



FORM DISTRICT PERMIT MINOR MODIFICATION

This certifies that the project described below has been reviewed by the Town Staff and approved to be in compliance with the Land Use Management Ordinance, based on information and plans provided by the applicant. A Form District Permit, inclusive of the following conditions, is issued pursuant to the provisions of the ordinance.

Name of Applicant: Blake Schroeder of Leon Capital Group, Inc.
Name of Property Owner(s): LG Crown Volvo, LLC
Location: 1736 Fordham Boulevard, 1721 Legion Road;
Orange County Parcel Identifier Numbers 9799-36-6631,
9799-36-7662, and 9799-46-1235
Project Number: 16-126

Description of Permitted Work:

Construction of the development known as "Hillstone Chapel Hill", including two apartment buildings containing 328 total dwelling units, 453 parking spaces and associated new street, site, recreation space, outdoor amenity space, stormwater, bike and pedestrian, and streetscape improvements, in accordance with exhibits enumerated below:

- Exhibit 1: Plans last revised October 02, 2017 and approved October 06, 2017. Electronic copy attached.
- Exhibit 2: Certificate of Appropriateness issued by the Community Design Commission on April 25, 2017.
- Exhibit 3: Senior Leadership Team Recommendations of Approval
- **Exhibit 4: Minor Modification Plans**
- **Exhibit 5: Minor Modification Senior Leadership Team Recommendations of Approval**

Construction Deadline: That construction begin by October 06, 2018 (1 year from the date of approval of this Form District Permit), and be completed by October 06, 2019 (2 years from the date of approval of this Form District Permit)

Land Use Intensity: This Form District Permit authorizes the following:

Permitted Floor Area	400,411 square feet of residential
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Vehicular Parking Spaces	Minimum: 353 spaces required Maximum: 461 spaces allowed 453 parking spaces proposed
Minimum Bicycle Parking Spaces	Minimum: 165 spaces required 219 spaces proposed
Permitted Change in Impervious Land Area	+31,000-square feet +48,008 square feet
Permitted Total Impervious Land Area	196,662-square feet 213,670 square feet
Permitted Land Disturbance	313,927-square feet 324,957 square feet
Minimum Recreation Space	18,883 square feet 19,099-square feet proposed 20,293 square feet proposed
Outdoor Amenity Space	14,830 7 square feet 18,304 square feet proposed

Design Alternatives: This Form District Permit is in compliance with the following Design Alternatives to the Land Use Management Ordinance (LUMO) proposed by the applicant and found by the Community Design Commission to be an equivalent or better alternative that meets the purpose and intent of the form code compared to a strict application of the LUMO requirement as a part of the Certificate of Appropriateness approved April 25, 2017.

- A. *Build-to-Zone along proposed "collector street."* Due to irregular parcel shape, particularly, a narrow width, the applicant has proposed and the Community Design Commission has approved as part of a Certificate of Appropriateness an alternative build-to-zone coverage with a pedestrian plaza between building buildings 1 and 2 as shown on plan sheets LA 5.04, LA 5.06, and LA 6.01, as an equivalent or better alternative to the 80% build-to-zone requirement in Sections 3.11.2.4.2.D and 3.11.2.7.I of the LUMO. This approval is in accordance with section 3.11.1.2.H of the LUMO which allows the Community Design Commission to approve Design Alternatives where a site constraint exists.
- B. *Ground Floor Elevation along the Fordham Boulevard service road, Legion Road, and the proposed collector street.* Due to topographical challenges, including a gradient of 43 feet across the site, the applicant has proposed and the Community Design Commission has approved as part of a Certificate of Appropriateness an alternative series of retaining walls, plantings, green screens, stoops, balconies, landings, stairs, ramps, and secondary private sidewalks to provide pedestrian scale and visual interest as shown on plan sheets LA 5.10, LA 5.12, LA 5.13, LA 5.15, LA 5.16 and LA 5.18, as an equivalent or better alternative to the Ground Floor Elevation Requirement of two to four feet above the street curb for residential uses in Sections 3.11.2.4.3.E and 3.11.2.7.N. of the LUMO. This



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approval is in accordance with Section 3.11.1.2.H of the LUMO which allows the Community Design Commission to approve Design Alternatives where a site constraint exists

