



**TOWN OF CHAPEL HILL
Planning Department**

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

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

FORM DISTRICT PERMIT

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: Sean Gleason, PE – McAdams Co.
Name of Property Owner(s): Scott Underwood – Woodfield Investments
Location: 1250 Ephesus Church Road; Orange County Parcel Identifier Numbers 9799-34-6446
Project Number: 19-025

Description of Permitted Work:

Construction of the development known as “Park Apartments”, including twelve (12) total buildings constructed in two (2) phases. The first phase (Phase 1A) includes four adjoining buildings containing 575,091 square feet of residential space with 308 units and a 500 space parking deck. The second phase (Phase 1B) includes eight buildings containing 143,935 square feet of residential space with 106 units. Additionally, the work includes construction of 156 bike parking spaces in Phase 1A and 52 bike parking space in Phase 1B, with associated site, recreation space, outdoor amenity space, stormwater, bike and pedestrian, and streetscape improvements, in accordance with exhibits enumerated below:

- Exhibit 1: Plans last revised August 30, 2019 and approved September 4, 2019. Electronic copy attached.
- Exhibit 2: Memorandum of Understanding between Town of Chapel Hill and BR Chapel Hill, LLC on August 31, 2018.
- Exhibit 3: Certificate of Appropriateness issued by the Community Design Commission on April 23, 2019.
- Exhibit 4: Senior Leadership Team Recommendations of Approval

Construction Deadline: That construction begin no later than September 4, 2020 (1 year from the date of approval of this Form District Permit), and be completed by September 4, 2021 (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	Phase 1A: 575,091 square feet Phase 1B: 143,935 square feet
Vehicular Parking Spaces	Minimum: 432 structured or non-structured spaces required Maximum: 615 non-structured spaces allowed Phase 1A: 507 parking spaces proposed (500 structured) Phase 1B: 147 non-structured parking spaces proposed
Minimum Bicycle Parking Spaces	Minimum: 207 spaces required Phase 1A: 156 parking spaces proposed Phase 1B: 52 parking spaces proposed
Permitted Change in Impervious Land Area	Phase 1A & 1B: + 103,237 square feet
Permitted Total Impervious Land Area	Phase 1A & 1B: 386,813 square feet
Permitted Land Disturbance	Phase 1A & 1B: 619,423 square feet
Minimum Recreation Space	17,775 square feet required Phase 1A: 15,293 square feet proposed Phase 1B: 7,095 square feet proposed (payment-in-lieu provided for 8,888 square feet)
Outdoor Amenity Space	20,060 square feet required Phase 1A & 1B: 24,356 square feet proposed

Design Alternatives: This Form District Permit is in compliance with the following set of Design Alternatives to the Land Use Management Ordinance (LUMO) that were approved by the Community Design Commission as a part of a Certificate of Appropriateness issued on April 23, 2019. The applicant's proposed Design Alternatives were found by the Community Design Commission to be an equivalent or better alternative that meets the purpose and intent of the form code, as compared to a direct application of the applicable LUMO requirement or standard. The Certificate of Appropriateness includes approval for the following Design Alternatives, in accordance with LUMO Section 3.11.1.2.H and as additionally referenced:

1. Ground floor elevation allowance of 6" min. and 6' max. as modified from the required 2' min. and 4' max.
2. Average tree spacing of 40' on center has been modified to allow applicant to remove 2 street trees for fire access. (2) required street trees will be planted in Phase 1B (garden apartments) park space.
3. Entrance drive aisle for Phase 1B (aligning w/ New Street A) will function as a street as the applicant was approved for a Type D Street Frontage including 6' sidewalks and 4' tree zone.

The Certificate of Appropriateness also includes approval with the following stipulations:

1. Art work related to DA1 to be approved by Town of Chapel Hill Arts Commission.
2. Dark gray brick shown at business center (Ephesus traffic circle) be substituted for metal panel similar to Elliott Road Extension entrance on A3A.04 of approved plans.

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 to Mike Wright in the Engineering Services and Design Division 919-969-5084. A bond for 125% must be submitted to cover the estimated cost of construction prior to Engineering Construction Permit issuance.
 - 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 as shown for each Phase. Prior to land disturbing or demolition activity the applicant must schedule and pass a tree protection inspection. Call the Town's Urban Forester at 919-969-5006 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 any structures the 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 before the demolition permit can be issued. Contact the OCSW Enforcement Officer at 919-968-2788 to request and schedule the deconstruction assessment(s).
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 Urban Forester (919-969-5006) 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);

- c. Town's Traffic Engineering Division (919-969-5096)
 - d. The Town's Inspections Division (919-968-2718);
 - e. The Town's Office of the Fire Marshal Life Safety Division (919-968-2781);
 - f. The Town's Stormwater Management Division (919-969-7246);
 - g. The Orange County Erosion Control Division (919-245-2575); and,
 - h. 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 5.14.4(h) of the Land Use Management Ordinance and may not exceed 32 square feet in display area or 8 feet in height.
7. Jordan Riparian Buffer Impact: The applicant shall ensure an approved Jordan Riparian Buffer impact is obtained from the Town of Chapel Hill prior to any land disturbance in the buffer.

Prior to Issuance of a Building Permit

8. Affordable Housing Payment-in-Lieu: BR Chapel Hill, LLC will pay a \$1,500,000.00 payment-in-lieu to the Town of Chapel Hill for affordable housing prior to issuance of the first building permit needed for redevelopment of the property.
9. Building Permit Applications: Each building shall be submitted to the Town of Chapel Hill separately as its own complete application package.
10. Recordation of Plats Required: Prior to issuance of a building permit the following information must be recorded on multiple plats at the Orange County Registry. Prior to recordation the applicant must submit plat applications and draft easement language to the Planning Department for:
- a. Right of Way Dedication Plat: This plat must show dedication of public Right of Way for the proposed Elliott Rd extension and Ephesus Church Rd improvements as shown on sheets C-6 and P-3.
 - b. Public Access Easement Plat and Agreement: This plat must show dedication of a Public Access Easement for Street "C" and various sidewalk and pedestrian amenities as shown on sheet C-6.

