

I, Sabrina M. Oliver, Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of Resolution 2005-03-07/R-6a adopted by the Chapel Hill Town Council on March 7, 2005.

This the 14th day of November, 2005.



**Sabrina M. Oliver
Town Clerk**



A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR WILSON ASSEMBLAGE (2005-03-07/R-6a)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council finds that the Special Use Permit application proposed by The Design Response, Inc. on property identified as Chapel Hill Township Tax Map 27A, Block A, Lot 1, and Tax Map 27, Block B, Lots 3A, 5, 6, 7, 8, 9, 10, 11, if developed according to the site plans dated January 18, 2005, and conditions listed below:

1. Would be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Would comply with all required regulations and standards of the Land Use Management Ordinance;
3. Would be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Would conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit for Wilson Assemblage in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. That construction begins by March 7, 2007, and be completed by March 7, 2009.
2. Land Use Intensity: This Special Use Permit authorizes construction of a mixed-use development as specified below:

Land Use Intensity	
Net Land Area	824,154 sq ft
Maximum Floor Area Total	208,511 sq ft
Total # of Buildings	17 (15 Residential/2 Nonresidential)
Maximum # of Dwelling Units	149

Land Use Intensity	
	Max. Office-Type Business Use 31,250 sq ft

Maximum Nonresidential Floor Area (50,000 sq ft)	Max. Gen Business, Convenience Business, Barber Shop/Beauty Salon, Clinic (Medical) 18750 sq ft
Maximum Impervious Surface Area	453,285 sq ft
Minimum # of Parking Spaces	396
Minimum # of Bicycle Spaces	189

- 2a. Car Drive Through: That car drive through windows are prohibited.
3. Preservation of Farm House: That the developer defer, for one year from date of issuance of the Special Use Permit, removal of the farm house on Dobbins Drive and offer the house to a preservation or housing organization for relocation and preservation on another site or to an organization or individual that would relocate, preserve or reuse the house. The proposal to relocate, preserve, or reuse the house shall be reviewed and approved by the Town Manager prior to the issuance of any Certificate of Occupancy. **The same provisions shall apply to the other four existing dwellings on the Wilson Assemblage property (not including the Howell property), with the adjustment that the deferral period for those four dwellings shall be six months rather than one year.**

That an agreement between the applicant and the organization or individual relocating and preserving the structure, shall include a payment from the applicant in the amount of \$8,000 to the organization or individual moving the structure. Verification of transfer of this payment shall be presented to and approved by the Town Manager.

Thirty-days prior to demolition the applicant shall inform the Town Manager of the failure to secure an organization or individual willing to relocate, preserve or reuse the structure.

Stipulations Related to Affordable Housing

4. Dobbins Hills Affordable Housing Component: A Zoning Compliance Permit for Wilson Assemblage shall not be issued until such time that a Zoning Compliance Permit for Dobbins Hill has been issued. Prior to the issuance of a Zoning Compliance Permit for Wilson Assemblage, the applicant shall verify that the North Carolina Housing Finance Agency has approved the applicant's proposal for 32 tax credit affordable units in Dobbins Hill.
- 4a. Future Ownership of Dobbins Hill Units: That the applicant will agree to grant Orange Community Housing and Land Trust the right of first refusal to acquire Dobbins Hill II at the end of the initial tax-credit compliance period of 15 years under the rules outlined for such a transaction in Section 42 of the Internal Revenue Service code.
5. Certificate of Occupancy for 50th Residential Unit: Prior to the issuance of the Certificate of Occupancy for the 50th residential unit in Wilson Assemblage, it will be necessary to obtain a Certificates of Occupancy for all 32 of the new affordable housing units in Dobbins Hill.

