

**I, Sandra K. Cook, Acting Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of Resolution 2005-04-25/R-12a adopted by the Chapel Hill Town Council on the 25<sup>th</sup> of April, 2005.**

**This the 14<sup>th</sup> day of November, 2005.**



**Sandra K. Cook  
Acting Town Clerk**



**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION, PLANNED DEVELOPMENT-HOUSING, FOR DOBBINS HILL PHASE II (2005-04-25/R-12a)**

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Chapel Hill that the Town Council finds that the Special Use Permit Modification application proposed by The Design Response, Inc. on property identified as Chapel Hill Township Tax Map 27, Block B, Lot 3 (PIN 9799594073), if developed according to the Dobbins Hill Apartments Phase II Site Plans dated February 24, 2005, including the off-site roadway and stormwater facility improvements stipulated below, and shown on the Wilson Assemblage 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 by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Table 3.8.1 Dimensional Matrix of the Land Use Management Ordinance to allow the Dobbins Hill development to exceed the maximum permitted floor area by 21,248 square feet for a total of 95,500 square feet.
2. Modification of Table 3.8.1 Dimensional Matrix of the Land Use Management Ordinance to allow the Dobbins Hill development to exceed the maximum dwelling unit density by 1.8 units per acre for a maximum density of 11.8 units per acre.
3. Modification of Table 3.8.1 Dimensional Matrix of the Land Use Management Ordinance to allow the northernmost end of the Building A exceed the 34 foot primary height limit by eight feet and that portions of the roof protrude outside the building envelope by up to three feet.

Said public purpose being the applicant's proposal to provide 32 affordable housing units.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit Modification, Planned Development-Housing, for Dobbins Hill Phase II in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. That construction begins by (two years from approval), and be completed by (three years from approval).
2. Land Use Intensity: This Special Use Permit Modification authorizes construction of 32 multi-family residential units as specified below:

<b>Land Use Intensity</b>	
Net Land Area	297,984 sq ft
Maximum Floor Area Total	95,500 sq ft
Total # of Buildings	7 (2 new/5 existing)
Maximum # of Dwelling Units	87
Minimum # of Parking Spaces	150
Minimum # of Bicycle Parking Spaces	48
Minimum Recreation Space	12,574 sq ft

3. Minor Subdivision Approval: That approval of the Minor Subdivision application creating the lots authorized with this approval shall be by the Town Manager. That an entity is designated to be legally responsible for maintenance and control of the common land areas and that all parking area, drive aisles within the Special Use Permit shall be common land area, unless alternate agreements are authorized by the Town Manager.

Stipulations Related to Affordable Housing

4. Dobbins Hills Phase II Affordable Housing: Prior to the issuance of a Zoning Compliance, the developer shall verify that the North Carolina Housing Finance Agency has approved an additional 32 tax credit affordable units in Dobbins Hill.
5. Dobbins Hill Phase II (new 32 units) Continued Affordability: That the owners of Dobbins Hill II agree to provide a right of first refusal to Orange Community Housing and Land Trust per the IRS code Section 42 (i) (7). This Right of first refusal shall be included in the partnership agreement executed by the owners of Dobbins Hill II.

That the Town Manager and Orange Community Land Trust shall review and approve the agreement and terms and conditions of the tax-credit program;

### Stipulations Related to Transportation Issues

6. Public Streets Connection to Sage Road: That unless the developer of Wilson Assemblage completes the construction of this portion of the public roadway beforehand, the developer shall construct a public street, from the northwest corner of the Dobbins Hill site to Sage Road as identified with the Wilson Assemblage approved. That the location and construction of the public street, including sidewalks and all associated infrastructure, shall be constructed as approved on March 7, 2005 by Town Council for the Wilson Assemblage Special Use Permit. Prior to issuance of a Zoning Compliance Permit, the final design and construction details must be submitted for approval by the Town Manager.
7. Right-of-Way Dedication Plat: That the Town Manager approves a right-of-way dedication plat for that portion of the required public roadway located between Sage Road and the east property line of Dobbins Hill. That a certified recorded copy of the right-of-way plat shall be submitted prior to the issuance of a Zoning Compliance Permit.
8. Public Street Alignment on Sage Road: That the proposed public roadway connection to Sage Road 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.
9. Traffic Signal Payment-In-Lieu: That unless the developer of Wilson Assemblage satisfies this condition from the Wilson Assemblage approval, 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. This payment shall be provided prior to the issuance of a Zoning Compliance Permit.
10. Signal Timing Payment: That unless the developer of Wilson Assemblage satisfies this condition from the Wilson Assemblage approval, the developer of Dobbins Hill Phase II 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. This payment shall be made prior to the issuance of a Zoning Compliance Permit.
11. Encroachment Permit: Prior to the issuance of a Zoning Compliance Permit, the developer shall secure and provide an encroachment agreement from the North Carolina Department of Transportation for all necessary work within the public right-of-way associated with this project.
12. Traffic Calming Devices: That unless the developer of Wilson Assemblage satisfies this condition from the Wilson Assemblage approval, prior to issuance of a Certificate of

Occupancy the developer of Dobbins Hill Phase II shall install traffic calming devices on the public street connection to 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.