The easements and plats 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 party responsible for maintenance and as the party liable for injuries and damages resulting from improper maintenance
11. Consistency between Planning Approvals and Building Permit: Prior to issuance of each foundation and shell building permit, applicant must obtain written confirmation from the Planning Department 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. Call the Town's Urban Forester at 919-969-5006 to request this confirmation. The Design Professional may copy the Planning Department on building permit application plan submittals in order to expedite this step. *Failure to notify the Planning Department of changes to plans in advance of submitting building permit plans will result in delays in issuing the building permit.*
 12. 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 or at such scale agreed upon by the Inspections Division, 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.
 - a. Department of Insurance Review: Prior to submittal of a building permit application, the applicant must obtain plan approval from the North Carolina Department of Insurance, if applicable based on the Occupancy Group.
 13. 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 Planning Department. 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

14. 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.
15. 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 for proposed secondary access to US 15-501 service road.

16. 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:
 - a. Proposed 10' sidewalk and appurtenances including proposed low retaining wall and landscaping: NCDOT, the Town of Chapel Hill, and the applicant
 - b. Proposed water service connections: NCDOT, OWASA, and the applicant
17. Duke Energy Approval of Pole Relocation: Prior to issuance of a building permit, the applicant shall verify power pole location and spacing with Duke Energy. Poles must not encroach on the sidewalk.
18. 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.

Prior to Pouring Building Footing

19. Footing Inspection: Prior to pouring of concrete for the retaining wall footing and for building footing and prior to footing form inspections as required by building code, the applicant shall contact the Stormwater Management Division at 919-969-7246 to schedule an inspection and approval of the footing.

Transportation

20. 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.
21. Street Lighting on Public Streets: Prior to the construction of street lighting, final street lighting plans shall be approved by the Town, NCDOT, and Duke Energy as needed.
22. Construction of Streets "A", "B", and "C": Applicant must construct Streets "A" and "B" connecting Elliott Rd to Ephesus Church Rd, and Street "C" connecting to the parcel on the south side of Elliott Rd, as shown on the approved plans.

Stormwater

23. Approved Impervious Surfaces: The total amount of impervious area shall be limited to a maximum of 386,813 square feet, an increase of 103,237 square feet, and the disturbed area to 619,423 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.

24. Stormwater Controls: This stormwater system has been approved for the management of stormwater runoff as described in Section 3.11.4.3.F.4 of the Land Use Management Ordinance (version enacted March 6, 2017). Approved plans and specifications for this project are incorporated by reference and are enforceable parts of the zoning compliance permit.
25. Liability: The owner may be liable if adjoining properties receive substantial damage associated with the discharge of stormwater from this property.
26. 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.
27. 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.
28. 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 modification to the roof drainage and impervious area will require approval of Stormwater Management Division.
29. 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.
30. 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.

Life Safety

31. 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.

32. Private Fire Mains: Private fire mains that feed the sprinkler system shall be installed per NFPA 24. The line shall be flushed per NFPA 24 and witnessed by a fire inspector from the Chapel Hill Fire Department prior to covering the line.
33. Emergency Responder Radio Coverage: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.
34. FDC Location: Fire hydrant must be within 100' of FDC and on the same side of the street as the FDC. Sheet C.9 in reference to comment 50 regarding the addition of a hydrant on "Sheet A", a hydrant shall be located not more than 100' from the FDC on "Street A". Please advise on whether an additional hydrant is needed to accommodate both the maximum 100' from the FDC and 500' spacing per Table C102.1.
35. FDC Placement: FDC's for Buildings 2 & 3 shall be moved closer to the hydrant on Elliot Rd Extension so they are out of the way of aerial access of road between the 2 buildings.
36. Aerial Access: Tree Spacing on the west side of Street "A" for access of future development.
37. Tree Removal for Aerial Access: Two (2) trees on the southeast corner of Building 4 near the aerial access shall be removed.

Miscellaneous

38. 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.
39. Permit Must Remain Onsite: That this permit and approved site plan shall remain in the permit box for the duration of construction from the time site work commences until the final certificate of occupancy is issued.
40. 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.
41. 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 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 Planning Department may result in delays in the construction and/or permit close-out process.*

42. 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 approved plans. Applicant must schedule an inspection with the Zoning Inspector (919-968-2718).
43. 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.
44. Phasing Plan Condition: Phase 1A may not receive a Certificate of Occupancy prior to Phase 1B unless plans are revised to provide sufficient Outdoor Amenity Space to serve Phase 1A.
45. Solid Waste Collection: Solid waste collection service shall be provided by a private waste contractor, and rights are waived to Town provided solid waste services.
46. Equipment Screening: All mechanical equipment and utilities (roof-mounted, ground-mounted, and wall-mounted) must meet LUMO standards for screening. This includes a 10-foot setback from edge of roof for all roof-mounted equipment.
47. Outdoor Storage and Display: No outdoor storage or display of items is permitted as part of this Form District Permit approval. Any proposed outdoor storage for nonresidential uses will require a Form District Permit Modification.

Prior to Certificate of Occupancy

48. 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.
49. Transit Payment-in-Lieu: Applicant must submit a payment-in-lieu of \$15,000 for 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 issuance of 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.

50. Elliott Road Extension: All roadway improvements associated with Elliott Road Extension and Ephesus Church Road shall be completed prior to the first Certificate of Occupancy.

51. Recordation of Easements and Exhibits Required: Prior to issuance of the first certificate of occupancy of each Phase, the applicant must record the following easement agreements with exhibits at the Orange County Registry. Prior to recordation the applicant must submit (an) exempt plat application(s) to the Planning Department.

- a. 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 associated with that Phase are "made available to the general public" as required by 3.11.2.7.F.1 and 3.11.2.7.S.4.b that meets the requirements above. Applicant must include adequate signage, subject to review and approval by the Planning Department 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.
- b. Private Tree Maintenance Agreement: Applicant must execute a private tree maintenance agreement for all trees located within the public right of way for each Phase that are required as a part of this Form District Permit approval that meets the requirements above.

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

52. 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.