Stipulations Related to Transportation Issues

6. Encroachment Permit: Prior to the issuance of a Zoning Compliance Permit, the applicant shall secure and provide an encroachment agreement from the North Carolina Department of Transportation for all work within the public right-of-way.
7. Restricted McGregor Drive Connection: That the final plan and plat include a 12-foot paved emergency vehicle driveway with bollards, also capable of bicycle and pedestrian access, between McGregor Drive and the new public street in the Wilson Assemblage development. That the improvements shall be located within a 50-foot wide dedicated public right-of-way. Prior to the issuance of a Zoning Compliance Permit the applicant shall record a dedication plat for the 50-foot wide right-of-way.
8. Dobbins Drive Improvements: The applicant shall construct a) a Town standard curb and gutter and b) a five-foot wide sidewalk, along the applicant's frontage on Dobbins Road. If deemed appropriate by the Town Manager, the applicant may provide a payment in lieu for all or a portion of the improvements along Dobbins Drive.
9. Dobbins Drive Sidewalk Alternate Location: If the Town Manager determines that construction of the Dobbins Drive sidewalk is not practical due to design conflicts associated with the Superstreet project, an alternate location may be within the proposed 25-foot wide Type D buffer along Dobbins Drive. Prior to the issuance of a Zoning Compliance Permit, the applicant shall obtain Community Design Commission approval for an alternate buffer for any portion of the buffer that includes a sidewalk.
10. Dobbins Drive Sidewalk Public Easement: For that portion of the Dobbins Drive sidewalk located outside the public right-of-way, a public use easement shall be provided over the portion of the sidewalk located outside of the Dobbins Drive public right-of-way, and the Town shall not be responsible for maintenance of this portion of the sidewalk. This easement shall be identified on the final plat and a recorded easement document, approved by the Town Manager, shall be provided prior to issuance of a Zoning Compliance Permit.
11. Dobbins Drive Right-of-Way: That prior to issuance of a Zoning Compliance Permit, right-of-way must be provided for the Dobbins Drive relocation that is proposed as part of the US 15-501 SuperStreet project. If the right-of-way has not been acquired by the North Carolina Department of Transportation, the applicant shall dedicate the right-of-way required for the future relocation of Dobbins Drive.
12. Erwin Road Sidewalk: The applicant shall construct a five foot wide sidewalk along the applicant's frontage, the Erwin Village frontage, and Duke Energy frontage along Erwin Road. If adequate right-of-way is not available along the Erwin Road frontage adjacent to the Duke Energy site, the applicant may provide a payment in lieu for this sidewalk. The amount of the payment-in-lieu shall be approved by the Town Manager and shall be received prior to the issuance of a Zoning Compliance Permit.

13. Erwin Road Right-of-Way: That the applicant dedicate public right-of-way along the site frontage on Erwin Road to ensure that the right-of-way will be a minimum of one foot behind the back of the sidewalk or half of a 60-foot wide right-of-way, whichever is greater.
14. Internal Public Streets: That a public street shall be constructed to provide access through the site from Dobbins Drive to Sage Road. The public street shall be 27-foot wide, measured from back of curb to back of curb, with 30-inch wide curb and gutter within a 45-foot wide right-of-way, built to Town Standard. Prior to issuance of a Zoning Compliance Permit the applicant must submit the final design and construction details for approval by the Town Manager.
15. Internal Public Street Alignment on Sage Road: That the proposed public street within the Wilson Assemblage proposal be aligned with the existing Lowes entrance on Sage Road. The realigned intersection design may incorporate portions of the Lowes driveway and curb line located within the public right-of-way. Prior to the issuance of a Zoning Compliance Permit, final design and construction details for the intersection alignment shall be approval by the Town Manager.
16. On-Street Parking: That the location and configuration of on-street parking spaces, proposed along the internal public street between Building B and Dobbins Hill, be reviewed and approved by the Town Manager.
17. Sage Road Sidewalk: The applicant shall construct a five foot wide sidewalk along the applicant's frontage on Sage Road, including connecting to the existing public sidewalk segments near the existing Howell Building on Sage Road and Walden at Greenfields.
18. Traffic Signal Payment-In-Lieu: Prior to issuance of a Zoning Compliance Permit, a payment-in-lieu shall be provided to the Town of Chapel Hill for a traffic signal, with pedestrian amenities including crosswalks on Sage Road and at the Lowes driveway, for the intersection of the new public street and the existing Lowes' entrance on Sage Road. The amount of the payment-in-lieu shall take into account any existing payments and be based on the percentage of the traffic to be generated by the Wilson Assemblage development in proportion to the existing traffic at the proposed intersection and shall be approved by the Town Manager.
19. Signal Timing Payment: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide a payment to the Town of Chapel Hill of \$9,000 for revised traffic signal timings at eight affected signalized intersections along US 15-501 Corridor.
20. Howell Properties Driveway on Sage Road: Upon completion of the drive aisle connection between the Howell Properties on Sage Road and the internal public street, the existing Howell Office Building Sage Road driveway shall be limited to right-in/right-out movements, as approved by the Town Manager, or shall remain closed until such time that the restricted movement modification is constructed. Prior to the issuance of a Zoning Compliance Permit, the Town Manager shall approve the design and construction details for the right-in/right-out drive at the existing Howell Property drive on Sage Road.