- 13. Internal Pedestrian Connections: That the developer construct pedestrian connections in the following general locations as shown by the submitted “Neighborhood Pedestrian Circulation Plan (Attachment 9). The final design and location of the pedestrian connections shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
- 14. Striped Pedestrian Crossing: That improvement to the pedestrian circulation plan shall included a striped pedestrian crosswalk at south end of the existing Dobbins Drive entrance.
- 15. Bicycle Parking: That the development shall comply with the Town’s Design Manual for bicycle parking standards as follows:

Total Number of Required Spaces	48
Number of Class I Spaces	32
Number of Class II Spaces	16

- 16. Northwest Parking Lot Design: That the developer shall construct a parking lot as shown by Attachment 8A or 8B. That the final design of the northwest parking lot shall be reviewed and approved by the Town Manager and Duke Power Company.
- 17. Parking Lot Standards: That all parking lots, drive aisles and parking spaces shall be constructed to Town standards.
- 18. Bus Stop Shelter Payment-In-Lieu: That a payment-in-lieu in the amount of \$6,175 shall be provided for a bus stop pad, bench and shelter prior to the issuance of a Zoning Compliance Permit. Payment may be used to improve the existing bus stop on Dobbins Drive or for a future bus stop on the new public street between Sage Road and Dobbins Drive.

That, after five years from the issuance of the last Certificate of Occupancy for Dobbins Hill Phase II, and following a written request by the owners and or developer of Dobbins Hill Phase II, that the bus shelter payment-in-lieu, shall be refunded, if the payment has not been used to improve the existing bus stop on Dobbins Drive or for a bust stop on the new public street between Sage Road and Dobbins Drive.

Stipulations Related to Landscaping and Architectural Issues

- 19. 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
East Property Line	20’ Type C
South Property Line	20’ Type C & 10’ Type B

West Property Line	10' Type B
North Property Line	20' Type C
Dobbins Drive driveway	Alternate Buffers

20. **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.
21. **Landscaping Plan**: That a detailed landscape plan including a landscape maintenance plan, and a landscape plan for the landscape buffer located in the northwest corner of the property shall 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.
22. **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.
23. **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.
24. **Alternative Landscape Buffers**: That the details for any alternate landscape buffers shall be reviewed and approved by the Community Design Commission prior to the issuance of a Zoning Compliance Permit.
25. **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. That the Community Design Commission shall also review and approve any proposed fencing, including the proposed fence around the tot lots.
26. **Lighting Plan**: That the Community Design Commission approve a lighting plan for this project prior to issuance of a Zoning Compliance Permit. The Community Design Commission shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) offsite spillage of light.

Stipulation Related to Recreation Area

27. Minimum Recreation Requirements: That a minimum of 12,574 square feet of recreation space shall be provided for this development. The developer may provide a payment-in-lieu for a portion of the required recreation improvement area.

Stipulations Related to Environmental Issues

28. Off-Site Stormwater Facility: That unless the developer of Wilson Assemblage complete this improvement beforehand, the developer shall construct the off-site stormwater facility pond and underground detention feature, as approved on March 7, 2005 by Town Council for the Wilson Assemblage Special Use Permit. Prior to issuance of a Zoning Compliance Permit, the developer must submit the final design and construction details for approval by the Town Manager.
29. Stormwater Easement Plat: That an easement plat for off-site stormwater construction and maintenance shall be reviewed and approved by the Town Manager. A certified recorded copy of the easement plat must be submitted prior to the issuance of a Zoning Compliance Permit.
30. Stormwater Management Plan: That prior to the issuance of a Zoning Compliance Permit the developer 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, such as 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.

31. 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 an easement dedication plat. Maintenance access to the Reserved Storm Drainageway must be provided and shown on the plans.

32. Stormwater Operations and Maintenance Plan: That the developer 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.
33. Stormwater Maintenance and Easement Agreement: Prior to the issuance of a Zoning Compliance Permit, it will be necessary for the developer to execute a recorded maintenance and easement agreement with the adjoining Wilson Assemblage 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.
34. 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.
35. 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.
36. Silt Control: That the developer 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

37. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling of glass, plastic, aluminum, newspaper and other materials 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.
38. Approval of Cross Access Agreements: That a cross vehicular and pedestrian access easement shall be provided between the owners and heirs of the Wilson Assemblage parcel and this Dobbins Hill property. 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.



39. **Heavy Duty Pavement**: That all new drive aisles, needed to access refuse containers, 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."
40. **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.
41. **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.

That prior to the issuance of a Zoning Compliance Permit the developer provide verification of approval from Duke Power Company for the proposed parking area in the Duke Power Company utility easement behind Building A.

42. **Utility Line Placement**: That all new utility lines shall be placed underground. The developer 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.
43. **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.
44. **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.
45. **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

46. **Schools Adequate Public Facilities Ordinance**: That the developer provides the necessary Certificates of Adequacy of Public Schools prior to issuance of a Zoning Compliance Permit.
47. **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.

48. 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.
49. Open Burning: That the open burning of trees, limbs, stumps and construction debris association with this development is prohibited.
50. 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.
51. 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.
52. 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.

53. Construction Sign: That the developer 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 six feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.
54. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
55. 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 Town Council hereby approves the application for the

**Special Use Permit Modification Planned Development-Housing application for Dobbins Hill Phase II in accordance with the plans and conditions listed above.**

**This the 25<sup>th</sup> day of April, 2005.**