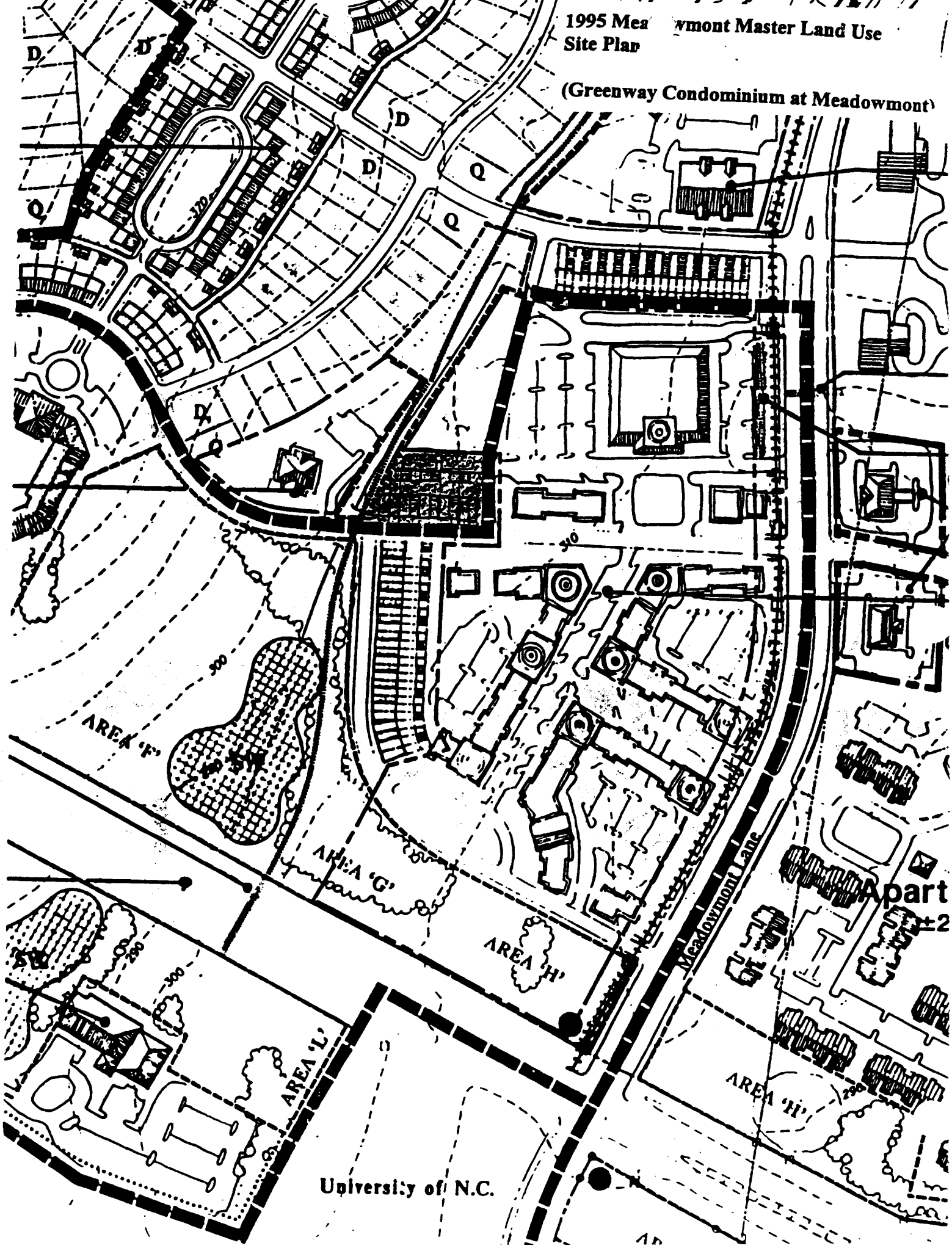
1  
eres





1995 Meadowmont Master Land Use Site Plan

(Greenway Condominium at Meadowmont)

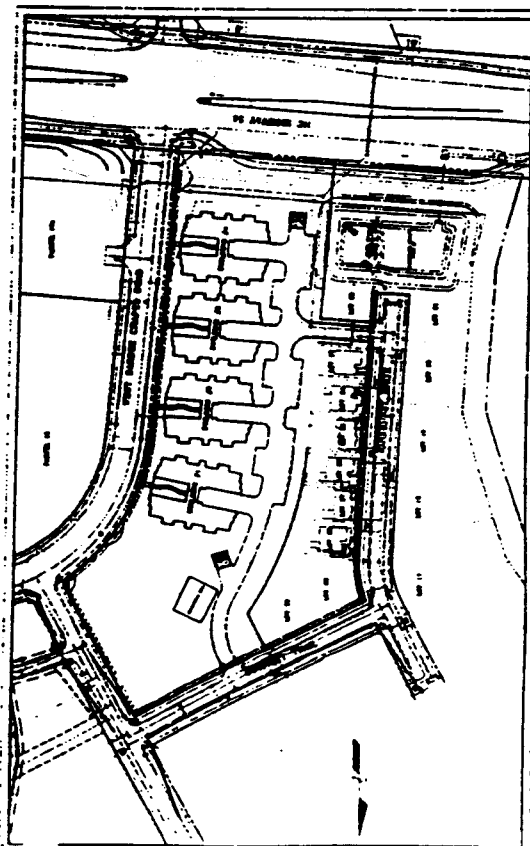


University of N.C.

Apartment 2

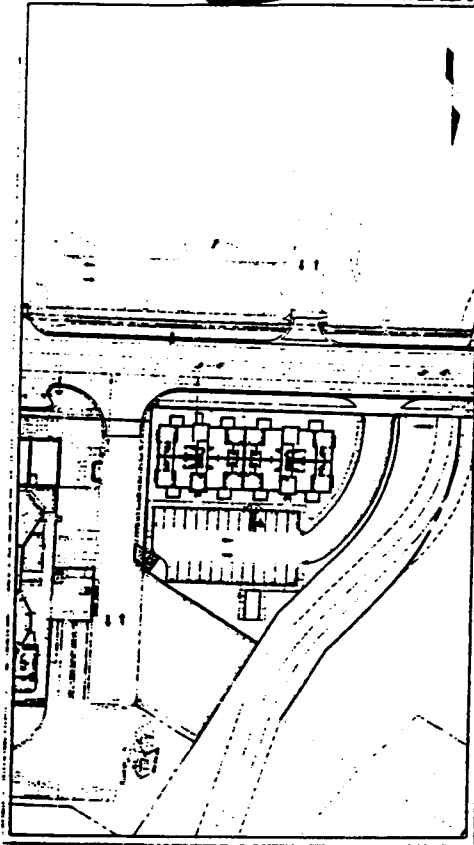
HILLTOP AND GREENWAY CONDOMINIUMS  
 MEADOWMONT DEVELOPMENT  
 SPECIAL USE PERMIT APPLICATION

HILLTOP CONDOMINIUMS



SCALE: 1"=100'

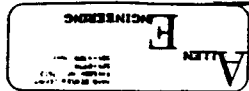
GREENWAY CONDOMINIUMS



SCALE: 1"=50'

INDEX OF SHEETS

COVER SHEET	C1
AREA MAP	C2,C7
SITE ANALYSIS	C3A,C7A
SITE PLAN	C3,C8
LANDSCAPE PROTECTION PLAN	C4,C8
UTILITY SHEET	C5,C8
STEEP SLOPES PLAN	C6,C8
LANDSCAPE PLANS	L10,L10
MEADOWMONT INFRASTRUCTURE S.P.	2A



COVER SHEET  
 Hilltop Condos Meadowmont  
 27 Cambridge Ave. Suite 203  
 Cambridge, MA 02142  
 (617) 552-4888