53. As-Built Plans: Prior to Zoning Inspections for each Phase, 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 plan with the as-built conditions.
 - b. **Submit a sealed letter with detailed exhibits** certified by a licensed architect, licensed engineer, or licensed surveyor that certifies compliance with the lot parameters, building setbacks, build-to-zone, building height, story height, ground floor elevation, transparency, pedestrian access, and building element requirements described in Sections 3.11.2.4 and 3.11.2.7 of the Land Use Management Ordinance.
 - c. **Contact the Town's Inspections Division (919-968-2718) and the Town's Urban Forester (919-969-5006)** to schedule a Zoning Inspection in advance of requesting the Building Final and Certificate of Occupancy.
54. **Stormwater Facilities:** Prior to issuance of the final Certificate of Occupancy for each Phase, the documents enumerated below must be submitted to the Town's Stormwater Management Division and a final stormwater management inspection must be scheduled, at least 10 days in advance of requesting the Certificate of Occupancy.
- a. **Final Plat or Easement Exhibit;** A copy of the final plat or easement exhibit, signed and sealed by a North Carolina-registered Land Surveyor and recorded by the Orange County Register of Deeds, showing the "Stormwater Facility Easements", the stormwater management facilities, and the maintenance access locations. For purposes of maintenance, the maintenance access shall be shown on the exhibit and extend from the "Stormwater Facility Easement" to the nearest public right-of-way. The following notes must be included on the recorded final plat or easement exhibit.
 - i. The Reserved Stormwater Facility Easements and the facilities it/they protect are the sole responsibility of the owner. Until the storm water facilities are accepted for maintenance by the Ephesus-Fordham Municipal Service District the owner shall provide for all required maintenance and operations as approved by the Town Manager.
 - ii. All engineered stormwater management control, treatment, and conveyance structures located on or below the ground shall be wholly contained within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions. The Easements shall provide for access by Town staff, contractors and consultants to facilitate inspections and maintenance services once the stormwater facilities are accepted for maintenance by the Ephesus-Fordham Municipal Service District.

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 underground/storm filter system and permeable pavement taken during installation dry detention basin taken during installation.

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).

55. 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.

56. 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.



Issued By: Town Manager

Date: 9-05-19

Exhibit 1:

Civil and Landscape Plans last revised August 30, 2019 and approved September 4, 2019.

Stormwater Report last revised September 3, 2019 and approved September 4, 2019.

Architectural Plan sheets last submitted on August 30, 2019 and approved September 4, 2019, in accordance with the Certificate of Appropriateness, and the conditions thereof, approved by the Community Design Commission on April 23, 2019.

The above are on file with the Town of Chapel Hill Planning Department, and available on the Town's website as part of the Development Activity Report: <https://chplan.us/19-025>

Exhibit 2:

Memorandum of Understanding between Town of Chapel Hill and BR Chapel Hill, LLC on August 31, 2018.

**NORTH CAROLINA
ORANGE COUNTY**

**MEMORANDUM OF UNDERSTANDING
REGARDING THE CONSTRUCTION OF THE SOUTH ELLIOTT ROAD EXTENSION**

This MEMORANDUM OF UNDERSTANDING REGARDING THE CONSTRUCTION OF THE SOUTH ELLIOTT ROAD EXTENSION (this "Memorandum of Understanding") is entered into this 31st day of AUGUST, 2018 by and between the TOWN OF CHAPEL HILL (the "Town of Chapel Hill" or "Town") and BR CHAPEL HILL, LLC, a duly existing limited liability company, authorized to do business in the State of North Carolina, with its principal offices located in New York, NY ("BR Chapel Hill, LLC").

RECITALS

A. BR Chapel Hill, LLC is the owner of certain real property located inside the city limits of the Town of Chapel Hill with the street address 1250 Ephesus Church Road within Orange County, North Carolina parcel identifier number 9799346446, said property being more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property") and is planning to redevelop the Property in phases as a residential rental apartment community containing approximately 750 units (the "Project").

B. The Property is located in the Town's Blue Hill District under the Town's Land Use Management Ordinance ("LUMO"), where approval of development applications has been delegated to the Town Manager.

C. On January 23rd, 2017, the Town Council of the Town of Chapel Hill (the "Town Council") approved the 25% level construction design plans (the "Initial Plans") for the extension of South Elliott Road from Fordham Boulevard to Ephesus Church Road (such extension being referred to herein as the "Road") prepared by Kimley-Horn and Associates. A general depiction of the proposed Road is attached hereto as Exhibit B.

D. On April 25th, 2018, the Town Council adopted the resolution attached hereto as Exhibit C, which provided, among other things, as follows:

1. BR Chapel Hill, LLC will dedicate any rights-of-way and easements, both temporary and permanent, located on the Property that are necessary for construction of the Road, which dedication is valued at approximately \$3 million;
2. BR Chapel Hill, LLC will pay the greater of \$38,000 or the actual increased cost of the Road design and construction resulting from BR Chapel Hill, LLC's proposed modifications, as shown in the agenda materials for the April 25, 2018 Town Council meeting and as approved by the Town Council. Said design and construction shall include markings and signage for bicycles and pedestrians at the internal Road crossing;

3. BR Chapel Hill, LLC will pay a \$1,500,000.00 payment-in-lieu to the Town of Chapel Hill for affordable housing prior to issuance of the first building permit for construction of a building on the Property;

4. The plans for the Public Improvements and Private Improvements will be reviewed for conformance with the requirements of the LUMO and the Blue Hill Design Guidelines (adopted by the Town Council on May 23, 2018);

5. The Town Manager will provide an update on the status of the stormwater plans for the Road to the Town Council. This will be included with a general update on the "Public Improvements" (as defined below) at the 70% review stage and other points based on a schedule of critical steps in the project review; and

6. The resolution also authorized the Town Manager to work with BR Chapel Hill, LLC to refine a plan for provision of rental units to serve households between 80% and 120% of the Area Median Income.

NOW, THEREFORE, in consideration of the above-stated premises and the mutual promises and conditions set forth below, the Town and BR Chapel Hill, LLC agree as follows:

1. The parties agree that the Public Improvements (as defined in Section 5) will be designed and constructed in accordance with this Memorandum of Understanding. The Town will continue to procure and coordinate the design services for the Public Improvements as contemplated by and required under Section 5. BR Chapel Hill, LLC will cause the Public Improvements to be constructed in accordance with the Final Plans (as defined in Section 4) contemporaneously with the redevelopment of the Property as contemplated by and required under Section 5 and subject to the limitations set forth therein.

