INTRODUCTION

On March 1, 2011, the Planning Board considered two applications for the Charterwood development: a Zoning Atlas Amendment application which proposed rezoning a portion of the Charterwood property from the existing Residential-2 (R-2) zoning district to the Mixed Use-Village (MU-V) zoning district; and a Special Use Permit application which proposed construction of 87 residential dwelling units and 5 commercial buildings with 282 parking spaces on the site.

At the meeting, the applicant handed out proposed changes to Resolution A. A copy of the applicant’s proposed changes is attached to this memorandum. In order for the staff and the Planning Board to consider the applicant’s proposed changes, the Board deferred consideration of the applications to the March 15th meeting. The Board also viewed the continuation of the meeting as providing an opportunity for an absent Board member to provide comments on the proposed stormwater management plan.

STAFF RECOMMENDED CHANGES

In response to the proposed changes discussed in the attached document from the applicant, the staff offers the following comments:

1. Martin Luther King Jr Boulevard Buffer: The applicant has proposed to modify the minimum landscape buffer requirement for:
   a) approximately 275 linear feet along Martin Luther King Jr. Boulevard at Building A to a minimum width of 15 feet outside of rights-of-way and utility easements; and
   b) approximately 145 linear feet at Building B to a minimum width of 10 feet outside of rights-of-way and utility easements up to the Greenway.

Staff comment: Recognizing the limitations with the Duke Energy easement along the Martin Luther King Jr. Boulevard, we believe that the reduced buffer width in front of Building B is reasonable. We agree with the applicant and have revised the Modification to Regulations #1 to include the above language.
2. **Compliance with Section 4.5.4:** The applicant has proposed to modify stipulation #6 to include the following sentence:

*A Special Use Permit Modification, if needed for the reasons above, shall be granted expedited review and shall reach the Council for a Public Hearing and Action within 150 days of submission of the SUP Modification Request.*

**Staff comment:** The Land Use Management Ordinance states under Section 4.5.4 that substantial changes to the proposed location of the principal and/or accessory structures or structural alterations significantly affecting basic size, form, style, ornamentation and appearance of structures shall require additional Town Council approval of a Special Use Permit Modification.

The Council has an established process for granting expedited review. We do not recommend that consideration of the expedited review process be part of a Special Use Permit approval process. We believe that the expedite review process should be considered on a case by case basis at the time the applicant is contemplating the submission of a formal application. For example, we believe that a request for an expedite review is more appropriately initiated by an applicant during the Concept Plan review phase. The applicant’s recommended change to stipulation #6 has not been incorporated into Resolution A.

3. **Affordable Housing:** The applicant is proposing an alternative to the typical provision of affordable housing associated with the Inclusionary Zoning Ordinance. The Council may approve an alternative if it determines that the alternative provides “an equivalent amount of Affordable Dwelling Units in a way that the Town Council or Planning Board determines better achieves the goals, objectives and policies of the Comprehensive Plan than providing them on-site.”

The applicant’s alternative method of meeting the affordable housing requirement would provide eight units affordable to households earning less than 80% of the area median income, two units to households earning 100% of the area median income and two units affordable to households earning 105% of the area median income.

The applicant states that information required in Stipulation #9 may not be available upon issuance of a Zoning Compliance Permit due to proposed phasing of Charterwood.

**Staff comment:** We continue to recommend that the applicant provide the affordable housing requirement (15%) of 11.25 affordable units. Specifically, we also recommend at least one half, or six (6) units, should be priced so that they are affordable to households earning 65% or less of the area median income, and five (5) units priced so they are affordable to households earning 80% or less than the area median income. A payment of $21,250 (0.25 x current payment-in-lieu rate of $85,000) to the Town’s Affordable Housing Fund would satisfy the affordable housing fractional payment-in-lieu requirement. Traditionally, we ask that these funds be paid to the Town prior to the issuance of a Zoning Compliance Permit. If the Council approval includes the above staff recommendation, the applicant has requested to provide payment to the Town prior to issuance of the first Certificate of Occupancy.
We continue to recommend that units be provided according to the Inclusionary Zoning Ordinance. If the Council chooses to find that the alternative better achieves the Town’s goals, objectives, and policies of the Comprehensive Plan and supports the applicant’s alternate proposal, we believe that it would be reasonable to work with the Community Home Trust to preserve the long term affordability of the units. We also believe that providing housing for households earning up to 105% of the area median income would begin to address the documented need for middle-income housing in the community.

We recommend stipulation #9 in Revised Resolution A be retained.

4. **Kenilworth Place**: The applicant has proposed eliminating Stipulation #15 and modifying Stipulation #16. Stipulation #15 reads that prior to issuance of a Certificate of Occupancy, the applicant shall construct a Town standard public street, that extends the existing Kenilworth Place roadway to the proposed north-south public street within the development as well extending the roadway to the southern property line (mobile home park).

*Staff comment:* Consistent with Town policy encouraging connectivity, we continue to recommend that the applicant dedicate a public right-of-way between Kenilworth Place to the proposed public street in Charterwood. We recommend that this right-of-way extend to the property to the south (Rigsbee Mobile Home Park). We also recommend that the applicant construct a public street, meeting Town standards within this dedicated right-of-way. We recommend that no changes be made to Stipulations #15 and 16 in Revised Resolution A.

5. **Streetscape**: The applicant has proposed eliminating Stipulation #22. This stipulation requires that sufficient space for canopy trees, including a 7-foot wide planting strip and tree lawn outside the public right-of-way and utility easements be provided along the Martin Luther King Jr. Boulevard frontage.

*Staff comment:* We believe this stipulation has been addressed through the proposed Modification to Regulation request. We agree and Stipulation #22 in Revised Resolution A has been deleted.

6. **Eastern Buffer in Front of Buildings A and B**: The applicant has requested that Stipulation #29 of Resolution A be modified separating Building A and B. The applicant is requesting that in front of Building A that the 275-foot modified buffer include a minimum 15-foot wide landscape buffer with canopy tree plantings. In front of Building B, the applicant is requesting to reduce the modified buffer width to a minimum width of 10 feet.

*Staff comment:* Please refer to the above discuss under item #1 above (Martin Luther King Jr. Boulevard Buffer) for additional information. We agree and have included the proposed changes to Stipulation #29 in Revised Resolution A.

7. **Stream Buffers**: The applicant has proposed to modify the language of Stipulation #46 to read: That no land disturbance within the Resource Conservation District or within the Jordan Riparian Buffer is permitted by the approval unless authorized by the Land Use
Management Ordinance Sections 3.6.3 Resource Conservation District or 5.18 Jordan Watershed Riparian Buffer Protection, whichever is more stringent, and approved by the Town Manager.

Staff comment: We believe the proposed changes reflect the language of the Land Use Management Ordinance. Resolution A has been revised to include the proposed change to Stipulation # 46.

8. Editorial Comments: The applicant has also proposed several additional editorial changes to Resolution A. These comments include changes to the Western Buffer, Parking Lot Screening, Tree Canopy, Hardscape, Community Design Commission approvals, and Lighting Plan.

Staff comment: We have incorporated these editorial changes to the Western Buffer, Parking Lot Screening, Tree Canopy, and Hardscape into Revised Resolution A. We do not agree with the applicant’s proposed changes with respect to stipulations #44 (Community Design Commission approval) and stipulation #70 (Lighting Plan).

9. Pending Comments: A Planning Board member was absent from the discussion of the Charterwood application on March 1st.

Staff comments: We have encouraged the applicant to contact the Planning Board member to discuss the application and anticipate additional information to be presented at tonight’s meeting.

10. Preservation Easement: The applicant is proposing to preserve and adaptively reuse the historic Altemueller home and surrounding area. The North Area Task Force Report recommends retaining the Altemueller farmhouse and tree group as an active focus space for the community and adaptive reuse the farmhouse.

Staff comment: We recommend adding a stipulation in Revised Resolution A to ensure the preservation of the site.