ATTACHMENT

241



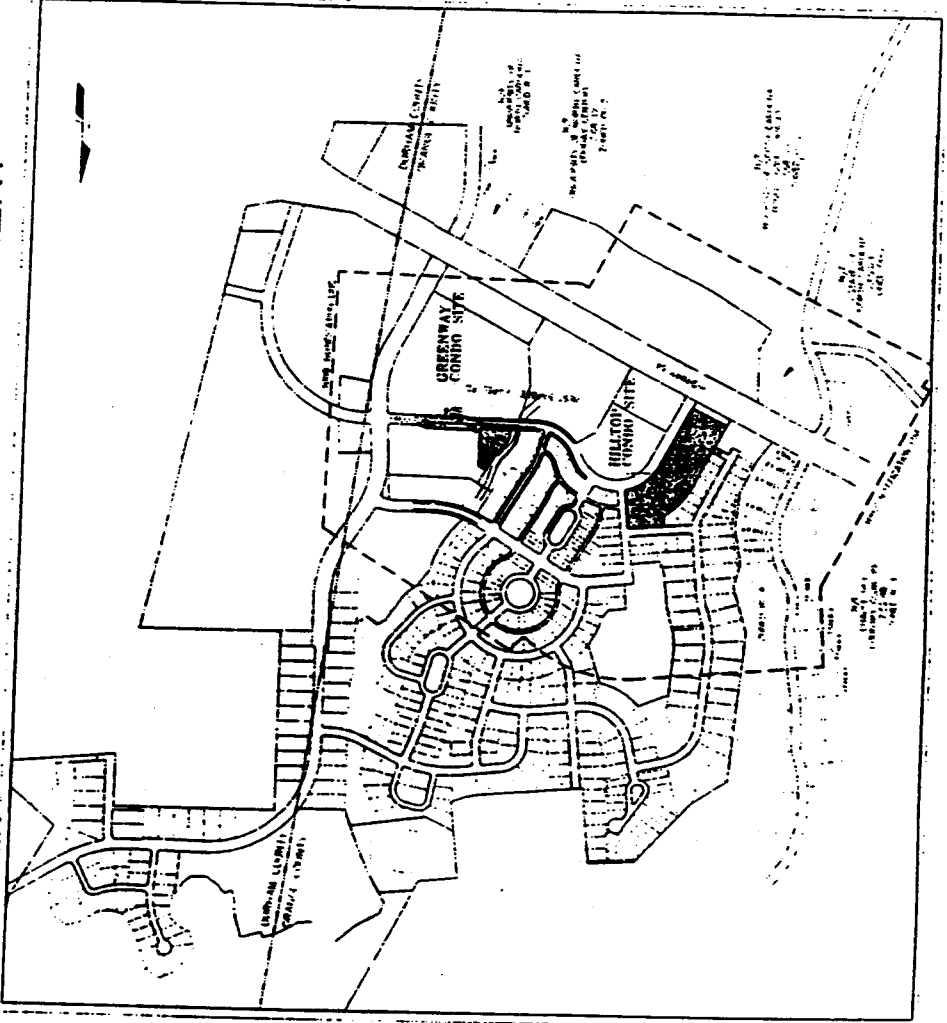
ALLEN  
F  
ENGINEERING

AREA MAP  
TODD CONCOS MEADOWMONT  
210000 210000 210000 210000 210000

DATE: 11/11/03  
SCALE: 1"=400'  
PROJECT: MEADOWMONT DEVELOPMENT

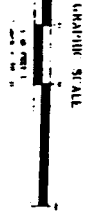
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MEADOWMONT DEVELOPMENT



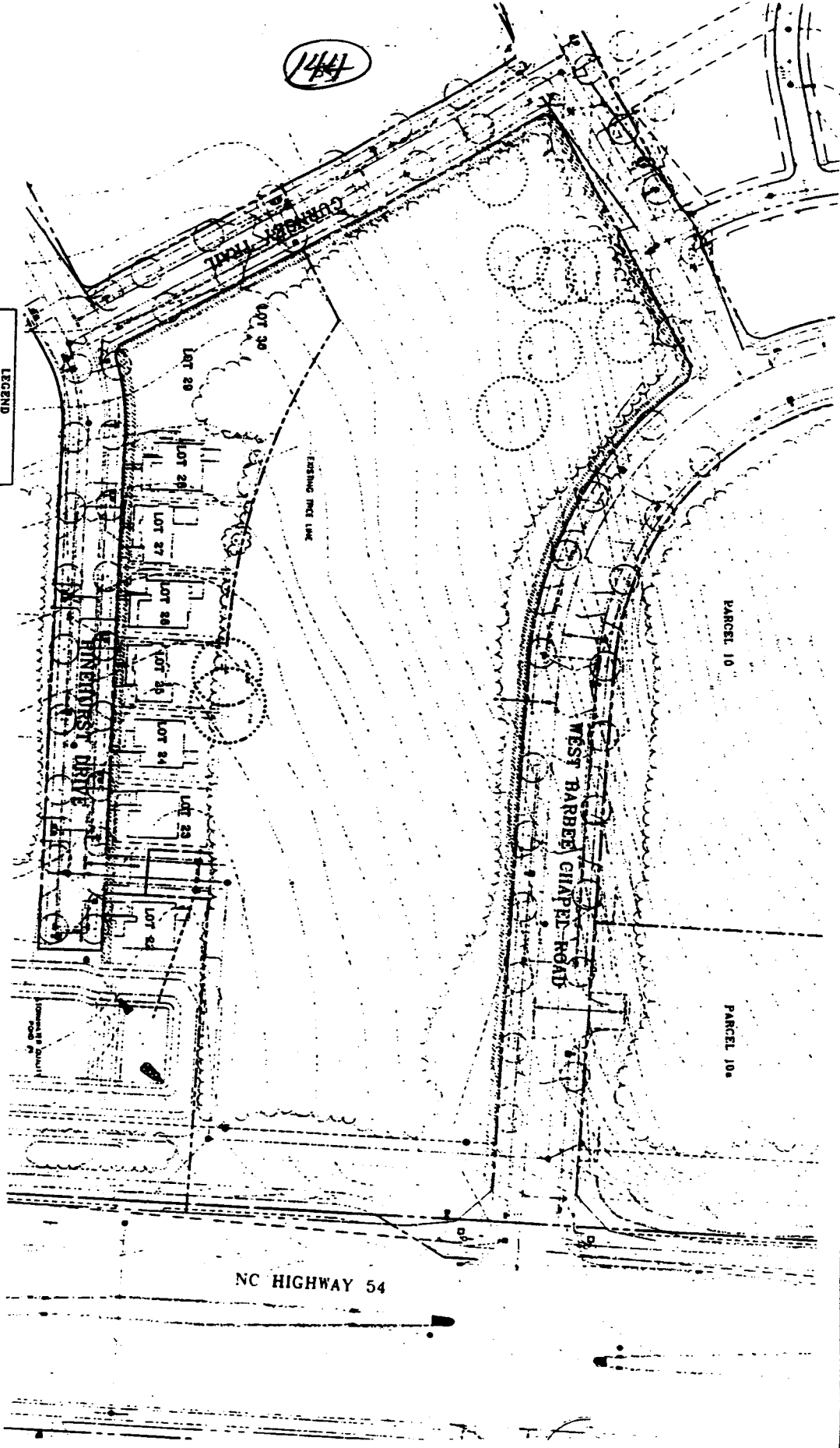
SCALE: 1"=400'

144



GRAPHIC SCALE

LEGEND	
	EXISTING BUILDING FOOTPRINT
	PROPOSED BUILDING FOOTPRINT
	EXISTING PARKING LOT
	PROPOSED PARKING LOT
	EXISTING DRIVEWAY
	PROPOSED DRIVEWAY
	EXISTING UTILITY LINE
	PROPOSED UTILITY LINE
	EXISTING FENCE LINE
	PROPOSED FENCE LINE
	EXISTING SITE BOUNDARY
	PROPOSED SITE BOUNDARY



C2A

DATE: 11/15/11  
 DRAWN BY: J. B. BROWN  
 CHECKED BY: J. B. BROWN  
 PROJECT NO.: 11-115

**SITE ANALYSIS**  
 Hilltop Condos Meadowmont  
 27 Carmel Ave. Suite 225, Raleigh, NC 27603 87-4665

**ALLEN ENGINEERING**

*[Signature]*

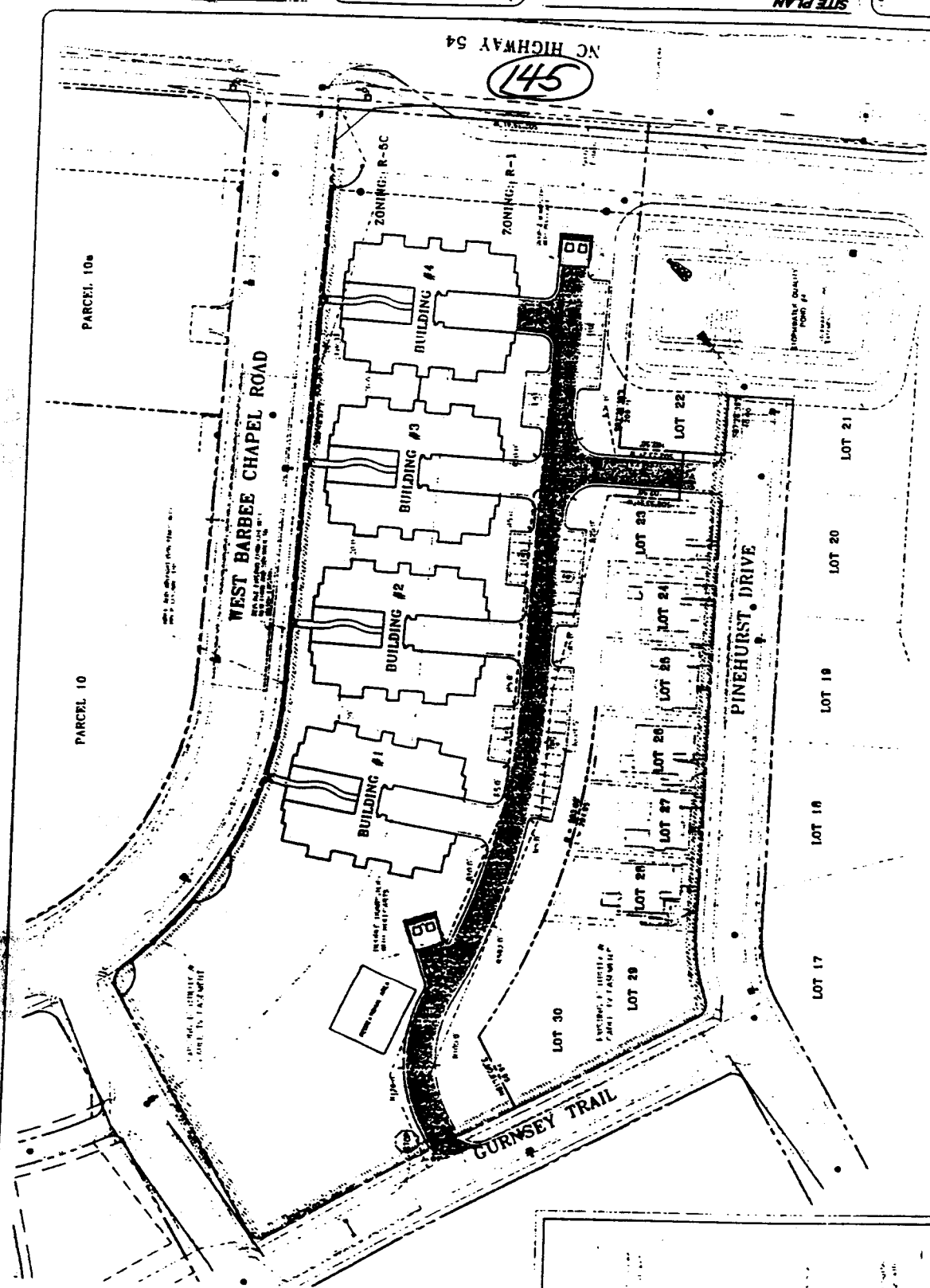
*[Signature]*



**ALLEN ENGINEERING**  
 1000 S. W. 10th St., Suite 203  
 Ft. Lauderdale, FL 33304  
 Phone: (305) 555-1111  
 Fax: (305) 555-1112