- C. *Canopy Tree and Utility Conflicts along the Fordham Boulevard service road.* Due to the presence of a water main and a sanitary sewer main as well as NCDOT sight-line requirements, the applicant has proposed and the Community Design Commission has approved as part of a Certificate of Appropriateness a reduction in width of the tree zone to five feet to allow for more substantial alternative plantings between the multi-modal path and the buildings as well as shrubs and ground covers in the tree zone as shown on sheets LA 5.16 and LA 5.18 as an equivalent or better alternative to the canopy tree planting requirement in Section 3.11.2.5 of the LUMO. This approval is in accordance with Section 3.11.2.5 of the LUMO which allows the Community Design Commission to approve Design Alternatives to the canopy tree planting requirement where utility conflicts exist.
- D. *Fordham Boulevard service road block length.* Due to existing topographical challenges, the unusual lot size and shape, surrounding parcelization patterns, and the presence of an existing public access easement at Rams Plaza for the service road, the applicant has proposed and the Community Design Commission has approved as part of a Certificate of Appropriateness an alternative block length of 495 feet that includes a pedestrian gateway feature and path that connects from the service road to the proposed collector street as shown on plan sheets LA 5.01, LA 5.03 LA 6.01, and LA 6.03 as an equivalent or better alternative to the 450 foot maximum block length requirement in Sections 3.11.2.4.2 and 3.11.2.7.C of the LUMO. This approval is in accordance with Section 3.11.2.7.C.b of the LUMO which allows the Community Design Commission to approve Design Alternatives to the maximum block length where one or more of the constraints enumerated in that section are present.
- E. *Building 1 Pro-rata Block Perimeter.* Due to existing topographical challenges, the unusual lot size and shape, surrounding parcelization patterns, and the presence of an existing public access easement at Rams Plaza for the service road, the applicant has proposed and the Community Design Commission has approved as part of a Certificate of Appropriateness an alternative pro-rata block perimeter of 953 feet that includes a pedestrian gateway feature, pedestrian plaza and path that connects from the pedestrian gateway feature to the pedestrian plaza as shown on LA 5.01, LA 5.03, LA 5.04, LA 5.06 and LA 6.03 as an equivalent or better alternative to the 900 foot pro-rata block perimeter requirement in Sections 3.11.2.4.2 and 3.11.2.7.D of the LUMO. This approval is in accordance with Section 3.11.2.7.D.b of the LUMO which allows the Community Design Commission to approve Design Alternatives to the block perimeter where one or more of the constraints enumerated in that section are present.



Conditions:

Prior to Land Disturbing or Demolition Activity

1. Engineering Construction Permit: Prior to land disturbing activity and Prior to issuance of a building permit, the applicant must submit an Engineering Construction Permit application with four (4) sets of final plans to the Development Services Desk for approval and stamping by the Engineering & Design Services Division.
 - a. Performance Bond: Prior to Engineering Construction Permit, the applicant shall submit an itemized cost estimate for all work in the public right-of-way and multi-modal path to James Huggins in the Engineering Services and Design Division 919-969-5088. A bond for 125% must be submitted to cover the estimated cost of construction.
 - b. A performance guarantee in accordance with Chapter 5 Article V, Soil Erosion and Sedimentation of the Town Code of Ordinances must be submitted prior to issuance of the Engineering Construction Permit (Section 5-97.1 Bonds).
2. Tree Protection Fencing Required: Prior to land disturbing or demolition activity the applicant must install continuous tree protection fencing at the limits of land disturbance. Prior to land disturbing or demolition activity the applicant must schedule and pass a tree protection inspection. Call the Town's Landscape Architect at 919-969-5114 to schedule an inspection.
3. Erosion Control Permit: Prior to land disturbing or demolition activity, the applicant must obtain necessary approvals from Orange County Erosion Control.
4. Demolition Permit: Prior to demolition of the dealership building, applicant must obtain a demolition permit from the Inspections Division. As part of this application, the applicant must submit an asbestos assessment and abatement, as applicable and complete a deconstruction assessment of the structure as required by Orange County Solid Waste.
5. Pre-Construction Conferences: That pre-construction conference(s) shall be held with the following staff prior to any construction activity:
 - a. The Town's Landscape Architect (919-969-5114) to review procedures for protection and management of all protected landscape elements identified on the Landscape Plan, and to designate one or more persons as Landscape Protection Supervisor(s);
 - b. The Town's Engineering & Design Services Division (919-969-5084);



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- c. The Town's Inspections Division (919-968-2718);
 - d. The Town's Office of the Fire Marshal Life Safety Division (919-968-2781);
 - e. The Town's Stormwater Management Division (919-969-7246);
 - f. The Orange County Erosion Control Division (919-245-2575); and,
 - g. The Orange County Solid Waste Department (919-968-2788);
6. Construction Sign: The applicant must 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, prior to the commencement of any land disturbing activities. The construction sign design must be in accordance with Section 5.14.3(g) of the Land Use Management Ordinance.

Prior to Issuance of a Building Permit

7. Recordation of Plats Required: Prior to issuance of a building permit the following information must be recorded on a plat or multiple plats at the Orange County Registry. Prior to recordation the applicant must submit a(n) exempt plat application to the Department of Planning and Development Services
- a. Right of Way Dedication Plat: This plat must show dedication of public Right of Way for the proposed "collector street," Legion Road improvements, and Fordham Boulevard service road improvements as shown on sheet CS 3601.
 - b. Public Access Easement Plat and Agreement: This plat must show dedication of a Public Access Easement for various sidewalk and pedestrian amenities as shown on sheet CS 3601. The easement agreement must identify the following:
 - Identification of and the location of features subject to the easement agreement
 - Minimum standards for maintenance
 - A reservation of the right for the Town to complete "urgent" maintenance and bill the property owner should the property owner not address the issue or fail to adhere to the minimum standards for maintenance. This should also include a definition of urgent maintenance.
 - Any other foreseeable issues and mechanisms to address them such as removal of fallen tree limbs, removal of trash and debris, future road construction, etc...
 - The property owner, heirs, and assigns as the party responsible for maintenance and as the party liable for injuries and damages resulting from improper maintenance