2. The Public Improvements will be constructed on multiple tax parcels. The Town shall be responsible at its expense for obtaining the necessary right-of-way over the tax parcel(s) that BR Chapel Hill, LLC does not own. Furthermore, the Town will be responsible for obtaining and providing BR Chapel Hill, LLC with all easements necessary for BR Chapel Hill, LLC to construct the Public Improvements on such parcels (including temporary construction easements). The Town agrees that it will obtain such necessary right-of-way and easements on or before December 31, 2018, and BR Chapel Hill, LLC shall have no obligation to construct (or cause to be constructed) any of the Public Improvements located on property over which the Town does not obtain such necessary rights of way and easements.

3. Upon satisfactory completion of the Public Improvements pursuant to the Final Plans, the parties agree that BR Chapel Hill, LLC will convey the portion of the Road (and all other Public Improvements related thereto) located on the Property to the Town, and the Town will accept same and add such portion of the Road to the Town's public road system and assume future maintenance responsibilities consistent with its standards for maintaining other Town roads and rights-of-way. BR Chapel Hill, LLC or its contractor shall supply a one-year warranty bond for all Public Improvements upon Town approval at completion.

4. The Town will continue to procure and coordinate the design services for the Public Improvements, including the continued development of the Initial Plans, with Kimley-Horn and

Associates. The plans for the Public Improvements will be submitted to BR Chapel Hill, LLC for review and approval, which such approval shall not be unreasonably withheld, conditioned, or delayed. The final approved plans for the Public Improvements are referred to herein as the "Final Plans." The Town acknowledges that BR Chapel Hill, LLC has requested changes (the "BR Changes") to the design of the Road in the Initial Plans which will result in higher construction costs for the Public Improvements. An amount equal to the greater of (i) \$38,000 or (ii) the increased construction costs resulting from the BR Changes that relate to the Road (such greater amount being referred to as the "Excluded Costs") will not be subject to payment by the Town under Section 7 and will be borne by BR Chapel Hill, LLC.

(a) The Town will ensure the Final Plans conform to the requirements of the Town's development guidelines. The Town Manager will update the Town Council on the status of the Final Plans in accordance with the schedule.

(b) The Town agrees (i) plans for the Project shall not be subject to any amendments to the LUMO and the Blue Hill Design Guidelines enacted after May 23, 2018 and (ii) applications for permits for the Project are to be reviewed and permits are to be issued pursuant to the LUMO and the Blue Hill Design Guidelines in effect as of May 23, 2018, except that the Project shall be subject to the Mass requirements of LUMO Sec. 3.11.2.3.3 and Sec. 3.11.2.4.3 in effect immediately prior to May 23, 2018 and shall not be required to comply with the amendments enacted for these Sections on May 23, 2018 regarding building step back, module offset, and floor plate area.

(c) The Town shall be responsible for obtaining all necessary local, state and federal permits and permissions needed for the design and installation of the Public Improvements prior to the bidding phase. Further, the Town will be responsible, at its sole cost, for any mitigation payments, fees, bonds, or related expenses incurred in connection with the stream, buffer, or wetland impacts.

(d) BR Chapel Hill, LLC will pay a \$1,500,000.00 payment-in-lieu to the Town for affordable housing prior to issuance of the first building permit needed for BR Chapel Hill, LLC's redevelopment of the Property.

5. BR Chapel Hill, LLC agrees to cause to be constructed (i) the Road and the necessary sidewalks, protected bike lanes, and the stormwater facilities (described in Section 6 (b) below) (collectively, the "Public Improvements"), which shall be constructed in accordance with the Final Plans, and (ii) the recreational/green space and the stormwater facilities (described in Section 6 (a) below) (collectively, the "Private Improvements"; the Public Improvements and the Private Improvements are sometimes referred to herein collectively as the "Improvements").

(a) Once the Town has obtained all permits and permissions in accordance with Section 4(c), BR Chapel Hill, LLC will coordinate all activities related to the construction of the Public Improvements with the Town's partner agencies (*i.e.*, Orange Water and Sewer Authority, NC Department of Environmental Quality / Division of Water Resources, US Army Corps of Engineers, and NCDOT).¹ Prior to the commencement of construction

¹ Town to confirm whether land disturbance permit will come from NCDET or Orange County.

of the Public Improvements, the Town and BR Chapel Hill, LLC will develop and implement a public communications plan.

(b) In connection with construction of the Public Improvements, BR Chapel Hill, LLC shall develop a construction contract proposal relating only to the Public Improvements that will be advertised for bids. The proposal shall comply with the North Carolina Department of Transportation ("NCDOT") Specifications and Standard Drawings as applicable to the Public Improvements. The proposal shall also contain provisions, as applicable, per Title 23 Code of Federal Regulations 633 and 635 to include, compliance with FHWA 1273 (excluding Davis-Bacon Act compliance), Buy America, Non-discrimination, DBE Assurances, and Contractor Certification regarding suspension and debarment. All contractors submitting bids on the Public Improvements shall be pre-qualified by NCDOT.

(c) BR Chapel Hill, LLC shall donate the right-of-way for the Public Improvements on the Property so that the Town will be in compliance with the following: Title 23 of the Code of Federal Regulations, Part 710, Subpart B and Title 49 of the Code of Federal Regulations, Part 24, [Uniform Act] incorporated by reference at www.fhwa.dot.gov/legisregs/directives/fapgtoc.htm; NCGS, Chapter 133, Article 2, Sections 133-5 through 133-18, Relocation Assistance, incorporated by reference at <http://www.ncleg.net/gascripts/Statutes/Statutes.asp>; and the North Carolina Department of Transportation Right of Way Manual. Town will be responsible for insuring such compliance with respect to the right-of-way on the tax parcels that BR Chapel Hill, LLC does not own.

6. BR Chapel Hill, LLC will cause to be constructed the storm sewer detention and treatment facilities described in this Section 6 in accordance with the Final Plans.

(a) BR Chapel Hill, LLC will construct the following storm sewer detention and treatment facilities and connection lines on the Property: (i) storm detention and treatment facilities of sufficient capacity to detain and treat stormwater runoff from the Road, (to the extent that the topography and other relevant conditions allow such runoff to be economically handled by a facility located on the Property of a customary size and capacity as would be typically created in connection with a development similar in size and scope to the Project), (ii) storm detention and treatment facilities of sufficient capacity to detain and treat stormwater runoff from the Project (iii) storm drainage connection lines necessary for that portion of the Road located on the Property; and (iv) storm drainage connection lines necessary for the Project.