**MILITARY CONGRESS MEADOWS**  
 2100 S.W. 10th St., Suite 203  
 Ft. Lauderdale, FL 33304  
 Phone: (305) 555-1111  
 Fax: (305) 555-1112

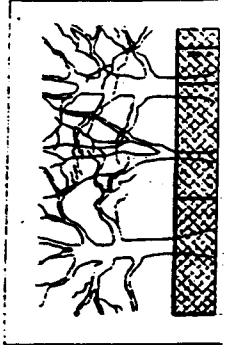
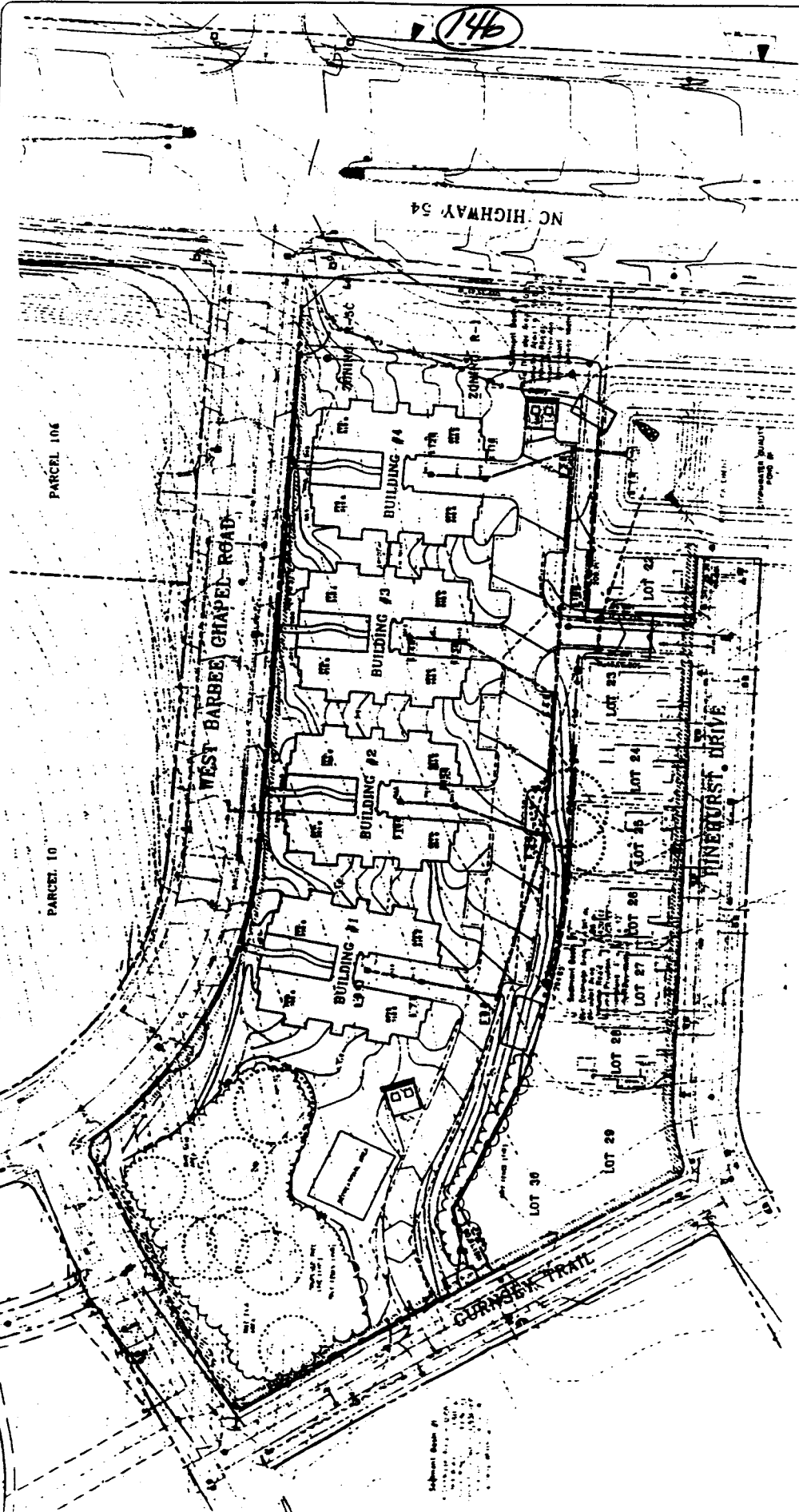
**SITE PLAN**



**NOTES**  
 1. This Plan is to be provided under each building. Space will be provided for the units on the second and third floors. The first floor will have the ability to park below on both individual lots.

CHAIRMAN OF CITY

174 SITE AREA	933 AC
174 UNIT COUNT	48 UNITS
174 UNIT ALLOWANCE	148,000 SQ FT
174 PROPOSED	110,000 SQ FT
174 SPACES REQUIRED	98 SPACES
174 TOTAL SURFACES ALLOCATED	110,000 SQ FT
174 TOTAL SURFACES REQUIRED	110,000 SQ FT



- NOTES**
1. Landscape Protection Supervisor shall be registered with the State of North Carolina and shall be present on the site at all times when the plan is being implemented. The plan shall be implemented in accordance with the plan and any amendments. The plan shall be implemented in accordance with the plan and any amendments.
  2. A pre-construction conference shall be held with the project's Landscape Protection Supervisor and the Town's Urban Forestry Officer before any work begins.
  3. Any tree roots exposed by construction shall be covered directly with a plastic mulch.

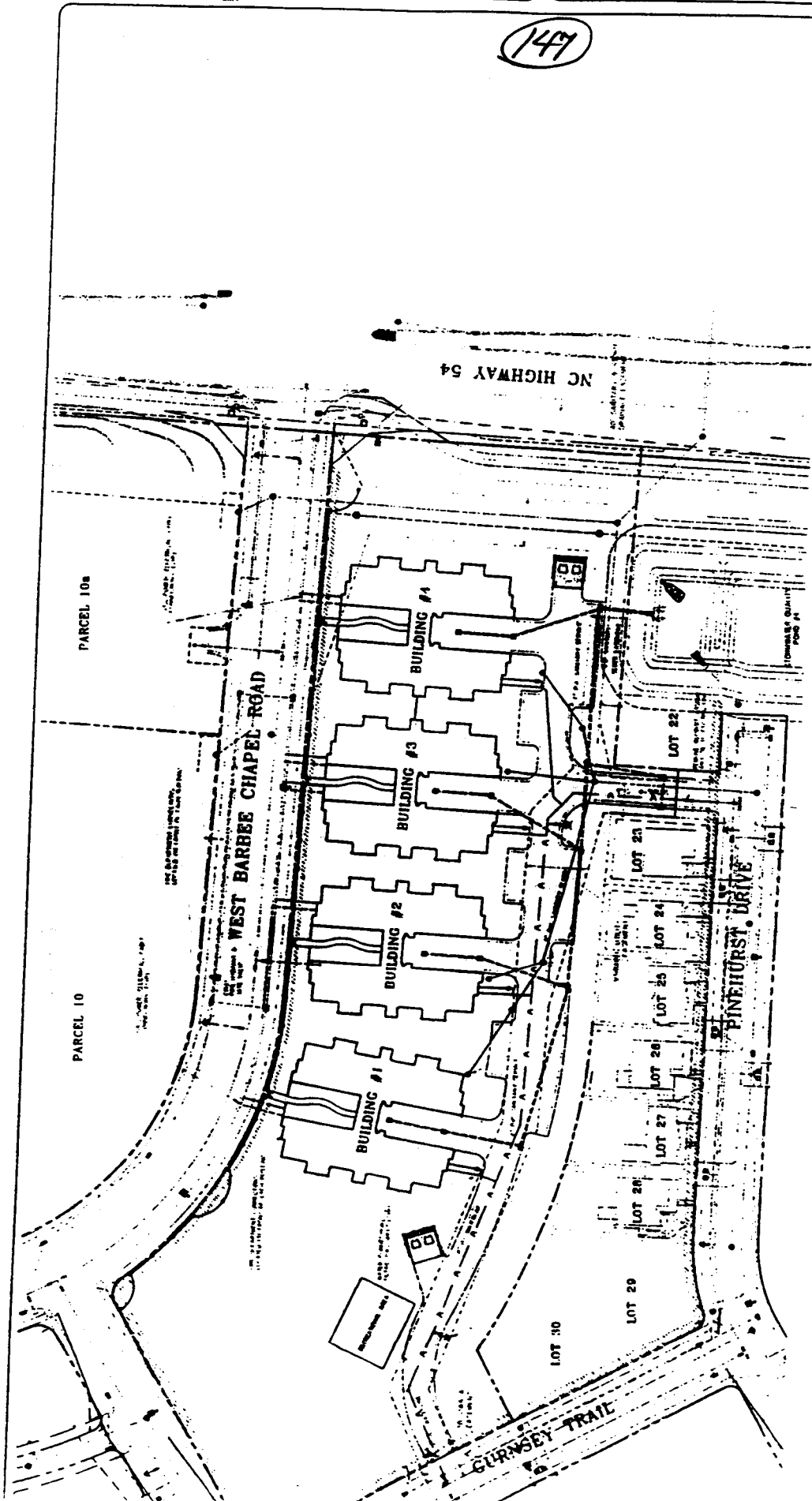


**ALLEN ENGINEERING**  
 27 ORANGE AVE. SUITE 2  
 WILMINGTON, NC 27403 87-1405

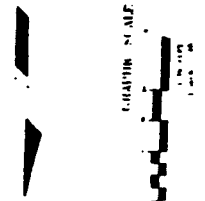
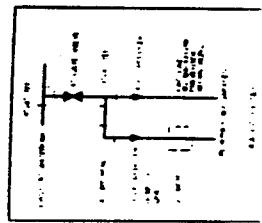
**UTILITY PLAN**  
 HILTOP CONDOS MEDDOWMONT