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8. Consistency Between Planning Approvals and Building Permit: Prior to issuance of each foundation and shell building permit, applicant must obtain written confirmation from the Department of Planning and Development Services that the approved building permit plans are consistent with the approved Form District Permit and Certificate of Appropriateness plans. This step will occur between the approval of the building permit plans and the issuance of the building permit. The Design Professional may copy the Department of Planning and Development Services on building permit application plan submittals in order to expedite this step. *Failure to notify the Department of Planning and Development Services of changes to plans in advance of submitting building permit plans will result in delays in issuing the building permit.*
9. Construction Plans: This project will require Building Permits to be issued by the Town of Chapel Hill. Prior to issuance of a Building Permit, the applicant shall submit one electronic set of architectural/structural, plumbing, mechanical, and electrical plans, with a minimum scale of ¼ inch = 1 foot, to the Town's Inspections Division for review and approval. Please note that a separate permit for a construction trailer is required. Prior to submittal, the applicant shall schedule a pre-permitting conference through the Town's Permit Technician at 919-968-2718.
10. PSNC Approval of Gas Meter Location: Prior to issuance of a building permit, the applicant shall obtain written approval from the Public Service Company of North Carolina (PSNC) of the gas service lines and gas meter locations and submit a copy of the same to the Department of Planning and Development Services. Changes to the approved meter location will require review and approval and will constitute a modification to the Form District Permit and may also constitute a modification of the Certificate of Appropriateness.

Prior to Construction Activity Requiring a Building Permit

11. OWASA Authorization to Construct: Prior to start of construction activities requiring a building permit, applicant shall obtain a permit to construct water and sewer facilities serving the project from the Orange Water and Sewer Authority. All remaining OWASA utility plan comments must be addressed prior to this approval.
12. NCDOT Driveway Permit: Prior to any work within the NCDOT right-of-way and prior to any construction activities requiring a building permit, the applicant must obtain a driveway permit from NCDOT.
13. NCDOT Encroachment Agreements: Prior to any work within the NCDOT right-of-way and prior to any construction activities requiring a building permit, the applicant must obtain required three-party encroachment agreements for the following work:



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- a. Installation of underground utilities: NCDOT, OWASA, and the applicant
 - b. Installation of required landscaping: NCDOT, the Town of Chapel Hill, and the applicant
14. CATV Approval of Utility Pole Relocation: Prior to start of construction activities requiring a building permit, applicant shall obtain approval from utility service providers that are affected by the relocation of the Duke Energy Progress utility poles and submit the same to the Department of Planning and Development Services.

Transportation

15. Traffic Lane and Sidewalk Closure: Prior to any traffic lane and/or sidewalk closures, the applicant shall contact the Town's Traffic Engineering office (919-969-5096) at least 5 working days before the proposed work to apply for a lane closure permit.
16. Coordination of Collector Street Construction: Applicant must construct an approximately 930 foot long street connecting the Fordham Boulevard Service Road to Legion Road as shown on the approved plans. This street must have a five-foot wide bike lane in the westbound direction (adjacent to the project site) and one 10.5-foot wide travel lane in each direction as shown on the approved plans.
- a. Should the property to the north side of the collector street, known as the "Quality Inn" submit a Form District Permit application and should such an application require road and streetscape improvements, the applicant must coordinate the timing of improvements to the north side of the road with that property owner. These to include a five-foot wide bike lane in the eastbound direction, driveway accesses, crosswalks, and streetscape improvements in accordance with the Type A-1 requirements in Section 3.11.2.5. of the LUMO. Changes to the roadway plans in accordance with this condition will require review and approval but will not constitute a modification to this Form District Permit provided that it continues to comply with all applicable regulations. In the event that such an application is not submitted, the applicant is strongly encouraged to coordinate with the parcel owner(s) to the north regarding the completion of bike lane and streetscape improvements on the north side of the collector street.
 - b. The applicant shall locate four (4) ADA curb ramps along the collector street to allow for crossing to the north side of the street at such time as the property to the north, known as the "Quality Inn" redevelops. Relocation of these curb ramps during the construction process to better align with future development on the property to the north will require review and approval but will not constitute a modification to this Form District Permit provided that it continues to comply with all applicable regulations.



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17. Pedestrian Connection to Rams Plaza: Applicant must construct path and staircase to Rams Plaza as shown on sheets CS 1102 and LA 6.01 subject to approval by the owner(s) of Rams Plaza. In the event that the property owner is not amenable to this connection, the applicant must submit correspondence from the property owner(s) of Rams Plaza to this effect. Removal of this approved plan element will constitute a modification of the Form District Permit.

Stormwater

18. Approved Impervious Surfaces: The total amount of impervious area shall be limited to a maximum of ~~196,662~~ **213,670** square feet, an increase of ~~31,000~~ **48,008** square feet, and the disturbed area to ~~313,927~~ **324,957** square feet as shown in the calculations submitted for the Form District Permit. Any increase of impervious area that occurs as a result of construction over this permitted amount shall require a revised site plan, signed and sealed by a North Carolina Registered Professional Engineer, be submitted to the Town's Development Services Division and Stormwater Management Division for review and approval prior to the issuance of the Certificate of Occupancy.
19. Liability: The owner may be liable if adjoining properties receive substantial damage associated with the discharge of stormwater from this property.
20. Erosion Control Inspections: During construction, the applicant shall inspect the erosion and sediment control devices daily and after every rainfall, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the inspections and any necessary repairs. During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance.
21. Stormwater Structures not allowed in Setback: No portion of the stormwater structures may be located within the setbacks or rights-of-way except as allowed by Section 3.11.2.7.J.1.c-d of the LUMO, "Setback Encroachments." This includes any underdrains or the downgradient toe of French drains.
22. Changes to Roof Drainage Require Review and Approval: Construction plans submitted for approval by the Town's Engineering Division must include roof drainage plan sheet in the calculation document. The applicant must ensure that there is no modification to the approved roof drainage plan and interior plumbing. Any



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modification to the roof drainage and impervious area will require approval of Stormwater Management Division.