(b) Provided that the Town, at no expense to BR Chapel Hill, acquires all property and easements as may be necessary or appropriate to allow the construction of such facilities, BR Chapel Hill, LLC will construct (i) storm sewer detention and treatment facilities on the real estate designated by the Town that is not part of the Property of sufficient capacity to detain and treat stormwater runoff from the Road that due to topography or other relevant conditions cannot be economically handled by the facilities described in subsection (a), and (ii) storm drainage connection lines necessary for that portion of the Road located outside of the Property.

(c) The Town shall be solely responsible for all construction costs related to all of the facilities described in subsection (b) and will reimburse BR Chapel Hill, LLC for such costs in accordance with Section 7 and shall be responsible for all maintenance costs for such facilities.

(d) BR Chapel Hill, LLC shall be solely responsible for all construction and maintenance costs related to all of the facilities described in subsection (a).

7. Except as otherwise provided in Sections 4 and 6, the Town will pay for the construction costs of the Public Improvements. Final projected costs received by a bid of the project and expected to be reimbursed by the Town, shall be authorized by the Town prior to commencement of work. The Town will pay the invoices (pay applications) submitted by BR Chapel Hill, LLC for the construction costs of the Public Improvements on a monthly basis; provided, however, BR Chapel Hill, LLC is required to first provide the Town with all supporting documentation for such costs as well as lien waivers and other documentation as may be reasonably requested by the Town. Additionally, the Town has a right to access and inspect the Public Improvements as construction progresses to verify that work is performed in accordance with the Final Plans. BR Chapel Hill, LLC shall facilitate and coordinate such access and inspection by the Town or its designated representative(s). BR Chapel Hill, LLC is responsible for any increased construction costs that relate to the requested modifications.

8. BR Chapel Hill, LLC, on behalf of itself and its successors and assigns, agrees and acknowledges that the payments it is providing to the Town, and all other non-monetary value provided to the Town, are negotiated and provided to the Town voluntarily and are the result of a mutually-agreed to contractual exchange for which there has been sufficient consideration provided by the Town and that said benefits to the Town provided by BR Chapel Hill, LLC do not and shall not be considered an exaction. Provided final approval is received to complete the Public Improvements and the Project, BR Chapel Hill, LLC, for itself and its successors and assigns, hereby waives any claim to a return of said payments and contributions.

9. BR Chapel Hill, LLC, and/or its contractor or agent, at no liability to the Town, shall relocate, adjust, relay, change or repair all utilities located on the Property which are in conflict with the Public Improvements. The Town shall be responsible for relocating, adjusting, relaying, changing and/or repairing all utilities located outside of the Property which are in conflict with the Public Improvements without cost to BR Chapel Hill, LLC or its contractors or agents. All utility work shall be performed in a manner satisfactory to and in conformance with State and Federal rules and regulations, prior to beginning construction of the Road. This Memorandum of Understanding does not modify or supersede any existing utility encroachment agreements that may be in place.

10. BR Chapel Hill, LLC may terminate this Memorandum of Understanding at any time upon sixty (60) days prior written notice to the Town following its good faith determination that either (i) any condition imposed by the Town in order to obtain any permit or approval to proceed with the Project or the Private Improvements will have a material adverse effect on the development of the Project or its economic feasibility; or (ii) if the economic feasibility of the Project in the Town has materially declined due to market forces.

In the event BR Chapel Hill, LLC exercises its rights to terminate this Memorandum of Understanding, then any approvals, waivers or exceptions that have been issued by the Town for the Project in reliance on the execution of this Memorandum of Understanding, including the those contemplated by the provisions of Section 4 (b) hereof, shall be deemed withdrawn; provided, however that such withdrawal shall not prevent BR Chapel Hill, LLC from proceeding with any development that would be allowed on the Property as a matter of right based on the then applicable provisions of the LUMO.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Town of Chapel Hill and BR Chapel Hill, LLC have executed this Memorandum of Understanding the day and year first above written.

BR CHAPEL HILL, LLC

BY: [Signature]
Name: Jordan Buckley
Title: Authorized Signatory

9/6/2018
Date

STATE OF New York
COUNTY OF New York

I, a Notary Public of the State of New York and County of New York, certify that Jordan Buckley personally came before me this day and acknowledged that he/she is the authorized signatory of BR Chapel Hill, LLC, and that he/she as authorized signatory of BR Chapel Hill, LLC, being authorized to do so, executed the foregoing on behalf of the company.

WITNESS my hand and official stamp (or seal) this 9th day of September, 2018.

[NOTARIAL SEAL]

Dale Pozzi (Seal)
Notary Public

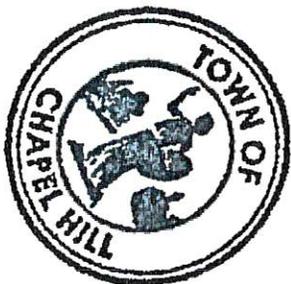
Dale Pozzi
Notary's Name, Printed or Typed
My commission expires: _____

DALE POZZI
NOTARY PUBLIC-STATE OF NEW YORK
No 01PO6275397
Qualified In New York County
My Commission Expires 01-28-2021

IN WITNESS WHEREOF, the Town of Chapel Hill and BR Chapel Hill, LLC have executed this Memorandum of Understanding the day and year first above written.

TOWN OF CHAPEL HILL

BY: [Signature]
Roger L. Stencil, Town Manager RSK



August 31, 2018
Date

ATTEST

[Signature]
Town Clerk

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

[Signature]
Finance Director

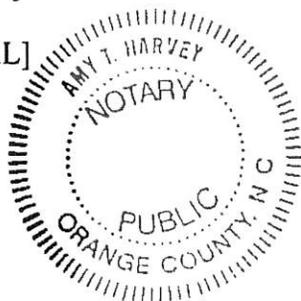
August 31, 2018
Date

NORTH CAROLINA
ORANGE COUNTY

I, Amy T. Harvey, a Notary Public of Orange County, North Carolina, certify that Sabrina M. Oliver personally came before me this day and acknowledged that she is the ~~(acting)~~ Town Clerk of the Town of Chapel Hill, a North Carolina municipal corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by Roger L. Stencil, its Town Manager, sealed with its corporate seal and attested by her as its ~~(acting)~~ Town Clerk.

