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I, Joyce A. Smith, CMC, Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of Resolution 2000-11-14/R-11a, adopted by the Town Council of the Town of Chapel Hill on November 13, 2000.

This the 14<sup>th</sup> day of November, 2000.



Joyce A. Smith, CMC

Town Clerk



**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR CHAPEL RIDGE (2000-11-13/R-11a)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Ponikvar & Associates, Inc. Architects on property identified as Chapel Hill Township Tax Map 24, Lot 38A (PIN # 9789-19-7250) and Chapel Hill Township Tax Map 24, Lot 41G (PIN # 9789-19-8802), if developed according to the site plan prepared on December 8, 1999, and revised on March 31, 2000, and conditions listed below, would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. 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;
3. Be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Development Ordinance and in the Comprehensive Plan.

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

Stipulations Specific to the Development

1. That construction begin by November 13, 2002 and be completed by November 13, 2003.
2. Land Use Intensity: This Special Use Permit authorizes construction of 19 buildings, including 13 apartment buildings, consisting of a total of 220,844 square feet of floor area, specified as follows:

Total # of Buildings:	19
Total # of Apartment Buildings:	13
Total # of Dwelling Units:	180
Maximum # of Bedrooms:	550
Maximum # of Residents:	550
Maximum # of Parking Spaces:	370
Minimum Outdoor Space (s.f.):	957,042
Minimum Livability Space (s.f.):	705,885
Minimum Recreation Area (s.f.):	66,407

3. Open Space: That a 5.3-acre open space buffer shall be provided on the southern portion of this site, between the proposed western extension of Northfield Drive and the Glen

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Heights neighborhood. The plans shall be revised to include the following note for this open space buffer:

“This 5.3 acre open space shall remain natural and undeveloped. Allowable uses include passive recreation and normal maintenance activities (i.e. removal of hazards), subject to the approval of the Town Manager. All effort shall be made to protect and preserve root zones for significant trees, and grading activities associated with the construction of Northfield Drive shall be designed to minimize disruption of root zones for significant trees.”

4. Recombination Plat: That the two lots associated with this development (Chapel Hill Township Tax Map 24, Lots 38A and 41G) be recombined to form one lot, and that the final plat be recorded at the Orange County Register of Deeds office, prior to the issuance of a Zoning Compliance Permit.
5. Specialty Paving: That the development shall be constructed with paver blocks or other specialty pavement intended to reduce impervious surface in the private property parking area, excluding drive aisles. In addition, a note shall be included on the plans indicating that the Town will not be responsible for any damage to the proposed “specialty paving” that may be caused by service vehicles.
6. Bus Stops: That the applicant is not required to construct the proposed on-site bus stop with shelter, bench and pad. Instead, the applicant shall provide a payment-in-lieu for the construction of two bus stops, including shelter, bench and pad. This payment-in-lieu may also be used for improvements to existing bus stops that may serve this site.
7. Airport Road Pedestrian Improvements: That the applicant shall seek approval of (a) some type of median, (b) a center refuge island, or (c) a pedestrian crossing light from the North Carolina Department of Transportation (NCDOT) and the Town Manager, and shall pay for such improvement if approved. If NCDOT does not provide approval by the time the first Certificate of Occupancy is ready to be issued, then the applicant shall post a payment-of-lieu with the Town in an amount approved by the Town Manager to meet the cost of (a), (b), or (c) above, whichever is greater. If NCDOT later approves, installation shall be arranged by the Town using the payment-in-lieu. If NCDOT does not approve one of these alternatives within five years after issuance of the last Certificate of Occupancy, then the applicant shall have no responsibility to pay for the improvements and the payment-in-lieu would be returned to the applicant.
8. Timing Signal System Adjustments: That the applicant (a) conduct a signal timing progression analysis on Airport Road between Homestead Road and Hillsborough Street subject to Town Manager approval, or (b) provide a \$5,000 payment-in-lieu of such study, to determine necessary timing adjustments and other changes that will be needed for the Town’s Traffic Signal System to accommodate the traffic generated by this development.