23. Maintenance of Stormwater Facilities: The stormwater management facility(ies) shall be maintained by the property owner in accordance with the recorded Operations and Maintenance Plan.
24. Annual Report: An original inspection report shall be provided to the Town beginning one year from the date of the recorded inspection, operation, and maintenance plan and each year thereafter on or before that date recordation. The owner shall provide evidence of the renewal of the maintenance bond or surety or a certified statement of the escrow account.
25. Illicit Discharge: To minimize the potential for illicit discharge in the dog park area because of unremoved pet waste, a pet waste station must be provided in the park with a sign requiring visitors to clean up after their pets.

Life Safety

26. Alarm Management Ordinance: Compliance is required with Chapter 15, Article 2 of Town Code requiring registration of applicable alarm systems.
 - a. Prior to installation of any cameras, should they be proposed at any time prior to occupancy or post occupancy, the Town requests that information be sent to the Police Department.

Miscellaneous

27. Construction Noise: The applicant shall comply with the Town Noise Ordinance, Article 3, Section 11-40, limiting construction noise levels outside of the following operating hours: 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends. Construction activity may occur during hours outside of the operating hours noted above if they are conducted within noise levels that are in compliance with the Town Noise Ordinance. Exceptions to this requirement shall be approved in advance by the Town Manager pursuant to the Town Noise Ordinance.
28. Safety During Construction: During demolition and/or construction, all aspects of Chapter 33 of the NC Building Code and the construction management plan shall be followed. Compliance with OSHA standards is also required. The Town's Inspections Division is authorized to stop construction if violations are observed.
29. Proposed Changes: Any proposed changes to the approved plans shall require review and approval by Town Manager and may require issuance of a Form District Permit



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Modification. Changes to the approved plan set may require review and approval of a Certificate of Appropriateness Modification by the Community Design Commission. Changes to the plans and structures shall be submitted and approved by the Town's Inspections Division and prior to implementation. *Failure to provide sufficient advance notice of proposed changes to the Department of Planning and Development Services may result in delays in the construction and/or permit close-out process.*

30. Foundation Survey and Inspection: Upon completion of foundation inspections for each building, applicant must submit a foundation survey showing building footprint and measurements from right-of-way and easement lines showing compliance with build-to-zone and setback requirements as shown on site plan sheets CS 1101, CS 1102, VS 1103, LA 6.01, LA 6.02, and LA 6.03. Applicant must schedule an inspection with the Zoning Inspector (919-968-2718).
31. Phasing Plan: The applicant may propose a phasing plan for review and approval whereby individual buildings or portions thereof may be completed and occupied prior to the completion of all construction activity on the property. Such a plan must demonstrate which portions of the site will be completed with each phase. The plan must demonstrate in which phase required site elements will be partially or fully complete. The plan must demonstrate compliance with all applicable standards and conditions of this permit. Further, the plan must demonstrate that required site elements are either fully completed or partially completed to a degree that is commensurate with the portion of the building(s) to be occupied and that all applicable fire code requirements and construction safety requirements are met. Provided that that these requirements are met, approval of such a phasing plan would not constitute a minor or major modification of this permit.

Prior to Certificate of Occupancy

32. Form District Permit Compliance: No building or structure for which this permit has been issued may be used or occupied until, after final inspection, a Certificate of Occupancy has been issued indicating compliance with the provisions of the Land Use Management Ordinance, and all other state and local laws, including conditions of this permit and all other required permits.
33. Recordation of Easements and Exhibits Required: Prior to issuance of the first a certificate of occupancy the applicant must record the following easement agreements with exhibits at the Orange County Registry. Prior to recordation the applicant must submit a(n) exempt plat(s) application to the Department of Planning and Development Services. Each of the easement agreement musts identify the following:
 - Identification of and the location of features subject to the easement agreement