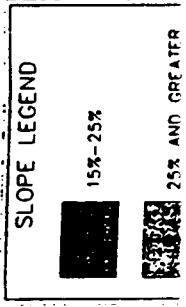
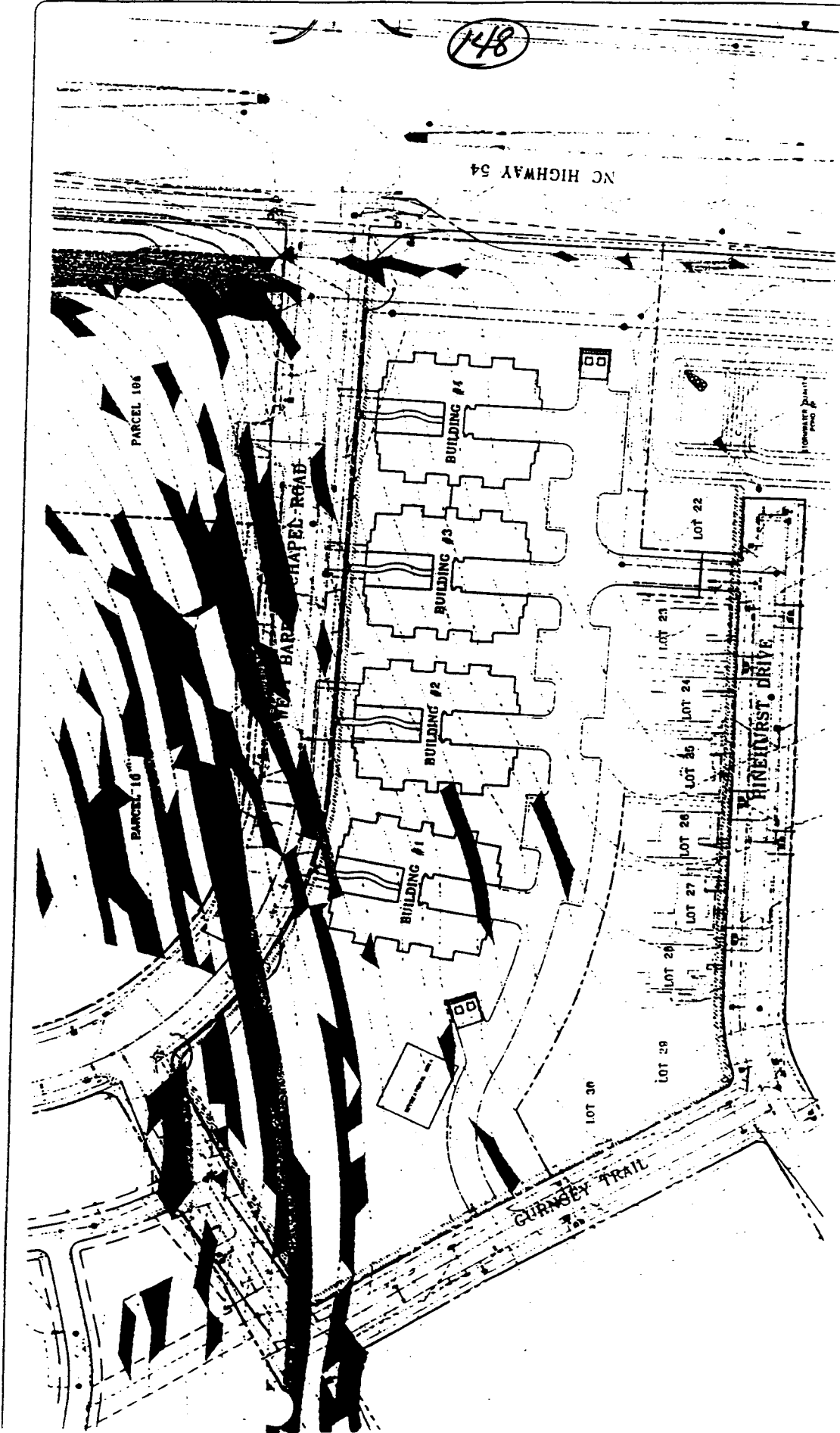
DATE	DESCRIPTION

(157)



THIS PLAN IS A PRELIMINARY UTILITY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. THE UTILITY LOCATIONS SHOWN ON THIS PLAN ARE BASED ON THE INFORMATION PROVIDED BY THE CLIENT AND ARE NOT GUARANTEED. THE UTILITY LOCATIONS SHOWN ON THIS PLAN ARE SUBJECT TO CHANGE WITHOUT NOTICE. THE UTILITY LOCATIONS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR CONSTRUCTION. THE UTILITY LOCATIONS SHOWN ON THIS PLAN ARE NOT TO BE USED FOR CONSTRUCTION.