9. Provision of 24 Affordable Units: That the applicant shall provide 24 one-bedroom, one-bath dwelling units available for rental in accordance with HUD Section 8 “Fair Market Rent,” and that the owner/management company shall accept Section 8 vouchers. These units shall be provided with the following:
- A. That the owner shall construct 24 one-bedroom, one bath rental units situated in 6 buildings located in the Chapel Ridge development. The rental units shall consists of a minimum of 500 square feet of floor area, and shall include a complete kitchen.
  - B. That the 24 rental units shall be permanently affordable and available to “eligible renters,” who shall be defined as households earning less than 80% of the area median income as published periodically by the U.S. Department of Housing and Urban Development for the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area (MSA). The owner shall also agree to accept Section 8 vouchers for these units.
  - C. That the 24 rental units shall be rented to eligible renters at a maximum rent (including utilities) not to exceed the Section 8 Fair Market rents for a one-bedroom apartment as published by the U.S. Department of Housing and Urban Development for the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area (MSA).
  - D. That the owner/management company shall execute deed restrictions that will be recorded with the Orange County Register of Deeds prior to the issuance of a Zoning Compliance Permit, as approved by the Town Manager and Orange Community Housing Corporation, to ensure that the 24 rental units remain affordable to eligible renters, in perpetuity.
  - E. That the owner/management company shall work with local non-profits to help advertise and recruit prospective tenants on an on-going basis. A “good-faith” marketing agreement shall be developed between the owner/management company and local non-profits to ensure that these 24 units are rented to eligible renters.
  - F. That the recorded deed restrictions shall include a provision that if after working with local non-profits, the owner/management company is unable to find eligible renters with incomes below 80% of the area’s median income for any of these 24 rental units, the owner/management company may rent such units to other renters without restrictions for up to 12 months, if written authorization is provided in advance for each such unit rental from Orange Community Housing Corporation and approved by the Town of Chapel Hill.
  - G. That no Certificates of Occupancy shall be issued for units in this development until the 24 affordable units are constructed and available for occupancy.

Stipulations Related to Required Improvements

10. Town Standards: That all streets, parking lots, drive aisles and sidewalks associated with this development shall be constructed to Town standards. Specifically, all public streets

shall be constructed with a 27-foot back-of-curb to back-of-curb two-lane cross-section with curb and gutter, utilizing standard crown with curb and gutter and adequately dimensioned shoulder sections, and including a 5-foot concrete sidewalk on at least one side of the street. In addition, catch basins and underground stormwater pipes (rather than drainage swales) shall be utilized to collect stormwater.

11. Rights-of-Way: That all proposed public rights-of-way shall be adjusted to include all sections of the public street, including any on-street parking, all streetside sidewalks and a minimum of one additional foot beyond all streetside sidewalks for utility purposes.
12. Northfield Drive: That the applicant shall dedicate a minimum of a 50-foot right-of-way and construct Northfield Drive to the western edge of the site. Any necessary off-site construction shall be completed as part of this development to ensure that vehicular traffic may access the site from Airport Road. Access between Northfield Drive and this development shall be limited to emergency access only, until such time as the Town Council approves measures to address the safety of turning movements along Airport Road and permits access for other than emergency purposes. Such changes shall not require a Special Use Permit Modification.
13. Brookstone Drive: That the applicant shall dedicate a minimum of a 50-foot right-of-way and construct Brookstone Drive from the northern edge of the site to its intersection with Northfield Drive. Any necessary off-site construction shall be completed as part of this development to ensure that vehicular traffic may access the site from Homestead Road.
14. Northern Panhandle: That the entire width of the northern panhandle of the property (approximately 60 feet) shall be dedicated as public right-of-way. In this right-of-way, a natural surface trail shall be constructed using hand-tools, to provide pedestrian access from the developed portion of this site to Homestead Road, with the final location being subject to the approval of the Town Manager. Trail signs (not to exceed 4 square feet in display area) shall be placed at both ends of the natural surface trail, identifying the pedestrian path.
15. Elimination of Portion of Exterior Loop Road: That the portion of the exterior loop road from Building 7 around to Building 11 shall not be constructed and shall be removed from the plans.
16. Western Road and Associated Right-of-Way: That a 50-foot corridor from the northern panhandle to the intersection with the new Northfield Drive (along the Orange County Southern Human Services and UNC Horace Williams Tract property lines) shall be dedicated as public right-of-way. A minimum of a 10-foot Type 'B' buffer shall be provided between the western edge of this right-of-way and the neighboring property lines. The applicant shall construct a western road, that shall extend northward from Northfield Drive to the second, northernmost east-west drive aisle through the site. This public western road shall generally terminate at the southeast corner of Building 7.
17. Sidewalks Along Northfield and Brookstone Drives: That sidewalk connections be provided along the new portions of Northfield Drive and Brookstone Drive to connect