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- Minimum standards for maintenance
 - A reservation of the right for the Town to complete “urgent” maintenance and bill the property owner should the property owner not address the issue or fail to adhere to the minimum standards for maintenance. This should also include a definition of urgent maintenance.
 - Any other foreseeable issues and mechanisms to address them such as removal of fallen tree limbs, removal of trash and debris, future road construction, etc...
 - The property owner, heirs, and assigns as the party responsible for maintenance and as the party liable for injuries and damages resulting from improper maintenance
 - a. Public Use Easement for trail behind building 1 – Applicant must dedicate a public use easement and easement plat for the trail behind building 1 that meets the requirements listed above. Applicant may propose reasonable limitations on the hours of use for this easement. Applicant may propose reasonable limitations on the use of motorized and non-motorized vehicles such as bikes, mopeds, scooters, skateboards, etc.. within this easement
 - b. Outdoor Amenity Space and Building Pass-Thrus: Applicant must execute an agreement, easement, covenant or other mechanism for ensuring that designated outdoor amenity space and building pass-thrus are "made available to the general public" as required by 3.11.2.7.F.1 that meets the requirements above. Applicant must include adequate signage, subject to review and approval by the Department of Planning and Development Services denoting that these features are open to the public. Applicant may propose reasonable limitations on the hours of use for this easement. Applicant may propose reasonable limitations on the use of motorized and non-motorized vehicles such as bikes, mopeds, scooters, skateboards, etc.. within this easement
 - c. Private Tree Maintenance Agreement: Applicant must execute a private tree maintenance agreement for all trees located within the public right of way that are required as a part of this Form District Permit approval that meets the requirements above.
34. Reservation Plat for Future Right of Way and Easement Agreement: Prior to issuance of the first a Certificate of Occupancy, the applicant shall record a plat, to reserve a 92-foot wide strip of land between buildings 1 and 2 as shown on sheet CS 3601 of the approved plans at the Orange County Registry. The applicant shall be required to reserve the right of way for a period of 30 years from the date of the Form District Permit approval. The right-of-way is to be conveyed to the Town of Chapel Hill or assigns when provisions for a through street connection through Rams Plaza have been acquired by or dedicated to the Town. At such time that the connection through Rams Plaza is established, by dedication of right-of-way or easement through Rams Plaza, the right-of-way shall be dedicated to the public. Prior to recordation, the right-



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of-way reservation plat, including design and location of the right-of-way, shall be reviewed and approved by the Town Manager.

35. Transit Payment-in-Lieu: Applicant must submit a payment-in-lieu of \$10,000 of transit stop improvements, including a bus shelter, real-time bus arrival display, and LED lighting and any related appurtenant features, to Chapel Hill Transit prior to the final certificate of occupancy. Chapel Hill Transit will evaluate future service patterns and construct the transit stop improvements. If transit stop improvements have not been constructed within 1,000 feet of the property within five years following the issuance of the final certificate of occupancy, the applicant may request a refund of this payment.
36. Repairs in Right-of-Way: Prior to expiration of the performance bond or issuance of the final Certificate of Occupancy, whichever occurs first, the applicant shall repair all damage for work in the right-of-way related to the construction of this project, which may include pavement milling and overlay.
37. Acceptance of Right-of-Way: Prior to the final Certificate of Occupancy, the applicant shall meet all requirements of the Engineering Division and NCDOT pertaining to the acceptance of new right-of-way.
 - a. Upon satisfactory completion of all public improvements the owner must submit a one year Warranty Bond in the amount of 25% of the cost of construction, but not to exceed \$50,000.
 - b. The applicant shall obtain a letter from the Public Works Department stating the improvements have been accepted for maintenance with a one year warranty.
38. As-Built Plans: Prior to Zoning Inspections, the applicant shall:
 - a. **Submit original two (2) certified as-built plans**, signed and sealed by a North Carolina Registered Professional Land Surveyor, to the Town's Development Services Desk showing building heights and elevation limitations, all building footprints and building designations, driveways, detailed calculations and totals for all other impervious surfaces (to include gravel). The as-built plans shall also be submitted in DXF binary format using State plane coordinates and NAVD 88.
 - i. Submit 1 copy of an as-built zoning plan; overlaying the approved zoning plans with the as-built conditions.



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- iii. The Reserved Stormwater Facility Easement and the Operations and Maintenance Plan are binding on the owner, heirs, successors, and assigns.
- b. **Maintenance covenant ("Operations and Maintenance Plan")**; A copy of the maintenance covenant ("Operations and Maintenance Plan"), signed by the owner and recorded by the County Register of Deeds, for the stormwater management facilities. The Operations and Maintenance Plan shall include a description of the device or structure, an inspections checklist, and operating and maintenance procedures. The plan shall identify contact information, who will perform the inspections, frequency of inspections, inspections and maintenance logs, any specific equipment needs or certifications (e.g., confined space certification), action levels or thresholds (e.g., remove sediment after depth exceeds one foot), and disposal methods.
- c. **Certified stormwater as-built plans**; signed and sealed by a North Carolina-registered Professional Land Surveyor, showing building footprints, driveways, all other impervious surfaces, stormwater drainage/conveyance piping, and stage storage data stormwater management structures. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88
- d. **Professional Engineer certification**; Certification, signed and sealed by a North Carolina-registered Professional Engineer, that the stormwater management facilities were constructed in accordance with the approved plans and specifications.
- e. **Picture of the outlet control** of the Detention/Sand Filter system taken during installing and purchase receipt of the Sand Filter media shall be provided with the as-built.
- f. **A copy of the purchase receipt** of the sand media meeting ASTN C33 or equivalent used in the sand filter shall be provided.

After performing the final inspection and reviewing and approving the documents, the Town's Stormwater Management Division or designee will issue an Approval Notification to the Town's Inspections Division via email. (Please schedule the final stormwater management inspection with the Town's Stormwater Management Division (919-969-7246)).

40. **Fire Code Compliance**: Prior to requesting a Certificate of Occupancy, the applicant shall demonstrate that site work passes field inspections and fully complies with the North Carolina Fire Prevention Code.



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41. Public Safety Survey: Prior to the first Certificate of Occupancy for any public use portion of the facility, the applicant shall hold a security survey with the Police Department to identify and consider opportunities for public safety improvements.

A handwritten signature in blue ink, appearing to be "R. S. O.", written over a horizontal line.