RECOMMENDATION

Having heard additional Board member and staff comments at the March 1, 2011 Planning Board meeting, we recommend that the Planning Board adopted Revised Resolution A. The following changes have been incorporated into Revised Resolution A:

Modification to Regulations:

1. Modification of Section 5.6.2 to modify the minimum landscape bufferyards requirement for Martin Luther King Jr. Boulevard frontage for (1) approximately 275 linear feet along Building A to a minimum width of 15 feet outside of rights-of-ways and utility easements, and (2) approximately 145 linear feet along Building B to a minimum width of 10 feet outside of rights-of-way and utility easements.
Deletion of Stipulations:

22. Streetscape: That sufficient space for canopy trees, including a 7-foot wide planting strip and tree lawn outside the public right-of-way and utility easements, be provided along the Martin Luther King Jr. Boulevard frontage.

42. Planting Plan: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide a planting plan showing the number and location of proposed canopy trees to determine if the newly required canopy coverage standards are being met.

Modification of Stipulations:

28. Western Buffer: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide an enhanced landscape planting plan along this 25-foot wide Type-C bufferyard. These planting shall be installed prior to issuance of the first Certificate of Occupancy.

29. Eastern Buffer in Front of Buildings A and B: That in order to provide sufficient width to accommodate canopy trees, the 275 linear foot modified bufferyard, in front of Building A shall include a minimum 15-foot wide tree lawn with canopy tree plantings; and the 145 linear foot modified bufferyard, in front of Building B shall include a minimum 10-foot wide tree lawn with canopy tree plantings. The tree lawn and associated canopy trees shall be located outside the public right-of-way and any utility easements.

30. Hardscape Plan: Buildings A and B: That the final plan consider the installation of sidewalk, patios and other hardscape elements consistent with the modified buffer along Martin Luther King Jr. Boulevard and located between the buildings and Martin Luther King Jr. Boulevard, in between Building A, B and Martin Luther King Jr. Blvd. That the If proposed, plans and details indicating the amounts and types of hardscape shall be submitted for review and approval by the Town Manager prior to issuance of a Zoning Compliance Permit, or intrusions proposed into the buffer in this area.

38. Landscape Screening and Shading: That the landscaping standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance shall be shown on the Landscape Planting Plan and shall be reviewed and approved provided prior to issuance of a Zoning Compliance Permit.

41. Tree Canopy Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a tree canopy plan calculating the existing tree canopy coverage on the site and calculating the tree canopy that will be retained after development. The applicant shall also provide a planting plan showing the number and location of and the proposed canopy trees planting plan demonstrating how that the development will meet the new Tree Protection Ordinance minimum tree canopy coverage standards.
46. **Resource Conservation District and Jordan Lake Riparian Stream Buffer:** That no land disturbance within the Resource Conservation District or within the Jordan Riparian Buffer is permitted by this approval unless authorized by the Land Use Management Ordinance Sections 3.6.3 Resource Conservation District or 5.18 Jordan Riparian Buffer Protection, whichever is more stringent, and approved by the Town Manager.

**Addition of Stipulation:**

96. **Preservation Easement:** That prior to issuance of a Zoning Compliance Permit, a preservation easement shall be placed on the structure, known as the Altemueller home, and the green area immediately surrounding the home as well as the central tree save area giving preservation rights to an independent third party subject to reviewed and approved by the Town Manager.

**Staff Revised Recommendation:** We recommend that the Planning Board recommend that the Council enact Ordinance A, approving the rezoning; and that the Planning Board recommend that the Council adopt Revised Resolution A, approving the Special Use Permit with conditions.

**ATTACHMENTS**

1. Ordinance rezoning the property from Residential-2 to Mixed Use-Village
2. Resolution A, denying the rezoning request
3. Revised Resolution A, approving the Special Use Permit
4. Resolution B, denying the Special Use Permit
5. Applicant’s March 1, 2011 memo to the Planning Board
AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS FOR THE
CHARTERWOOD AT 1641 MARTIN LUTHER KING JR. BOULEVARD (Orange
County Parcel Identifier Numbers: 9880-24-4842 and 9880-24-6787

WHEREAS, the Council of the Town of Chapel Hill has considered the application from WCA
Partners, LLC to amend the Zoning Atlas to rezone property described below from Residential-2
(R-2) to Mixed Use-Village (MU-V), and finds that the amendment is warranted, in order to
achieve the purposes of the Comprehensive Plan including:

- Encouragement of development of selected opportunity areas; and
- Encouragement of neighborhood-scale commercial centers.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the
Chapel Hill Zoning Atlas be amended as follows:

SECTION I

Being all that certain tract of land containing approximately 278,333 square feet or 6.4 acres
more or less, located in Chapel Hill Township, Orange County, North Carolina, and being more
particularly described as follows:

Beginning at a point in the western Right-of-Way of Martin Luther King Junior Boulevard (NC
86), said point being the northeast corner of the property owned by WCA Partnership LLC,
having a north coordinate of 805,535.62 and an east coordinate of 1,982,724.05 as surveyed by
Ballentine and Associates, the point and place of beginning; Thence with the western Right-of-
Way of Martin Luther King Junior Boulevard (NC 86) in a southerly direction 1,292.30 ft to a
point; Thence N87°33'44"E, 20.59 ft to a point; Thence S02°11'46"E, 35.77ft to a point; Thence
S87°54'39"W, 10.19 ft to a point; Thence S01°53'11"E, 14.40 ft to a point in the common
property line between WCA Partnership LLC, and TMJPC, LLC; Thence along and with the
subject property line in a westerly direction 244.38 ft to a point; Thence N00°18'24"E, 48.00 ft
to a point; Thence N89°41'36"W, 40.62 ft to a point in the eastern Right-of-Way line of (Yet to
be named) Street; Thence along and with the eastern Right-of-Way of said Street in a northerly
direction for 369.74 ft to a point of intersection between the eastern Right-of-Way of (Yet to
be named) Street and the southern Right-of-Way of Westminster Drive; Thence along and with the
southern Right-of-Way of Westminster Drive in an easterly direction, 90.27 ft to a point; Thence
N10°27’45”W, 117.05 ft to a point; Thence S82°35’10”W, 16.95 ft. to a point; Thence
S06°30’10”W, 9.27 ft. to a point in the western Right-of- Way of Westminster Drive; Thence
along and with the northern Right-of-Way of Westminster Drive in a westerly direction , 98.24 ft
to a point; Thence N10°25’40”W, 260.22 ft to a point; Thence S79°20’56”W, 86.35 ft to a point;
Thence N10°08’17”W, 133.87ft to a point; Thence N79°13’20”E, 160.16ft to a point; Thence

ATTACHMENT 1
ORDINANCE
(Rezoning to MU-V)
N11°57′27″W, 219.51 ft to a point in the northern Right-of-Way line of (Yet to be named) Street; Thence along and with the northern Right-of-Way line of (Yet to be named) Street, 283.78 ft to a point; Thence N01°19′07″E, 39.84 ft to a point; Thence S88°40′06″E, 332.67 ft to the place and point of beginning.

SECTION II

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the ______ day of ____________, 2011.
A RESOLUTION DENYING AN APPLICATION FOR A ZONING ATLAS FOR THE CHARTERWOOD AT 1641 MARTIN LUTHER KING JR BOULEVARD (Orange County Parcel Identifier Numbers: 9880-24-4842 and 9880-24-6787)

WHEREAS, the Council of the Town of Chapel Hill has considered the application from WCA Partners, LLC, to amend the Zoning Atlas to rezone property described below from Residential-2 (R-2) to Mixed Use-Village (MU-V), and fails to find that the amendment;

a) corrects a manifest error in the chapter, or  

b) is justified because of changed or changing conditions in the area of the rezoning site or the community in general; or

C) achieves the purposes of the Comprehensive Plan.

For the reasons that:

[INSERT REASONS FOR DENIAL]

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the application by WCA Partners, LLC to rezone the site, identified as a portion of now or formerly as Orange County Parcel Identifier Numbers 9880-24-4842 and 9880-24-6787 that are currently zoned Residential-2 (R-2) located at 1641 Martin Luther King Jr. Boulevard.