with the existing off-site sidewalks in order to provide continuous sidewalk access along at least one side of these streets to Homestead Road and Airport Drive, as appropriate. These improvements shall include any necessary off-site sidewalk construction to ensure that continuous pedestrian access is provide to the respective intersections of Northfield Drive/Airport Road and Brookstone Drive/Homestead Road.

- 18. Parking Spaces: That in accordance with the above-noted elimination of the portion of the exterior loop road from Building 7 around to Building 11, the proposed 35 parallel parking spaces along this road shall be removed form the plan, permitting a maximum of 370 parking spaces on the site.
- 19. On-Street Parking: That the plans shall be revised to remove all proposed 90-degree parking on public streets. Alternatively, the applicant may provide an alternative form of on-street parking (parallel, 45-degree or 60-degree parking) subject to the approval of the Town Manager.
- 20. Bicycle Parking: That secured, covered and illuminated bicycle parking spaces shall be provided according to the following formula: Total spaces = (one for each dwelling unit + 10% of the number of total parking spaces).

Stipulations Related to Landscape Elements

- 21. Landscape Plan Approval: That a detailed Landscape Plan and Landscape Maintenance Plan, which shall not include envasive exotic plants, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 22. Landscape Protection Plan: That a detailed Landscape Protection Plan, clearly indicating which rare and specimen trees will be removed and preserved and including Town standard landscaping protection notes, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 23. Preservation of Existing Vegetation: That the applicant shall maximize the preservation of existing vegetation in landscape bufferyard areas, unless unless grading and replanting are approved by the Town Manager and the Urban Forester.
- 24. Landscape Bufferyards: That the following landscape bufferyards shall be provided, and that if existing vegetation is to be used to satisfy the buffer requirement, the vegetation shall be protected by fencing from adjacent construction:

<u>Location of Bufferyard</u>	<u>Type of Buffer Required</u>
Eastern Border (A Better Wrench)	Minimum of 30' Type 'D' Buffer
Eastern Border (Wilco/Exxon)	Minimum of 20' Type 'C' Buffer
Northern Border	Minimum of 10' Type 'B' Buffer
Western Border	Minimum of 10' Type 'B' Buffer
Southern Border	Minimum of 10' Type 'B' Buffer

25. Catch Basins and Stormwater Pipes: That catch basins and stormwater pipes be utilized as part of street construction, in order to minimize land disturbance in buffer areas. In particular, drainage swales shall not be established in the required landscape bufferyards on this site.
26. Slopes in Buffer Areas: That all newly graded landscape buffer areas shall not exceed a 3:1 slope.
27. Buffer Plantings: That all canopy trees installed in graded buffer areas shall be a minimum of 3" – 3½" caliper when installed. Also, all small trees installed in graded buffer areas shall be a minimum of 8 feet in height.
28. Parking Lot Plantings: That all parking lot shade trees used to demonstrate compliance with the 35% parking lot shading requirement, shall be a minimum of 2" – 2½" in caliper when installed.
29. Planting Strips: That five-foot wide planting strips shall be provided between parking areas and each building.
30. Preservation of 34-inch Oak Tree: That the applicant shall retain and preserve a 34-inch Oak Tree located in the southeast corner of the site. Grading and landscaping protection plans shall be revised to ensure that a minimum of 80% of this tree's critical root zone remains undisturbed.
31. Preservation of 32-inch Hickory Tree and 27-inch White Oak Tree: That the applicant shall retain and preserve the 32-inch Hickory Tree and 27-inch White Oak Tree located in the northwest portion of the site. Grading and landscaping protection plans shall be revised to ensure that a minimum of 80% of these trees' critical root zones remain undisturbed. Retaining walls may be needed in this area to preserve critical root zones, subject to the approval of the Town Manager.
32. Preservation of Southern Open Space: That retaining walls shall be utilized as necessary as part of the 10-foot Type 'B' buffer along the south side of Northfield Drive, in order to minimize disturbance to root zones of existing trees, subject to the approval of the Town Manager.

