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FILED Mark Chilton  
Register of Deeds, Orange Co, NC  
Recording Fee: \$750.00  
NC Real Estate TX: \$0.00

NH

DEVELOPMENT AGREEMENT

BY AND BETWEEN  
FCP GLEN LENNOX, LLC (f/k/a GLEN LENNOX DELAWARE, LLC),  
and GLEN LENNOX SHOPPING CENTER, LLC

AND

THE TOWN OF CHAPEL HILL, NORTH CAROLINA

Effective Date: 12/10, 2014

Orange County Parcel Identifier Numbers: 9798-26-8547; 9798-25-4529

AB

RETURN TO: TOWN OF CHAPEL HILL,  
405 MARTIN LUTHER KING JR BLVD.  
CHAPEL HILL, NC 27514  
ATTN: KAY PEARLSTEIN



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Glen Lennox Development Agreement

Table of Contents

	Page
ARTICLE 1. STATUTORY FRAMEWORK.....	1
ARTICLE 2. DEFINITIONS.....	2
ARTICLE 3. RECITALS.....	4
ARTICLE 4. TERMS.....	7
ARTICLE 5. SPECIFIC STANDARDS AND MITIGATION MEASURES.....	20

EXHIBITS INCORPORATED BY REFERENCE

- EXHIBIT A. Boundary Map of the Property
- EXHIBIT B. Public Street Network & Setbacks
- EXHIBIT C. Typical Road Sections
- EXHIBIT D. Pedestrian & Bike Facilities Plan
- EXHIBIT E. Traffic Impact Study
- EXHIBIT F. Trip Equivalency Matrix
- EXHIBIT G. US 15-501 and NC 54 Conceptual Design & Recommended Improvements
- EXHIBIT H. Glen Lennox Area Neighborhood Conservation District Plan for CD-8C
- EXHIBIT I. Development Agreement Compliance Permit Application
- EXHIBIT J. RCD Determination
- EXHIBIT K. Legal Description of the Property



STATE OF NORTH CAROLINA

DEVELOPMENT AGREEMENT

COUNTY OF ORANGE

This Development Agreement (hereinafter the "Agreement") is made and entered into as of the 15<sup>th</sup> day of Dec., 2014 by and among FCP GLEN LENNOX, LLC (f/k/a GLEN LENNOX DELAWARE, LLC) ("GL") and GLEN LENNOX SHOPPING CENTER, LLC ("GL Shopping Center") and the Town of Chapel Hill, North Carolina, a municipal corporation of the State of North Carolina.

**ARTICLE 1. STATUTORY FRAMEWORK**

- 1.1 North Carolina General Statutes (hereinafter "G.S.") 160A-400.20(a)(1) provides that "large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources."
- 1.2 G.S. 160A-400.20(a)(3) provides that "because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing, and construction schedules and the phasing of the private development."
- 1.3 G.S. 160A-400.20(a)(4) provides that "because of their scale and duration, such large-scale projects involve substantial commitments of private capital by developers, which developers are usually unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of development."
- 1.4 G.S. 160A-400.20(a)(5) provides that "because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing impacts on the surrounding areas."
- 1.5 G.S. 160A-400.20(a)(6) provides that "to better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments."
- 1.6 In view of the foregoing, G.S. 160A-400.20(b) and 160A-400.22 expressly authorize local governments and agencies to enter into development agreements with developers pursuant to the procedures and requirements of G.S. 160A-400.20 through 160A-400.32, which procedures and requirements include approval of the development agreement by the governing body of the local government by ordinance after a duly noticed public hearing.
- 1.7 G.S. 160A-400.23 restricts the use of a development agreement to "property that contains 25 acres or more of developable property (exclusive of wetlands, mandatory buffers, unbuildable slopes, and other portions of the property which may be precluded from development at the time of the application)." G.S. 160A-400.23 further provides that "development agreements shall be of a term specified in the agreement, provided they may not be for a term exceeding 20 years."
- 1.8 In addition to any force of law conferred upon this Agreement by North Carolina law related to local governments, the terms of this Agreement are also contractual in nature, are a significant inducement and consideration to enter into this Agreement, and may be enforced as contractual terms.



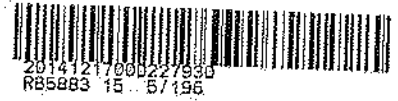


## ARTICLE 2. DEFINITIONS

In the construction of this Agreement and its incorporated Exhibits, the following capitalized terms shall have the respective meanings set forth below wherever they appear in this Agreement. Except as otherwise provided in this Agreement, terms used in the relevant portions of the North Carolina General Statutes or the Town of Chapel Hill Land Use Management Ordinance ("LUMO") shall have the same meanings as employed in those statutes and ordinances.

- 2.1 *Agreement.* The word "Agreement" shall mean this Development Agreement.
- 2.2 *Annual Report.* The words "Annual Report" shall mean the annual report required by the Town pursuant to Section 4.12 and Section 5.20 of this Agreement.
- 2.3 *Council.* The word "Council" or "Town Council," shall mean the legislative body of the Town of Chapel Hill, which together with the mayor of the Town shall constitute the governing body of the town.
- 2.4 *Developer Owner.* The term "Developer Owner" or "Developer Owners" shall mean GL and GL Shopping Center, individually and collectively, and any successor in title who acquires a Parcel in fee simple from a Developer Owner whereby the transferring Developer Owner expressly assigns all of its rights and obligations as Developer Owner under this Agreement to the Person acquiring the Parcel from the Developer Owner, which assignment shall be recorded in the Registry. Any other Person who acquires a Parcel in fee simple title from a Developer Owner shall be a "Parcel Owner" and not a "Developer Owner."
- 2.5 *Development or Develop.* The words "Development" or "Develop" shall mean any activity on the Property involving, requiring, or consisting of: (i) the construction of a new building, and the construction or installation of other structures, roads, greenways or paved trails, sidewalks, parking lots, or utility infrastructures; (ii) the clearing or alteration of land as an adjunct of such construction; or (iii) the expansion of an existing building
- 2.6 *Development Agreement Compliance Permit.* The words "Development Agreement Compliance Permit" shall mean the permit issued by the Town Manager authorizing Development or portions thereof in accordance with this Agreement. A Development Agreement Compliance Permit required by this Agreement shall be in lieu of any Zoning Compliance Permit that might otherwise be required by Section 4.9 of the LUMO.
- 2.7 *Effective Date.* The word "Effective Date" shall mean the effective date of this Agreement, which is 7/10, 2014.
- 2.8 *Glen Lennox Area Neighborhood.* The term "Glen Lennox Area Neighborhood" shall have the meaning ascribed to it in the Neighborhood Conservation District ordinance as adopted by the Town.
- 2.9 *LUMO.* The term "LUMO" shall mean the Land Use Management Ordinance of the Town of Chapel Hill in effect as of the Effective Date.
- 2.10 *Manager.* The words "Manager" or "Town Manager" shall mean the Town Manager of the Town of Chapel Hill or his/her designee and anyone acting pursuant to authority vested by state statute or local ordinance to issue local permits for Development on behalf of the Town of Chapel Hill.





- 2.11 *NCD or Neighborhood Conservation District.* The terms "NCD" and "Neighborhood Conservation District" shall have the meaning ascribed to them in Section 3.3.
- 2.12 *NCDP or NCD Plan.* The term "NCDP" or "NCD Plan" shall mean the Glen Lennox Area Neighborhood Conservation District Plan for CD-8C as adopted by the Town Council on May 30, 2012 and as depicted in Exhibit H, attached hereto.
- 2.13 *Parcel.* The term "Parcel" shall mean each separately subdivided tract of the Property shown on a plat recorded in the Registry after the Effective Date and conveyed in fee simple title by a Developer Owner to a Person.
- 2.14 *Parcel Owner.* The term "Parcel Owner" shall mean the Person to whom a Developer Owner conveys fee simple title to a Parcel without a transfer of the rights as Developer Owner and each said Parcel Owner's successors and assigns in fee simple title.
- 2.15 *Participant or Participants.* The words "Participants" or "Participants" shall mean the Town, the Developer Owners, the Parcel Owners, if any, and the Developer.
- 2.16 *Party or Parties.* The words "Party" or "Parties" shall mean the Town and the Developer Owners. For purposes of this definition, a Parcel Owner is not a Party.
- 2.17 *Periodic Review.* The term "Periodic Review" shall have the meaning ascribed in Section 4.13 of this Agreement.
- 2.18 *Person.* The term "Person" shall mean a natural person, a corporation, limited liability company, a partnership, joint venture, a trust, or any other legal entity.
- 2.19 *Property.* The term "Property" shall mean that certain parcel of land, located at the intersection of N.C. Highway 54/Raleigh Road and U.S. 15-501/Fordham Boulevard, and as depicted in Exhibit A, attached hereto. The Property also includes any public rights-of-way and private streets that may be located within the boundaries of Exhibit A.
- 2.20 *Registry.* The term "Registry" shall mean the Orange County Register of Deeds.
- 2.21 *Representative.* The word "Representative" shall mean a Person designated by Developer Owners to act for and on behalf of the Developer Owners and Parcel Owners wherever indicated and subject to the terms of this Agreement, and the Representative's successors and assigns. The Representative shall be responsible for coordinating and tracking the requirements of this Agreement and reporting same to the Parties herein pursuant to this Agreement to assure that the overall standards of this agreement are met by all parcel owners. As of the Effective Date, the Representative is Grubb Properties, Inc. The Representative's successors and assigns shall mean a Person designated by the Developer Owners to replace the then existing Representative. The Developer Owners shall give written notice to the Town and Parcel Owners of any such replacement.
- 2.22 *State.* The term "State" shall mean the State of North Carolina.
- 2.23 *Town.* The words "Town" or "the Town" shall mean the Town of Chapel Hill in the Counties of Orange and Durham and the State of North Carolina and its successors in interest.
- 2.24 *Town Attorney.* The term "Town Attorney" shall mean the attorney for the Town.



- 2.25 *Town Regulations.* The term "Town Regulations" shall have the meaning ascribed in Section 4.5.
- 2.26 *Zoning Compliance Permit.* The term "Zoning Compliance Permit" or "ZCP" shall mean an administrative permit issued by the town manager authorizing the recipient to make use of existing buildings in accord with the requirements of the Land Use Management Ordinance as of the effective date of this Agreement.

### ARTICLE 3. RECITALS

- 3.1 GL is the fee simple owner of that certain property situated at the intersection of N.C. Highway 54/Raleigh Road and U.S. 15-501/Fordham Boulevard known as the "Glen Lennox Apartment Tract", as shown on Exhibit A and described on Exhibit K and GL Shopping Center is the fee simple owner of that certain property situated at the intersection of N.C. Highway 54/Raleigh Road and U.S. 15-501/Fordham Boulevard known as the "Glen Lennox Shopping Center Tract" as shown on Exhibit A and described on Exhibit K, and both tracts comprise the Property. The Property is located within the corporate and regulatory limits of the Town, and is located within an area of Chapel Hill designated as the Glen Lennox Area Neighborhood.
- 3.2 In the Spring of 2010, the Representative, as the representative of the Developer Owners began to hold monthly meetings to hear residents' concerns about possible development of the Property and better understand the needs of the Glen Lennox Area Neighborhood community.
- 3.3 On March 22, 2010, the Town Council endorsed the development of a Neighborhood Conservation District (NCD) zoning overlay for the Property to achieve the community goals of neighborhood protection and community benefit.
- 3.4 The Town Council also established the Glen Lennox Area Neighborhood Conservation District Committee ("Glen Lennox Committee") to develop Neighborhood Conservation District regulations in accordance with the provisions of the Town's LUMO and to explore the use of alternative neighborhood preservation tools to achieve the neighborhood's goals. The Glen Lennox Committee was made up of various stakeholders including neighborhood residents, apartment residents, the Representative as representative of the Developer Owners, the Church of the Holy Family, a representative of the Town Planning Board, and a resident of an existing Town of Chapel Hill Conservation District.
- 3.5 Beginning in June 2010, the Glen Lennox Committee met regularly and created three separate Neighborhood Conservation District regulations for the construction or addition of new units and commercial development. The regulations and design guidelines for the single-family residential sections of the Property are referred to as NCD-8A and NCD-8B. The regulations and design guidelines for the apartment and commercial property sections of the Property are referred to as "NCD-8C."
- 3.6 NCD-8C was approved by the Town Council on May 30, 2012.
- 3.7 On March 18, 2013, the Town Council authorized the Town Manager and Town Attorney to initiate the first phase of the development agreement process for the Property and directed the Town Manager to engage the potential applicants to undertake the development agreement process.



- 3.8 During the first phase of the development agreement process, a technical team was appointed to advise the Town on the pertinent issues related to the development agreement process (the "Technical Team").
- 3.9 On June 26-27, 2013, the Technical Team joined the Town's Development Agreement Project Team for a two-day session on the Property and the Development thereof that included meetings and walking tours of the Property with the public, Town staff and the Representative and its representatives on behalf of the Developer Owners.
- 3.10 On July 19, 2013, the Technical Team submitted a report of the issues identified for discussion during the development agreement process.
- 3.11 On September 9, 2013, the Town Council authorized the Town Manager and Town Attorney to enter into the second phase of the development agreement process and proceed with negotiating this Agreement for the Development of the Property with the Representative as the representative of the Developer Owners.
- 3.12 On November 13, December 10 and December 11, 2013, and April 29 and April 30, 2014, the Town hosted public information meetings on the Agreement. The Traffic Impact Study ("TIS"), which is attached as Exhibit E and incorporated herein by reference, was completed in October, 2013. On April 26 and May 2, 2014, the TIS was reviewed by the North Carolina Department of Transportation ("NCDOT"). The Town Council held public work sessions to negotiate the Agreement with the Developer Owner on March 19 and May 5, 2014.
- 3.13 The purpose of this Agreement is to facilitate the Development of the Property in a way that best realizes the public benefits to the Town and the Developer Owners. The Development of the Property requires a major investment by the Developer Owners in facilities, substantial front-end investment in on-site and off-site improvements, participation in other programs for public benefit and purposes, and substantial commitments of the resources to achieve the benefits of the Development for the Developer Owners and the Town. The Developer Owners will be unable to make and realize the benefits from such commitments without the assurances of as provided by this Agreement.
- 3.14 The general benefits to be received by the Town from the implementation of the Development include, without limitation:
  - a) Implementation of the NCDP and furthering the goals of securing an appropriate mix of uses and densities for the Property;
  - b) Protection of natural resources within the Property, minimization of adverse off-site impacts, and incorporation of sustainability principles in the design and implementation of the Development of the Property;
  - c) Provision of an efficient, effective, and practical overall plan for addressing the transportation needs of the Development of the Property, including commitments to transit, bikeways, greenways, sidewalks, and road improvements;
  - d) Assurance that the Development of the Property will be undertaken in a manner that is at final build out revenue neutral or revenue positive in terms of fiscal impacts for the Town;
  - e) Establishment of integrated site plans, urban design elements, land uses, architecture, site engineering, and landscape architecture; and





- f) Assurance of substantial commitments to public infrastructure and amenities as a result of sufficient certainty, timeliness and predictability for the Developer Owners.
- 3.15 The general benefits to be received by the Developer Owners from the implementation of the Development include without limitation:
- a) Obtaining sufficient certainty, timeliness, and predictability in the Town's development review and approval process to justify the required substantial up-front capital investment for a project that will require multiple years to build out;
  - b) Realization of the opportunity to implement the Development plan for a mixed use development that is consistent with Town's and the Developer Owners' goals and needs;
  - c) Integration of site plans, urban design elements, land uses, architecture, site engineering, landscape architecture, and mitigation measures over the entire Property;
  - d) Flexibility with and alternatives to Town ordinances, standards, policies and guidelines to achieve the Development; and
  - e) Participation from the Town to achieve the public benefits necessary for the Development.
- 3.16 In exchange for providing these benefits to the Town, the Developer Owners desire to receive the assurance that it may proceed with the Development of the Property in accordance with any and all existing Town development regulations and conditions of approval of the Town as they exist on the Effective Date, subject to the terms, conditions, and exceptions contained herein and subject to periodic potential amendments to this Agreement made in accordance with this Agreement.
- 3.17 The Development as contemplated in this Agreement was recommended by the Town's Advisory Boards pursuant to extensive review of the NCDP.
- 3.18 After careful review and deliberation, the Developer Owners have determined that the latitude afforded the proposed Development of the Property and the certainty, timeliness, and predictability regarding Town development approval afforded by this Agreement provide important benefits for long-range planning and Development by the Developer Owners and justify the provision of the mitigation measures specified in Article 5 of this Agreement, which the Developer Owners freely and with full knowledge and consent agree to provide.
- 3.19 The terms and conditions of this Agreement have undergone extensive review by the Town's staff and the Town Council and have been found to be fair, just and reasonable. After careful review and deliberation, the Town Council has determined and concluded that the Agreement meets the goals and needs of the Town and the Developer Owners, and complies with all statutory requirements.
- 3.20 The Town, by electing to enter into this Agreement in accordance with statutory procedures, acknowledges that the obligations of the Town shall survive beyond the term or terms of the present Town Council and that such action will serve to bind the Town and future councils to the obligations thereby undertaken. By approving this Agreement, the Town Council has elected to exercise certain governmental powers at the time of entering into this Agreement rather than deferring its actions to some undetermined future date.