This the ________ day of ______________, 2011.
BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Charterwood Special Use Permit proposed by WCA Partners, LLC, on property identified as Orange County Property Identifier Numbers 9880-24-4842 and 9880-24-6787, if developed according to the Site Plan dated August 21, 2009 and revised May 27, 2010, August 5, 2010, September 30, 2010, January 7, 2011, and February 16, 2011 and the conditions listed below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

2. Comply with all required regulations and standards of the Land Use Management Ordinance;

3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and

4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the following modification satisfy public purposes to an equivalent or greater degree:

1. Modification of Section 5.6.2 to modify the minimum landscape bufferyards requirement for Martin Luther King Jr. Boulevard frontage for (1) approximately 275 linear feet along Building A to a minimum width of 15 feet outside of rights-of-ways and utility easements, and (2) approximately 145 linear feet along Building B to a minimum width of 10 feet outside of rights-of-way and utility easements.

2. Modification of Section 5.9.6 to provide relief for installing a 5-foot wide landscaping strip between parking spaces and buildings.

These findings are based on a determination that public purposes are satisfied to an equivalent or greater degree because the applicant is providing affordable housing, infill housing, multi-modal transportation accessibility, structured and shared parking, and pedestrian focus. The proposed development is serviced by transit, bike lanes and a sidewalk and pedestrian system, and thereby offers the opportunity to arrive at the site via alternative means of transportation.
Stipulations Specific to the Development

1. **Construction Deadline:** That construction begin by (three years from the date of Council approval) and be completed by (five years from the date of Council approval).

2. **Land Use Intensity:** This Special Use Permit authorizes with:

<table>
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<tr>
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<th>R-2</th>
<th>MU-V</th>
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<tbody>
<tr>
<td>Gross Land Area</td>
<td>345,430 sq. ft.</td>
<td>278,348 sq. ft.</td>
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<tr>
<td>Total Floor Area</td>
<td>78,000 sq. ft.</td>
<td>210,000 sq. ft.</td>
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<tr>
<td>Maximum Impervious Surface Area</td>
<td>57,800 sq. ft.</td>
<td>244,591 sq. ft.</td>
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<tr>
<td>Minimum Vehicular Parking Spaces</td>
<td>14</td>
<td>179</td>
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<td>Maximum Vehicular Parking Spaces</td>
<td>23</td>
<td>493</td>
</tr>
<tr>
<td>Minimum Bicycle Parking Spaces</td>
<td>3</td>
<td>70</td>
</tr>
<tr>
<td>Max. Number of Dwelling Units</td>
<td>31</td>
<td>*56 (minimum 25% of floor area)</td>
</tr>
<tr>
<td>Minimum Affordable Dwelling Units</td>
<td>15% of unrestricted dwelling units</td>
<td>15% of unrestricted dwelling units</td>
</tr>
<tr>
<td>Minimum Recreation Space</td>
<td>9,499 sq. ft.</td>
<td>14,083 sq. ft.</td>
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* dwelling units may be increased with an approved Traffic Impact Exemption

3. **Permitted Land Use Category:** That the following land uses are permitted within the Mixed Use-Village/Planned Mixed-Use Development portion of the site: Bank, including drive-through; Bank ATM, Walk-up and Drive-through; Barber shop/beauty salon; Business, convenience; Business, general; Business, office-type; Business, wholesale; Child/adult day care facility; Clinic, College or university; Fine arts educational institution; Hotel/Motel; Manufacturing, light; Personal Services; Places of worship; Public service facility; Publishing and/or printing; Recreation facility, commercial; Research activities, Multi-family Dwelling Units and associated customary incidental uses.

The following land uses are permitted within the Residential-2/Planned Housing - Development portion of the site: Dwelling units (single-family, two-family, and Multi-Family) and associated customary incidental uses.

4. **Mix of Uses and Phasing:** Mixed Use Village: That the mix of floor area within the Mixed Use-Village portion of the site shall contain at least twenty-five (25) percent of the floor area devoted to residential uses and at least twenty-five (25) percent of the floor area devoted to office/commercial uses. That all required use categories (residential, office/commercial) shall be included in the first phase of the project, if phased.

5. **Convenience-Business: Eating/Drinking Establishments:** That the Convenience-Business: Eating/Drinking Establishment (restaurant/bar) land use category shall not exceed 50% of the non-residential floor area.
6. **Compliance with Section 4.5.4**: That the Town Manager may authorize site plan adjustments, associated with the location of principal and/or accessory structures or structural alterations, as permitted by Section 4.5.4 of the Land Use Management Ordinance. Substantial changes in the location of principal and/or accessory structures or structural alterations significantly affecting basic size, form, style, ornamentation and appearance of structures, as shown on the plans approved by the Town Council, shall require additional Town Council approval of a Special Use Permit Modification.

7. **NCDOT Properties**: That prior to issuance of a Zoning Compliance Permit, the applicant submit a recombination plat for the two NCDOT parcels for review and approval by the Town Manager. If the properties are not acquired, it will be necessary for the applicant to provide revised plans and related materials based the revised property lines, indicating compliance with the Land Use Management Ordinance, for review and approval of the Town Manager prior to issuance of a Zoning Compliance Permit.

8. **Taxation**: That during any time this property is exempt from ad valorem property taxes (college or university), the owner shall make annual payments-in-lieu of property taxes, the amount to be determined based on a valuation determined by the Orange County Tax Supervisor and the applicable year’s established city and county tax rate.

9. **Affordable Housing Plan**: That the applicant submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the applicant, the Town Manager (or designee), and the non-profit agency that provides the following affordable housing contribution:
   a. 15% of the market rate units is 11.25 units (75 units X 15%)*
   b. The applicant will construct 11 units on-site that will be affordable to households according to the requirements of the Inclusionary Zoning Ordinance.*
   c. The applicant will provide a payment of .25 multiplied by per unit payment amount established annually by the Council. As of January, 2011, the per unit payment is $85,000 X .25 = $21,250.*
   d. The payment shall be made to the Town’s Affordable Housing Fund.
   e. Payment must be received prior to issuance of the first Certificate of Occupancy.*

*(calculation is based on the applicant’s proposal to provide 76 market rate units)

In addition to the affordable housing contribution, the Affordable Housing Plan shall provide the information required in section 3.10.4 of the Land Use Management Ordinance and listed here:

a) General information about the nature and scope of the covered development.

b) For Applicants that request an alternative to on-site provision of affordable housing, evidence that the proposed alternative will further affordable housing opportunities in the Town to an equivalent or greater extent than compliance with the otherwise applicable on-site requirements of this Section.
c) The total number of market rate units and Affordable Dwelling Units in the development.
d) The number of bedrooms and bathrooms in each Affordable Dwelling Unit.
e) The approximate square footage of each Affordable Dwelling Unit.
f) The approximate location within any multifamily residential structure, or any subdivision of land, of each Affordable Dwelling Unit.
g) The pricing for each Affordable Dwelling Unit or Lot. The pricing of each unit or lot shall be determined at time of approval of the Zoning Compliance Permit. At the time of sale this price may be adjusted if there has been a change in the median income or a change in the formulas used in this ordinance.
h) The order of completion of market rate and Affordable Dwelling Units.
i) Documentation and specifications regarding the exterior appearance, materials and finishes of the development for each of the Affordable Dwelling Units, unless it is stated that market rate units and Affordable Dwelling Units shall have identical exterior finishes. It is strongly encouraged that the appearance of affordable units be comparable to the appearance of market-rate units.
j) Documentation of features incorporated into the design of the Affordable Dwelling Units that accommodate lifelong living and aging in place. Examples of such features, also referred to as components of “Universal Design,” are elements that provide increased accessibility to and throughout the dwelling such as accessible points of entrance to the dwelling, wider doorways, and bedrooms accessible without steps.
k) Documentation of the extent to which construction of the affordable units incorporates energy-efficient and durable design and materials, to minimize ongoing maintenance costs for those units.
l) Any and all other information that the Town Manager may require that is needed to achieve the Council’s affordable housing goals.

Prior to issuance of a Zoning Compliance Permit, the Affordable Housing Plan and Performance Agreement shall be reviewed and approved by the Town Manager or his designee.