- 21. U.S. Hwy. 15-501 and Certificate of Occupancy: That no Zoning Compliance Permit shall be issued for this development until the North Carolina Department of Transportation has executed construction contracts for the Superstreet improvements at the intersection of U.S. 15-501 and Europa Drive/Erwin Road. No Certificates of Occupancy shall be issued for any part of this development until the Superstreet improvements at the intersection of U.S. 15-501 and Europa Drive/Erwin Road, are completed and open to traffic.

- 22. Traffic Calming Devices: Prior to issuance of a Certificate of Occupancy, the applicant shall install traffic calming devices on the through public street internal to the site that would connect Dobbins Drive and Sage Road. The specific design and location of the traffic calming devices shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

- 23. Building B Driveway Removal: That the proposed two way driveway, shown on the plans closest to the Sage Road intersection shall not be constructed.

- 24. Internal Pedestrian Connections: That the applicant construct pedestrian connections in the following general locations:
 - Between the southwest corner of the Dobbins Hill development and the clubhouse pool area; and
 - Between central east/west court yard quad sidewalk (buildings 8, 9, 10, 11) and the proposed north building in Dobbins Hill.

In order to accommodate changes in topography between this development and Dobbins Hill where deemed appropriate by the Town Manager, the design and construction of the pedestrian paths may include stairs or steps.

- 25. Other Sidewalks: The applicant shall construct the following sidewalks:
 - On both sides of the proposed Dobbins Drive entrance, south of the first speed table; and
 - A five-foot wide sidewalk on both sides of the proposed internal public street, between Sage Road and the existing pedestrian access connection between Dobbins Hill and Walden at Greenfields. This sidewalk shall be located within a publicly dedicated right-of-way;

- 26. Bicycle Parking: That the development shall comply with the Town’s Design Manual for bicycle parking standards as follows:

Total Number of Required Spaces	189
Number of Class I Spaces	163
Number of Class II Spaces	26

- 27. Parking Lot Standards: That all parking lots, drive aisles and parking spaces shall be

constructed to Town standards.

28. **Bus Stop:** That a bus stop shall be installed at a location internal to the development, to be approved by the Town Manager.

Stipulations Related to Landscaping and Architectural Issues

29. **Required Buffers:** That the following landscape buffer be provided; and if any existing vegetation is to be used to satisfy the buffer requirements, the vegetation will be protected by fencing from adjacent construction:

Location	Required Buffer
Dobbins Drive/US 15-501	25' Type D (Alternate buffer for portion with public sidewalk)
East side of Duke Energy Property	10' Type B
North side of Duke Energy Property	20' Type C or alternate buffer if off-site landscape easements unavailable
Erwin Road	30' Type D
Erwin Village	20' Type B
Walden at Greenfields	10' Type B
Sage Rd	30' Type D – adj to parking 20' Type C - adj to Building B Alternate buffer – adjacent to refuse facility
East side of Dobbins Hill Property	20' Type B
South & West side of Dobbins Hill Property	10' Type B