3.21 Based on the foregoing considerations, the Developer Owners and the Town desire to enter into this Agreement for the purposes of:

- a) agreeing upon the plan, design, and density of Development on the Property and the types of uses thereon, and promoting sustainability, reflecting consideration of economic, environmental and social issues;
- b) coordinating the construction and provision of infrastructure that will serve the above-described Development of the Property and the community at large;
- c) confirming the dedication and/or provision of the public amenities described herein; and
- d) providing assurances to the Developer Owners and the Representative that they may proceed with the Development of the Property in accordance with the terms of this Agreement without encountering future changes in ordinances, regulations or policies that would affect their ability to Develop the Property under the terms of this Agreement;
- e) providing certainty that the Developer Owners, Parcel Owners and Representative can obtain permits necessary for the Development pursuant to a non-discretionary, predictable and expeditious process.

3.22 Pursuant to G.S. 160A-400.24, the Town Council conducted a public hearing on June 16, 2014 to consider the approval of this Agreement. The notice of public hearing specified, among other things, the location of the Property subject to this Agreement, the development uses proposed on the Property and a place where a copy of the proposed Agreement could be obtained. The initial draft of this Agreement was posted on the Town website in March, 2014 and was available for public inspection at Town offices and online at that time. Updates to the draft of this Agreement were posted for the June 16, 2014 public hearing.

3.23 On June 23, 2014, the Town Council considered and approved this Agreement and authorized the Town's execution of the same. The approval of this Agreement constitutes a legislative act of the Town Council.

#### ARTICLE 4. TERMS

NOW, THEREFORE, based upon the terms and conditions set forth herein and in consideration of the mutual promises and assurances provided herein, the Town and the Developer Owners do hereby agree as follows:

4.1 Recitals. The Parties agree the foregoing Recitals in Article 3 are true and correct and are incorporated herein by reference.

4.2 Term. The term of this Agreement shall commence upon the Effective Date and it shall expire twenty (20) years thereafter unless sooner terminated by the mutual consent of the Parties, or is otherwise terminated pursuant to the terms of this Agreement, it being understood that the termination of this Agreement shall not require the consent of any Parcel Owners. This twenty (20) year term has been established by the Parties as a reasonable estimate of the time required to carry out the Development of the Property subject to this Agreement and to obtain the public benefits of the Development. The Town finds that a term of twenty (20) years is reasonably necessary to assure the Town of the realization of the public benefits from the Development of the Property. All of the Development which the Developer Owners or Parcel Owners, if any, elect to commence pursuant to this Agreement which is authorized by this Agreement will be initiated by obtaining a Development Agreement Compliance Permit within the term of the



Agreement, but expiration of the twenty (20) year term shall not terminate (a) mutually agreed to obligations and commitments included within this Agreement that are expressly specified to extend beyond the term of the Agreement as stated in section 4.28 of this Agreement or (b) rights and obligations that are related to Development for which a Development Agreement Compliance Permit has been issued within the twenty (20) year term but the Development of which has not been completed by the expiration of the twenty (20) year term. The term of this Agreement may be extended or renewed by the mutual consent of the Parties in accordance with state and federal law, it being understood that the consent of Parcel Owners will not be required.

- 4.3 Property Subject to Agreement. The real property subject to this Agreement includes all of the Property.
- 4.4 Zoning of the Property. On May 30, 2012, the Town Council rezoned the Property which is located within the Town's planning and zoning jurisdiction, to include the NCD-8C zoning overlay.
- 4.5 Law in Effect at Time of the Agreement Governs the Development; Vested Rights. Except as provided in G.S. 160A-400.26 and G.S. 160A-400.29(b), the Town may not apply subsequently adopted ordinances or development policies to the Property during the term of this Agreement without the written consent of the Developer Owners. The consent of Parcel Owners shall not be required unless the Parcel owned by the Parcel Owner is directly and adversely affected by such subsequently adopted ordinances or development policies, in which case the affected Parcel Owner must also provide written consent under this Section. Accordingly, during the term of this Agreement the Developer Owners and Parcel Owners, if any, shall have a vested right to Develop the Property in accordance with the terms of Article 5 of this Agreement, the terms of the LUMO, the terms of the NCDP and any applicable laws and regulations, all of the foregoing as they exist as of Effective Date. This Agreement does not abrogate any rights that may vest pursuant to statutory or common law or otherwise in the absence of this Agreement. The Participants agree, intend, and understand that the obligations imposed by this Agreement are only such as are consistent with state and federal law. In accordance with G.S. 160A-400.26(c), in the event State or federal law is changed after the Effective Date and the change prevents or precludes compliance with one or more provisions of this Agreement, the Town may modify the affected provisions with the consent of the Developer Owners, upon a finding that the change in State or federal law has a fundamental effect on the Agreement, by ordinance after notice and a hearing and upon such modification the Town shall record the modification in the Registry. If the Developer Owners fail to consent, this Agreement shall be terminated (with the Developer Owners and any Parcel Owners retaining any rights with respect to any Development Agreement Compliance Permit obtained prior to termination) and said termination will be recorded in the Registry.
- 4.6 Development of the Property. Should the Developer Owners and/or any Parcel Owners develop the Property pursuant to this Agreement, then the Property shall be Developed (i) in accordance with the terms and conditions of the LUMO and any other applicable Town ordinances in effect as of the Effective Date; (ii) in accordance with the terms and conditions of the NCD-8C as of the Effective Date, which are attached as Exhibit H and incorporated herein by reference, noting that only the section entitled "NCD Zoning Overlay Regulations" is incorporated into the LUMO and binding, and that the other sections (i.e. Background, Plan Summary and Design Guidelines) provide context to the NCD process but are not binding except to the extent otherwise provided in this Agreement, and (iii) in substantial compliance with the specific standards and mitigation





measures approved by the Parties as set forth in Article 5 of this Agreement. Any future modifications or revisions to the LUMO or any other Town ordinances would not apply to Development on the Property. The maximum height, bulk, size, and design of buildings and the placement, location, and configuration of the development sites, infrastructure, open space, streets, sidewalks and other public improvements shall be in substantial compliance with the NCDP and Article 5 of this Agreement. Except as limited by this Agreement or as otherwise provided in this Agreement, Development shall be substantially consistent with the Town's Design Guidelines, Design Manual, Engineering Standards and other Town standards or policies in effect as of the effective date (collectively, "Town Regulations"). Notwithstanding the foregoing, in the event of any conflict between the provisions of the Town Regulations, and the express provisions of this Agreement, the terms of the Agreement shall be controlling. A certified copy of the LUMO and any other applicable Town ordinances in effect as of the Effective Date shall be provided to and maintained on file and online by the Town Clerk, the Developer Owners and the Representative.

4.7 Development of the Property - Special Uses. In the event a proposed Development does not comply with this Agreement and applicable Town Regulations and is not considered a Minor Modification (as hereinafter defined) to this Agreement, the applicant, in the applicant's sole discretion, may:

- a) apply to the Town Council for an amendment to this Agreement as a Major Modification (as hereinafter defined), or
- b) apply for a special use permit under Section 4.5 of the LUMO to permit the proposed Development.

4.8 Local Development Permits/Approvals

- a) In accordance with G.S. 160A-400.25(a)(6), the local development permits approved or needed to be approved for the Development shall include the following: (1) Individual Development Agreement Compliance Permits; (2) Building and other applicable construction permits; and (3) Engineering Construction Permits, Street Cut Permits, Street Closure Permits for work in Town rights of way. Any such approvals and permits shall be consistent with the requirements of Article 5 of this Agreement. The failure of this Agreement to address a particular permit, condition, term or restriction does not relieve the Developer Owners, the Parcel Owners or the Representative of the necessity of complying with such permitting requirements, conditions, terms or restrictions, except as may be limited or otherwise provided in this Agreement.
- b) Application may be made for more than one type of local permit at a time, and such permit applications shall be reviewed concurrently by the Town to the extent possible. Additionally, the Town shall exercise reasonable diligence to expedite the processing of the required permit and approval applications for the Development of the Property. The Developer Owners, Parcel Owners and the Representative shall in a timely manner provide the Town with all documents, applications, plans, and other information necessary for the Town to carry out its obligations hereunder.
- c) All subdivision requests, minor or major, made to facilitate development of the Property covered by the Development Agreement and which are not inconsistent with the Development Agreement shall follow the procedures in the LUMO under Section 4.8.3(a)(1) for Minor Subdivision - Administrative Review.

4.9 Development of the Property - Development Agreement Compliance Permit.

- a) Permit Required. A Development Agreement Compliance Permit shall be required prior to the commencement of any Development or construction work related to Development except as otherwise indicated in this Agreement. The



Development Agreement Compliance Permit required by this section shall be in lieu of any Zoning Compliance Permit that might otherwise be required by Section 4.9 of the LUMO. The Developer Owners and/or Parcel Owners intending to undertake Development of the Property (the "Applicant") shall apply for a Development Agreement Compliance Permit by filing the application provided for in Exhibit I.

b) Schedule of Review

- 1) Prior to submitting an application for a Development Agreement Compliance Permit, the Applicant shall meet with the Town to review the proposed Development.
- 2) Within five (5) working days following submission of an application for a Development Agreement Compliance Permit, the Town shall provide the applicant with a completeness determination.
- 3) The Town shall review the application for compliance with this Agreement and the applicable Town regulations that are not expressly superseded by this Agreement.
- 4) Within fifteen (15) working days following the date on which an application is deemed complete, the Town shall provide written comments to the Applicant regarding whether the submitted application is in compliance with this Agreement and applicable Town regulations or whether the submitted application requires revision.
- 5) If the application is not in compliance, the Applicant shall submit a revised application to the Town. Upon submitting a revised application, the Town shall process the revised application in the manner described in Section 4.9, including the fifteen (15) day time frame set forth in subsection (b)(4), and such process shall be repeated until the application is in compliance with this Agreement and applicable Town regulations. Throughout this review period, the Applicant and the Town will strive to review and respond to information in an expeditious manner and provide updates to one another every ten (10) working days to ensure open communication and accountability.
- 6) The Town Manager shall approve or deny the Development Agreement Compliance Permit application within seventy-five (75) working days following submission of a complete application, unless (i) an extension of time is requested by the Applicant, or (ii) the Applicant submits a revised application to the Town fewer than fifteen (15) working days before the seventy-fifth (75th) day of the review period, in which case the review period shall be automatically extended by fifteen (15) working days.
  - i. The Town Manager shall approve the application upon finding it complies with and does not violate any term of this Agreement and the applicable Town regulations, and shall deny the application upon finding it does not comply with the terms of this Agreement and the applicable Town regulations.
- 7) If the application is approved, the Town shall issue the Applicant a Compliance with Development Agreement Approval Letter.
- 8) If the application is denied, the Town Manager shall specify the grounds for finding that it is inconsistent or in violation and refer the Applicant to the special use permit process described in Section 4.5 of the LUMO. Alternatively, the applicant may modify the Development Agreement



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Compliance Permit application or apply for Major Modification to this Agreement.

- 9) Notwithstanding anything to the contrary, a one-time change in floor area of one thousand (1,000) square feet or fewer to Development previously approved with a DACP shall not require modification or approval of another DACP. Such changes shall be reported to the Town in the Annual Report.

c) Construction Management Plan. Each Development Agreement Compliance Permit application shall include a construction management plan. The construction management plan shall, at a minimum:

- 1) Show how construction vehicle traffic will be managed and where the construction vehicle routes will be located.
- 2) Identify any impacts to bicycle, pedestrian, or Transit routes and facilities and indicate how they will be mitigated.
- 3) Show parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods.
- 4) Identify construction staging and material storage areas.
- 5) Identify construction trailers and other associated temporary construction management structures.
- 6) Indicate how the project construction will comply with the Town's Noise Ordinance.
- 7) Propose times and days when construction and noise from the Development are permitted.
- 8) Indicate that the construction management plan for a project will provide a phone number for noise notifications during the construction period. The Developer Owner or the Parcel Owner will post a sign on-site stating that noise issues can be reported by calling the posted phone number.
- 9) Submit written confirmation that Representative has provided information to contractors and subcontractors regarding noise mitigation requirements for Development for contractor and subcontractor review and compliance with same.

4.10 Amendment and Modification. The terms of this Agreement may be amended or modified by the mutual consent of the Parties, it being understood that the consent of a Parcel Owner shall not be required for any amendment or modification of this Agreement unless the amendment or modification has a direct and adverse effect on the use or Development of the Parcel owned by the Parcel Owner. A modification of this Agreement that is considered a Major Modification (as hereinafter defined) of the terms of this Agreement shall follow the same procedures as required by North Carolina law for the adoption of a development agreement. Either party may propose a Major Modification requiring amendment or a Minor Modification (as hereinafter defined) to this Agreement. Upon receipt of a proposed modification, the Town Manager shall consider the following criteria in making the determination as to whether a proposed modification is a Major Modification or a Minor Modification to this Agreement. The following changes (a) – (e) will be considered Major Modifications under the Agreement:

- a) A substantial change in the boundaries of Property subject to this Agreement as defined as: (i) any single proposed increase or decrease in the area of land subject to this Agreement of more than five (5) percent, or (ii) a cumulative increase of fifteen (15) percent or more in the land area subject to this Agreement.