Transportation

10. Martin Luther King Jr. Boulevard Improvements: That prior to the issuance of a Certificate of Occupancy for the portion of the development accessed by the primary entrance at the intersection of Martin Luther King Jr. Boulevard and Westminster Drive, the applicant shall improve the Martin Luther King Jr. Boulevard frontage including:

- A northbound left-turn lane in the median at the Martin Luther King Jr. Boulevard and Westminster Drive intersection to accommodate site-related traffic including a protected left-turn signal phase for the northbound and southbound left-turn movements (as related to the associated signal upgrade).
- Crosswalks at the Martin Luther King Jr. Boulevard and Westminster Drive intersection on all four legs of the intersection.
- Pedestrian-actuated signals and bicycle-activated loops for all four approaches at the Martin Luther King Jr. Boulevard and Westminster Drive intersection.
• Improvements to the site approach to the Martin Luther King Jr. Boulevard and Westminster Drive intersection including at least 100 feet of driveway length and two exit lanes to be designated as left-turn/through and right-turn only.
• A right turn lane for southbound Martin Luther King Jr. Boulevard traffic.
• Signal retiming along the corridor (to Homestead Road) to accommodate the revised signal timing at the site’s entrance.

The improvements shall be constructed to the North Carolina Department of Transportation standards. The design shall be subject to the approval of the Town Manager and North Carolina Department of Transportation prior to the issuance of a Zoning Compliance Permit.

11. Traffic Generation: That a detailed table of traffic generation for each land use be submitted prior to issuance of a Zoning Compliance Permit. That this table is subject to review and approval by the Town Manager. That in the event the number of daily trips exceeds 2,805, it will be necessary for the applicant to prepare a Traffic Impact Analysis or obtain an exemption from the Town Manager.

12. Martin Luther King Jr. Boulevard Bus Pull-off: That prior to the issuance of a Certificate of Occupancy, the applicant improve Martin Luther King Jr. Boulevard with construction of a bus pull-off with the location and design approved by the Town Manager and the North Carolina Department of Transportation prior to issuance of a Zoning Compliance Permit.

13. Bus Stop Amenities: That prior to the issuance of a Certificate of Occupancy, the applicant shall provide a bus stop shelter with amenities including a bench, lighting, and trash receptacle.

14. Kenilworth Place Extension Right-of-Way: That prior to the issuance of a Zoning Compliance Permit, the applicant shall dedicate right-of-way that extends the existing Kenilworth Place public right-of-way to the proposed north-south public street within the development as well as extending the right-of-way to the southern property line (mobile home park). That the dedication plat shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

15. Kenilworth Place Extension Roadway: That prior to the issuance of a Certificate of Occupancy, the applicant shall construct a Town standard public street, that extends the existing Kenilworth Place roadway to the proposed north-south public street within the development as well as extending the roadway to the southern property line (mobile home park). The design and location of this roadway shall be reviewed and approved by the Town Manager.

16. Kenilworth Place Alternative: That if the Council chooses to not require the applicant to construct the public roadway connections as described in the above stipulation, it will be necessary for the applicant to construct a cul-de-sac or other means for vehicles to turn around at the southern end of the southernmost public street. The design and location of the turn-around shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
17. **New Street and Intersection with Martin Luther King Jr. Boulevard:** That the required improvements shall be designed to the North Carolina Department of Transportation standards and approved by NCDOT and the Town Manager prior to the issuance of a Zoning Compliance Permit. That prior to issuance of the first Certificate of Occupancy for this portion of the development, all public improvements shall be constructed.

18. **Private Alleys:** That the applicant provides a turnaround at the northern end of the private alley running behind the single-family lots 12 through 21.

19. **Future Cross Access Easements:** That a plat, recorded at the Orange County Register of Deeds Office prior to issuance of a Zoning Compliance Permit, shall include a cross-access easement for pedestrian and vehicular connections between all portions of the development. Notes to this effect shall be provided on all plats and final plans.

20. **Loading Zone:** That the applicant provides additional information regarding the coordination of potential delivery schedules and parking demands prior to issuance of a Zoning Compliance Permit in order to demonstrate that the peak operation does not conflict with the delivery schedule.

21. **Accessibility Requirements:** The applicant shall provide the minimum required handicapped parking spaces and design all handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans With Disabilities Act standards, North Carolina Accessibility Code, and Town standard prior to issuance of a Certificate of Occupancy. Code requirements include standards for the number, size and spacing of handicapped spaces, travel distance from parking spaces to buildings, ramp and sidewalk slope, cross-walk striping and other considerations.

22. **Streetscape:** That sufficient space for canopy trees, including a 7-foot wide planting strip and tree lawn outside the public right-of-way and utility easements, be provided along the Martin Luther King Jr. Boulevard frontage.

23. **Complete Streets:** That the design of the transportation network is consistent with the adopted Town of Chapel Hill policy for Complete Streets.

24. **Bicycle Parking:** That the applicant comply with the bicycle parking standards in place at such time that the Town Council approves the Special Use Permit. That the applicant shall provide dimensioned details for the bicycle parking spaces that comply with Town parking standards and the spring 2002 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual.

25. **Transportation Management Plan:** A Transportation Management Plan for the non-residential portion of the site shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall be updated and approved annually by the Town Manager. The required components of the Transportation Management Plan shall include:
a) A Transportation Coordinator at each site to communicate and promote alternate modes of transportation.
b) Submission of an Occupancy Survey due 90 days after issuance of Certificate of Occupancy.
c) Submission of an updated annual Transportation Management Plan Report.
d) Submission of Go Chapel Hill Mobility Business and Employee Surveys during survey years.
e) Trip reduction measures implemented to gradually attain the goals of the program.
f) An annual list of the types of land use categories occupying the non-residential portion of the site, and the total amount of floor area associated with each category.

**Landscaping and Elevations**

26. **Landscape Buffers:** That the applicant shall provide the following landscape buffers:

<table>
<thead>
<tr>
<th>Location</th>
<th>Bufferyard LUMO Requirement</th>
<th>Required Bufferyard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern Property Line</td>
<td>20 ft Type C</td>
<td>20 ft Type C</td>
</tr>
<tr>
<td>Western Property Line</td>
<td>20 ft Type C</td>
<td>25 ft Type C</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(enhanced plantings)</td>
</tr>
<tr>
<td>Eastern Property Line</td>
<td>20 ft Type C</td>
<td>1,000 linear feet 20’ Type C buffer;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>420 linear feet buffer modification</td>
</tr>
<tr>
<td>Northern Property Line</td>
<td>20 ft Type C</td>
<td>20 ft Type C (existing vegetation)</td>
</tr>
</tbody>
</table>

27. **Southern Buffer:** That unless the applicant obtains alternate bufferyard approval from the Community Design Commission, that a standard 20-foot wide Type-C buffer be provided continuously along the north edge of the Southern Bell easement. Stormwater management features, utility easements or greenway trails shall not be located within this 20-foot wide bufferyard. That the limits of disturbance be revised on the final plans to attempt to preserve more of the rare and specimen trees in this area.

28. **Western Buffer:** That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide an enhanced landscape planting plan along this 25-foot wide Type-C bufferyard. These planting shall be installed prior to issuance of the first Certificate of Occupancy.

29. **Eastern Buffer in Front of Buildings A and B:** That in order to provide sufficient width to accommodate canopy trees, the 275 linear foot modified bufferyard, in front of Building A shall include a minimum 15-foot wide tree lawn with canopy tree plantings; and the 145 linear foot modified bufferyard, in front of Building B shall include a minimum 10-foot wide tree lawn with canopy tree plantings. The tree lawn and associated canopy trees shall be located outside the public right-of-way and any utility easements.
30. **Hardscape Plan: Buildings A and B:** That the final plan consider the installation of sidewalk, patios and other hardscape elements consistent with the modified buffer along Martin Luther King Jr. Boulevard and located between the buildings and Martin Luther King Jr. Boulevard, in between Building A, B and Martin Luther King Jr. Blvd. That the plans and details indicating the amounts and types of hardscape shall be submitted for review and approval by the Town Manager prior to issuance of a Zoning Compliance Permit.

31. **Alternate bufferyards:** That any stormwater management features or any type of easement, shall not be located within a required bufferyard, unless authorized as part of an alternate bufferyard plan reviewed and approved by the Community Design Commission.