30. **Landscape Protection Plan:** That a detailed Landscape Protection Plan, clearly indicating which rare and specimen trees shall be removed and preserved, as well as all significant tree stands, and including Town standard landscaping protection notes, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
31. **Landscaping Plan:** That a detailed landscape plan including a landscape maintenance plan, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all proposed plantings.
32. **Tree Protection Fencing:** That the limits of land disturbance with tree protection fencing, shall be shown on the Landscape Protection Plan, to be approved by the Town Manager prior

to issuance of a Zoning Compliance Permit.

33. Parking Lot Screening: That all parking areas shall be screened from view in accordance with the provisions of Article 5.6 of the Land Use Management Ordinance. The screening and shading plans shall be approval by the Town Manager.
34. Alternative Landscape Bufferyards: That the details for all alternate landscape bufferyards shall be reviewed and approved by the Community Design Commission prior to the issuance of a Zoning Compliance Permit.
35. Building Elevations: That the Community Design Commission approve building elevations, including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit.
36. Lighting Plan: That the Community Design Commission approve a lighting plan for this project prior to issuance of a Zoning Compliance Permit.

Stipulation Related to Recreation Area

37. Minimum Recreation Requirements: That a minimum of 26,446 square feet of recreation space shall be provided for this development. The applicant may provide a payment-in-lieu for a portion of the required recreation improvement area.

Stipulations Related to Environmental Issues

38. Impervious Surface Limits: That the site shall comply with the impervious surface limits of the Land Use Management Ordinance. Impervious surface area is authorized at 453,285 square feet.
39. Stormwater Management Plan: That prior to the issuance of a Zoning Compliance Permit the applicant shall submit a Stormwater Management Plan for review and approval by the Town Manager. The plan shall include low-impact stormwater management solutions and best management practices, including but not limited to bio-retention, pervious pavements, underground storage, infiltration trenches, vegetative swales and similar techniques.

The plan shall be based on the one-year, two-year, and 25-year frequency, 24-hour duration storms, where the post-development stormwater run-off rate shall not exceed the pre-development rate and the post-development stormwater runoff volume shall not exceed the pre-development volume for the local two-year frequency, 24-hour duration storm event. Engineered stormwater facilities shall also remove 85% total suspended solids and treat the first inch of precipitation utilizing NC Division of Water Quality design standards.

That the final stormwater management plan provide detailed information concerning maintenance access points, maintenance schedules, methods used for maintenance, identification of parties responsible for maintenance, and basin/outlet details. The Maintenance and Operations Plan must provide for a pre-cleaning of the underground

systems prior to issuance of a Certificate of Occupancy and pre-treatment facilities for solids removal. Permanent water quality treatment shall be provided prior to the underground detention of stormwater.

40. Storm Drainageway Easement: That all stormwater detention, treatment, and conveyance facilities shall be located within an easement entitled: "Reserved Storm Drainageway". A storm drainageway shall be reserved from any stormwater management feature that would obstruct or constrict the effective conveyance and control of stormwater from or across the property, for all engineered stormwater structures above and below ground, and for all conveyance systems such as pipes, streams, or ditches if such systems convey, divert, or otherwise manage surface water flowing onto the property/site from off-site areas. The Reserved Storm Drainageway shall be defined on the appropriate final plan sheet(s) and recorded on the final plat. Maintenance access to the Reserved Storm Drainageway must be provided and shown on the plans.
41. Stormwater Operations and Maintenance Plan: That the applicant shall provide a Stormwater Operations and Maintenance Plan for all engineered stormwater facilities. The plan shall include the owner's financial responsibility and include the maintenance schedule of the facilities to ensure that it continues to function as intended and shall be approved by the Town Manager, prior to the issuance of a Zoning Compliance Permit.
42. Stormwater Maintenance and Easement Agreement: Prior to the issuance of a Zoning Compliance Permit, it will be necessary for the applicant to execute a recorded maintenance and easement agreement with the adjoining Dobbins Hill property owner. The agreement must be binding on all current and subsequent property owners and ensure perpetual compliance with the Town's stormwater requirements and maintenance of the facilities. Prior to recordation, this document must be approved by the Town Manager.
43. State or Federal Approvals: That any required State or federal permits or encroachment agreements must be approved by the appropriate agencies and copies of the approved permits be submitted to the Town Manager prior to the issuance of a Zoning Compliance Permit.
44. 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 shall 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.
45. Silt Control: That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