2014 121 000227930  
R55883 24 14/196

- b) A change in the amount of impervious surface as illustrated on page 62 of the NCDP (see Exhibit H).
- c) A change in maximum building height as illustrated on page 60 of the NCDP (see Exhibit H).
- d) A decrease by more than one (1) foot in setbacks as shown on Exhibit B.
- e) Development of the Property that would increase the total external daily vehicle trips over 17,557 trips.
- f) That unless authorized by a major modification, the cumulative total of new gross floor area shall not generate more trips than allowed section by 4.10 and 5.4.c.1.2 (trip generation reports).
- g) All other amendments or modifications to this Agreement are considered Minor Modifications and therefore would not require the procedures for adoption of a development agreement. All Minor Modifications require notice to Town Council and shall be subject to review and approval by the Town Manager. Such approval shall be memorialized by letter from the Town Manager and acknowledged by the Developer Owners, the Parcel Owner, if it affects the Parcel Owner, and Representative and shall be maintained on file by the Town Clerk, the Representative, the Developer Owners and Parcel Owner, if applicable.
- h) Notwithstanding the above, some proposed changes to this Agreement that do not meet the threshold to constitute a Major Modification may in the judgment of the Town Manager, because of size, perimeter location or transportation impacts, merit public review. In the event the Town Manager makes such a determination, the Town Manager may submit a proposed Minor Modification as notification to Town Council to allow an opportunity for Council review. Unless the Parties agree otherwise, such a review shall not extend the time period allowed for a decision by the Town Manager on the Minor Modification or convert the change from a Minor Modification into a Major Modification.
- i) All proposed adjustments to this Agreement shall be publicly posted in such a manner that citizens of Chapel Hill will have the opportunity to express any concerns to the Town Council and/or the Town Manager.
- j) The Town Manager shall determine whether a proposed adjustment to this Agreement is a Major Modification or a Minor Modification within fifteen (15) working days of receipt of a proposed adjustment and shall promptly notify the Town Council and applicant of that determination. If the proposed action is determined to be a Major Modification, the Town Manager shall require the filing of an application for approval of the amendment, following procedures outlined in Section 1.6 of this Agreement.
- k) Minor Modifications to this Agreement may be approved by the Town Manager as long as such changes continue to be in substantial compliance with the approving action of the Town Council and all other applicable requirements and result in a configuration of buildings/development that is generally consistent with this Agreement. The Town Manager shall not have the authority to approve changes that constitute a Major Modification to this Agreement.

4.11 Recordation/Binding Effect. Within fourteen (14) days after the Town enters into this Agreement, the Developer Owners shall record this Agreement in the Registry. The burdens of this Agreement shall be binding upon, and the benefits of this Agreement shall inure to the Town and its successors in interest, to the Developer Owners and their successors and assigns in title (as defined in Section 2.4) and, to the extent provided in this Agreement, to the Parcel Owners and their successors and assigns in title (as defined in Section 2.14). All of the provisions of this Agreement shall be enforceable



during the term as equitable servitudes and constitute covenants running with the land pursuant to applicable law.

4.12 Annual Report. The Developer Owners or their designee shall on an annual basis submit a written report to the Town Manager on the Development undertaken pursuant to this Agreement in the previous year (the "Annual Report"). The Annual Report shall set forth all individual Development Agreement Compliance Permits issued, infrastructure installed, the status of participation by the Developer Owners, the Representative and the Parcel Owners in the provision of or financing of public infrastructure for the Development, dedications and acquisitions of infrastructure by the Developer Owners, Representative and Parcel Owners, and the projected schedule for Development of the Property in the forthcoming year. The Annual Report shall include all of the information required pursuant to Section 5.20 of the Agreement and shall be provided at the times specified by that Section. The Annual Report shall also include a report demonstrating good faith compliance by the Developer Owners, the Representative and the Parcel Owners with the terms of this Agreement. Upon receipt of the Annual Report, the Town Manager shall undertake the Periodic Review as set forth in Section 4.13 of this Agreement.

4.13 Periodic Compliance Review and Enforcement.

- a) Periodic Review. Pursuant to G.S. 160A-400.27, the Town Manager shall conduct a periodic compliance review (the "Periodic Review") at least every twelve (12) months, at which time the Developer Owners, the Parcel Owners (if any) and or by and through the Representative shall be required to demonstrate good faith compliance with the terms of this Agreement. The Town Manager shall promptly report the results of this review to the Town Council. The Town Manager will use the Annual Report as the basis for preparing the Periodic Review.
- b) Material Breach. If, as a result of the Periodic Review, the Town Council finds and determines that any Developer Owner or Parcel Owner has committed a material breach of the terms or conditions of the Agreement (the "Breaching Owner"), the Town Manager shall serve notice in writing to the Developer Owners and the Breaching Owner (the "Notice"), within fifteen (15) days after the Periodic Review setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination. A breach by a Parcel Owner shall not be deemed or considered a breach by the Developer Owners or any other Parcel Owner and a breach by any Developer Owner shall not be deemed or considered a breach by any Parcel Owners or the other Developer Owner.
- c) Right to Cure. After Notice has been served, the Breaching Owner shall have a reasonable time in which to cure the material breach (the "Breaching Owner's Cure"), but in no event shall the Breaching Owner have less than thirty (30) days for the Breaching Owner's Cure. If the Breaching Owner fails to cure the material breach within the time given, then the Developer Owners shall have an additional reasonable amount of time to cure the Breaching Owner's breach (the "Developer Owner's Cure"), but in no event shall the Developer Owners have less than an additional thirty (30) days for the Developer Owner's Cure. Notwithstanding the foregoing, the Breaching Owner and the Developer Owners, as applicable, shall be afforded an additional reasonable period of time to cure the breach if cure is commenced within the time period and thereafter diligently pursued but cannot be completed within said time frame.



- d) Termination or Modification by the Town. If the Breaching Owner or the Developer Owner fails to cure the material breach under Section 4.13(c), then the Town Council may elect to terminate or modify the Agreement after complying with mediation requirements as stated in Section 4.14. Any notice of termination or modification or finding of breach by the Town may be appealed to the Town Board of Adjustment in the manner provided by G.S. 160A-388(b1). Thereafter, the Breaching Owner and the Developer Owners may pursue any other rights and remedies available at law or in equity. If after mediation the Town Council elects to unilaterally modify the Agreement, the Developer Owners may elect for the Agreement to be terminated rather than accede to the Agreement with the modifications made by the Town Council by giving written notice to the Town within sixty (60) days after the proposed modification. In such event, Section 4.28(a), Section 4.28(b) and Section 4.28(c) shall apply and the Developer Owners have the right to file a termination in the Registry. Failure of the Town to conduct this Periodic Review shall not constitute a waiver by the Town of its rights to otherwise enforce the provisions of this Agreement, nor shall the Developer Owners or Parcel Owners or the Representative have or assert any defense to such enforcement by reason of such failure to conduct a Periodic Review.

4.14 Mediation. In the event any Participant believes another Participant is in default or is in material breach, the Participants shall make a good faith effort to negotiate and informally resolve the issues in dispute prior to terminating this Agreement. In the event of an impasse between the Participants in reaching any mutual agreement mandated by this Agreement, the Participants shall make good faith efforts to negotiate and informally resolve the issue in dispute (the "Claim"). If the Participants do not resolve the Claim through negotiation within 30 days of the date of the notice of default, the Participants agree to submit the claim to mediation pursuant to the following process:

- a) The non-defaulting Participant (the "Claimant") shall have thirty (30) additional days within which to submit the Claim to mediation under the auspices of any dispute resolution center or other such independent agency providing similar services upon which the Participants may mutually agree.
- b) If Claimant does not submit the claim to mediation within thirty (30) days after notice of default, Claimant shall be deemed to have waived the claim, and the defaulting Participant (the "Respondent") shall be released and discharged from any and all liability to Claimant on account of such claim; provided, nothing herein shall release or discharge Respondent from any liability to Persons not a Participant to the foregoing proceedings.
- c) If the Participants do not settle the Claim within thirty (30) days after submission of the matter to the mediation process, or within such time as determined reasonable or appropriate by the mediator, the mediator shall issue a notice of termination of the mediation proceedings. Such notice shall set forth when and where the Participants met, that the Participants are at an impasse, and the date that mediation was terminated.
- d) If settlement does not occur and mediation is terminated, the Participants may pursue any and all actions at law and equity permitted under this Agreement subject to the right to notice and cure as provided in Section 4.13.

4.15 Development Timing and Moratoria. The Developer Owners, Parcel Owners and Representative may, but shall not be obligated to, Develop the Property pursuant to this Agreement. If any such Developer Owner, Parcel Owner or Representative so elects to Develop a portion of the Property, such Participant shall carry out the Development of



such portion of the Property in such order and sequence as the Developer Owners, Parcel Owners and Representative, as applicable, shall determine in its discretion, provided such does not violate an express provision of this Agreement. Phasing of the Development shall be based on sound engineering practices as determined by Developer Owners', Parcel Owners', if applicable, or Representative's engineers to ensure functional and safe street circulation and utility systems at all times. Phasing shall be based in such a way that all infrastructure improvements to be constructed within the Property will be provided when or before they are necessary for that phase of the Development. Absent an imminent threat to public health or safety, neither the right to develop nor the timing of Development shall be affected by a moratorium or suspension of development rights adopted by the Town except to the extent imposed by this Agreement or by supervening federal or state law, order, rule or regulation.

4.16 Default. Apart from the Periodic Review process set forth in Section 4.13 of this Agreement, the failure of the Developer Owners, a Parcel Owner, the Representative or the Town to comply with the terms of this Agreement shall constitute a default, entitling the non-defaulting Participant or Participants to pursue such remedies as allowed under applicable law against the defaulting party, after following mediation requirements in Section 4.14 above, provided, however, that no termination of this Agreement may be declared by the Town or the Developer Owner absent its according to the Participant and the Developer Owners, on behalf of the defaulting Participant or a Parcel Owner, if applicable, the notice and opportunity to cure set out in Section 4.13 of this Agreement. A Parcel Owner shall not have the right to terminate this Agreement. A Participant believing another Participant to be in default shall provide notice of that default to the other Participant within fifteen (15) days of such default, and shall provide the defaulting Participant and the Developer Owners on behalf of the defaulting Participant, if a Parcel Owner, an opportunity to cure any default as provided in Section 4.13.

4.17 Force Majeure. In addition to specific provisions of this Agreement, neither the Developer Owners, Parcel Owners, the Representative nor the Town shall be responsible for any default, delay or failure to perform if such default, delay or failure to perform is due to causes beyond such Participant's reasonable control, including, but not limited to, strikes, lockouts, actions or inactions of governmental authorities (excluding Participating Parties to this Agreement), epidemics, wars, embargoes, fires, hurricanes, adverse weather, acts of God, interference duly caused by any other Participant, or the default of a common carrier. In the event of a default, delay or failure to perform due to causes beyond such Participant's reasonable control or due to interference by another Participant, any date or times by which the Participating Parties are otherwise scheduled to perform, if any, shall be extended automatically for a period of time equal in duration to the time lost by reason of the cause beyond the reasonable control of such Participant. If written notice of such delay is given to the other Participant after the commencement of such delay, an extension of time for such cause shall be deemed granted and will be agreed to by the Participating Parties in writing for the period of the enforced delay, or longer as may be mutually agreed.

4.18 Disclaimer of Joint Venture, Partnership and Agency. This Agreement shall not be interpreted or construed to create an association, joint venture, or partnership between the Developer Owners, any Parcel Owner, the Representative and the Town, or to impose any partnership obligation or liability upon such Participating Parties. Neither the Developer Owners, the Representative, any Parcel Owners nor the Town shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent of representative of, or to otherwise bind, the other



Participant except for the participation by Representative on behalf of the Developer Owners and Parcel Owners as provided in this Agreement.

- 4.19 No Third Party Beneficiaries. The Agreement is not intended to and does not confer any right or benefit on any third party that is not a Participant.
- 4.20 Legal Actions. In addition to any other rights or remedies, and subject to the mediation requirements in Section 4.14, and further subject to the notice and right to cure provisions in Section 4.13, any Party may institute legal action against a defaulting Party or a defaulting Parcel Owner to cure, correct, or remedy any default or breach, to specifically enforce any covenants or agreements set forth in the Agreement or to enjoin any threatened or attempted violation of the Agreement, or to obtain any remedies consistent with the purposes of the Agreement. Legal actions shall be instituted in the Superior Court of the County of Orange, State of North Carolina, and the Participating Parties hereto submit to the personal jurisdiction of such court without application of any conflicts of laws provisions of any jurisdiction. In the event that it becomes necessary for a Participant to pursue a civil action against a defaulting Participant, the prevailing party in such action shall be entitled to recover its reasonable attorney fees and costs from the defaulting party if such fees are awarded by a court of competent jurisdiction.
- 4.21 Notices. Unless specifically provided otherwise by this Agreement, any notice, demand, request, consent, approval or communication which a signatory Party is required to or may give to another signatory Party hereunder shall be in writing and shall be delivered or addressed to the other at the address below set forth or to such other address as such Party may from time to time direct by written notice given in the manner herein prescribed. Such notice or communication shall be deemed to have been given or made when communicated by personal delivery or by independent courier service or by facsimile or by email with a hard copy to be delivered by independent courier service by the next business day. The Parties shall make reasonable inquiry to determine whether the names or titles of the persons listed in this Agreement should be substituted with the name of the listed person's successor. Notice to a Parcel Owner shall be to the address designated in the deed conveying the Parcel to the Parcel Owner.