32. **Buffers:** That all buffers be graded at a maximum slope of 3 to 1 unless otherwise approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

33. **Landscape Protection:** That a detailed Landscape Protection Plan, clearly indicating which significant tree stands, rare and specimen trees shall be removed and which shall be preserved, shall be provided prior to issuance of a Zoning Compliance Permit. The plan shall include critical root zones of all rare and specimen trees, and clearly delineate significant tree stands. The plan shall also include detail of tree protection fencing around construction limits and indicate construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

34. **Landscape Planting Plan:** That the applicant shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

35. **Tree Preservation:** That the land disturbance limits along the southwest edge of the site be revised to accommodate preservation for two of the three largest white oaks. That the land disturbance activity in the central tree area be minimized in order to improve the survivability of a 31” white oak tree.

36. **Tree Protection Fencing Prior to Demolition:** That the applicant shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to demolition of the existing buildings on the site, prior to issuance of a Zoning Compliance Permit.

37. **Chain link Fencing:** That a chain link fence shall be installed around the portions of the tree save areas during construction, to ensure restricted land disturbance near these areas. Details concerning the location, type, installation, and maintenance of this fence shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
38. **Landscape Screening and Shading**: That the landscaping standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance shall be shown on the Landscape Planting Plan and shall be reviewed and approved provided prior to issuance of a Zoning Compliance Permit.

39. **Landscape Plan and Landscape Maintenance Plan**: That a detailed Landscape Plan and a Landscape Maintenance Plan, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all proposed plantings as well as the limits of land disturbance and tree protection fencing.

40. **Tree Canopies Maintenance Plan**: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a tree canopy maintenance plan that provides and ensures maintenance of a 13 1/2 foot vertical clearance distance above the entrance driveways to allow for emergency access.

41. **Tree Canopy Plan**: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a tree canopy plan calculating the existing tree canopy coverage on the site and calculating the tree canopy that will be retained after development. The applicant shall also provide a planting plan showing the number and location of and the proposed canopy trees demonstrating how that the development will meet the new Tree Protection Ordinance minimum tree canopy coverage standards.

42. **Planting Plan**: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide a planting plan showing the number and location of proposed canopy trees to determine if the newly required canopy coverage standards are being met.

43. **Building Elevation Approval**: That the Community Design Commission shall approve building elevations including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit.

44. **Lighting Plan Approval**: That the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) offsite spillage of light, prior to issuance of a Zoning Compliance Permit.

**Recreation**

45. **Greenway trail**: That the applicant provide a 10-foot-wide multi-use trail through the northern portion of the site between Martin Luther King Jr. Boulevard and Lonebrook Drive as shown of the site plan dated January 7, 2011 prior to issuance of a Certificate of Occupancy designed to American Association of State Highway and Transportation Officials (AASHTO). The path surface must be appropriate for a multiple use trail and shall not consist of a dirt, gravel, or similar surface and be constructed with grades no greater than five percent and designed to support the weight of a maintenance vehicle. That the location of the trail and associated construction area is outside of the Jordan Riparian Buffer, outside of the Resource Conservation District, and outside of the proposed single-family lots. That the proposed trail final design, location, and construction details, including signage and
pavement marking plan of this greenway be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. That the Greenway trail:

a. That the maintenance of the bicycle/pedestrian path be the responsibility of the property owner.

b. That where feasible the path be provided within a 15-foot wide public greenway easement. That the easement be recorded at the Orange County Register of Deeds, and grant an easement in perpetuity to the Town of Chapel Hill prior to issuance of a Zoning Compliance Permit. The recorded easement shall include wording that guarantees public pedestrian, non-motorized vehicle, and motorized wheelchair access. The easement must also guarantee the Town of Chapel Hill’s right to construct and maintain the trail, signage, or any other function necessary to guarantee public safety. The recorded easement shall also include sketch maps indicating the location of the trail within the easement and nearby points of reference, such as public streets.

Environment

46. Resource Conservation District and Jordan Lake Riparian Stream Buffer: That no land disturbance within the Resource Conservation District or within the Jordan Riparian Buffer is permitted by this approval unless authorized by the Land Use Management Ordinance Sections 3.6.3 Resource Conservation District or 5.18 Jordan Riparian Buffer Protection, whichever is more stringent, and approved by the Town Manager.

47. Jordan Buffer: That the applicant shall comply with the Jordan Riparian Buffer Protection regulations and that Jordan stream buffer boundaries be located by field survey performed by a NC licensed Professional Land Surveyor and be indicated on the final plat and plan. A note shall be added to all final plats and final plans, indicating, “Development shall be restricted within the Jordan stream buffers in accordance with the Chapel Hill Land Use Management Ordinance.”

48. Resource Conservation District Boundaries: That the on-site and off-site boundaries (associated with the greenway extension to Lonebrook Dr.) of the Resource Conservation District be located by field survey performed by a NC licensed Professional Land Surveyor and indicated on the final plat and plan. A note shall be added to all final plats and final plans, indicating, “Development shall be restricted within the Resource Conservation District in accordance with the Chapel Hill Land Use Management Ordinance.

49. Stream Buffers and Single-Family Lot Lines: That all single-family lot lines will be located outside of the Resource Conservation District and Jordan Riparian Stream Buffer boundaries.

50. Stormwater Management Plan: That the applicant shall demonstrate compliance with the stormwater management requirements of the Land Use Management Ordinance to provide for 85 percent total suspended solids removal for any additional suspended solids that are the result of the new development, the retention of any increase in stormwater runoff volume for the 2-year storm for a period of 2-5 days, and the control of any increase in the stormwater
runoff rate for the 1-year, 2-year, and 25-year storms prior to the issuance of a Zoning Compliance Permit.

No stormwater management structures are permitted in the public rights-of-way, minimum required building setbacks or landscape bufferyards. This includes the outlet structure and stabilization, under-drains, and the down-gradient toe of french drains. Further, the discharge from all stormwater management and drainage structures must be in sheet flow condition.

51. Stormwater Facilities and Operations and Maintenance Plans: That all stormwater management, treatment and conveyance facilities located on and 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. A copy of the final plat or easement exhibit, signed and sealed by a North Carolina-registered Land Surveyor and recorded by the County Register of Deeds, and containing the following notes shall be submitted prior to issuance of the Certificate of Occupancy:

- All engineered stormwater management control, treatment, and conveyance structures on and below the ground shall be wholly located 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.

- Unless specifically designated as being "Public" and accepted by the Town of Chapel Hill, the "Reserved Stormwater Facility Easement(s)" and the facilities it/they protect are considered to be private, with the sole responsibility of the owner to provide for all required maintenance and operations as approved by the Town Manager.

- The applicant shall conduct inspections of the drainage conveyance system and the stormwater management structures and shall submit annual inspection reports to the Town.

- The Reserved Stormwater Facility Easement and the Operations and Maintenance Plan are binding on the owner, heirs, successors, and assigns.

52. Stormwater Operations and Maintenance Plan Recordation: Prior to issuance of a Certificate of Occupancy (C/O), a Stormwater Operations and Maintenance Plan, signed by the owner(s) and recorded by the County Register of Deeds, shall be provided for the proposed stormwater management facilities and submitted to the Stormwater Management Engineer for approval. A schedule of inspection and maintenance tasks shall be included. The plan and schedule shall be detailed, clear, and concise such that property owners/occupants fully understand these requirements (what, when, where, and how).

53. Reserved Stormwater Facility Easement: That, for maintenance purposes suitable access to the Reserved Stormwater Facility Easement must be provided and shown on the plans.
54. Impervious Surface Tracking: That the applicant to provide an impervious surface tracking mechanism for the purpose of monitoring the total amount of impervious surface constructed on the site over the life-time of the project. This documentation must include a spreadsheet or similar tracking tool for recording impervious surface activity on the site. As part of every application for Final Plan approval, Zoning Compliance Permit, and Building Permit, the developer shall provide an updated cumulative total of actual impervious surface. The cumulative total must also indicate the total impervious surface for each BMP drainage area and any bypass areas.

55. Impervious Surface Limitations: That the 21 single-family lots are limited to the impervious surface thresholds and lot sizes as shown in the Stormwater Impact Statement and that these figures be shown on the Final Plat and Final Plan.

56. Silt Control: That the applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

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.

57. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for a maintenance of facilities and modification of the plan if necessary, be approved by the Orange County Erosion Control Officer, and that a copy of the approval be provided to the Town Manager prior to issuance of a Zoning Compliance Permit.