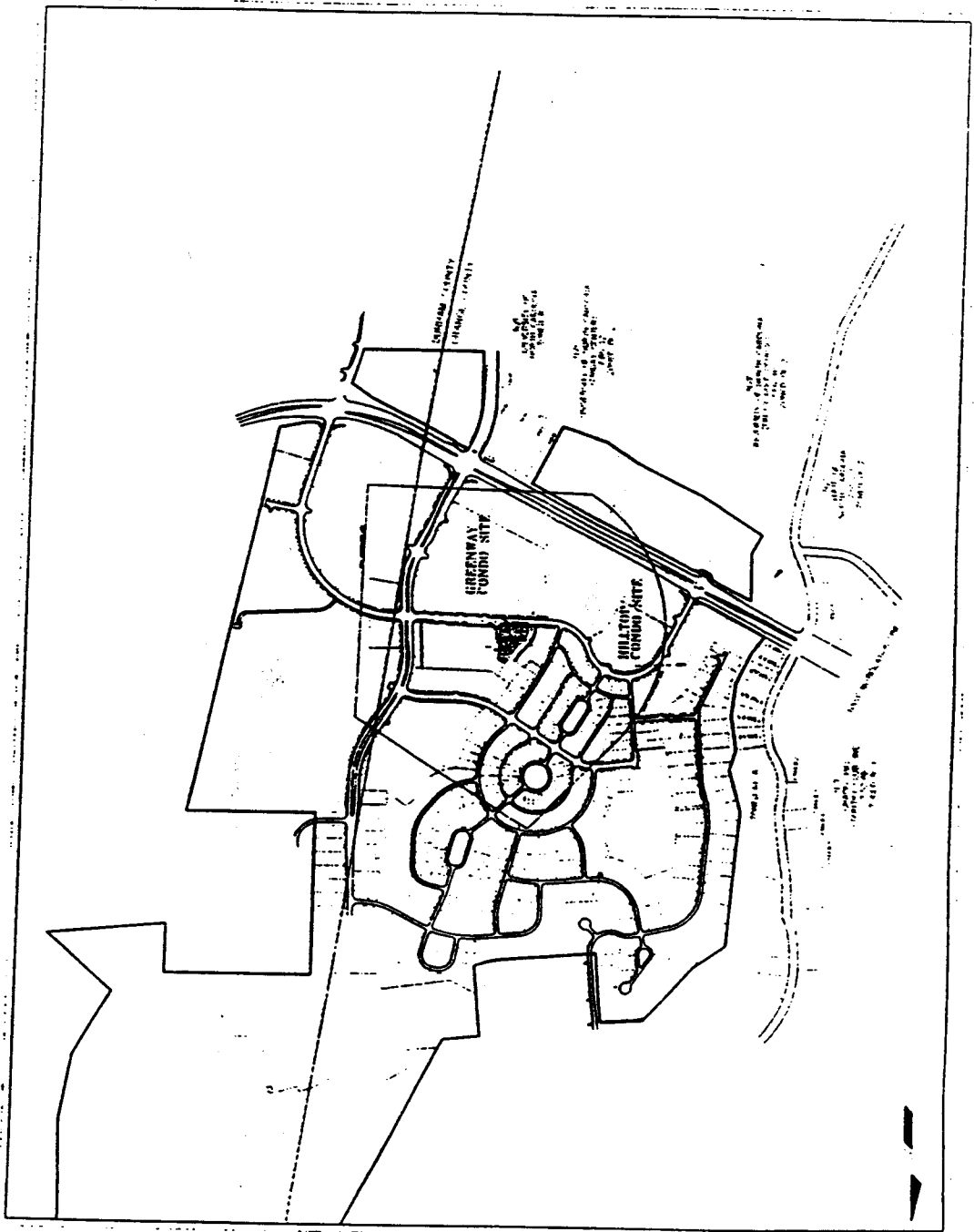




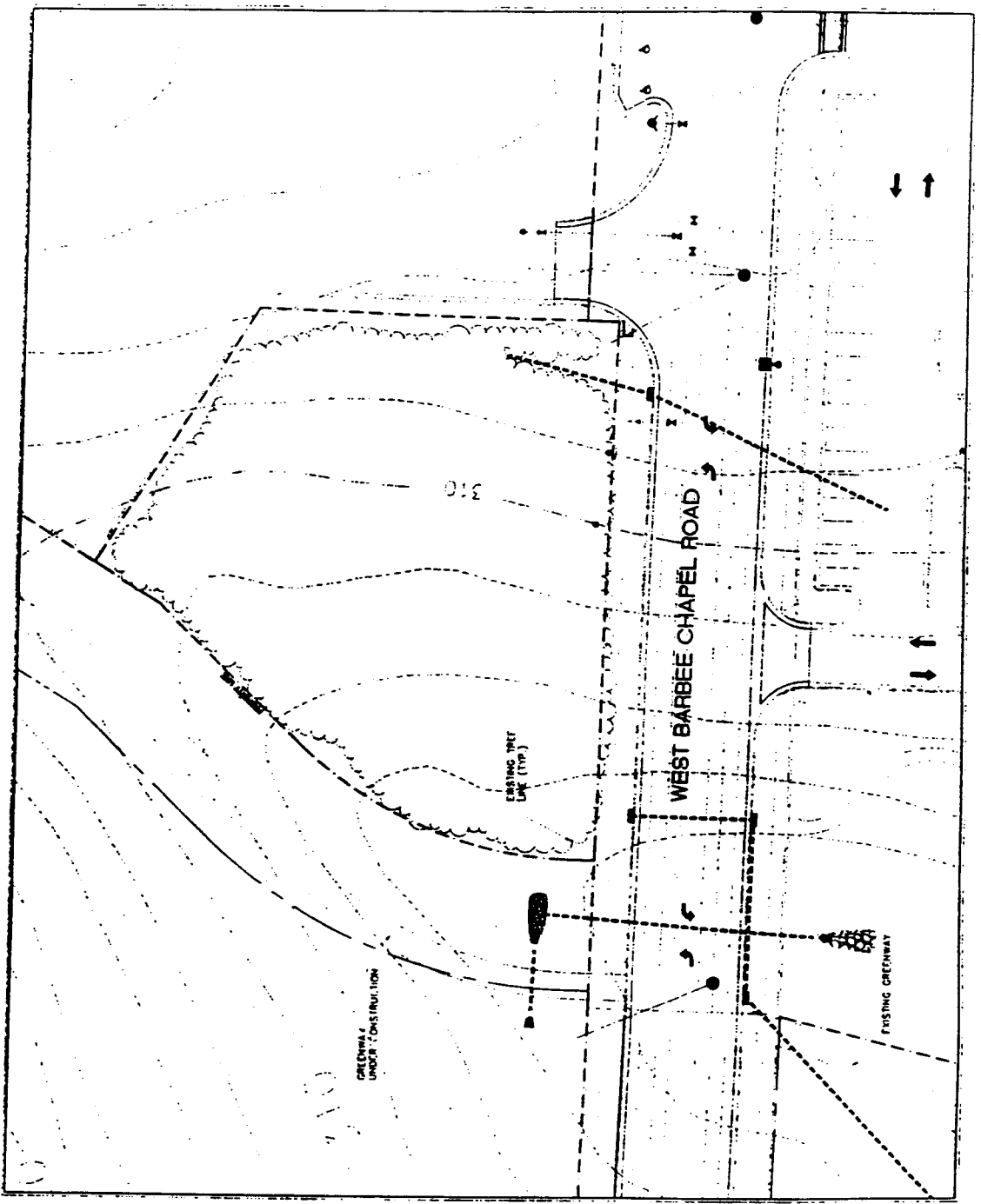
TRAFFIC SLOPE



MEADOWMONT DEVELOPMENT



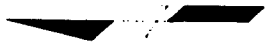
SCALE: 1"=400'



NOTE  
 ALL LONG WALLS HAVE APPROXIMATE JOBS & PINS  
 FOUND THAT ALL EXISTING & PROPOSED LINES FROM PL

**LEGEND**

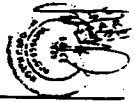
- EXISTING TREE TO BE REMOVED
- EXISTING TREE TO REMAIN
- EXISTING TREE LINE
- PROPOSED TREE LINE
- EXISTING CONTOUR
- EXISTING BOUNDARY LINE



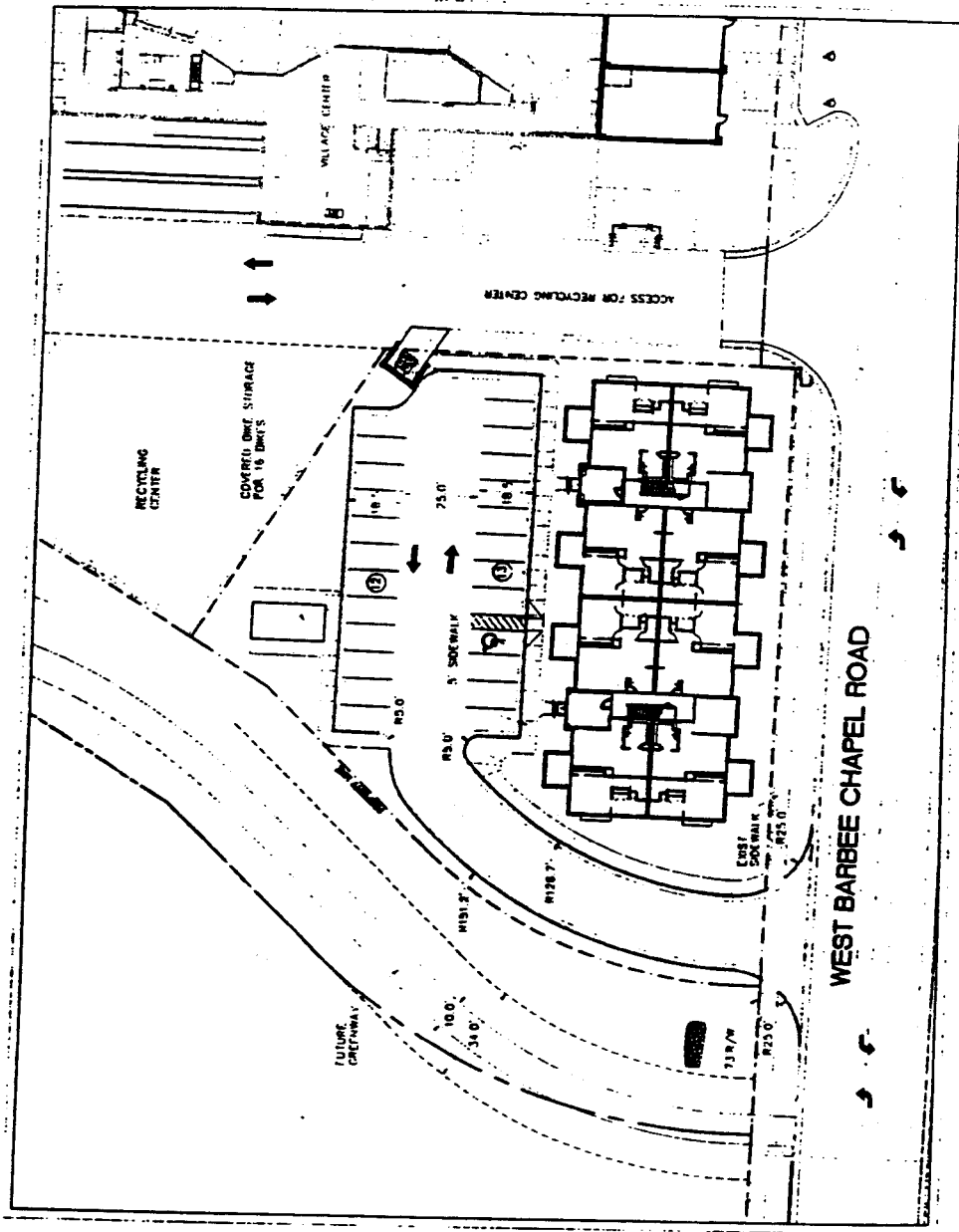
**SITE PLAN**

GREENWAY CONDOS MEDDOWPORT

ALLEN ENGINEERING



(151)