All notices, demands, requests, consents, approvals or communications to the Town shall be addressed to:

Town Manager  
Town of Chapel Hill  
405 Martin Luther King, Jr. Blvd.  
Chapel Hill, NC 27514  
919-969-2063 (fax)  
manager@townofchapelhill.org (email)

All notices, demands, requests, consents, approvals or communications to the Developer Owners shall be addressed to:

FCP Glen Lennox, LLC and Glen Lennox Shopping Center, LLC  
c/o Grubb Properties  
Attn: Clay Grubb  
4500 Cameron Valley Parkway, Ste. 350  
Charlotte, North Carolina 28211  
704-372-9882 (fax)  
cgrubb@grubbproperties.com (email)





All notices, demands, requests, consents, approvals or communications to the Representative shall be addressed to:

FCP Glen Lennox, LLC and Glen Lennox Shopping Center, LLC  
c/o Grubb Properties  
Attn: Todd Williams  
4500 Cameron Valley Parkway, Ste. 350  
Charlotte, North Carolina 28211  
704-372-9882 (fax)  
twilliams@grubbproperties.com (email)

- 4.22 Entire Agreement. This Agreement sets forth and incorporates by reference all of the agreements, conditions and understandings between the Parties relative to the Property and supersedes all previous agreements. There are no promises, agreements, conditions or understandings, oral or written, expressed or implied, among the Parties relative to the matters addressed herein other than as set forth or as referred to in this Agreement or as contained in the LUMO or the NCDP as of the Effective Date.
- 4.23 Construction. The Parties agree that each Party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against the drafting Party shall not apply in the interpretation of this Agreement or any amendments or exhibits hereto.
- 4.24 Assignment. After notice to the Town, the Developer Owners may at any time and from time to time assign their respective rights and responsibilities hereunder as provided in Section 2.4 to Persons as Developer Owners and as provided in Section 2.14 to Persons as Parcel Owners who will also retain the right to assign their respective rights and/or responsibilities hereunder or any part of all or any portion of the Property as Developer Owners or Parcel Owners. No assignment as to a portion of the Property will relieve the assigning Developer Owners or Parcel Owners of responsibility with respect to the remaining portion of the Property owned by the assigning Developer Owner or Parcel Owner for the period prior to the transfer without the written consent of the Town. However, the assigning Developer Owner or Parcel Owner will be relieved of any further obligations or responsibilities hereunder for the portion of the Property assigned for the period after the transfer. Any violation of the terms and conditions of this Agreement occurring after said transfer will be the responsibility of the then current Developer Owner(s) or Parcel Owner(s) of said Parcel(s) in violation.
- a) In the event that the first of either GL or GL Shopping Center to transfer all of its property (the "First Developer Transferor") transfers all of its property to Parcel Owners, then all of such First Developer Transferor's obligations and rights as Developer Owner shall automatically transfer to and immediately vest in the other Developer Owner ("Remaining Developer Owner"), and the First Developer Transferor shall automatically be released from any and all obligations as Developer Owner.
- b) In the event that prior to the conveyance of the final Parcel from the Remaining Developer Owner, all prior conveyances have been to Parcel Owners, then the final Parcel transfer from the Remaining Developer Owner shall (i) be deemed to be a transfer of any remaining rights and obligations of the Remaining Developer Owner as a Developer Owner and automatically release the Remaining Developer Owner from any and all obligations as Developer Owner, and (ii) vest title the purchaser of the final Parcel as a Developer Owner.



c) In the event that the First Developer Transferor transfers a Parcel or Parcels to a Person(s) to which the First Developer Transferor has assigned all its rights as a Developer Owner (the "Transferee Developer Owner(s)"), and the Remaining Developer Owner transfers all of its Parcels to Parcel Owners, then upon the transfer of the final Parcel the Remaining Developer Owner's rights and obligations as Developer Owner shall be deemed to be transferred to and immediately vest in the Transferee Development Owner(s), and the Remaining Developer Owner shall automatically be released from any and all obligations as Developer Owner.

4.25 Governing Law. This Agreement shall be governed by the laws of the State of North Carolina.

4.26 Counterparts. This Agreement may be executed in several counterparts, each of which shall be deemed an original and such counterparts shall constitute one and the same instrument.

4.27 Agreement to Cooperate. In the event of any legal action instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the Participating Parties hereby agree to cooperate in defending such action; provided, however, each Participant shall retain the right to pursue its own independent legal defense.

4.28 Termination. This Agreement shall terminate on the earlier of the expiration of the term specified in Section 4.2 of this Agreement or a specific termination made by operation of the provisions of this Agreement, or by agreement of the Parties. Notwithstanding the foregoing, the Developer Owners shall have the unilateral right to terminate this Agreement upon any of the following: (i) change in the Developer Owner or Representative's plan for Development that renders this Agreement inapplicable; or (ii) there has been no Development on the Property; provided if termination is due to (i) above, Developer Owners shall complete any construction commenced pursuant to a Development Agreement Compliance Permit issued prior to the date of termination. Any Termination other than by expiration of the term shall be recorded in the Registry. Termination of this Agreement as to the Developer Owners and Parcel Owners shall not affect any of the following:

- a) any requirements to comply with the applicable terms and conditions of the LUMO, Development Agreement Compliance Permits, approval and acceptance of infrastructure improvements, and any applicable permits;
- b) rights under this Agreement with respect to which a Development Agreement Compliance Permit has been issued by the Town Manager prior to the termination or expiration but for which construction is not completed by the expiration of the twenty (20) year term or not completed prior to termination; or
- c) provided, if this Agreement shall have run for the entire 20 year term or if this Agreement has otherwise been extended or renewed, in accordance with the terms of this Agreement, the requirements and rights expressly specified in this Agreement with respect to Development Agreement Compliance Permits issued shall continue after termination of this Agreement.

In the event consideration is given to (i) suspension of this Agreement, (ii) termination of this Agreement, or (iii) suspension or termination of any approval of an individual Development Agreement Compliance Permit issued pursuant to this Agreement prior to completion of the 20 year term of this Agreement, the Parties (and the Parcel Owner, if



20141217000227038  
RBS883 31 21/196

the Development Agreement Compliance Permit was issued for its Parcel) agree that each will identify appropriate representatives to meet and participate in good faith negotiations and mediation as provided in Section 4.14, aimed at resolving the issues prompting that consideration.

- 4.29 No Deemed Waiver. Failure of a Participant to exercise any right under this Agreement shall not be deemed a waiver of any such right and shall not affect the right of such Participant to exercise at some future time said right or any other right it may have hereunder.
- 4.30 Severability. If any term or provision herein shall be judicially determined to be void or of no effect, such determination shall not affect the validity of the remaining terms and provisions. The Participating Parties agree that if any provision of this Agreement is judicially determined to be invalid because it is inconsistent with a provision of state or federal law, this Agreement shall be amended to the extent necessary to make it consistent with state or federal law and the balance of the Agreement shall remain in full force and effect. Participating parties, having voluntarily agreed to be contractually bound, for themselves and their successors and assigns, accept all of the terms of the Agreement and confirm their belief that the terms are consistent with applicable law as of the Effective Date.
- 4.31 Authority. Each Party represents that it has undertaken all actions necessary for approval of this Agreement, and that the person signing this Agreement has the authority to bind the Town, the Developer Owners and the Representative.
- 4.32 Transparency and Public Involvement. It is the intent of the Participating Parties that all aspects of the implementation of this Agreement shall be carried out in an open, transparent fashion with opportunities for effective and meaningful public involvement. The Town, the Developer Owners, the Parcel Owners, if any, and the Representative shall take reasonable steps to make information about all aspects of the implementation of this Agreement (including required studies, analysis, plans, reports, and applications which are public record) fully available for public review with the exception of any attorney-client privileged information, financing documentation, market analysis, internal financial documentation, reports, pro formas, returns or other personal information.
- 4.33 Estoppel. Each of the Participating Parties agree, from time to time, within twenty (20) days after request of the other Participant, to deliver to the requesting Participant or such Participant's designee, an estoppel certificate stating that this Agreement is in full force and effect, the unexpired term of this Agreement, and whether or not, to such Participant's knowledge, there are any existing defaults or matters which, with the passage of time, would become defaults under this Agreement. It is understood and agreed that the Parties' obligation to furnish such estoppel certificates in a timely fashion is a material inducement for the other's execution of this Agreement. In no event may any Party request from the other an estoppel certificate more than one (1) time in any twelve month period other than in connection with a bona fide sale or financing of the Property or portion thereof, any interests in, or any assets of, any Party.
- 4.34 Parcels and Parcel Owners. This Agreement shall apply to the Property and to all Parcels and Parcel Owners, and by acceptance of a deed of conveyance, each subsequent Developer Owner and Parcel Owner agrees to abide by the terms and conditions of this Agreement; as a Developer Owner or Parcel Owner, as applicable to their respective Parcel, any separate declaration of covenants, restrictions and conditions affecting the Property now or hereafter recorded in the Registry, or any



documentation in connection with the recording of the deed conveying the Parcel to the Parcel Owner.

4.35 Representations and Warranties of the Developer Owners. The Developer Owners represent and warrant to the Town that:

- a) they are valid limited liability companies duly organized, validly existing and in good standing under the laws of the State of North Carolina;
- b) they are duly qualified to do business and are in good standing in every jurisdiction in which such licensing and qualification is required;
- c) they have the full right, power, and authority to enter into this Agreement and to perform its obligations hereunder;
- d) all of the Developer Owners and Parcel Owners of the Property, to the best of the Developer Owners' and Parcel Owners' knowledge, have or will execute, deliver and perform this Agreement.

**ARTICLE 5. SPECIFIC STANDARDS AND MITIGATION MEASURES**

The Parties do hereby agree to the specific standards and mitigation measures set forth in this Section.

5.1 Scale of Development and Uses Permitted.

- a) The scale of development for the Property shall be consistent with the Land Use, Height, and Density provided for in Exhibit H.
- b) The land uses permitted by this Agreement are limited to those allowed under the NCDP as listed in Exhibit H on page 61.

5.2 Affordable Housing.

- a) Ownership. The Town's Inclusionary Zoning Ordinance as it exists as of the Effective Date shall apply to this Property. Certificates of Occupancy will be issued for units not subject to the Inclusionary Zoning Ordinance within a particular phase of the Property as a proportionate percentage of affordable units (15%) are available for occupancy. The following information must be submitted with the first Development Agreement Compliance Permit application with a for-sale residential use:
  - 1) The total number of market rate units and the Affordable Dwelling Units (as defined in the LUMO) in the Development.
  - 2) The number of bedrooms and bathrooms in each Affordable Dwelling Unit.
  - 3) The approximate square footage of each Affordable Dwelling Unit.
  - 4) The approximate location within any subdivision of land, of each Affordable Dwelling Unit.
  - 5) The pricing for each Affordable Dwelling Unit. The pricing of each unit or lot shall be determined prior to issuing a Development Agreement 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.
  - 6) Documentation and plans regarding the exterior appearance, materials and finishes of the development for each of the Affordable Dwelling Units.



2014 1217000227938  
RB5883 33 23/196

unless it is stated that market rate units and Affordable Dwelling Units shall have identical exterior finishes.

- 7) Any and all other information that the Town Manager may require that is needed to demonstrate compliance with the Town's affordable housing policies.

- b) Transfer Fee for For-Sale Units. Monies will be collected as a transfer fee (the "Transfer Fee") upon the sale or resale of residential units, not considered Affordable Units, within the Property, excluding any initial sales from the Declarant. The Transfer Fee will be set at a percentage not to exceed 1%, and will be collected from the seller of a residential unit at closing. The Transfer Fee Monies will be put into a separate fund and held by the residential unit owners' association for the specific purposes of paying condominium and townhome association dues or assessments for persons who acquire units under the Inclusionary Zoning Ordinance. The fund will be managed by an agency or entity as mutually agreed to by the Town and the Representative prior to issuance of the first Development Agreement Compliance Permit with a residential use.

- c) Rental. A long term resident agreement (the "Rental Agreement") will be implemented as follows:

- 1) The Rental Agreement will be available to residents who have lived in the Glen Lennox Apartment complex (the "GL Apartments") for a minimum of five (5) years ("Vested Renters").
- 2) The Rental Agreement will be available to Vested Renters in good standing under the terms of the current lease, on a first come, first served basis, with a cap of fifteen percent (15%) residency of Vested Renters (the "Residency Requirement") at any one time throughout the entire Property.
- 3) Vested Rental Payment

- i. At any time within the term of this Agreement, a Developer Owner or a Parcel Owner, if applicable, can elect to pay a one-time payment to the Town in lieu of maintaining the fifteen percent cap of eligible Vested Renters on that Parcel (the "Vested Rental Payment").

- ii. The Vested Rental Payment would be calculated by determining the number of Vested Renters occupying units on the Parcel at the time of election of the Vested Rental Payment option in relation to the total number of apartment units located on the Parcel. The number of apartment units that would be needed to achieve the Residency Requirement on the parcel would be subject to a one-time payment of \$12,000.00 per unit per Parcel as the Vested Rental Payment for that Parcel.

- iii. If additional apartment units are constructed on the Parcel after the Vested Rental Payment has been tendered to the Town (the "Additional Units") the Developer Owner or Parcel Owner of the Parcel at the time the Additional Units are constructed may elect a Vested Rental Payment as to the Additional Units in lieu of maintaining the Residency Requirement for the Additional Units per Section 3(i) above. Those Additional Units would each be subject to a Vested Rental Payment of \$12,000.00 per unit per the calculation in Section 3(ii) above.





20141217000227930  
R05883 34 24/196

- iv. Any Vested Renter who is occupying an apartment unit within a Parcel at the time that the Developer Owner or Parcel Owner elects the Vested Rental Payment option will continue their status as a Vested Renter until the earlier of the following: (i) termination of the Agreement, (ii) the Vested Renter's lease expires, (iii) the Vested Renter's lease terminates or (iv) the Vested Renter elects to terminate their status as a Vested Renter.
- v. The Developer Owner or Parcel Owner shall notify the Town in writing if this Vested Rental Payment Option is elected.

4) The following rental formulas will apply to Vested Renters:

- i. If the Vested Renter remains in his or her current GL Apartment unit, any rental increases will be capped at the then existing Consumer's Price Index with a floor of 2% and a cap of 5% (the "CPI Formula").
- ii. If the Vested Renter relocates to a unit of comparable size within another apartment community within the Development (an "Apartment Community") with the same number of bedrooms as the existing unit occupied by the Vested Renter, any rental increases will be capped pursuant to the CPI Formula. An Apartment Community is any multifamily apartment community which is separately named and managed.
- iii. If the Vested Renter is required to relocate due to Development and no units of a comparable size as the Vested Renter's existing unit are available, the Vested Renter may sign a lease for a unit within the existing Apartment Community that is larger or contains more bedrooms than the Vested Renter's existing unit (the "Relocation Unit"), with the Relocation Unit's rent being the greater of:
  - (i) the rent of the existing unit at the time of relocation, with rent increases capped at the CPI Formula; or
  - (ii) an amount equal to 30% of 80% of the Area Median Income as published by U.S. Department of Housing and Urban Development at the time of relocation.
- iv. If the Vested Renter is required to relocate due to Development and no units of a comparable size or larger size as the Vested Renter's existing unit are available within the Apartment Community, the Representative will attempt to the best of its ability to relocate the Vested Renter to a comparable unit in another Apartment Community subject to the rental formula in Section 5.2(c)(4)(iii) of this Agreement.

5) In addition to the rental caps stated above, any Vested Renter who is required to relocate as a result of the Development will be given a one-time moving allowance of One Thousand Dollars (\$1,000.00) upon occupancy of another unit within the Apartment Community.

6) The rental caps above only apply to Vested Renters who relocate within their Apartment Community, and will not apply to Vested Renters who relocate outside of their then existing Apartment Community.



20141217000227930  
R95263 35 25/196

- 7) If any Apartment Community is converted to an ownership condominium development, the units for ownership shall be provided by the Developer Owner or Parcel Owner subject to Section 5.2(a) above.

- d) Annual Report. The annual report will include cumulative information about the for-sale and rental affordable units in the Project, how affordability is being monitored, and data about the rental program for Vested Renters, including income level and rent levels for the affordable rental units and the total number of rental units built each year.