58. Erosion Control Bond: If one (1) acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinance shall be required prior to final authorization to begin land disturbing activities. This financial guarantee is intended to cover the costs of restoration of failed or failing soil erosion and sedimentation controls, and/or to remedy damages resulting from land disturbing activities, should the responsible party or parties fail to provide prompt and effective remedies acceptable to the Town.

59. Erosion Control Inspections: That, in addition to the requirement during construction for inspections after every rainfall, the applicant shall inspect the erosion and sediment control devices daily, making any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs.

60. Curb Inlets: That the applicant shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake" in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way.

61. On-Site/Adjacent Stormwater Features: That the final plans locate and identify existing site conditions including all on-site and adjacent stormwater drainage features on the plans prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet
protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris.

62. **Steep Slopes Plan**: That prior to the issuances of a Zoning Compliance Permit, the applicant obtain approval of a Steep Slopes Plan, as specified by Section 5.3.2 of the Land Use Management Ordinance.

63. **As-built Plans**: That prior to the issuance of a Certificate of Occupancy for any phase, the applicant shall provide certified as-built plans for building footprints, parking lots, street improvements, stormwater drainage/conveyance systems and stormwater management structures, and all other impervious surfaces, and include a tally of the constructed impervious area. The as-built plans shall be in DXF binary format using State plane coordinates and NAVD 88.

64. **P.E. Certification**: That prior to the issuance of a Certificate of Occupancy for any phase, the applicant shall provide a certification, signed and sealed by a North Carolina-licensed Professional Engineer, that the stormwater management facility (ies) is (are) constructed in accordance with the approved plans and specifications.

65. **Energy Management Plan**: That prior to the issuance of a Zoning Compliance Permit, the applicant submit an Energy Management Plan to be approved by the Town Manager. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, biofuels, and hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that ensures indoor air quality and adequate access to natural lighting, and d) allow for the proposed utilization of sustainable energy in the project; and that the property owner report to the Town of Chapel Hill the actual energy efficiency achieved with their plan, as implemented, during the period ending one year after occupancy.

The EMP shall also be formatted to Town standards and include a USGBC LEED credit checklist (if applicable), and shall include pre-construction energy models to demonstrate the anticipated energy efficiency as compared to base building or certification standards from a recognized standard (e.g. LEED, Green Globes) which demonstrates the anticipated energy performance of the proposed structures. To address item (d) above, the applicant shall submit post-construction energy models one year after occupancy, or certification from a recognized standard which demonstrates the actual energy performance of the applicable structures.

66. **Energy Efficiency**: That the Final Plans shall incorporate a “20 percent more energy efficient” feature relative to the 2004 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the “20 percent more energy efficient” feature into the final plans.
67. **LEED Program Documentation**: The applicant shall provide evidence from a LEED certified consultant that he/she has provided a minimum of 40 LEED standard performance credits for the USGBC LEED for Neighborhood Development rating system, to be reviewed by the Town Manager, within a reasonable period after substantial completion of construction.

68. **Solar Collection Devices**: That the Homeowners Associations, or similar entities, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of passive or active solar collection devices including clothes lines.

**Water, Sewer, and Other Utilities**

69. **Utility/Lighting Plan Approval**: That the final utility and streetlighting plans shall be approved as required by Orange Water and Sewer Authority, Duke Energy Company, Time Warner Cable, Public Service North Carolina, AT&T, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities are extended to serve the development.

70. **Lighting Plan**: That prior to issuance of a Zoning Compliance Permit, the applicant shall submit a lighting plan and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance that demonstrate compliance with Town standards, sealed by a Professional Engineer, for Town Manager approval.

71. **Sewer Line Construction**: That all public water and sewer plans be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. Final plans shall be approved by OWASA and the Town Manager prior to issuance of a Zoning Compliance Permit.

72. **Overhead Power Lines**: That all proposed or relocated utility lines other than 3-phase electric power distribution lines shall be located underground prior to issuance of a Certificate of Occupancy.

73. **OWASA Approval**: That easement plats and documentation, as required by OWASA and the Town Manager, shall be recorded prior to issuance of Zoning Compliance Permit. If the project is developed in phases, the easement plats for each phase shall be recorded prior to issuance of a Zoning Compliance Permit.

**Fire Safety**

74. **Fire Hydrant and FDC Locations**: That the Final Plans indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
75. **Firefighting Access during Construction**: That as required by NC Fire Code (Section 1410.1 Required Access) vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. That Final Plans shall include the following note, “During construction, firefighting vehicle access shall be provided. Temporary street signs shall be installed at each street intersection when construction allows the passage of vehicles. Signs shall be of an approved size, weather resistant and maintained until replaced by permanent signs.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

76. **Fire Apparatus Access and Service During Construction**: That Final Plans shall include the following note, “When fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction, except when approved alternate means of fire protection are provided.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

77. **Firefighting Equipment Access**: That Final Plans shall clearly indicate emergency fire access for the Town’s firefighting equipment to within 150 feet of all exterior points of the proposed buildings. Because the buildings will have fire suppression sprinklers, this distance may be increased somewhat upon satisfactory demonstration to the Fire Marshal that building design and materials warrant such an increase. This access shall be unobstructed, constructed of an all-weather surface, and shall be designed to carry the imposed load of the Town’s firefighting equipment (75,000 lbs). Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

78. **Fire Apparatus Access and Road Design**: That Final Plans shall include the following note, “Any and all roads, driveways or dedicated fire lanes used for fire department access shall be all-weather and designed to support the imposed load of fire apparatus weighing 75,000 lbs. Fire access roads shall have a minimum width of 20 feet with overhead clearance of 13 ft. 6 in.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

That the Final Plan application shall include designs of all turn radii, bridges, and depressions within roadways to be accessible by the largest fire apparatus operated by the Town of Chapel Hill. That Final Plans shall also include details for signage, bollards, and/or pavement markings used to prevent parking that would hinder fire apparatus access. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

79. **Fire Prevention During Demolition and Construction**: That Final Plans shall include the following note, “During demolition and/or construction, all aspects of Chapter 14 of the NC Fire Prevention shall be followed. The owner/developer shall designate one person to be the Fire Prevention Program Superintendent who shall be responsible for enforcing Chapter 14 of the NCFPC and the on-site fire prevention program and ensure that it is carried out
through completion of the project.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

80. **Combustible Construction:** That if combustible construction is used, all required fire hydrants for the appropriate construction phase must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site.

81. **Fire Flow Report:** That the Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. Fire flow shall meet the required flow set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

82. **Automatic Sprinkler System:** That the applicant shall install automatic sprinkler systems in accordance with Town Code prior to issuance of a Certificate of Occupancy.

**Solid Waste Management and Recycling**

83. **Solid Waste Management Plan:** That a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The Plan shall also specify public pickup of solid waste and recyclable materials other than cardboard.

84. **Refuse Collection:** That the final plans include dimensioned details of all solid waste collection facility pads required by the Town for Town provided refuse collection services to all components of this mixed-use development. The size, number, and location of these dumpster pads shall be designed to Town standards and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. We believe that this could require more dumpster pads than currently shown on the plans. If the applicant contracts with a private compactor-refuse collection service(s) for the mixed use component of this project in lieu of construction the required dumpster pad(s), no Town refuse service will be provided for those areas until facilities meeting town standards are review and approved by the Town Manager and constructed. A note stating these requirements for Town refuse collection shall be included on the final plat.

85. **Refuse and Recycling Area Dimension Details:** Prior to issuance of a Zoning Compliance Permit, the plans must include a separate, to-scale, dimensioned detail of any proposed refuse/recycling collection areas, including pad length, width, and depth, associated screening, overhead clearances, and protective bollards. Bollards must be 6” CID steel, with two bollards centered behind each bulk waste container and placed 1 foot of the back wall of the enclosure. Dumpster, roll-cart, and compactor details should be provided to scale. The final plans must label each bulk waste container for type of material to be collected.

86. **Food/Grease:** That the final plans reserve space for segregated grease rendering/recycling collection and provide space for segregated food waste collection near the delivery entrance for any building which may house a food service facility. Commercial grease wastes are not allowed to be disposed with regular waste.
87. **Recycling**: That prior to the issuance of a Zoning Compliance Permit, the applicant shall contact Orange County Recycling Specialist to request multi-family recycling services from Orange County Solid Waste upon occupancy.