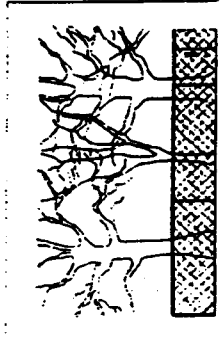
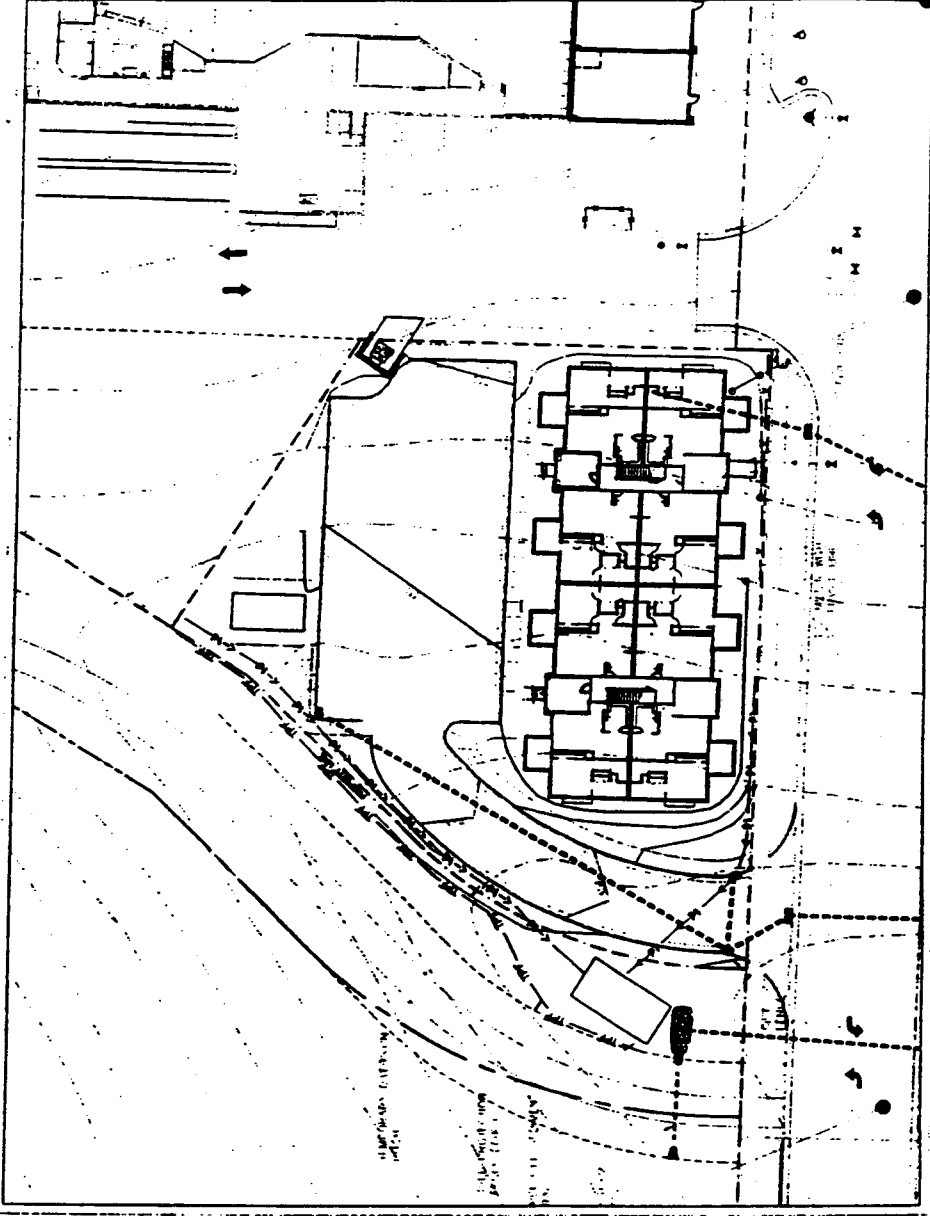
TOTAL SITE AREA	8,800 SQ FT
TOTAL LOT AREA	34,000 SQ FT
PLUMBING AREA ALLOWANCE	21,000 SQ FT
MINIMUM PLUMB AREA	8,800 SQ FT
PLUMB AREA PROVIDED	24,000 SQ FT
PARKING REQUIRED	24 SPACES
PARKING PROVIDED	25 SPACES
UNITS ALLOWED	140 UNITS
UNITS PROVIDED	140 UNITS
UNITS ALLOWED	140 UNITS
UNITS PROVIDED	140 UNITS
UNITS ALLOWED	140 UNITS
UNITS PROVIDED	140 UNITS



Alan F. ENGINEERING  
 10000 15th Street, N.E.  
 Seattle, WA 98158  
 (206) 461-1111

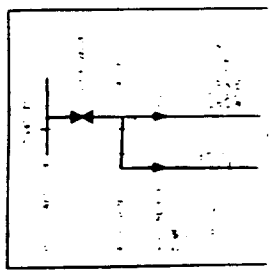
Greenway Condos Redevelopment  
 10000 15th Street, N.E.  
 Seattle, WA 98158  
 (206) 461-1111

LANDSCAPE PROTECTION/UTILITY PLAN  
 152



NOTE:  
 ALL UTILITIES SHOWN ARE APPROXIMATE AND IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES.

**NOTES**  
 1. Landscape Protection Supervisor who is registered with the Team of Cities shall be present on the site at all times when the clearing activities are taking place clearing, grubbing, construction grading, trenching, laying of all, installation and removal of tree protection fencing, and the delivery, temporary and placement of construction materials and equipment.  
 2. A pre-construction conference shall be held with the project's Landscape Protection Supervisor and the Team's Urban Forestry Officer before any work begins on site.  
 3. Any tree roots exposed by construction shall be covered closely with a pruning cut.  
 4. The soil shall be refilled and compacted at existing trees and be shown upon the site plan during the installation of landscape plans.



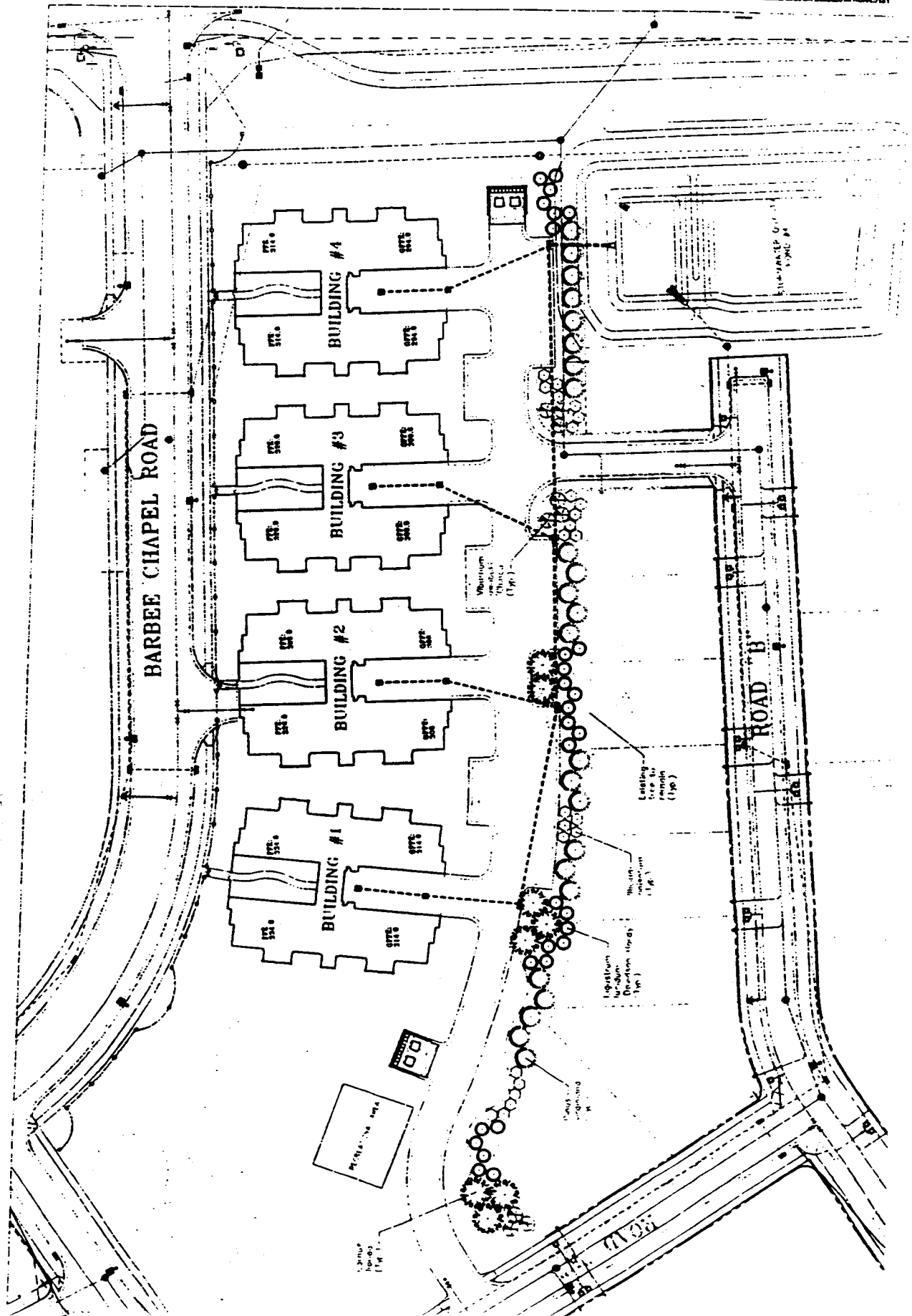
Hilltop Condominiums  
at Meadowmont  
Chapel Hill, North Carolina  
White Oak Prop. 25

153



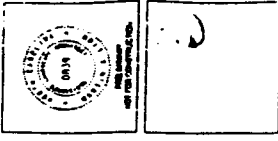
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PLANNING & ARCHITECTS