### 5.3 Stormwater Management.

- a) Stormwater management shall be integrated into the site, building, and landscape design. Stormwater management strategies shall be coordinated and applied in a comprehensive manner across the entire Property.
- b) A conceptual stormwater management plan for the entire Property shall be submitted with the initial Development Agreement Compliance Permit application. The conceptual stormwater management plan shall identify the discharge points from the Development area and the types of stormwater management practices that may be utilized with each subsequent Development Agreement Compliance Permit application.
- c) Each Development Agreement Compliance Permit application submitted for the Development of the Property shall include a Stormwater Management Plan, which clearly identifies the stormwater impacts associated with the proposed Development and clearly documents how those stormwater impacts are proposed to be mitigated by the improvements proposed in the application. Stormwater Management Plans shall clearly demonstrate compliance with the design criteria specified in this Agreement.
  - 1) Peak Discharge Rate Limits. The post-development stormwater runoff peak discharge rate shall be controlled such that the post-development runoff peak discharge rate at all locations where stormwater runoff exits the Property (or at other points designated in the conceptual plan), shall not exceed the pre-development (existing conditions) stormwater runoff peak discharge rate for the local 1-year (2.88 inches), 2-year (3.60 inches), 25-year (6.41 inches) 24-hour duration storm events.
  - 2) 2-Year Volume Control. At each location where the stormwater exits the Property, the difference in the runoff volume generated by 2- year (3.60 inches) frequency, 24-hour duration storm event in the post-development conditions and runoff volume generated by the same storm event in the pre-development conditions shall be managed on-site and released over a period of 2 days to 5 days.
  - 3) 85% Total Suspended Solids (TSS) Removal. All post-development stormwater runoff resulting from the first one inch of precipitation shall be treated to remove 85% of total suspended solids of all new impervious surfaces resulting from Development. Stormwater treatment facilities will be designed according to the North Carolina Department of Environment and Natural Resources (NCDENR) Stormwater Best Management Practices Manual as modified by the Town; and any future written design guidance approved by both the Town and NCDENR.
  - 4) Nutrient Export Limitation per Jordan Watershed Stormwater Management for Development. Nitrogen and Phosphorus exported from



the Property shall not exceed 2.2 pounds/acre/year and 0.82 pounds/acre/year respectively. Alternatively, Development shall be considered in compliance with the nutrient export limits of the Jordan Lake Rules if it can be demonstrated that development will result in 35% and 5% reduction in nitrogen and phosphorus export, respectively, compared to the existing conditions at the Property. All other aspects of the "Jordan Watershed Stormwater Management for New Development", as specified in Section 5.19 of the LUMO including provisions for offset payments, maintenance bond and annual inspection report shall apply to Development and as amended by the Town and NCDENR.

- 5) Erosion and Sediment Control: Construction at the Property shall comply with applicable soil and erosion control regulations of Orange County Erosion Control design manual and Chapter 5 Article 5 of Town's Code of Ordinance. An erosion and sedimentation control plan shall be developed for projects above 20,000 square feet and copies sent Orange County Erosion Control Division and the Town's Stormwater staff.
  - 6) Watershed Protection District: Construction at the Property shall comply with all the applicable regulations as stated in Section 3.6.4 of the LUMO and NCDENR as of the Effective Date.
- d) The Stormwater management plan shall meet the design criteria specified in this agreement, applicable NPDES permit requirement, applicable Federal and State rules.
  - e) The Design Manual standards in Section 2.2 "Performance Criteria," Section 2.4 "Integrated Management Practices/Best Management," Appendix 2-D and Appendix 2-G, Section II-D Water Quality Management and Section II-E Nutrient Loading Calculations, do not apply to the Project as the requirements of this Agreement supersede these standards.
  - f) Upon completion of the construction of each portion of Development, the Developer Owners or Representative shall provide to the Town of Chapel Hill, the following:
    - 1) 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, showing the "Stormwater Facility Easement(s)", the stormwater management facility(ies), and the maintenance access locations. For purposes of maintenance, the maintenance access must be shown on the exhibit and extend from the "Stormwater Facility Easement" to the nearest public right-of-way (ROW). The following notes must be included on the recorded final plat or easement exhibit.
      - (i) All engineered stormwater management control, treatment, and conveyance structures located on or below the ground shall be wholly contained within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any Development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions.
      - (ii) The Reserved Stormwater Facility Easement(s) and the facilities it/they protect are considered to be private, with the sole responsibility of the Owner s or Representative to



20141217000227938  
RB5883 37 27/186

- provide for all required maintenance and operations as approved by the Town Manager.
- (iii) The Reserved Stormwater Facility Easement and the Operations and Maintenance Plan are binding on the Developer Owners and the Parcel Owners.
- 2) A copy of the recorded maintenance covenant ("Operations and Maintenance Plan"), signed by the Developer Owners, Parcel Owners, if any, and recorded by the Orange County Registry, for the stormwater management facility(ies). The Operations and Maintenance Plan must include a description of the device or structure, an inspections checklist, and operating and maintenance procedures. The plan should identify contact information, who will perform the inspections, frequency of inspections, inspections and maintenance logs, any specific equipment needs or certifications (e.g., confined space certification), action levels or thresholds (e.g., remove sediment after depth exceeds one foot), and disposal methods.
- 3) Certified as-built plans, signed and sealed by a North Carolina-registered Professional Land Surveyor, showing building footprints, driveways, all other impervious surfaces, stormwater drainage/conveyance piping, and stormwater management structures. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.
- 4) Certification, signed and sealed by a North Carolina-registered Professional Engineer, that the stormwater management facility(ies) was/were constructed in accordance with the approved plans and specifications.
- g) Except as provided in subsection (j) below, streams shall be buffered on the Property consistent with the Resource Conservation District (RCD) requirement of Section 3.6.3 of the LUMO. Stormwater facilities and buildings or impervious area shall not be located in the RCD streamside zone without the Town's approval of an RCD Encroachment permit or Notice of Exemption approval.
- h) Subject to approval by the Town Manager's designee and an encroachment agreement with the Town, only conveyance of stormwater appurtenant to site stormwater management facilities may be located in any street rights-of-way maintained by the Town. Retention, detention, and water quality treatment to meet site stormwater regulations are prohibited within the public right-of-way.
- i) Stormwater management facilities and stormwater outlets may be placed within setbacks. However, as protection for adjacent private property, stormwater outlets shall be located a minimum of 15 feet from the private properties along the northern and eastern boundaries of the Property. In addition, facility discharges toward private properties abutting the Property shall be non-erosive.
- j) As stated above in subsection (g), streams shall be buffered on the Property consistent with the Resource Conservation District (RCD), except that one new stormwater outfall may be constructed within the RCD along the northern property line between Flemington and Hamilton Roads, provided that a stormwater management facility is installed outside the RCD to control nutrients and attenuate flow before the conveyance discharges into the RCD and upon determination of NO Practical Alternative for the location of the outlet in block 1 as shown in Exhibit B, and approval by the Town. A stormwater conveyance in the RCD stream side zone cannot be conveyed in a pipe and is subject to approval by the Town. Encroachment into the (RCD) is not permitted without the Town's approval.



- k) The Developer Owner will donate to the Town an easement for stream restoration purposes and provide an appraisal of said easement to the Town. The easement dedication to the Town shall occur after January 1, 2016 or upon acceptance of a stream restoration grant by the Town.
- l) The easement shall contain an area measured as 70' perpendicular from the centerline of the stream to the south as well as a 70' wide radius around the southernmost end of the stream on the Property. Also included in the easement will be the area from the centerline of the stream to the northern property boundary measured perpendicular from the stream but not to exceed 70'. The Town or assigns may work within the easement to restore the stream and/or construct a greenway in the corridor, provided the restored stream does not result in an RCD that would extend beyond the 70' easement limit. The Town will maintain the restored stream corridor for a period of 2 years after restoration of the stream. After two years, the Town will provide third-party written concurrence that the stream restoration has been completed and is fully stabilized at which time maintenance of the stream corridor would then revert to the Developer Owner. The RCD (Resource Conservation District) regulations shall continue to apply in the corridor, except as noted in the Development Agreement Section 5.3, paragraph (g), and the Developer Owner and Town shall coordinate designs for the purpose of meeting both stormwater and restoration interests. Alternately, the owner may submit construction plans that provide a coordinated design for both stormwater management and a stream restoration for approval by the Town.

#### 5.4 Transportation: Transit, Parking, Streets, Sidewalks, Bikeways, and Greenways.

- a) General Provisions.
- 1) All new and rebuilt roads and streets within the Property that may support public transit in the future shall be designed and constructed to meet Town standards for roads that support such use as of the Effective Date unless otherwise approved by the Town Manager. All pedestrian, bicycle, and greenway facilities within the Property shall be designed and constructed to meet Town standards unless otherwise approved by the Town Manager. For all sidewalk, bicycle and greenway facilities, easements will be granted to the Town and the public for public use.
  - 2) Exhibit B identifies the public streets included in the Property. All new and rebuilt roads and streets within the Property shall be constructed within thirty (30) feet from the center line of the streets depicted in Exhibit B with the exception of the area of intersection of Maxwell Street and Hamilton Street, which may be reconfigured outside of these parameters for safety and a more desirable configuration. Any new streets within the blocks of the Property will be privately owned and maintained unless ownership is transferred to the Town. Notwithstanding the foregoing, the Town will accept ownership of streets not shown on Exhibit B if the Town determines they should be part of the public street system and that they meet the then existing public street dedication requirements and engineering standards.
  - 3) Transit stops, transit passenger amenities, bus turnouts, or other transit facilities necessary to support the provision of safe, accessible and





efficient public transit shall be incorporated into the design and construction of all applicable new roads (as shown in Exhibit B) within the Property. Appropriate parking restrictions shall be applied and enforced within bus stops. Transit stop design shall be consistent with Town standards or as approved by the Town Manager.

- 4) Existing public infrastructure including, but not limited to, streets, sidewalks, lights, signs, and other markings that are not relocated or damaged during construction will not be required to be upgraded to current Town standards. This exclusion is not applicable for the installation of improved or new public infrastructure required as part of a Development Agreement Compliance Permit nor for improvements necessary to provide accessible public rights-of-way pertinent to provide accessibility for a project.
- 5) Each Development Agreement Compliance Permit will include information about the phasing of the appropriate roadway network connections and infrastructure to support occupancy of each building.
- 6) Each Development Agreement Compliance Permit will demonstrate that a consistent streetscape will be installed and fixtures and amenities will be provided for full lengths of a single block side.
- 7) Sidewalks in the Project shall be built to standards required under the Americans with Disabilities Act including where the sidewalks cross driveways. A sidewalk shall not be required to be altered if there is no Development adjacent to the sidewalk. Sidewalk location and width may vary to accommodate the presence and health of existing trees.
- 8) The Representative will be responsible for repairing roads damaged by construction of the Project.
- 9) The Representative will work with the Town's Transportation and Connectivity Advisory Board in sharing ideas and supporting programs that would help encourage the use of alternative modes of transportation by residents of or people employed at or visiting the project.

b) Parking

- 1) Parking ratios for the Property shall be consistent with the parking ratios provided in Exhibit H. For the purposes of calculating parking ratios, parking shall include on-street parking, surface parking or parking within parking decks which are screened appropriately in accordance with pages 64-65 of the NCDP.
- 2) A shared parking model may be provided with each Development Agreement Compliance Permit application.
- 3) Design of roadways and bicycle facilities, including the width of roads and bike lanes, shall be generally consistent with the typical street cross-sections and roadway network as shown in Exhibits B, C and D.
- 4) Existing 90-degree angled parking may remain as long as there is no proposed change in use or intensity of use in the abutting land. A renovation or replacement in kind would not constitute a change in use or intensity.
- 5) Off-site loading areas shall be considered with each Development Agreement Compliance Permit. Loading space shall be appropriately sized for the proposed use and minimize impervious surfaces.
- 6) Parking decks may be more than 3 stories above grade to balance parking needs with open space and tree requirements.



7) Bicycle parking will be provided in compliance with the LUMO regulations for bicycle parking.

c) Trip Generation Maximums.

1) Transportation Impact Study.

(i) Benchmark Set. The TIS for the Development of the Property, which is attached as Exhibit E and incorporated herein by reference, was prepared and submitted in October, 2013.

(ii) Annual Trip Generation Report. Each Annual Report shall include trip generation table showing the following:

- a. Land use type built and a location map of the buildings;
- b. Number of trips generated for each land use type using the attached trip Equivalency Matrix as provided in Exhibit F, which is based on Institute of Transportation Engineers trip generation rates and is included to assist the Representative and the Town in calculating the amount of trips generated to compare to the trips in the TIS dated October, 2013; and
- c. Comparison of trip generation table with the trips generated in the TIS dated October, 2013.

(iii) Subsequent TIS updates. An updated TIS shall be submitted if the total external daily vehicle trips exceeds 17,557; 1,000 more than the approved October 2013 TIS approved external daily trips. If required, an updated TIS shall be conducted according to the Guidelines and Procedures used in the October 2013 TIS and the Town's Traffic Impact Study Guidelines. The cost of preparation of the TIS and subsequent updates shall be borne by the Representative and shall be conducted by the Town's TIS Consultant. Each TIS shall consider transit, traffic, bicycle, pedestrian, and greenway transportation and shall address the accuracy of the projections and assumptions in October 2013 for the Development.

d) Specific Improvements.

1) Traffic Calming Devices. The need for an appropriate extent of traffic calming measures shall be evaluated by the Developer Owners and the Representative with each Development Agreement Compliance Permit application submittal. Should the Developer Owners' or Representative's evaluation determine that traffic calming measures are necessary for a particular phase of the development, subject to Town Manager approval, then the measures shall be installed within one year of the completion of that phase. Traffic calming measures should be considered for all streets



within the Property, as well as Cleland Rd, Flemington Road, Oakwood Drive, and Rogerson Drive. Measures to be considered are: traffic circles, reduced street widths, all-way stop control, speed tables, on-street parking and pavement texture variation at intersections. All traffic calming devices shall be contained within the right-of-way and will not affect the developable land.

- 2) Sidewalk Improvements. Sidewalks shall be provided on all public streets in accordance with the typical road sections for the Development as provided in Exhibit C. Sidewalks shall be built in existing right-of-way or on the Property. However, if Development does not occur adjacent to the Property, no sidewalks, improvements, or modifications to any existing facilities or infrastructure shall be required. New sidewalks abutting the back of curb shall have a minimum width of six feet. However, sidewalk location and width may vary to accommodate the presence and health of existing trees.
- 3) Bicycle Improvements. Bicycle facilities shall be provided in accordance with the Bicycle Facilities Plan for the Development (Exhibit D). Bicycle facilities shall be built in existing right-of-way or on the Property with the recordation of a public access easement.
- 4) Traffic Signal System Improvements. Traffic Signal System improvements shall include the following, subject to the approval by the Town Manager and NCDOT, and should be done in conjunction with the corresponding roadway improvements:

- (i) Traffic signal system timing plans for progression shall be studied, revised, and implemented in the Town system as necessary at the following signalized intersections:

- a. On NC 54 from Hamilton Road to East Barbee Chapel Hill Road; and
- b. On Fordham Boulevard from NC 54 Westbound Ramp to Estes Drive with additional traffic signal system timing plans after opening of Muirhead Lane connection with Fordham Boulevard.

- (ii) NC 54 and Hamilton Road Intersection: The Developer Owners or the Representative shall upgrade the existing traffic signals with the following measures:

- a. Pedestrian amenities on all approaches of the intersection countdown heads, high visibility crosswalk markings, and audible pedestrian signals;
- b. Bicycle activated loops on both sides of Hamilton Road; and
- c. New traffic signals phasing as determined by the Town Manager and approved by NCDOT.