88. **Heavy Duty Paving**: All driveways and alleys proposed to accommodate refuse collection vehicles be constructed of all-weather, heavy-duty pavement meeting Town standards.

89. **Demolition/Deconstruction**: If the applicant proposes a phasing plan that delays the construction of the proposed buildings following the deconstruction and demolition of the existing structures, a Deconstruction/Demolition Plan will be required as well as plans for the stabilization of the site during and following deconstruction/demolition. It will also be necessary to work with Orange County Solid Waste staff regarding deconstruction/demolition of the existing structure to maximize recycling of deconstruction/demolition waste.

90. **3-R Fee**: By County Ordinance, the 3-R fee is assessed to all improved properties in Orange County with habitable structures, and the level of the 3-R fee assessment is based on the number of units on the property and on the level of recycling service the property is eligible to receive. County fees for recycling and waste management associated with this property will not be waived if private recycling collectors are used.

91. **Private Alleys**: If private alleys are constructed, a note shall be placed on the Final Plat and Plans and included in HOA documents indicating that the Town service vehicles will not be responsible for any pavement damage in these alleys caused by municipal vehicles and if the alleys are blocked or impassable, any provided service will be suspended.

92. **Final Plan Notes**: That the applicant shall place the following notes on Final Plans prior to issuance of a Zoning Compliance Permit:

   a. Any gate design shall include gate retainers.
   b. The user shall be responsible for opening gates to the dumpster area on collection days of any material(s) to be collected from this location.
   c. By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled.
   d. By Orange County Ordinance, all haulers of construction waste shall be properly licensed.
   e. Prior to any construction activity on the site the applicant shall hold a pre-deconstruction/demolition/pre-construction conference with the County’s Solid Waste staff. This may be the same meeting held with other development officials.
   f. If any vehicles are parked in the refuse or recyclables collection vehicle access area, the containers will not receive service until the next scheduled collection day.

Homeowners’ Association
91. **Homeowners’ Association**: That a Homeowners’ Association be created and Homeowners’ Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners’ Association documents shall comply with Section 4.6.7 of the Land Use Management Ordinance.

92. **Dedication of Common Area to Homeowners’ Association**: That the applicant provide for Town Manager review and approval, a deed conveying to the Homeowners’ Association all common and open space areas. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.

93. **Subdivision of Property**: That the townhome portion of the development, if proposed to be subdivided, must be subdivided in accordance with the Town’s townhome development provisions. Private parking, private drive aisles, open space, landscape bufferyards, and stormwater infrastructure shall all be common land area that is owned and maintained by a Homeowner’s Association or in easements controlled by the HOA.

**State and Federal Approvals**

94. **State or Federal Approvals**: That any required State or federal permits or encroachment agreements shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.

95. **North Carolina Department of Transportation Approvals**: That plans for improvements to State-maintained roads shall be approved by NCDOT prior to issuance of a Zoning Compliance Permit.

**Miscellaneous**

96. **Preservation Easement**: That prior to issuance of a Zoning Compliance Permit, a preservation easement shall be placed on the structure, known as the Altemueller home, and the green area immediately surrounding the home as well as the central tree save area giving preservation rights to an independent third party subject to reviewed and approved by the Town Manager.

97. **Construction Management Plan**: That a Construction Management Plan, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town’s Noise Ordinance.
98. Traffic and Pedestrian Control Plan: That the applicant shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or street closure the applicant must apply to the Town Manager for a lane or street closure permit.

99. Schools Adequate Public Facilities Ordinance: That the applicant shall provide the necessary Certificates of Adequacy of Public Schools prior to issuance of a Zoning Compliance Permit.

100. Construction Sign Required: That the applicant shall post a construction sign at the development site that lists the property owner’s representative and telephone number, the contractor’s representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. (§5.14.3(g) of LUMO). The sign shall be non-illuminated, and shall consist of light letters on a dark background. A detail of the sign shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

101. Street Names and Addresses: That the name of the development and its streets and house numbers be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

102. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.

103. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager before issuance of a Zoning Compliance Permit, and that such plans conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Land Use Management Ordinance and the Design Manual.

104. Phasing Plan: That prior to the issuance of a Zoning Compliance Permit, the applicant provide a Phasing Plan that meets Section 3.5.1(d)(2) of the Land Use Management Ordinance. That the first phase of the development shall include all of the required use categories (residential, commercial, and office uses).

105. Certificate of Occupancy and Phasing Plans: That a Certificate of Occupancy shall not be issued until all required public improvements are complete and that a note to this effect shall be placed on the final plans and plats. If the Town Manager approves a phasing plan, occupancy shall not occur for a phase until all required public improvements for that phase are complete; and no construction for any phase shall begin until all public improvements
required in previous phases are completed to a point adjacent to the new phase; and that a note to this effect shall be placed on the final plans and plats.

106. **As-Built Plans**: That prior to occupancy, the applicant shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.

107. **Traffic Signs**: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs prior to occupancy.

108. **Vested Right**: This Special Use Permit constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and Appendix A of the Chapel Hill Land Use Management Ordinance.

109. **Continued Validity**: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.

110. **Non-Severability**: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the Special Use Permit Planned Mixed-Use Development, Planned Housing Development for Charterwood.

This the ___ day of __________, 2011.
A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT FOR CHARTERWOOD (FILE NO. 9880-24-4842)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Charterwood Special Use Permit proposed by WCA Partners, LLC, on property identified as Orange County Property Identifier Numbers 9880-24-4842 and 9880-24-6787, if developed according to the Site Plan, dated August 21, 2009 and revised May 27, 2010, August 5, 2010, September 30, 2010, and January 7, 2011, and the conditions listed below would not:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;

2. Comply with all required regulations and standards of the Land Use Management Ordinance;

3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property or be a public necessity; and

4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED THAT the Council finds that the proposed development does not comply with the current Residential-2 (R-2) zoning.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the application for a Special Use Permit for Charterwood.

This the ___ day of __________, 2011.
To: Chapel Hill Planning Board  
From: Charterwood Applicant  
Subject: Proposed Stipulations  
Date: March 1, 2011

The applicant is in agreement with the substance of virtually all the proposed stipulations, but offers some proposed language changes for consideration by the Planning Board.  
The items for which proposals are made are listed below with the proposed language changes on the next several pages.

Resolution A Language regarding buffer along MLK Jr. Blvd.

Staff Statement

Modification of Section 5.6.2 to modify the minimum landscape buffer requirement for approximately 420 linear feet along Martin Luther King, Jr. Boulevard to a minimum width of 15 feet outside of all rights-of-way and utility easements.

Applicant’s Proposed Modification

Modification of Section 5.6.2 to modify the minimum landscape buffer requirement for (1) approximately 275 linear feet along Martin Luther King, Jr. Boulevard at Building A to a minimum width of 15 feet outside of all rights-of-way and utility easements and (2) approximately 145 linear feet at Building B to a minimum width of 10 feet outside of all rights-of-way and utility easements up to the Greenway.

Stipulation #6 Modifications to Plans

Staff Stipulation

Compliance with Section 4.5.4: That the Town Manager may authorize site plan adjustments, associated with the location of principal and/or accessory structures or structural alterations, as permitted by Section 4.5.4 of the Land Use Management Ordinance.

Substantial changes in the location of principal and/or accessory structures or structural alterations significantly affecting basic size, form, style, ornamentation and appearance of
structures, as shown on the plans approved by the Town Council, shall require additional Town Council approval of a Special Use Permit Modification.

Applicant’s Proposed Stipulation

Compliance with Section 4.5.4: That the Town Manager may authorize site plan adjustments, associated with the location of principal and/or accessory structures or structural alterations, as permitted Section 4.5.4 Modifications of Special Use Permits of the Land Use Management Ordinance.

Substantial changes in the location of principal structures or changes that would significantly increase the size, height, and bulk of structures, as shown on the plans approved by the Town Council, shall require additional Town Council approval of a Special Use Permit Modification.