WITNESS my hand and official stamp (or seal) this 31 day of August, 2018.

[NOTARIAL SEAL]



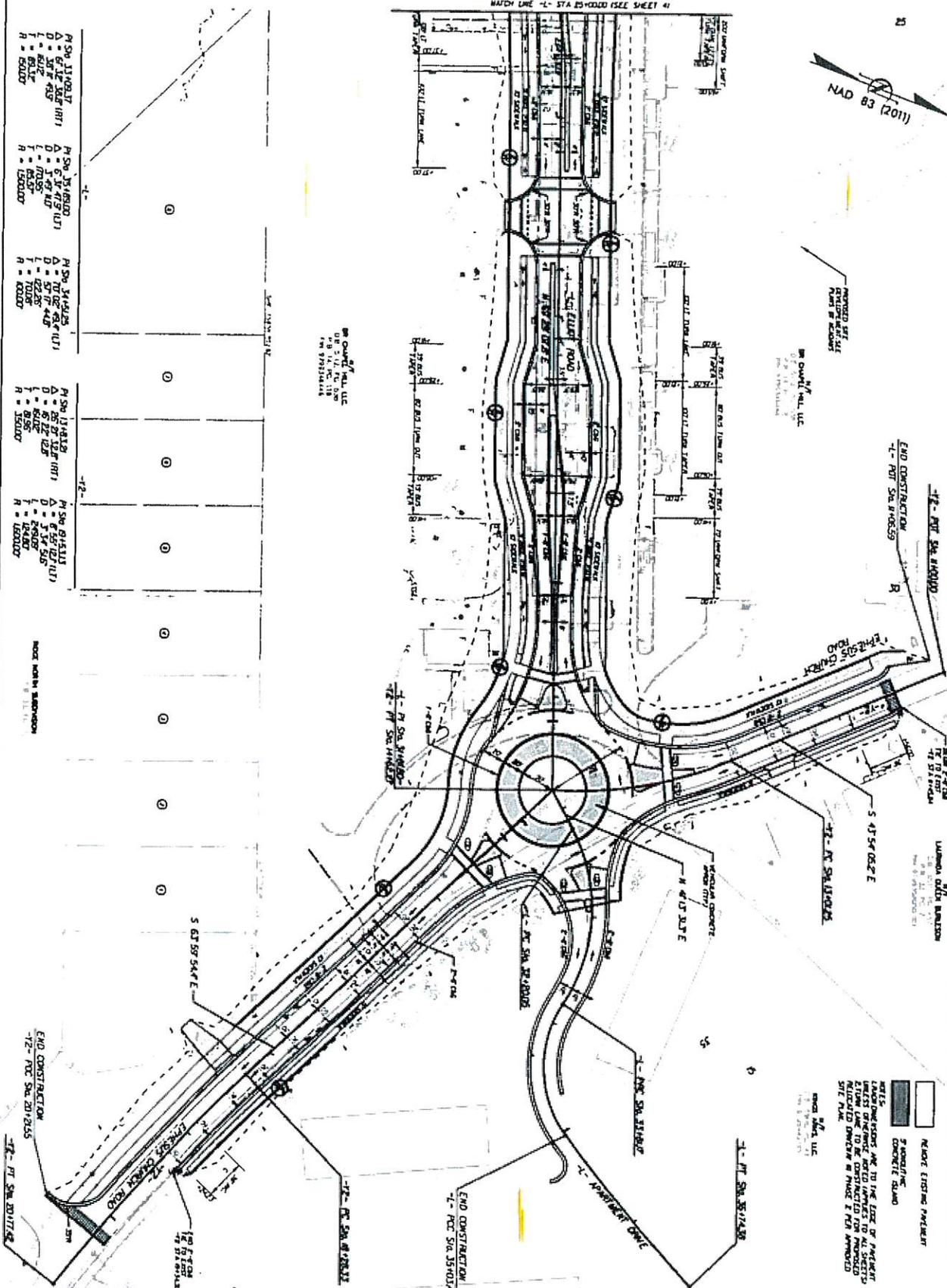
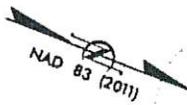
Amy T. Harvey (Seal)
Notary Public

Amy T. Harvey
Notary's Name, Printed or Typed
My commission expires: May 15, 2020

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY





P.S. 11001 D = 67.12 T = 8.12 R = 150.00	P.S. 11002 D = 67.12 T = 8.12 R = 150.00	P.S. 11003 D = 67.12 T = 8.12 R = 150.00	P.S. 11004 D = 67.12 T = 8.12 R = 150.00	P.S. 11005 D = 67.12 T = 8.12 R = 150.00	P.S. 11006 D = 67.12 T = 8.12 R = 150.00	P.S. 11007 D = 67.12 T = 8.12 R = 150.00	P.S. 11008 D = 67.12 T = 8.12 R = 150.00	P.S. 11009 D = 67.12 T = 8.12 R = 150.00	P.S. 11010 D = 67.12 T = 8.12 R = 150.00
---	---	---	---	---	---	---	---	---	---

ROAD WORK IN PROGRESS
 SEE SHEET 5

**ELLIOTT ROAD
EXTENSION**
 PREPARED FOR
TOWN OF CHAPEL HILL, NC
 CHAPEL HILL
 NORTH CAROLINA

PLAN VIEW

KHA PROJECT 01115020 DATE 1/11/2014 SCALE 1" = 40' DRAWN BY CWS CHECKED BY CWS	PRELIMINARY PLAN 1/11/2014
---	--------------------------------------

Kimley»Horn

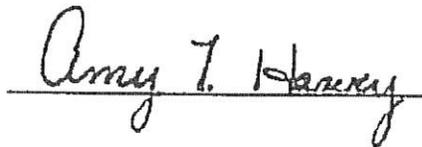
© 2014 KIMLEY-HORN AND ASSOCIATES, INC.
 300 WEST HORSING SHOLE DRIVE SUITE 1000 RAYLEIGH, NC 27706
 PHONE 919-842-7000
 WWW.KIMLEY-HORN.COM
 NC LICENSE # 7-0028

NO.	REVISION	DATE	BY

EXHIBIT C
TOWN CONCIL RESOLUTION

I, Amy T. Harvey, Deputy Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2018-04-25/R-10) adopted, as amended, by the Chapel Hill Town Council on April 25, 2018.