- (iii) New traffic signal controls: Traffic signal control must be designed and constructed at the intersection of Fordham Boulevard and Muirhead Lane when Muirhead Lane is built.



20141217000227930  
RB5883 42 32/196

and connected to Fordham Boulevard. The signal design and construction must include pedestrian amenities and phasing, high visibility crosswalk, bicycle activated loops on Muirhead Lane approach, audible pedestrian signals, required handicapped ramps, and "countdown" heads on all approaches.

- 5) Roadway Improvements. Based on the recommendations of the TIS, the Development will provide the following improvements. Roadway improvements shall include items shown on Exhibit G. Final design and construction details for all of the following improvements are subject to the approval by the Town Manager and North Carolina Department of Transportation. If NCDOT review requires changes to the improvements that can be approved in this area, a Minor Modification of the Agreement may be requested to reflect those changes. Roadway improvements will occur for a particular street as Development begins on that street. Subject to approval of Town Manager and N.C. Department of Transportation, all roadway improvements on NC 54 must be completed when the net increase in daily vehicular traffic volume reaches 3,000 and all roadway improvements on US 15-501 must be completed when the net increase in daily vehicular traffic volume reaches 8,000. The Developer will submit a trip generation update demonstrating compliance with these requirements with the request for a Certificate of Occupancy for each building.

The following improvements shall be provided:

- (i) Construct an exclusive right-turn lane on southbound Hamilton Road at NC 54.
- (ii) Extend the existing left-turn lane on southbound Hamilton Road at NC 54.
- (iii) Extend the existing left-turn lane on eastbound NC 54 at Hamilton Road.
- (iv) Construct an exclusive right turn lane on westbound NC 54 between Audley Lane and Hamilton Road.
- (v) Construct an exclusive right-turn lane or bus pull-off on westbound NC 54 at existing driveway #2.
- (vi) Construct an exclusive right-turn lane on westbound NC 54 at existing driveway #1.
- (vii) Construct new street connection (Muirhead Lane) on to Fordham Boulevard. The design and construction of this intersection shall reflect the following:
  - a. A three lane cross-section at the intersection of Muirhead Lane and Fordham Boulevard;
  - b. Appropriate right-turn lane on Fordham Boulevard and Muirhead Lane;
  - c. A raised median on Muirhead Lane to restrict movements on Hayes Road to right-in and right-out only;
  - d. A new traffic signal on Fordham Boulevard and Muirhead Lane;



- e. A southbound directional cross-over on Fordham Boulevard at Muirhead Lane;
  - f. A ten-foot crosswalk on the south side of the signalized directional crossover between Hayes Road and Christopher Road.
- (viii) A raised median on Brandon Road at Hayes Road is not required, though NCDOT, Town Manager, or Representative and/or Developer Owner have the right to install mitigation measures at a later date if warranted;
- (ix) Construct a southbound directional cross-over on Fordham Boulevard at Brandon Road as shown in Exhibit G with appropriate left and right turn lanes. The design and construction of this intersection modification shall reflect the following:
- a. A new northbound right-turn lane on Fordham Boulevard at Brandon Road;
  - b. A new southbound right-turn lane on Fordham Boulevard at Brandon Road (to Christopher Road).
- (x) Construct a new median opening north of Brandon Road for northbound Fordham Boulevard u-turn movements. This shall include a new traffic signal on Fordham Boulevard at the new median opening with an appropriate u-turn bulb configuration.

5.5 Fiscal Impacts.

- a) No more than 25% of the Property normally subject to taxation shall be exempt from taxes or shall have improvements on said Property which are tax-exempt or owned by any entity that is, under federal or state taxation law, considered to have tax-exempt status. Section 5.5 (a) (this subsection) shall not apply to any public rights of way, publicly dedicated property, or any tax-exempt entity that provides payments in lieu of taxes owed to the Town in an amount equal to the amount of taxes that such an entity would otherwise be required to the Town pay if such an entity were not considered to be tax-exempt. Pursuant to Section 5.20(d)(1) (Annual Report on tax status) of this Agreement, the Developer Owners and Parcel Owners, if any, or the Representative on behalf of the Developer Owners and Parcel Owners, if any, shall inform the Town in the Annual Report as to whether the Developer Owner of each building located within the Development is considered to be tax-exempt.

5.6 Design Standards and Public Art.

- a) Each floor of any commercial building facing a primary street, park, or square shall contain transparent windows covering anywhere from 20% to 70% of the wall area.
- b) The construction of drive-throughs shall be limited to 3 bays, should be located behind buildings with driveway access located in mid-block locations, and shall





- have a maximum curb cut width of 20 feet, or up to 24 feet with notice to Town Council, and decision by Town Manager.
- c) A sign may be erected, placed, established, painted, created or maintained in the Property only in conformance with standards, procedures, exemptions and other requirements of the LUMO. The Parties may submit for approval to the Town Council a Master Signage Plan (MSP) for the Property. The Parties intend for a MSP to be developed in order to create neighborhood continuity and to incentivize commercial users to locate to the Property. However, until a MSP has been approved by the Town Manager, the Representative, Developer Owners, and/or Parcel Owners shall comply with standards, procedures, exemptions and other requirements of the LUMO. Where an approved MSP does not contain specifications on signage attributes, including but not limited to height, colors, and placement, then the provisions in the LUMO shall control.
  - d) The Developer Owner will submit for approval to the Town Council a Wayfinding Signage Plan for the bicycle and pedestrian network in the Project. Signs for the north-south greenway shall be installed by the Developer Owner, in accordance with an approved Wayfinding Signage Plan, prior to completion of the greenway.
  - e) Waste and loading back-of-house functions should be located on secondary streets. To the extent that it is not reasonably feasible to do so, the applicant may propose back-of-house functions on primary streets if the applicant can provide justification for the location on a primary street and a description of how the function is being screened from the primary street.
  - f) Any and all new buildings, including replacement of existing buildings, over 5,000 square feet in size shall be designed as "green buildings" with principles adopted by recognized green building programs such as LEED, EnergyStar, The National Green Building Standard, Green Globes, and others that may be developed during the term of this Agreement.
  - g) Public Art in the Development, if provided, shall be installed and maintained by the Developer Owners or the Representative. Public Art will be located in a place visible by and to the public whenever possible. The Developer Owners and Parcel Owners, if any, will consult with the Town of Chapel Hill Public Art Office to discuss options for public art as Development moves forward.

#### 5.7 Public Schools.

- a) Prior to issuance of a Development Agreement Compliance Permit, the applicant shall demonstrate compliance with the Schools Adequate Public Facilities Ordinance (SAPFO) which the Parties agree applies to the Development covered by this Agreement. No school site is required of the Developer Owners(s) nor Parcel Owners(s) on the Property.

#### 5.8 Open Space, Parks, and Recreation Areas.

- a) General Provisions. The Development will incorporate open space, parks and recreation areas as an integral part of the Development. These amenities shall be coordinated and applied in a comprehensive manner across the entire Development. This section sets forth the requirements governing open space, parks and recreation areas associated with the Development. These requirements seek to meet the intent of the NCDP while providing needed flexibility in light of the constraints of Development.
- b) Open Space. The amount of open space associated with the Property shall be maintained at a minimum of 33% of the Property. A majority of the open space shall be available as usable, functional space available for residents and visitors



2014 1217000227930  
R85003 45 35/196

as either private or public open space. Open space is defined on page 62 of the NCD, and can include, but is not limited to, improvements to accommodate recreation and activities such as playing fields, courtyards, greenways and vegetated areas where development is restricted such as natural protective yards and undisturbed areas.

c) Park Space. The Development shall include a minimum total of 1.5 acres of park space that will be available to the public upon completion of the Development.

1) The park space shall be completed as follows:

i. A total of 0.5 acres of park space and the greenway shall be completed no later than the Development of 30% of the land in blocks 1-9 as shown on Exhibit B.

ii. A total of 1 acres of park space shall be completed no later than the Development of 60% of the land in blocks 1-9 as shown on Exhibit B.

iii. A total of 1.5 acres of park space must be completed no later than the Development of 80% of the land in blocks 1-9 as shown on Exhibit B.

2) At a minimum, the park space shall include green entrances into the neighborhood, a central community open space, a greenway and pocket parks situated throughout the Development.

3) The park space shall include active and passive recreation areas.

d) Recreation Areas. Each residential Development within the Development shall meet the LUMO requirements for Recreation Space (as defined in the LUMO) upon completion of that residential Development. Examples of allowable Recreation Space facilities and amenities include activities such as greenways, swimming pools, community gardens, recreation and fitness centers, event stages, certain types of permanent outdoor game facilities and certain types of outdoor athletic equipment. Further examples of allowable Recreation Space facilities can be found in the definitions section of the LUMO. The Town Manager shall determine if proposed Recreation Space facilities meet the definition of allowable Recreation Space.

1) Active Recreation Space. All active Recreation Space facilities provided by the Developer Owners and the Parcel Owners may be counted toward the active Recreation Space requirements of each individual development application. The Town will maintain a master list of active Recreation Space facilities provided by the Developer Owners and Parcel Owners and all use of that active Recreation Space by individual developments. The Developer Owners and Parcel Owners must provide 100% of active Recreation Space requirements as on-site facilities, a payment in lieu, or a combination of payment in lieu and on-site facilities. However, if the Development of the Property meets all of the active Recreation Space requirements, as provided in Section 5.5 of the LUMO, then no payment in lieu shall be required. For projects that are a mix of residential and non-residential a proportional formula shall be used to determine the required active Recreation Space. For example, if a building's use is 75% residential and 25% non-residential, the Representative shall initially calculate the active Recreation Space requirement assuming the building is being developed entirely as a residential structure. The calculated



20141217000227930  
R55883 46 36/196

active Recreation Space would then be decreased by 25% to reach the final active Recreation Space requirement.

- 2) Passive Recreation Space. Passive Recreation Space facilities (as described in the LUMO) such as garden areas, sitting areas, areas intended primarily for aesthetics, and unimproved open space areas shall not be counted toward active Recreation Space requirements. Further examples of facilities and spaces which cannot be counted toward Recreation Space requirements can be found in the definitions section of the LUMO. The Town Manager shall determine if proposed facilities meet the definition of allowable Recreation Space.

- e) Public Access Easement. The Developer Owner and Parcel Owners shall grant a public access easement to the Town over all parks available to the public permitting public use of the parks, including the park space described in Section 5.8(c) of this Agreement.

#### 5.9 Greenways.

- a) The location of greenways and paths for pedestrians and cyclists on the Property will be generally consistent with Exhibit D.
- b) Should a greenway connection to the existing Meadowmont path be installed, the Developer Owners and Parcel Owners agree to install the onsite greenway extension from Hamilton Road to the eastern property line of the Property at NC 54 in order to appropriately connect to the regional system.
- c) All greenways shall be built to AASHTO standards for multi-use pedestrian and bicycle paths. Alternative standards can be applied in cases where the location of the greenway requires a reduced width or design modification due to building location.
- d) The Developer Owners, the Representative or a subsequent Property Owners' Association will maintain the greenway within the Development under the same operating conditions as Town-owned greenways with regards to maintenance, lighting, and hours of operation.
- e) The Developer Owner shall grant a public access easement to the Town over all greenways available to the public permitting pedestrian, bicycle, and motorized wheelchair use of the greenway.

#### 5.10 Historic and Cultural Features.

- a) Prior to expiration of the term of this Agreement, the Developer Owners and the Parcel Owners shall place historical photos of Glen Lennox and text describing the history of the location, its development, the people who have lived in the neighborhood, and other historical facts as appropriate, at a place in the Development that is convenient and accessible to the public.

#### 5.11 Solid Waste Management.

- a) The Town will continue to provide residential collection to the Property it serves at the time of this agreement provided the land use remains residential. Future service for those locations will be consistent with Town-wide delivery of residential collection policies.
- b) Solid waste collection shall be provided to all new uses within the Development pursuant to current ordinances as of the Effective Date, or by The Developer Owners or Representative or the Parcel Owners, if applicable. The Developer



2014121700227930  
RB5883 47 37/196

- Owners or the Representative or the Parcel Owners, if any, shall include Orange County Solid Waste in pre-construction conferences for buildings.
- c) Solid waste shall be managed by the Developer Owners or the Representative for all new buildings in the Development, unless solid waste collection is provided by the Town per (a) and (b) above. The Developer Owners or the Representative or the Parcel Owners, if applicable, shall design projects such that construction and demolition recycling, reuse, salvage, and waste reduction are maximized.
  - d) Construction waste shall be managed in accordance with Town standards and with the Orange County Regulated Materials Ordinance.
  - e) Each individual Development Agreement Compliance Permit shall provide clear direction on who will provide solid waste service for each building and each building will be designed accordingly.

#### 5.12 Stream Buffers

- a) The Developer Owners, Parcel Owners and the Representative commit to meet the stream buffer rules and regulations for whichever classification the streams in the Project are finally determined to fall within. The Developer Owners retain the right to appeal stream classifications to a final determination.

#### 5.13 Trees and Landscaping in Developed Areas

- a) The Developed area of the Property shall include significant street, landscape and natural plantings and landscaped areas and tree protection measures. A portion of the tree and landscape areas may also have a stormwater management function at the Property.
- b) The Property shall maintain a tree canopy coverage of thirty percent (30%) using the procedures identified in the Tree Canopy section of the LUMO for calculating existing tree canopy coverage and replacement calculations.
- c) References to "Town Buffers" in the Town Design Manual only apply to the perimeter of the Property and not to internal landscaped areas.
- d) The applicant shall include the following information in each Development Agreement Compliance Permit application:
  - 1) A plan of street landscaping and landscaped areas;
  - 2) A description of consistency with the landscape design guidelines in the NCDP;
  - 3) Detailed landscape and tree protection plans with details for trees and landscaped areas prior to and during construction;
  - 4) Identification of trees to be replaced;
  - 5) A planting list using mostly the suggested native trees from the Town's Design Manual for canopy trees;
  - 6) A demonstrated compliance with page 79 of the NCDP Planting Guidelines;
  - 7) Identification of conflicts between street trees and utilities.
  - 8) Tree canopy coverage calculation.
- e) A tree maintenance program will be provided with the first Development Agreement Compliance Permit application.
- f) The applicant is encouraged to replace tree canopy trees with identical or similar species whenever practicable.



5.14 Sedimentation.

- a) Construction of the Development shall comply with applicable soil and erosion control regulations and State oversight. The Developer Owners and the Representative and Parcel Owners, if any, shall incorporate erosion and sediment control measures for all land-disturbing activities. All individual construction projects at the Property shall include erosion and sedimentation control measures. The Developer Owners, Parcel Owners and the Representative shall be responsible for implementing erosion and sedimentation control measures for all land disturbing projects.
- b) The Developer Owners or the Representative or Parcel Owners, if any, shall provide a courtesy copy of sedimentation and erosion control plans for projects at the Property to the Town's stormwater staff.

5.15 Neighboring Lands, Compatibility, Buffers.

- a) The Development shall strive to respect existing development adjacent to the Development and shall adhere to the requirements as stated in Exhibit H as of the Effective Date.
- b) Development that occurs near existing neighborhoods shall strive to respect all buffers, lighting, drainage and noise impacts.
- c) Neighborhood and local streets located outside of the Development shall not be used for construction traffic.
- d) For Development adjacent to existing neighborhoods and subject to a DACP, the Developer Owner shall provide a mailing list and postage for the Town to mail a notice to property owners within 200' of the proposed Development.