A Special Use Permit Modification, if needed for the reasons above, shall be granted expedited review and shall reach the Council for a Public Hearing and action within 150 days of submission of the SUP Modification Request.

Stipulation #9

The Town Staff review of our Affordable Housing Proposal does not endorse (nor even acknowledge) the applicant’s proposal that was submitted to comply with the newly adopted Inclusionary Zoning Ordinance.

We believe that our proposal for affordable housing qualifies as a proposal that is better than the standards in the IZ Ordinance. In specific, we propose:

- 12 full housing units (16% of market rate housing), on site, four of which will be single family units, detached, or townhouse units, which are in limited supply and desirable as products for families. Eight units would be in condominium buildings.

- That the on-site housing take a modest step towards meeting the needs for workforce households, those with incomes ranging from 80% to 120% of the Area Median Income (AMI). We propose that the 12 affordable dwelling units be distributed as follows:

  * Eight of the twelve units will be available to households earning less than 80% of the AMI.
  * Two of the twelve units will be available to households earning less than 100% of the AMI.
  * Two of the twelve units will be available to households earning less than 105% of the AMI.

The information requested in Stipulation 9 (a through l), in several cases, may not be available because plans for all housing products may not have been completed by the time the ZCP would be issued. Charterwood will be a phased development, with perhaps two, three or more phases. It would not be prudent, furthermore, to commit to the detailed information requested because changes/modifications may be required or needed to respond to changing market conditions, including income shifts, interest rate movements, consumer preferences, household sizes, etc, all of which could affect unit pricing, product sizing, # bedrooms, etc.

We propose that there are no fractional units considered in our proposal and that therefore there is no payment-in-lieu, and that the information requested in items a through l be deferred.
Stipulations #14, 15, 16 – Kenilworth Place Conditions

We have met with the neighbors in Northwoods V and Parkside numerous times to discuss our Charterwood project and to address their concerns. One of the more significant concerns of the neighbors, particularly those who would be directly affected by the new traffic, is the extension of Kenilworth Place to MLK Jr. Boulevard. Most neighbors here are opposed to this connection.

We have offered extending a ten-foot pedestrian walkway/bikeway through this corridor to enable an efficient, safe connection to MLK, Jr. Boulevard for all who live in Northwoods and Parkside. This will be a major improvement for alternative access to the shopping, entertainment and other destinations that can be quickly reached via this connection. This pedestrian/bikeway connection is also consistent with our overall approach in planning Charterwood, which is to make alternatives to the automobile a focus, and that our planning be pedestrian-centric.

We understand the concept of street-connectedness, but in this case we believe our proposal is better.

The applicant proposes retaining Stipulations 14, eliminating #15, and modifying #16

14. Kenilworth Place Extension Right-of-Way: That prior to the issuance of a Zoning Compliance Permit, the applicant shall dedicate a right-of-way that extends the existing Kenilworth Place public right-of-way to the proposed north-south public street within the development as well as extending the right-of-way to the southern property line (mobile home park). That the dedication plat shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

15. Kenilworth Place Extension Roadway: That prior to the issuance of a Certificate of Occupancy, the applicant shall construct a Town standard public street, that extends the existing Kenilworth Place roadway to the proposed north-south public street within the development as well as extending the roadway to the southern property line (mobile home park). The design and location of this roadway shall be reviewed and approved by the Town Manager.

16. Charterwood Southern Public Roadway Kenilworth Place Roadway: That the applicant construct a cul-de-sac or other means for vehicles to turn around at the southern end of the southernmost public street. The design and location of the turn-around shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Stipulation #22 – Streetscape

The substance of this proposed stipulation has been superseded by the Modification of regulations proposal for a 15 feet and 10 feet buffer for buildings A and B. The applicant proposes deletion of this stipulation.

Stipulation #28 Western Buffer – Applicant’s Proposed Modification
That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide an enhanced landscape plan for this 25-foot wide Type-C buffer. This planting plan shall be installed and approved by the town prior to issuance of the first Certificate of Occupancy for this phase of the development.

**Stipulation #29A  Proposed Building A Eastern Buffer - Applicant’s Proposed Modification**

That in order to provided sufficient width to accommodate canopy trees, the 275 linear-foot modified buffer in front of building A shall include a minimum 15-foot wide landscaped buffer with canopy tree plantings. The buffer and associated canopy trees shall be located outside of the public right-of-way and any utility easements.

**Stipulation #29B  Proposed Building B Eastern Buffer – Applicant’s Proposed Modification**

That in order to provide sufficient width to accommodate canopy trees, the 145 linear-foot modified buffer in front of building B shall include a minimum 10-foot wide landscaped buffer with canopy tree plantings. The buffer and associated canopy trees shall be located outside of the public right-of-way and any utility easements.

**Stipulation #30 Hardscape Plan: Buildings A and B - Applicants Proposed Modification**

That the final plan consider the installation of sidewalk, patios and other hardscape elements consistent with the modified buffer along MLK Jr. Blvd. and located between the buildings and MLK Jr. Blvd. The plans & details indicating the amounts and types of hardscape shall be submitted to and approved by the Town Manager prior to issuance of a Zoning Compliance Permit or intrusions proposed into the buffer in this area.

**Stipulation #38 Parking Lot Landscape Screening & Shading - Applicant’s Proposed Modification**

That the landscaping standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance shall be shown on the Landscape Planting Plan and shall be reviewed and approved prior to issuance of a Zoning Compliance Permit.

**Stipulations #40, 41, 42 Tree Canopy Items – Applicant’s Proposed Modifications**

The applicant proposes that these three stipulations be consolidated to two stipulations as follows:

**41 & 42 Tree Canopy Plan:** Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a tree canopy plan: (1) calculating the existing tree canopy coverage on the site, (2) calculating the tree canopy that will be retained, and (3) showing the proposed canopy tree planting plan demonstrating that the development will meet the new Tree Ordinance Minimum Tree Canopy standards.
40 Tree Canopies Maintenance Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a tree canopy maintenance plan that provides and ensures maintenance of a 13-1/2 foot vertical clearance distance above the entrance driveways to allow for emergency access.

Stipulation #43 – CDC Building Elevation Approval

Staff Stipulation # 43

Building Elevation Approval: That the Community Design Commission shall approve building elevations including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit.

Applicant Proposed Stipulation #43

Building Elevation Approval: That the Community Design Commission shall approve building elevations including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit. Because Charterwood has two separated development areas and will be developed in phases, the applicant may submit and the CDC shall approve building elevations consistent with the developer’s proposed Phasing Plan prior to issuance of a Zoning Compliance Permit for site development of the appropriate phase.

Stipulation #44 & 70 Lighting Plan – Applicant’s Proposed Modification

Staff Stipulations #44 and #70

44. Lighting Plan Approval: That the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) offsite spillage of light, prior to issuance of a Zoning Compliance Permit.

70. Lighting Plan: That prior to issuance of a Zoning Compliance Permit, the applicant shall submit a lighting plan and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance that demonstrate compliance with Town standards, sealed by a Professional Engineer, for Town Manager approval.

Applicant Proposed Stipulation #44 – Combines #44 & #70

44. Lighting Plan Approval: That prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a lighting plan and other required documents, sealed by a Professional Engineer, to satisfy the lighting requirements of § 5.11 of the Land Use Management Ordinance and that demonstrate compliance with Town Standards. The Community Design Commission shall review and approve the lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) offsite spillage of light, prior to issuance of a Zoning Compliance Permit.
Stipulation #46 – Intermittent Stream, RCD, and Jordan Riparian Buffer Conditions

Staff Stipulation # 46

46. Resource Conservation District and Jordan Lake Riparian Stream Buffer: That no land disturbance within the Resource Conservation District or within the Jordan Riparian Buffer is permitted by this approval unless authorized by the Land Use Management Ordinance Section 5.18 and approved by the Town Manager.

Applicant Proposed Stipulation #46

46. Resource Conservation District and Jordan Lake Riparian Stream Buffer: That no land disturbance within the Resource Conservation District or within the Jordan Riparian Buffer is permitted by this approval unless authorized by the Land Use Management Ordinance Sections 3.6.3 Resource Conservation District or 5.18 Jordan Watershed Riparian Buffer Protection, whichever is more stringent, and approved by the Town Manager.