Stipulations Related to Utility and Service Issues

46. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling, and for managing and minimizing construction debris and removal of existing residential debris piles, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

47. Approval of Shared-Container and Joint Access Agreements: That a shared-container and joint refuse vehicle access agreement shall be provided between the owners and heirs of the parcel containing Building B and the adjacent Howell Properties on Sage Road. The agreement shall be approved by the Town Manager and recorded at the Orange County Register of Deeds Office; and copies of the agreement shall be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
48. Heavy Duty Pavement: That all new drive aisles needed to access refuse containers and shall be constructed of heavy duty pavement. The final plans must include a detail of this pavement section. It will also be necessary to include the following note on the final plans: "The Town of Chapel Hill, its assigns or Orange County shall not be responsible for any pavement damage that may result from service vehicles."
49. Overhead Obstruction/Utility Lines: That the final plans included details verifying that no overhead obstruction or utility wires will interfere with service vehicle access or operation.
50. Utility/Lighting Plan Approval: That the final Utility/Lighting Plan be approved by Duke Power Company, Orange Water and Sewer Authority, BellSouth, Public Service Company, Time Warner Cable, and the Town Manager prior to issuance of a Zoning Compliance Permit.
51. Utility Line Placement: That all new utility lines shall be placed underground. The applicant shall indicate proposed off-site utility line routing and upgrades required to service the site on Final Plans, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
52. Fire Flow: That a fire flow report, shall be prepared and sealed by a registered professional engineer, and showing that flows meet the minimum requirements of the Town Design Manual, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
53. Vehicle Access for Fire Fighting: That vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions.
54. Water Supply for Fire Protection: That water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible materials arrive on site.

Stipulations Related to Miscellaneous Issues

55. Schools Adequate Public Facilities Ordinance: That the applicant provide the necessary Certificates of Adequacy of Public Schools prior to issuance of a Zoning Compliance Permit.
56. Taxation: That during any time this property is exempt from ad valorem property taxes, the owner shall make annual payments-in-lieu of property taxes, the amount to be determined

based on a valuation determined by the Orange County Tax Supervisor and the applicable year's established city and county tax rate.

57. 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.
58. Traffic and Pedestrian Control Plan: That a Traffic Management Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction, including detour information and a pedestrian management plan indicating how pedestrian movements will be safely maintained shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
59. Open Burning: That the open burning of trees, limbs, stumps and construction debris association with this development is prohibited unless it is demonstrated to the Town Manager or his designee that no reasonable alternative means are available for removal of the materials from the subject property. The Fire Marshall may establish safety standards, which must be met in order to receive a permit.
60. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Land Use Management Ordinance and the Design Manual.
61. As-Built Plans: That as-built plans in DXF binary format using State plane coordinates, shall be provided for street improvements and all other existing or proposed impervious surfaces prior to issuance of the first Certificate of Occupancy.
62. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are completed; 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 if applicable a note to this effect shall be placed on the final plan and/or plat.
63. Construction Sign: That the applicant shall post a construction sign that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 16 square feet of display area and may not exceed 6 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.

64. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.

65. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for the Special Use Permit application for Wilson Assemblage in accordance with the plans and conditions listed above.

This the 7th day of March, 2005.