5.16 Noise.

- a) The Town's Noise Ordinance shall be applicable to the Development during construction and occupancy of the Property.
- b) As provided in Section 4.9 (Development Agreement Compliance Permit application section), prior to the Development of or construction on the Property, a Developer Owner and/or Parcel Owner who intends to Develop or construct upon the Property shall apply for a Development Agreement Compliance Permit application, which shall include a construction management plan and provide the following noise-mitigation information at a minimum:
  - 1) Indicate how the project construction will comply with the Town's Noise Ordinance; and
  - 2) provide a phone number for noise notifications during the construction period.
- c) The Developer Owner and/or Parcel Owner shall post a sign on-site where the Development is to occur stating that noise issues can be reported by calling the posted phone number.

5.17 Lighting.

- a) All Town lighting standards in effect as of the Effective Date of this Agreement shall apply to any and all Development commenced after the Effective Date of this Agreement.



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- b) Lighting at the Property shall not have a negative effect on adjacent users, neighborhoods, the community, or other uses of the Property. Street lighting shall be energy efficient and appropriate for the program requirements and times of use.
- c) Increases in illumination on off-site property shall not result in lighting levels in excess of 0.3 foot-candles, measured at ground level. Where existing ambient off-site lighting levels are in excess of 0.3 foot-candles, no increase in measurable off-site lighting levels will be allowed as a result of outdoor lighting in the development.
- d) Street lighting shall be energy efficient and appropriate for the program requirements and times of use.
- e) The Applicant shall describe in each individual Development Agreement Compliance Permit application how lighting for that portion of the Development is designed with a basic strategy of:
  - 1) Streets lit to Town or DOT standards; and
  - 2) Building code requirements regarding lighting met for new buildings.
- f) New lighting within the Development shall comply with the following:
  - 1) All lighting, including that used in and around buildings, active recreation areas, parking areas, walkways, roadways, and signs, shall be designed to minimize spillover light onto property adjacent to the Property.
  - 2) All lighting shall be designed to prevent glare that could impair vision and/or otherwise deteriorate normally accepted qualities and uses of property adjacent to the Property.
  - 3) Outdoor lighting, except active recreation areas, shall be mounted at heights no greater than fifteen (15) feet for non-cutoff lights; and no greater than thirty-five (35) feet for most cutoff lights.
  - 4) Lighting for active recreation areas must include glare control features and must be designed so that the primary illumination is directed onto the play area and immediate surroundings, and such that offsite illumination/glare is restricted.

#### 5.18 Engineering Standard Requirements.

- a) Slopes shall be defined for the Development as follows: Prime Buildable - <20%, Secondary Buildable - 20 to 30%, Conserved - 30 to 50%, and Preserved - >50%.
- b) For design considerations, "slab-on-grade" shall be 20%; "mass grading" shall be 20%.
- c) If there is a conflict, this Agreement's requirements supersede the Town's standard street sections.
- d) Subject to approval for each Development Agreement Compliance Permit, the utility strip width for sidewalks may be reduced. Sidewalks abutting the back of curb shall be a minimum of 6 feet wide, unless otherwise approved by the Town Manager, based on site conditions.
- e) Alternative designs for concrete cover and yard Inlets may be approved by the Engineering and Stormwater divisions. A detailed design must be submitted to the Engineering and Stormwater Divisions for review with the Development Agreement Compliance Permit.
- f) Typical street-type driveway details (D-3 "Street Type Curb & Gutter," with minimum 10' radii curb returns) are allowed for all individual commercial





development driveways within the Property, subject to site by site review by the Engineering Division for installations in the right-of-way.

5.19 Existing Conditions.

- a) All existing buildings may be continued as they exist as of the Effective Date of this Agreement and shall not be considered to be in violation of the NCDP, LUMO, or this Agreement, nor considered as a "non-conforming use" under the LUMO.
- b) Existing buildings that continue to be maintained and repaired and used in the same manner as of the Effective Date are not considered to be part of the Development.
- c) Existing buildings may be replaced for the same use or additions may be made to existing buildings up to 1000 square feet for the same use, subject to the approval of an administrative zoning compliance permit. The ZCP will demonstrate compliance with the LUMO as of the effective date of the Agreement. A ZCP will be approved, approved with conditions, or denied by Town staff within fifteen (15) working days. Replacements and additions approved by a ZCP are not considered to be part of the Development.
- d) Any new construction, development, or site improvements associated with continuation of existing conditions shall be consistent with the terms of this Agreement.

5.20 Annual Report.

- a) The Developer Owners and Parcel Owners, if any, or the Representative on behalf of the Developer Owners and Parcel Owners, if any, shall submit to the Town Manager an Annual Report that includes the information required by this Agreement and that provides all necessary information for the Town Manager to assess the Developer Owners', Parcel Owners' and the Representative's good faith compliance with the terms of this Agreement. This report shall form the basis for the Town Manager's periodic review of the Agreement as required by G.S. 160A-400.27(a). This required report is generally referred to as the "Annual Report."
- b) The initial Annual Report shall be filed on or before September 1, 2015 and shall report on activities from July 1, 2014 through June 30, 2015. Subsequent reports shall be filed on or before September 1 each year and shall report on activities in the preceding fiscal year (the preceding reporting period).
- c) The Annual Report shall include the specified items set forth in this Agreement and listed in this Section. The failure to include in this Section an item expressly required to be included by other Sections of this Agreement shall not relieve the Developer Owners, Parcel Owners or the Representative of the responsibility to include that item in the Annual Report. The report may include such other items as deemed relevant by the Developer Owners or Parcel Owners, if any, or the Representative. The Town Manager may also request inclusion of other specific information or provide for its inclusion in the following year's Annual Report if such requested information reasonably relates to Development.
- d) The Annual Report shall include the following specific information (parenthetical cross-referenced Sections provide additional information on the contents of the information to be provided):
  - 1) the tax status of any Development or change in tax status of any property in the prior year Section 5.5;



20141217000227930  
R65883 51 41/196

- 2) Individual Development Agreement Compliance Permits issued (Section 4.12 Annual Report);
- 3) infrastructure installed (Section 4.12 Annual Report);
- 4) status of participation by the Town, Developer Owners, Representative and the Parcel Owners in the provision of or financing of public infrastructure for the Development (Section 4.12 Annual Report);
- 5) dedications and acquisitions of infrastructure by the Town, Developer Owners, Representative and Parcel Owners (Section 4.12 Annual Report);
- 6) the projected schedule for Development of the Property in the forthcoming year (Section 4.12 Annual Report); and
- 7) a trip generation table showing the following (Section 5.4(b)(ii) Annual Trip Generation Report):
  - i. Land use type built and a location map of the buildings;
  - ii. Number of trips generated for each land use type using the attached trip Equivalency Matrix as provided in Exhibit F; and
  - iii. Comparison of trip generation table with the trips generated in the TIS dated October, 2013.



IN WITNESS WHEREOF, the Parties hereby set their hands and seals, effective the date first above written.

Town of Chapel Hill

By: \_\_\_\_\_

Title: \_\_\_\_\_

*[Handwritten signature]*  
TOWN MANAGER

=====  
State of North Carolina

County of Orange

I, the undersigned, a Notary Public of the County and State aforesaid, do hereby certify that ROGER L. STANKIL personally came before me this day and acknowledged that he or she is MANAGER of the Town of Chapel Hill and acknowledged, on behalf of the Town of Chapel Hill, the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 10th day of DECEMBER, 2014.

*[Handwritten signature]*  
\_\_\_\_\_  
Notary Public

My Commission Expires:

10-11-2016





IN WITNESS WHEREOF, the Parties hereby set their hands and seals, effective the date first above written.

FCP GLEN LENNOX, LLC (f/k/a Glen Lennox Delaware, LLC)

BY: GRUBB REAL ESTATE INVESTMENT COMPANY, LLC, ITS MANAGER  
BY: GRUBB PROPERTIES, INC, ITS MANAGER

By: [Signature]  
Title: W. Clay Grubb  
President

=====  
State of North Carolina

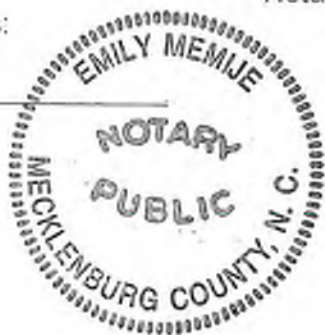
County of Orange

I, the undersigned, a Notary Public of the County and State aforesaid, do hereby certify that W. CLAY GRUBB personally came before me this day and acknowledged that he or she is MANAGER of FCP Glen Lennox, LLC and acknowledged, on behalf of FCP Glen Lennox, LLC, the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 4<sup>th</sup> day of NOVEMBER, 2014.

[Signature]  
Notary Public

My Commission Expires:

4/8/16





IN WITNESS WHEREOF, the Parties hereby set their hands and seals, effective the date first above written.

GLEN LENNOX SHOPPING CENTER, LLC  
By: GRUBB PROPERTIES, INC., MANAGER

By: [Signature]  
Title: W. CLAY GRUBB, PRESIDENT

=====

State of North Carolina

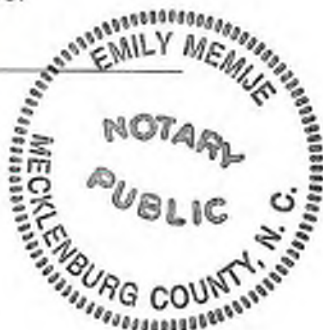
County of Orange

I, the undersigned, a Notary Public of the County and State aforesaid, do hereby certify that W. CLAY GRUBB personally came before me this day and acknowledged that he or she is MANAGER of Glen Lennox Shopping Center, LLC and acknowledged, on behalf of Lennox Shopping Center, LLC, the due execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 4<sup>th</sup> day of NOVEMBER, 2014.

[Signature]  
Notary Public

My Commission Expires:

4/8/16





**EXHIBITS INCORPORATED BY REFERENCE**

- EXHIBIT A. Boundary Map of the Property
- EXHIBIT B. Public Street Network & Setbacks
- EXHIBIT C. Typical Road Sections
- EXHIBIT D. Pedestrian & Bike Facilities Plan
- EXHIBIT E. Traffic Impact Study
- EXHIBIT F. Trip Equivalency Matrix
- EXHIBIT G. US 15-501 and NC 54 Conceptual Design & Recommended Improvements
- EXHIBIT H. Glen Lennox Area Neighborhood Conservation District Plan for CD-8C
- EXHIBIT I. Development Agreement Compliance Permit Application
- EXHIBIT J. RCD Determination
- EXHIBIT K. Legal Description of the Property

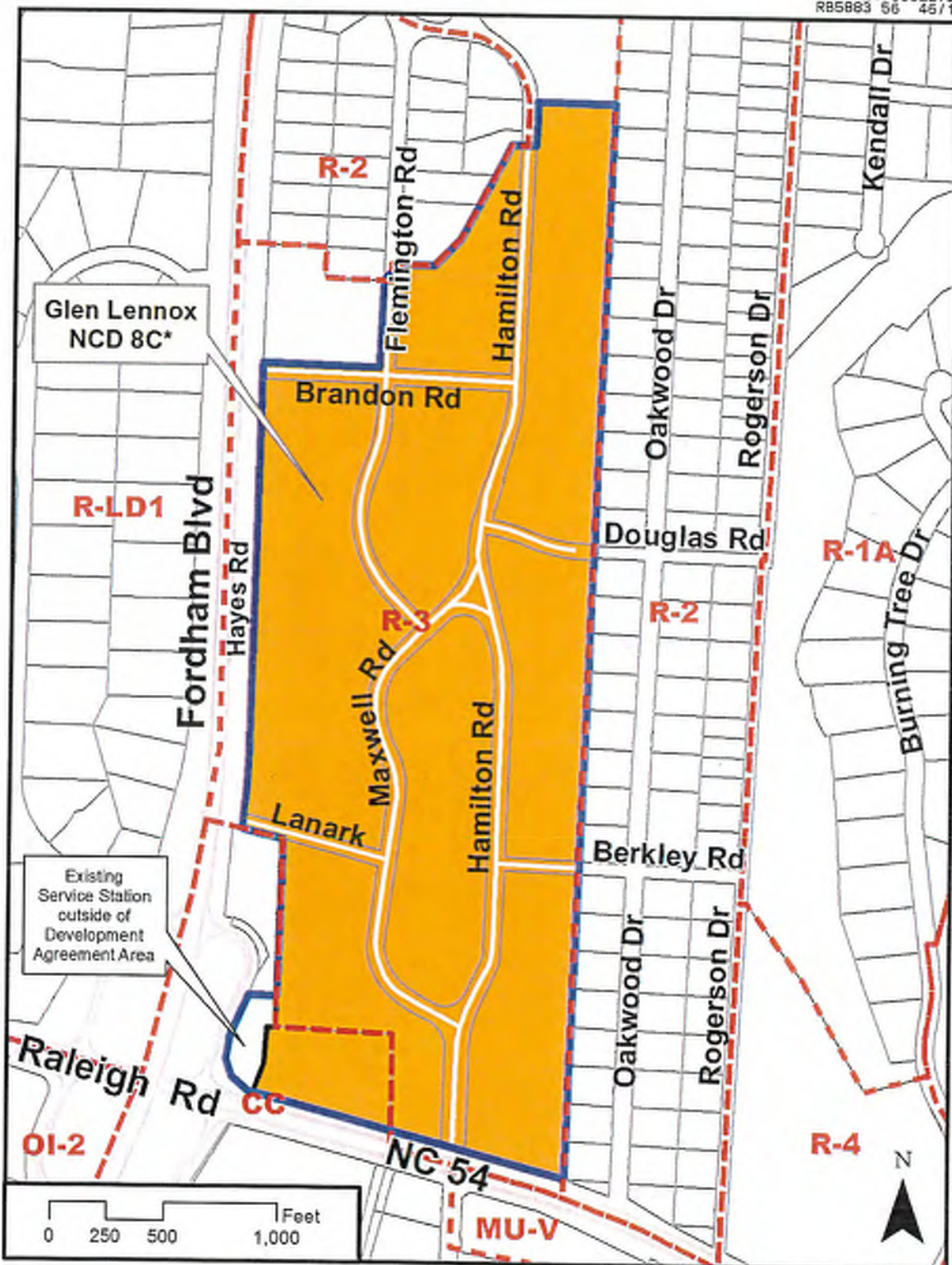




# Glen Lennox Development Agreement Area



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- Glen Lennox Development Agreement Area
- Chapel Hill Zoning Districts
- Glen Lennox Neighborhood Conservation District (NCD) 8C