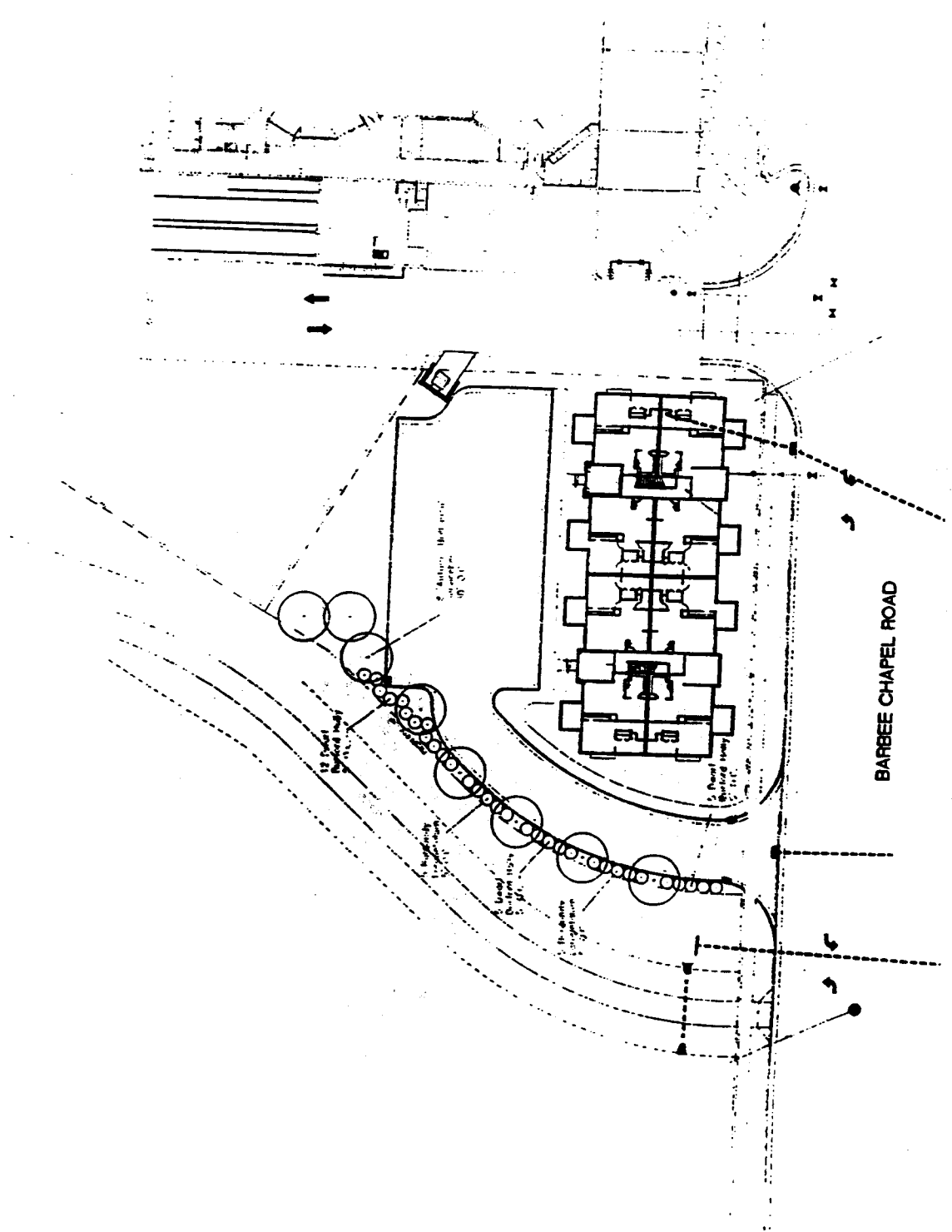
**Greenway Condominiums**  
 at Meadowmont  
 Chapel Hill, North Carolina  
 White Oak Proper

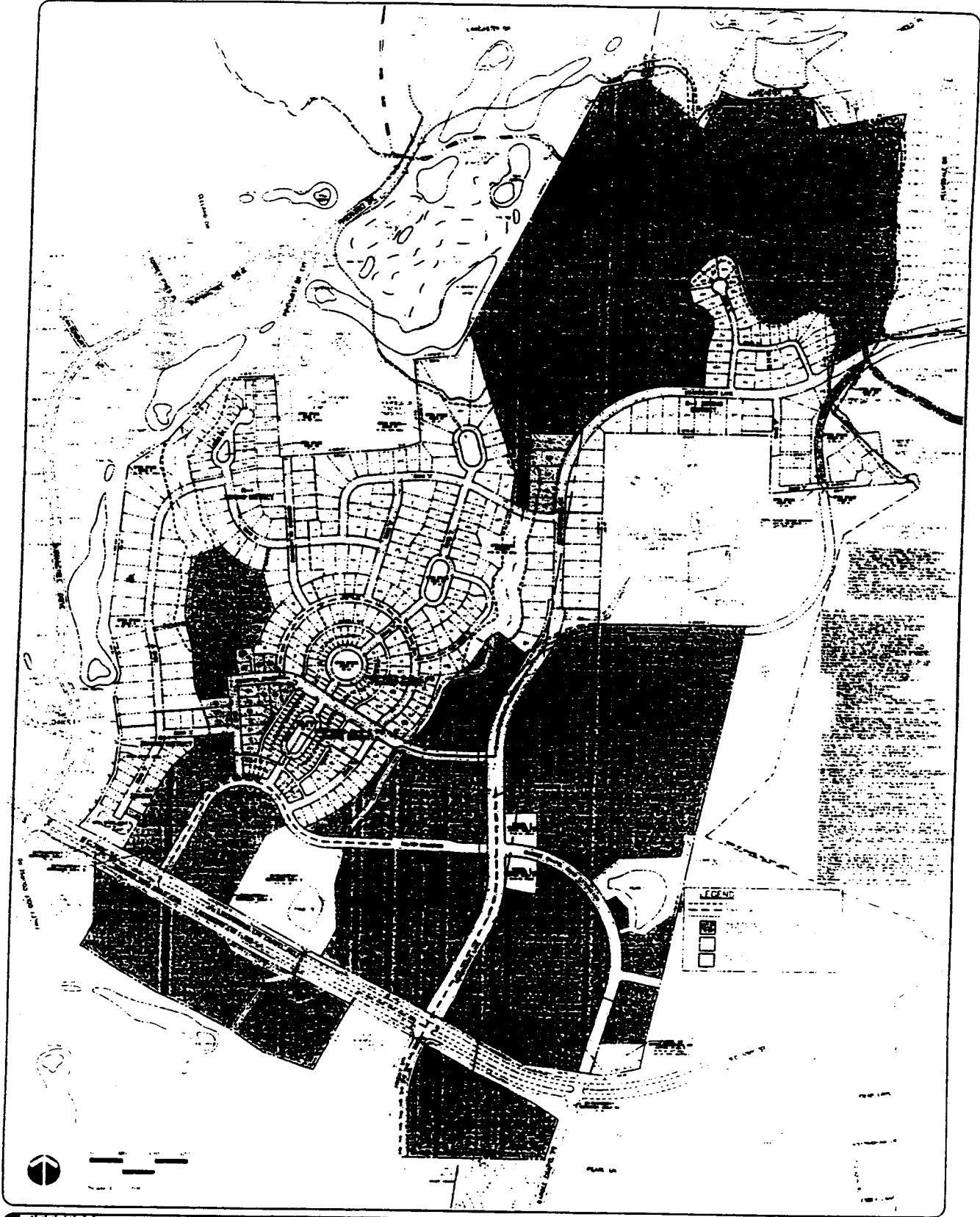
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5	6	7	8
9	10	11	12
13	14	15	16



1	2
3	4

154





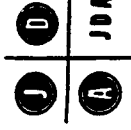
REVISIONS
2A

**MEADOWMONT**  
Site Plan  
2010

**EASTWEST PARTNERS**  
MANAGING PARTNER OF  
THE JOHN P. ADAMS COMPANY, INC.

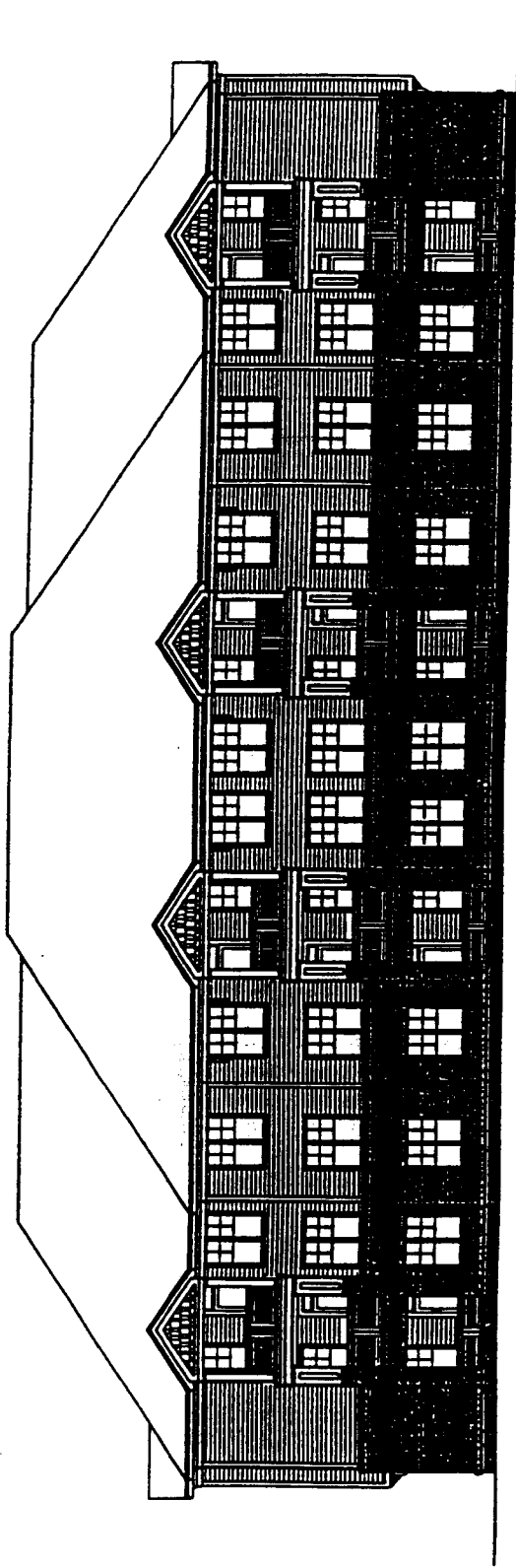
THE JOHN P. ADAMS COMPANY, INC.  
10000 W. 10th Avenue, Suite 100  
Denver, CO 80202  
Tel: 303.755.1000  
Fax: 303.755.1001  
www.adamsco.com