Issued By: Town Manager

Date: October 06, 2017

***Minor Modification Approved By: Town Manager**

Date: March 1, 2018

**In accordance with LUMO Section 3.11.4.7.C.7, a minor modification to the Hillstone Form District Permit (Project 16-126) is approved in response to a written request from the applicant to approve the following revisions:*

- *Increase in allowed impervious surface area by 17,008 square feet or 8.6% of the original approved impervious surface area. This change corrects a calculation error. No additional impervious surface is proposed from the approved plans.*
- *Increase in allowed land disturbance area of 11,030 square feet or 3.5% of the original approved land disturbance. This change reflects repaving of the Fordham Boulevard Service Road.*
- *Minor Changes to Engineering Construction Permit Plans, including:*
 - *Additional Construction Details*
 - *Inclusion of additional spot elevations and adjustments to site grading*
 - *Adjustments to sidewalks, curb ramps, and loading area to meet ADA requirement and adjustments to street cross sections.*
 - *Adjustments to the elevation and placement of underground utilities*
 - *Adjustment to the size of the dog park to meet Stormwater requirements.*
 - *Inclusion of the paved walkway to the rear of building one as active recreation space to account for the reduction in size of the dog park.*

Exhibit 1:

Plans dated December 7, 2016, revised February 20, 2017, April 7, 2017, June 15, 2017, July 31, 2017, September 25, 2017, and October 2, 2017, and approved October 6, 2017.

(on file with the Town of Chapel Hill Office of Planning and Sustainability and on the Town's website on the Development Activity Report <http://chplan.us/16-126>)

Exhibit 2:

Certificate of Appropriateness issued by the Community Design Commission on April 25, 2017



TOWN OF CHAPEL HILL
Planning & Sustainability Department

405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

phone (919) 968-2728
www.townofchapelhill.org

Ephesus/Fordham Certificate of Appropriateness Approval

This Certificate of Appropriateness for Hillstone has been approved by the Community Design Commission as shown on the application submitted April 10, 2017 and revised April 18, 2017 with the application has been issued to:

Name of Applicant: Leon Capital Group, Inc., Brian Nicholson, Vice President Multifamily Development

Applicant's Address: 5970 Fairview Road, Suite 450

Name of Development: Hillstone, 1736 Fordham Blvd

Identified as: Project #16-126; PINs 9799-36-6631, 9799-36-7662, 9799-46-1235

This Certificate of Appropriateness includes approval of five (5) Design Alternatives. Refer to the Form District Permit for details on the Design Alternatives.

April 25, 2017
(CDC approval date)

A handwritten signature in cursive script that reads "Jay Heikes".

Jay Heikes
2017.10.04
08:58:32 -04'00'

Jay Heikes
Planner II

Exhibit 3:

Senior Leadership Team Recommendations of Approval



TOWN OF CHAPEL HILL

405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

phone (919) 968-2728 fax (919) 969-2014
www.townofchapelhill.org

Department Head Recommendation: Hillstone (Form District Permit #16-126)

TO: Roger Stancil, Town Manager

CC:

FROM: Matt Lawrence, Deputy Fire Chief

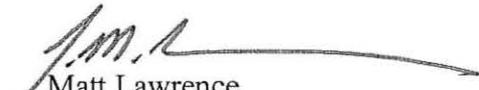
RE: Dept. Head Recommendation for Hillstone Form District Permit (Project #16-126)

DATE: 8-22-17

Dear Roger:

The Fire Department staff has reviewed the Form District Permit application for the project known as Hillstone (project #16-126) for compliance with the Chapel Hill Town Code, including the Land Use Management Ordinance. Based on the information and plans provided by the applicant and the staff's review, I, Matt Lawrence recommend approval of the Form District Permit.

Sincerely,


Matt Lawrence
Deputy Fire Chief



TOWN OF CHAPEL HILL

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Department Head Recommendation: Hillstone (Form District Permit #16-126)

TO: Roger Stancil, Town Manager

CC: Flo Miller, Deputy Manager

FROM: Jim Orr, Parks and Recreation Director

RE: Dept. Head Recommendation for Hillstone Form District Permit (Project #16-126)

DATE: August 11, 2017

Dear Roger:

The Parks and Recreation Department staff has reviewed the Form District Permit application for the project known as Hillstone (project #16-126) for compliance with the Chapel Hill Town Code, including the Land Use Management Ordinance. Based on the information and plans provided by the applicant and the staff's review, I, Jim Orr recommend approval of the Form District Permit.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Orr".

Jim Orr

Parks and Recreation Director



TOWN OF CHAPEL HILL
Planning and Development Services

405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705

phone (919) 968-2728 *fax* (919) 969-2014
www.townofchapelhill.org

Department Head Recommendation: Hillstone (Form District Permit #16-126)

TO: Roger Stancil, Town Manager

CC: John Richardson, Bergen Watterson, Corey Liles, Jay Heikes

FROM: Ben Hitchings, Director of Planning and Development Services

RE: Dept. Head Recommendation for Hillstone Form District Permit (Project #16-126)

DATE: October 2, 2017

Dear Roger:

The Planning and Development Services staff has reviewed the Form District Permit application for the project known as Hillstone (project #16-126) for compliance with the Chapel Hill Town Code, including the Land Use Management Ordinance. Based on the information and plans provided by the applicant and the staff's review, I, Ben Hitchings recommend approval of the Form District Permit.