#### Stipulations Related to Utilities

33. 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.
34. Utility Lines: That all utility lines, other than 3-phase electric power distribution lines, shall be underground.

### Stipulations Related to Fire Protection/Fire Safety

35. Fire Flow: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
36. Sprinkler System: That the buildings shall have a sprinkler system in accordance with Town Code, which shall be approved by the Town Manager.

### Stipulations Related to Refuse and Recycling Collection

37. 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.
38. Relocation of Refuse and Recycling Facilities: That the refuse and recycling facilities proposed for the northwest corner of the site be relocated, in accordance with the previously noted stipulation eliminating the construction of the exterior loop road from Building 7 around to Building 11. Specifically, the plans shall be revised to provide an alternative compactor location and to provide a minimum of 2 smaller alternative recycling facilities located throughout the site, subject to the approval of the Town Manager prior to the issuance of a Zoning Compliance Permit.
39. Private Refuse Collection: That private refuse collection shall be provided for all compactor(s) utilized on this site, and that the applicant provide documentation that a private refuse hauling contractor can service the proposed compactor(s) and has approved the plans, as the plans relate to refuse collection, prior to the issuance of a Zoning Compliance Permit.
40. Alternative Dumpster Pad Locations: That the applicant identify potential alternative locations of possible future dumpster pads designed to Town standards, that would be necessary to service this development in the event that the owner requests public refuse collection service in the future.
41. Heavy-Duty Paving: That all drive aisles that provide access to the compactors, future dumpsters or recycling facilities, be constructed with heavy-duty pavement.

### Stormwater Management Stipulations

42. Stormwater Management Plan: That a Stormwater Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall be designed with a detention basin to control the 2-year storm and the 50-year storm, such that for each of these design-year storms, the post-development 24-hour frequency



stormwater discharge rate of water leaving the site shall not exceed the pre-development discharge rate. The detention basin shall also have an emergency spillway device safely conveying stormwater exceeding the maximum design capacity.

43. Certification of Storage Capacity: That the applicant be required to provide certification of storage capacity of the detention basins by a surveyor or professional engineer to the Town Stormwater Engineer on an annual basis, to ensure the long-term maintenance and functionality of the on-site detention basin.

#### Miscellaneous Stipulations

44. Community Design Commission Approval: That the Community Design Commission shall approve the building elevations and the lighting plan for the site, prior to the issuance of a Zoning Compliance Permit.
45. Bio-Retention: That a minimum of one bio-retention area be incorporated into the site plan, subject to approved by the Town Manager prior to issuance of a Zoning Compliance Permit. Additional bio-retention areas and low-impact design strategies are encouraged on this site, subject to approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
46. 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.

47. Detailed Plans: That the final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydraulic calculations), 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.
48. Erosion Control: That a soil erosion and sedimentation control plan, including provisions for maintenance of facilities and modification of the plan if necessary, be approved by the Orange County Erosion Control Officer, and that a copy of the approval be provided to the Town Manager prior to the issuance of a Zoning Compliance Permit.
49. Open Burning: That no open burning shall be permitted during the construction of this development.

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50. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
51. Construction Sign Required: That the applicant 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 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.
52. Plant Rescue: That the applicant is encouraged to conduct a "plant rescue" for this site, after the issuance of a Zoning Compliance Permit and prior to the start of construction.
53. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
54. 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 application for a Special Use Permit for Chapel Ridge.

This, the 13<sup>th</sup> day of November, 2000.