

RESOLUTION FOR THE HILLTOP AND GREENWAY CONDOMINIUMS
ADOPTED BY THE TOWN COUNCIL ON APRIL 22, 2002

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT
FOR THE HILLTOP CONDOMINIUMS AND GREENWAY CONDOMINIUMS AT
MEADOWMONT (2002-04-22/R-13a)

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:

Stipulations Specific to the Developments

1. That construction begin by April 22, 2004 (two years from the date of Council approval) and be completed by April 22, 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	16
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 Mechanism: That the affordable housing component for this proposed development shall be provided in the following manner:
- A) Condominium/Land Trust Model (Option #1): That if a mechanism for a condominium/land trust model can be finalized prior to the issuance of the Zoning Compliance Permit, or September 15, 2002, a minimum of 16 affordable housing units located, in the Greenway Condominium site, shall be placed in the Orange Community Housing Land Trust. That the condominium/land trust model shall be reviewed and approved by the Town Manager.

That in the event that the condominium/land trust model is not finalized prior to issuance of the Zoning Compliance Permit or September 15, 2002, the affordable housing component shall be provided as outlined below:

- B) Deed Restrictions (Option #2): That the Developer shall identify and reserve no fewer than sixteen (16) units at the Meadowmont Greenway Condominium site as affordable housing.

That the deed restrictions ensuring affordable housing shall included the following provisions:

- The plans for marketing, sales and continued affordability of these units shall be reviewed approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
- In order to ensure the future affordability each deed conveying title shall contain restrictions as approved by the Town Manager.
- That the deed restrictions and associated documentation on marketing, sales, continued affordability and program administration shall be reviewed and approved by the Town Manager.

- That for Option #2, all of the affordable units shall be constructed and available for occupancy, prior to issuance of a Certificate of Occupancy for the 25 Hilltop Condominium unit.

That Option #1 and Option #2 must comply with the requirement in the following table.

Requirements for Option #1 and Option #2			
		Requirement common to Option #1 and Option #2	
A	# of Units	16 units - "A, B, and C Units" (all located at the Greenway Condominium site)	
B	# Bedrooms per unit	"A & B Units" -- 10 one-bedroom units "C Units" -- 6 two-bedrooms units	
C	Unit square footage (approximate sq ft)	"A Units" -- 8 units with 800 square feet "B Units" -- 2 units with 880 square feet "C Units" -- 6 units with 1050 square feet	
D	Proposed Size of Household	"A Units" - 1 person "B and C Units" - 2 person	
		Requirement specific to each Option	
		Option #1 (Land Trust)	Option #2 -Alternative (Deed Restrictions)
E	Initial Sales Price	"A Units - \$90,000 "B Units - \$100,000 "C Units" - \$140,000	"A Units" - \$94,000 "B Units" - \$100,000 "C Units" - \$140,000
F	Eligibility Range: % Median Family Income (MFI)*	"A & B Units" 76-100% "C Units" 90-100% (by household size)	"A Units" 80-100% "B Units" 76-100% "C Unit" 90-100% (by household size)
G	Resale formula	Land Lease (25 to 30% of appreciation)	"A &B Units" - Priced to be affordable at 80% MFI "C Units" Priced to be affordable at 100% MFI
H	Regulatory Mechanism	Orange Community Housing and Land Trust	Deed Restrictions (To be reviewed and approved by the Town Manager)
I	Program Administration		Town of Chapel Hill or other entity approved by the Town Manager

* Median Family Income as determined by the most current Raleigh-Durham-Chapel Hill Metropolitan Statistical Area Median Family Income Chart.

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:

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

Stipulation Related to Watershed Protection District

- 0. 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.
- 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.

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 22nd day of April, 2002.

Amended 4-23-02.