This the 26th day of April, 2018.

A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written over a horizontal line.

Amy T. Harvey
Deputy Town Clerk



A RESOLUTION APPROVING THE PROPOSED MODIFICATIONS TO ELLIOTT ROAD EXTENSION 25% DESIGN AND AUTHORIZING THE TOWN MANAGER TO PROCEED WITH FINAL DESIGN AND CONSTRUCTION (2018-04-25/R-10)

WHEREAS, the Ephesus-Fordham Small Area Plan recommends extending S. Elliott Road east from Fordham Blvd. to Ephesus Church Road; and

WHEREAS, this new roadway, in combination with the other transportation projects recommended in the Small Area Plan, are designed to improve mobility and better distribute vehicle trips throughout the Blue Hill District; and

WHEREAS, Council approved the 25% plans for Elliott Road Extension in January 2017; and

WHEREAS, Bluerock Real Estate, LLC, the owners of the Park Apartments, will provide significant right of way for this new roadway when they submit their Form District Permit application; and

WHEREAS, Bluerock is requesting modifications to the roadway 25% plans to provide better overall site access functionality; and

WHEREAS, Town staff recommends approval of the proposed modifications with several conditions.

NOW, THEREFORE BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council approves the proposed modifications and conditions as described in the staff recommendation found in the Staff Memorandum included in these agenda materials for the April 25, 2018 Council meeting.

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to proceed with final design and construction of Elliott Road Extension, provided that Bluerock Real Estate, LLC meet the following provisions at no cost to the Town:

- dedicate the required right-of-way to accommodate the roadway in its final design, valued at approximately \$3 million, and
- pay the greater of \$38,000 or the actual increased cost of the roadway design and construction resulting from their proposed modifications, as modified by Council on April 25, 2018, which will include markings and signage for bicycles and pedestrians at the internal road crossing and
- provide a \$1.5 million payment-in-lieu for affordable housing at issuance of building permits, and
- build necessary sidewalks, protected bike lanes, recreational/green space, and stormwater facilities as part of the development. Stormwater plans will be reviewed by staff for conformance with requirement of the LUMO as now provided;
- The project will be reviewed for conformance with the requirements of LUMO as now provided and the design guidelines scheduled for approval by the Town Council this spring; Council will be updated on the status of the stormwater plans and an update will be provided at the 70% review stage and other points based on a schedule to be adopted based on critical steps in the project review.

BE IT FURTHER RESOLVED that the Council authorizes the Town Manager to continue to work with Bluerock Real Estate, LLC to refine a plan for provision of rental units to serve households earning between 80% and 120% of the Area Median Income as proposed.

The Council also authorizes the Town Manager to make minor changes to these stated provisions given that any revisions meet the same purpose and intent.

This the 25th day of April, 2018.

THE PARK AT CHAPEL HILL APARTMENTS SCHEDULE 2

C-CHAPEL HILL, NC
3-01-18 REVISED AS PER TOC-H COMMENTS 2-26-18
3-16-18 PHASE 1B ADDED



THIS PLAN IS THE PROPERTY OF ISI HOUSING STUDIO AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ISI HOUSING STUDIO. ALL RIGHTS ARE RESERVED. THIS PLAN IS THE PROPERTY OF ISI HOUSING STUDIO AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF ISI HOUSING STUDIO. ALL RIGHTS ARE RESERVED.

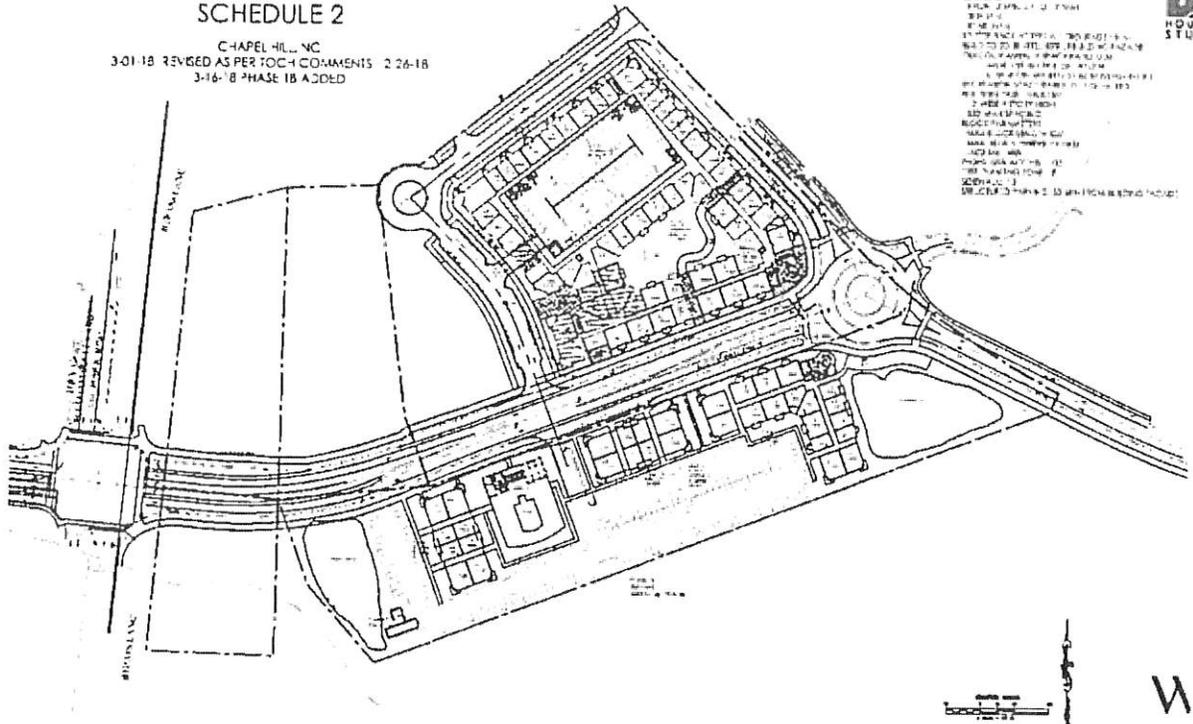


Exhibit 3:

Certificate of Appropriateness issued by the Community Design Commission on April 23, 2019.