**THE JOHN P. ADAMS COMPANY, INC.**  
10000 W. 10th Avenue, Suite 100  
Denver, CO 80202  
Tel: 303.755.1000  
Fax: 303.755.1001  
www.adamsco.com



J DAVIS ARCHITECTS

156

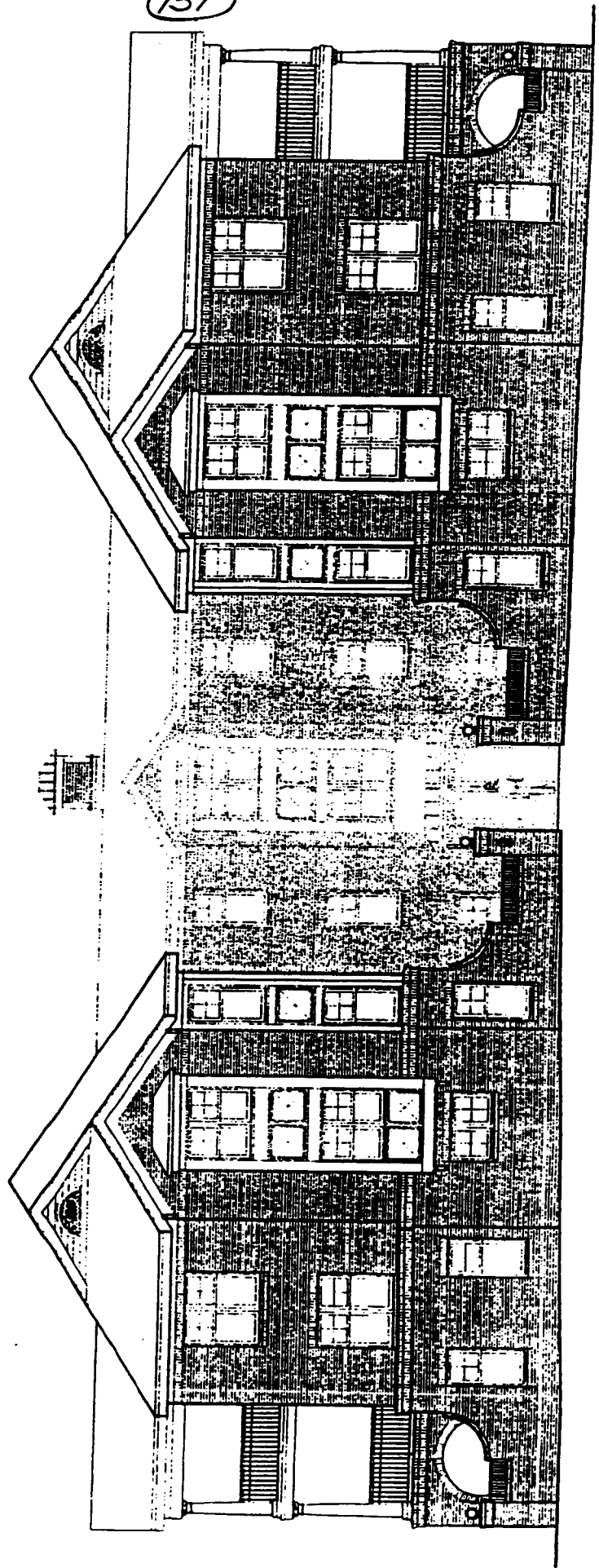


# Greenway Condominiums

White Oak, Pennsylvania



157

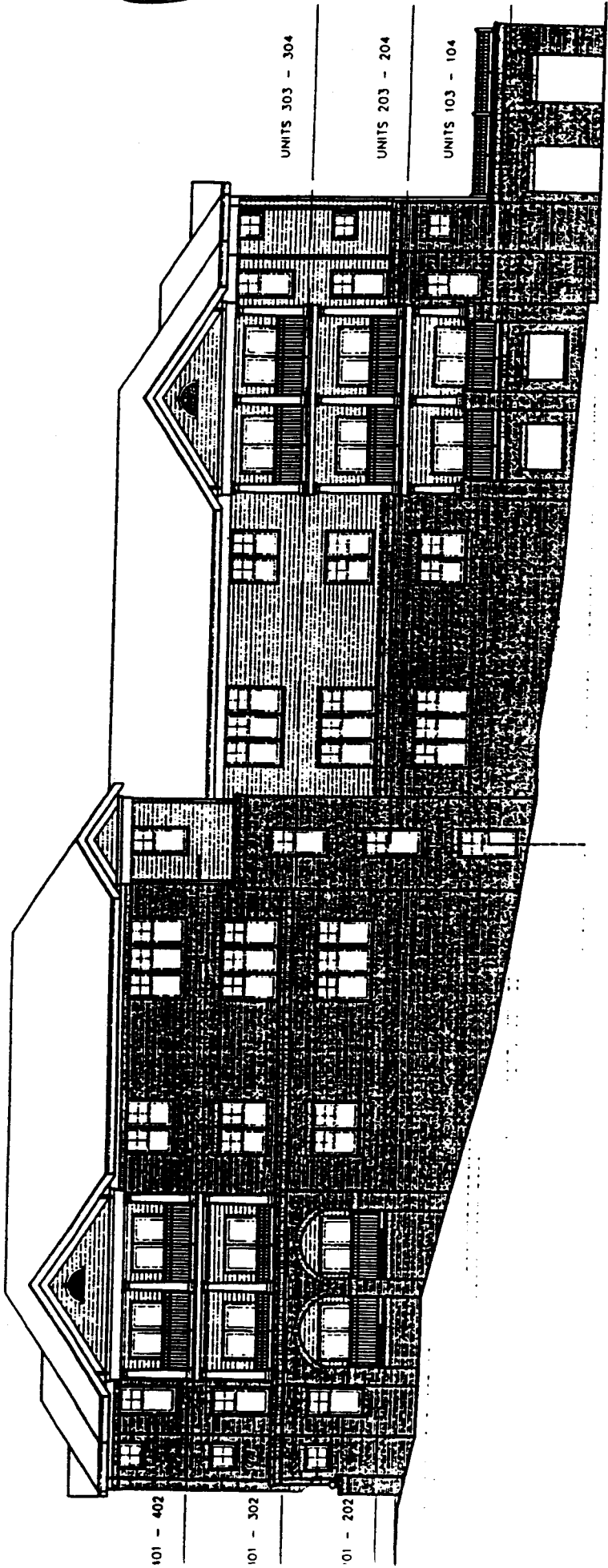


Front Elevation

Hilltop Co. 'ominiums

Scale 1/8" = 1'





101 - 402

101 - 302

101 - 202

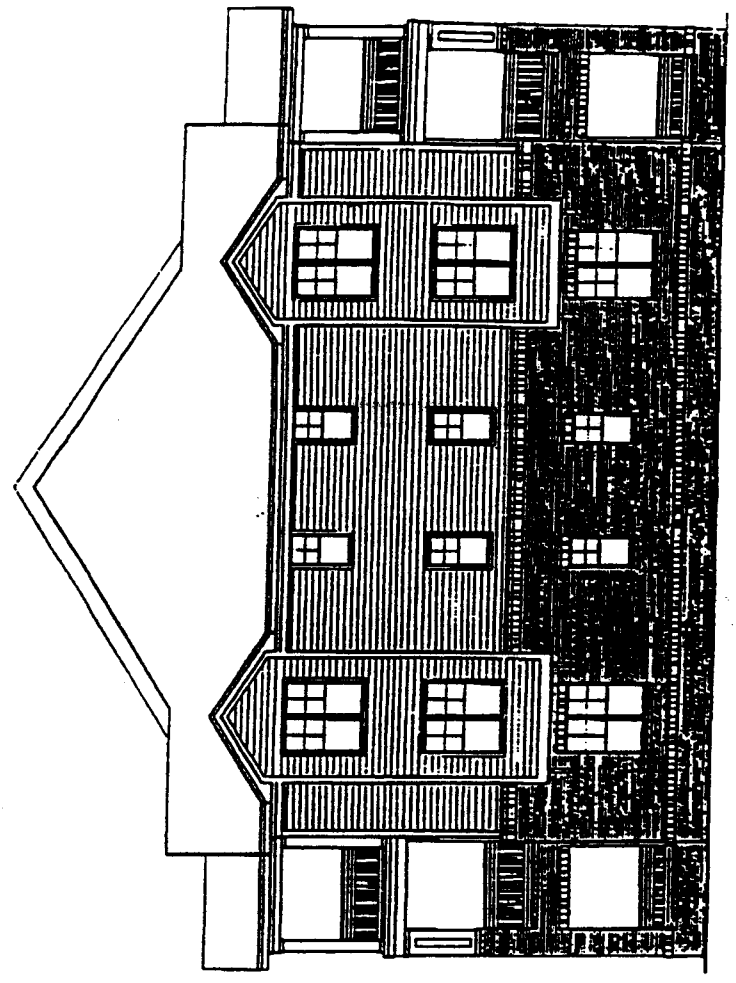
UNITS 303 - 304

UNITS 203 - 204

UNITS 103 - 104

159

FRONT



REAR