The project received a Certificate of Appropriateness from the Community Design Commission after working with the commission to ensure that the project met the architectural design standards in the code. Specifically, the applicant and the Commission worked collaboratively to address the following elements:

- The type, style, color, and arrangement of architectural elements
- The treatment of the 43 feet of vertical grade change across the site with steps in the building, seating areas, landscaping and green screens on exposed retaining walls.
- The treatment of the narrow "bow-tie" portion of the site with a landscaped plaza and seating area
- The treatment of required fire-access lanes with pavers and "grass pave" lanes that have a high aesthetic quality but are also strong enough to support a fire truck
- Pedestrian circulation and access through and around the site
- Visually interesting façade elements along sidewalks and paths such as stoops, ground floor balconies, benches, bike racks, and green screens to ensure that the building does not "turn its back" to the pedestrian areas
- Placement and screening of utility equipment



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If approved, this project would provide the following benefits to the surrounding community:

- The project would construct a new public street connecting the Fordham Boulevard Service Road and Legion Road, consistent with the Ephesus/Fordham code and the draft Mobility Plan.
- The project would construct a new left turn lane from Legion Road to the new street. This improvement exceeds the mitigation measures identified for this project by the 2017 Ephesus/Fordham District traffic impact analysis.
- The project would construct 5-foot wide bike lanes along the property's frontage along the new street and along Legion Road consistent with the Ephesus/Fordham code and adopted Bike Plan (2014) and the draft Mobility Plan.
- The project would construct streetscape improvements along the property's frontage along the new street and along Legion Road including a 10-foot wide sidewalk, an 8-foot wide landscape area with canopy trees between the street and sidewalk, and pedestrian-scale lighting consistent with the Ephesus/Fordham code.
- The project would construct a multi-modal path along the Fordham Boulevard Service Road, including pedestrian-scale lighting and streetscaping consistent with the Ephesus/Fordham code. The path would connect to the existing path at Rams Plaza on the south and to the existing sidewalk at Hong Kong Buffet on the north. This path would complete a segment of the larger Fordham Boulevard side path, included in the adopted Bike Plan (2014) and the draft Mobility Plan, and would connect to the commercial areas to the south and the Old Durham Road sidewalk and bike lanes project to the north.
- The project would provide an additional off-street pedestrian path between Ram's Plaza and the property to the north through the building's pass-thru and an off-street pedestrian path that runs parallel to the property line with Rams Plaza, consistent with the block length and pass-thru standards and illustrative block studies in the Ephesus/Fordham code.
- The project would submit a required payment-in-lieu of approximately \$226,000 for provision of recreation space within the Ephesus/Fordham district consistent with the Ephesus/Fordham code. The Town Council would have the authority to allocate this funding.
- The project would provide 18,000 square feet of publically accessible outdoor amenity space, including an outdoor seating area and a pocket park, in addition to 19,000 square feet of recreation space for tenants of the property consistent with the Ephesus/Fordham code.
- The project would remediate contaminated soils that remain from the former use of the site as an automobile dealership and service center in accordance with North Carolina Brownfields Program, which provides a mechanism to define and monitor remediation activities that a developer must undertake to make the site suitable for reuse.



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- The project would provide water quality treatment for approximately one half of the *total* proposed impervious surface in compliance with the Ephesus/Fordham stormwater requirements in addition to detaining runoff from the *net new* impervious surfaces proposed on the site. Elsewhere in Town, projects are required to treat only the *net new* impervious surface on a site. For this site, that requirement results in an additional 1.5 acres of impervious surfaces that would be treated.

Sincerely,

A handwritten signature in black ink that reads "Ben Hitchings".

Ben Hitchings, AICP, CZO
Director of Planning and Development Services



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Department Head Recommendation: Hillstone (Form District Permit #16-126)

TO: Roger Stancil, Town Manager

FROM: Lance Norris, Public Works Director

RE: Dept. Head Recommendation for Hillstone Form District Permit (Project #16-126)

DATE: September 15, 2017

Dear Roger:

Public Works staff has reviewed the Form District Permit application for the project known as Hillstone (project #16-126) for compliance with the Chapel Hill Town Code, including the Land Use Management Ordinance. Based on the information and plans provided by the applicant and the staff's review, I, Lance Norris recommend approval of the Form District Permit.

Sincerely,


Lance Norris



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Department Head Recommendation: Hillstone (Form District Permit #16-126)

TO: Roger Stancil, Town Manager

CC: Jay Heikes, Planner II

FROM: Christopher C. Blue, Chief of Police

RE: Dept. Head Recommendation for Hillstone Form District Permit (Project #16-126)

DATE: August 22, 2017

Dear Roger:

The Police and Building Inspections staff has reviewed the Form District Permit application for the project known as Hillstone (project #16-126) for compliance with the Chapel Hill Town Code, including the Land Use Management Ordinance. Based on the information and plans provided by the applicant and the staff's review, I, Christopher C. Blue recommend approval of the Form District Permit.

Sincerely,

A handwritten signature in black ink, appearing to be "C. Blue", with a long horizontal flourish extending to the right.

Christopher C. Blue, Chief of Police



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Department Head Recommendation: Hillstone (Form District Permit #16-126)

TO: Roger Stancil, Town Manager

CC: Jay Heikes, Planner II

FROM: Brian Litchfield, Transit Director

RE: Dept. Head Recommendation for Hillstone Form District Permit (Project #16-126)

DATE: August 14, 2017

Dear Roger:

The Transit Department staff has reviewed the Form District Permit application for the project known as Hillstone (project #16-126) for compliance with the Chapel Hill Town Code, including the Land Use Management Ordinance. Based on the information and plans provided by the applicant and the staff's review, I, Brian Litchfield recommend APPROVAL of the Form District Permit.