TOWN OF CHAPEL HILL
Planning and Development Services

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

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

Blue Hill

Certificate of Appropriateness Approval

This Certificate of Appropriateness for The Park at Chapel Hill Apartments has been approved by the Community Design Commission, in accordance with approved certificate of appropriateness plans dated April 18, 2019.

This certifies that a Certificate of Appropriateness has been issued to:

Name of Applicant: Sean Gleason-McAdams

Applicant's Address: 2905 Meridian Parkway, Durham, NC 27713

For:

Name of Development: The Park at Chapel Hill Apartments
1250 Ephesus Church Road, Chapel Hill, NC 27514

Identified as: Project # 19-013
PINs 9799-34-6446

This Certificate of Appropriateness includes approval for the following Design Alternatives:

1. Ground floor elevation allowance of 6" min. and 6' max. as modified from the code requiring 2' min. and 4' max.
2. Average tree spacing of 40' on center has been modified to allow applicant to remove 2 street trees for fire access. (2) required street trees will be planted in Phase 1B (garden apartments) park space.
3. Entrance drive isle for Phase 1B (aligning w/ New Street A) will function as a street as the applicant was approved for a Type D Street Frontage including 6' sidewalks and 4' tree zone.

This Certificate of Appropriateness also includes approval with the following stipulations:

1. Art work related to DA1 to be approved by Town of Chapel Hill Arts Commission.
2. Dark gray brick shown at business center (Ephesus traffic circle) be substituted for metal panel sim. to Elliott Road Extension entrance on A3A.04 of approved plans.

April 23rd, 2019
(CDC approval date)



Adam Nicholson
Senior Planner-Urban Design

Exhibit 4:

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: Park Apartments (Form District Permit #19-025)

TO: Maurice Jones, Town Manager

CC: Matt Sullivan

FROM: Tommy Gregory, Fire Marshal

RE: Dept. Head Recommendation for Park Apartments Form District Permit Application
(Project #19-025)

DATE: August 28, 2019

Dear Mr. Jones:

The fire department staff has reviewed the Form District Permit application for the project known as Park Apartments (project #19-025) 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, Tommy Gregory recommend approval with permit condition so of the Form District Permit.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tommy Gregory".

Tommy Gregory
Fire Marshal



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: Park Apartments (Form District Permit #19-025)

TO: Maurice Jones, Town Manager

CC: Linda Smith, Assistant Director
Bill Webster, Planning and Development Manager

FROM: Phillip Fleischmann, Director of Parks and Recreation

RE: Dept. Head Recommendation for Park Apartments Form District Permit Application
(Project #19-025)

DATE: August 27, 2019

Dear Mr. Jones:

The Parks and Recreation Department staff has reviewed the Form District Permit application for the project known as Park Apartments (project #19-025) 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, Phillip Fleischmann recommend approval of the Form District Permit with one permit condition:

Prior to issuance of the form permit the applicant must make a payment in lieu of Recreation Space in the amount of \$213,300.

Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip Fleischmann".

Phillip Fleischmann
Director of Parks and Recreation



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: Park Apartments (Form District Permit #19-025)

TO: Maurice Jones, Town Manager

FROM: Loryn Clark, Executive Director for Housing and Community *lhc*

RE: Dept. Head Recommendation for Park Apartments Form District Permit Application
(Project #19-025)

DATE: August 28, 2019

Dear Mr. Jones:

The Planning Department and Office for Housing and Community staff have reviewed the Form District Permit application for the project known as Park Apartments (project #19-025) 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, Loryn Clark recommend X approval/approval with permit conditions/denial _____ of the Form District Permit.

Sincerely,

Loryn B. Clark, AICP
Executive Director for Housing and Community



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: Park Apartments (Form District Permit #19-025)

TO: Maurice Jones, Town Manager

CC: Michael Sudol, Planner II

FROM: Christopher C. Blue, Chief of Police and Exec. Dir. for Community Safety

RE: Dept. Head Recommendation for Park Apartments Form District Permit Application (Project #19-025)

DATE: August 27, 2019

Dear Mr. Jones:

The Police Department staff has reviewed the Form District Permit application for the project known as Park Apartments (project #19-025) 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 read "C. Blue", written over a large, stylized circular flourish.

Christopher C. Blue, Chief of Police and Exec. Dir. for Community Safety



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: Park Apartments (Form District Permit #19-025)

TO: Maurice Jones, Town Manager

CC:

FROM: Brian Litchfield, Transit Director

RE: Dept. Head Recommendation for Park Apartments Form District Permit Application
(Project #19-025)

DATE: August 28, 2019

Dear Mr. Jones:

The Transit staff has reviewed the Form District Permit application for the project known as Park Apartments (project #19-025) 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.

Transit has two stops adjacent to the proposed development. Stops #3062 and #3063 are currently served by the F Route. In Accordance with LUMO 5.8.1(e) and based on the project's size and proportional impact to the transit system we require that the developer issue a payment in lieu of any improvements at this time in the amount of \$15,000 (shelter, real-time, LED Lighting). Transit will review the demand from this development for future service improvements in the area.

While this development is transit supportive, please note that existing service levels in this area were implemented prior to redevelopment. As such, as projects come online in this area, additional investments in transit service, along with potential route adjustments, may be required to meet demands and provide a reasonable travel option. We believe the Short Range Transit Plan will help to identify initial transit investments necessary for this area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Litchfield".

Brian Litchfield
Transit Director



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: Park Apartments (Form District Permit #19-025)

TO: Maurice Jones, Town Manager

CC: Chris Roberts, Manager of Engineering and Infrastructure

FROM: Lance Norris, Public Works Director

RE: Dept. Head Recommendation for Park Apartments Form District Permit Application
(Project #19-025)

DATE: August 29, 2019

Dear Mr. Jones:

The Public Works staff has reviewed the Form District Permit application for the project known as Park Apartments (project #19-025) 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 X approval/approval with permit conditions/denial _____ of the Form District Permit.

Sincerely,

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

Lance Norris
Public Works Director