Sincerely,


Brian M. Litchfield
Transit Director

Exhibit 4:

Minor Modification Plans dated December 7, 2016, revised February 20, 2017, April 7, 2017, June 15, 2017, July 31, 2017 September 25, 2017, November 28, 2017, and February 2, 2018, signed and sealed March 1, 2018, and approved March 1, 2018.

(on file with the Town of Chapel Hill Office of Planning and Sustainability and on the Town's website on the Development Activity Report <http://chplan.us/16-126>)

Exhibit 5:

Minor Modification Senior Leadership Team Recommendations of Approval



TOWN OF CHAPEL HILL

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Department Head Recommendation: Hillstone Form District Permit Minor Modification (Project #16-126)

TO: Roger Stancil, Town Manager

CC: Jay Heikes, Planner II

FROM: Jim Orr, Director of Parks and Recreation

RE: Dept. Head Recommendation for Hillstone Form District Permit Minor Modification
(Project #16-126)

DATE: February 28, 2018

Dear Roger:

The Parks and Recreation Department staff has reviewed the Form District Permit Minor Modification application for the project known as Hillstone (project #16-126) for compliance with the Chapel Hill Town Code, including the Land Use Management Ordinance. Based on the information and plans provided by the applicant and the staff's review, I, Jim Orr recommend issuance of the Form District Permit Minor Modification.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Orr".

Jim Orr, Director of Parks and Recreation



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**Department Head Recommendation:
Hillstone Form District Permit Minor Modification #1
(Project #16-126)**

TO: Roger Stancil, Town Manager

CC: Judy Johnson, Operations Manager
John Richardson, Community Resilience Officer
Corey Liles, Principal Planner
Jay Heikes, Planner II

FROM: Ben Hitchings, Director of Planning and Development Services

RE: Dept. Head Recommendation for Hillstone Form District Permit Minor Modification #1
(Project #16-126)

DATE: February 26, 2018

Dear Roger:

The Planning and Development Services staff has reviewed for compliance with the Chapel Hill Town Code, including the Land Use Management Ordinance, a Form District Permit Minor Modification application for the project known as Hillstone (project #16-126). In response to a request from Leon Capital Group, the developer of this project, I am recommending that you approve the proposed modification of the Form District Permit. Described in detail below, this modification would approve a set of minor changes to the plans, including revisions to detailed site information and drawings.

Proposed Modifications:

- Increase in allowed Impervious Surface by 8.6% from 196,662 square feet to 213,670 square feet.
 - This change corrects a calculation error. No additional impervious surface areas are proposed from what was originally depicted on the approved plan set. Revised stormwater calculations have been approved by the Stormwater Management Division (see also attached Department Head letter).
- Increase in allowed Land Disturbance by 3.5% from 313,927 square feet to 324,957 square feet.
 - This change reflects a proposed repaving of the Fordham Boulevard Service Road, which adds land disturbance because the repaving is considered a subsurface improvement.



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- Minor Changes to Engineering Construction Permit Plans
 - Additional Construction Details
 - Inclusion of additional spot elevations and adjustments to site grading
 - Adjustments to sidewalks, curb ramps, and loading area to meet ADA requirement and adjustments to street cross sections.
 - Adjustments to the elevation and placement of underground utilities
 - Adjustment to the size of the dog park
 - Inclusion of the paved walkway to the rear of building one as active recreation space to account for the reduction in size of the dog park.

The changes described above do not affect the application's *Substantial Conformance* with the Land Use Management Ordinance as defined in Section 3.11.8.b. Specifically the changes conform to the Land Use Management Ordinance, are consistent with the conditions of the original approval, and do not affect the size or use of the building, the layout and placement of the building or other site features, access and circulation, and the building facades. As these changes do not affect the application's substantial conformance, they are eligible for approval as a Minor Modification to the Form District Permit. Based on the information and plans provided by the applicant and the staff's review, I, Ben Hitchings recommend Approval of the Form District Permit Minor Modification.

Sincerely,

A handwritten signature in cursive script that reads "Ben Hitchings".

Ben Hitchings, AICP, CZO
Director of Planning and Development Services



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Department Head Recommendation: Hillstone Form District Permit Minor Modification (Project #16-126)

TO: Roger Stancil, Town Manager

CC: Chris Roberts, Manager of Engineering and Infrastructure
Chris Jensen, Senior Engineer
Ernest Odei-Larbi, Stormwater Engineer III

FROM: Lance Norris, Public Works Director

RE: Dept. Head Recommendation for Hillstone Form District Permit Minor Modification
(Project #16-126)

DATE: February 22, 2018

Dear Roger:

The Public Works Department staff has reviewed the Form District Permit Minor Modification application for the project known as Hillstone (project #16-126) for compliance with the Chapel Hill Town Code, including the Land Use Management Ordinance. Based on the information and plans provided by the applicant and the staff's review, I, Lance Norris recommend approval of the Form District Permit Minor Modification.

Sincerely,

A handwritten signature in black ink, appearing to read "Lance Norris".

Lance Norris,
Public Works Director