\*NCD shown only for area within the Development Agreement

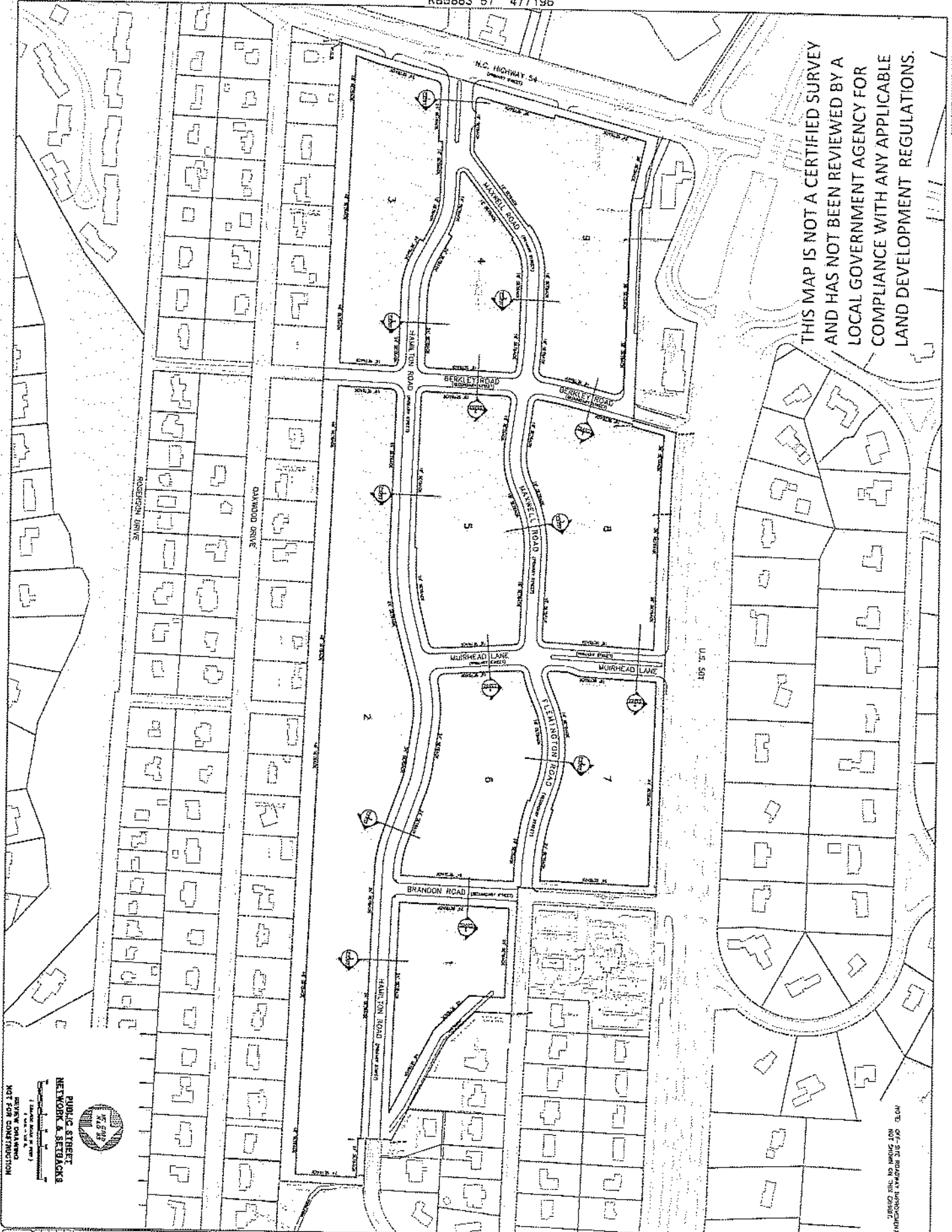
GIS Map prepared by  
Town of Chapel Hill  
Planning Department  
May, 2014

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



EXHIBIT B - PUBLIC STREET NETWORK MAP

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



**PUBLIC STREET NETWORK & SETBACKS**  
 1/2" = 100'-0"  
 1/4" = 50'-0"  
 1/8" = 25'-0"  
 1/16" = 12'-6"  
 1/32" = 6'-3"  
 1/64" = 3'-1 1/2"

DESIGN CHANGES NOT FOR CONSTRUCTION

NOTE: SEE SITE PLAN FOR DIMENSIONS AND SETBACKS

EXHIBIT B

**GLEN LENNOX**  
 CHAPEL HILL, NC

DEVELOPMENT AGREEMENT DRAWINGS

NO.	DATE	DESCRIPTION	BY	DATE
1	11/15/11	PRELIMINARY	...	...
2	12/15/11	...	...	...
3	1/15/12	...	...	...
4	2/15/12	...	...	...
5	3/15/12	...	...	...
6	4/15/12	...	...	...
7	5/15/12	...	...	...
8	6/15/12	...	...	...
9	7/15/12	...	...	...
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48	10/15/15	...	...	...
49	11/15/15	...	...	...
50	12/15/15	...	...	...

**BALLENTINE ASSOCIATES PA.**  
 231 FRENCHCREEK ROAD, CHAPEL HILL, NC 27514  
 (919) 874-1144

DATE: 11/15/11  
 DRAWN BY: ...  
 CHECKED BY: ...  
 APPROVED BY: ...

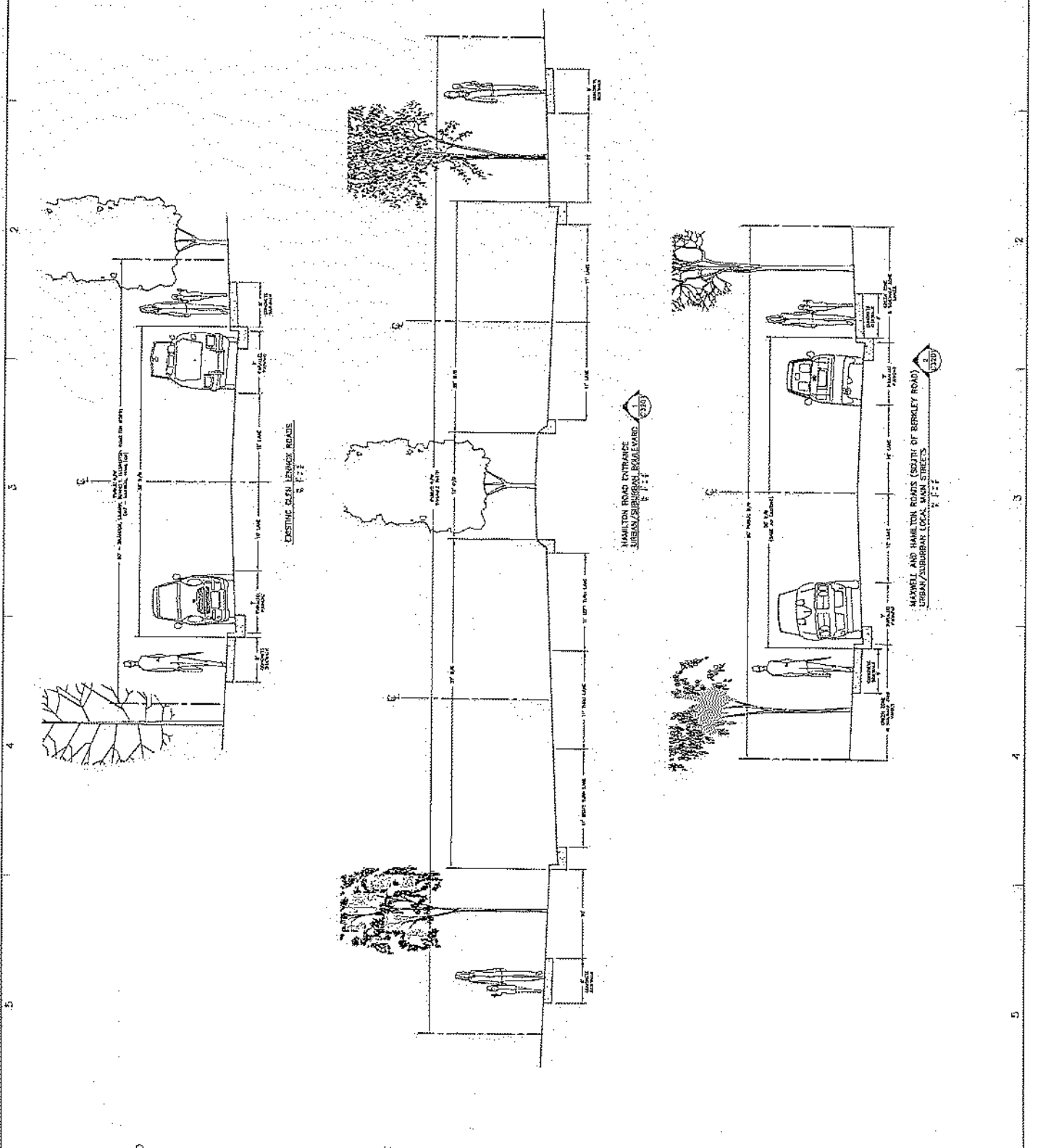
Exhibit C

<b>BALLENTINE ASSOCIATES PA</b> 1931 E 5th Ave., Suite 200 Erie, PA 16512 Phone: 814.833.8800 Fax: 814.833.8801 www.balentine.com			DATE	NO.	BY	FOR	PROJECT	REVISION	APPROVED	DATE

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THIS MAP IS NOT A CERTIFIED SURVEY  
 AND HAS NOT BEEN REVIEWED BY A  
 LOCAL GOVERNMENT AGENCY FOR  
 COMPLIANCE WITH ANY APPLICABLE  
 LAND DEVELOPMENT REGULATIONS.

EXHIBIT C1  
 SHEET  
 TYPICAL ROAD SECTIONS  
 NEWSP DRAWING  
 1 NOT FOR CONSTRUCTION

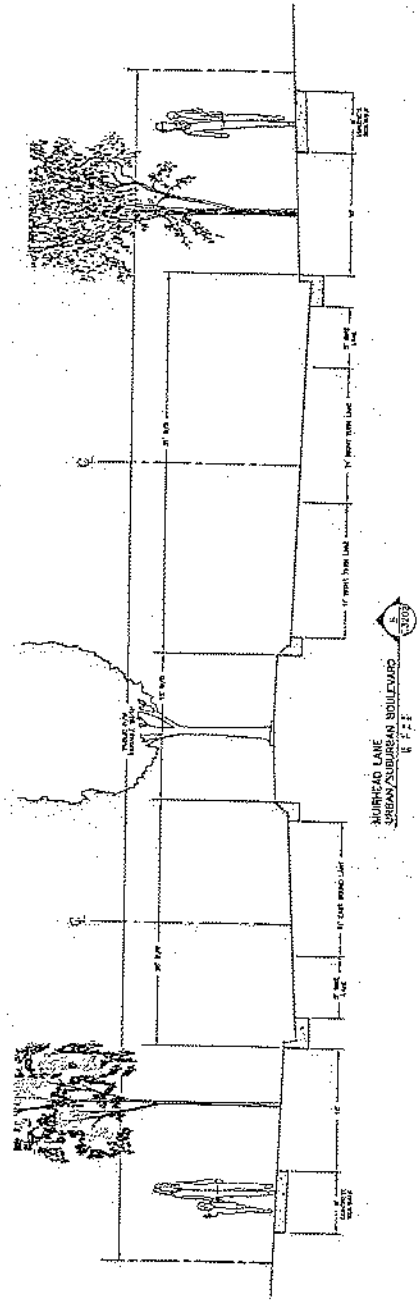
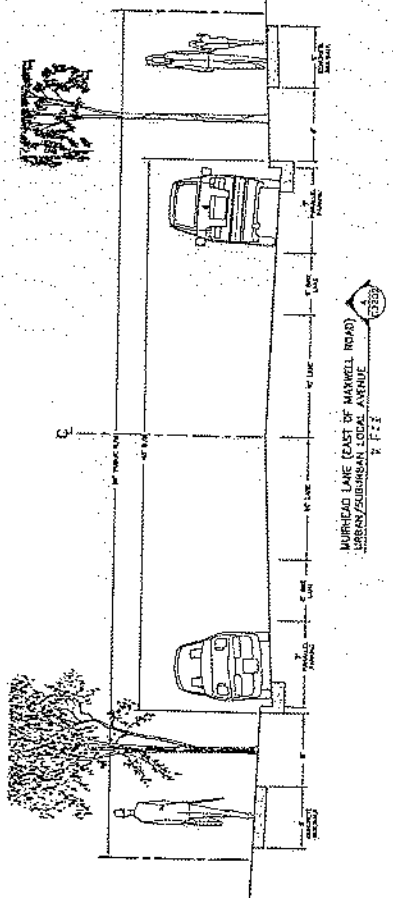
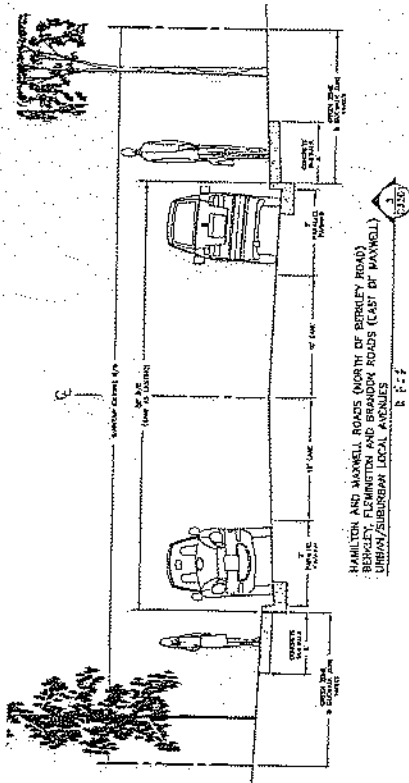


TYPICAL ROAD SECTIONS

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



TYPICAL ROAD SECTIONS  
 SURVEY DRAWING  
 NOT FOR CONSTRUCTION









To see the full Study, visit: <http://www.townofchapelhill.org/Modules/ShowDocument.aspx?documentid=21282>

**GLEN LENNOX REDEVELOPMENT**

**TRAFFIC IMPACT STUDY**

**EXECUTIVE SUMMARY**



Prepared for:

The Town of Chapel Hill  
Engineering Department

*Prepared by:*

**HNTB North Carolina, PC**

*343 East Six Forks Road*

*Suite 200*

*Raleigh, NC 27609*

*NCBELS License #: C-1554*

October 2013

**HNTB**





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**GLEN LENNOX**  
**MIXED-USE REDEVELOPMENT**  
**TRAFFIC IMPACT STUDY**

**EXECUTIVE SUMMARY**



**Prepared for:**

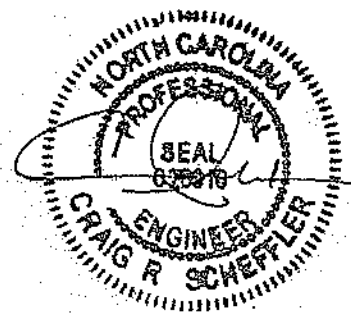
The Town of Chapel Hill  
Engineering Department

**Prepared by:**

**HNTB North Carolina, PC**

343 East Six Forks Road  
Suite 200  
Raleigh, NC 27609  
NCBELS License #: C-1554

October 2013



10-17-13



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## EXECUTIVE SUMMARY

### Project Overview

A redevelopment of the existing Glen Lennox neighborhood in Chapel Hill, located along NC 54 (Raleigh Road) and US 15-501 (Fordham Boulevard), is being proposed by Grubb Properties. **Figure ES-1** shows the general location of the site, which currently comprises approximately 400 acres of development. The project is to be constructed in phases over a 20 year projected time frame. This report analyzes three phased build-out scenarios for the years 2018, 2023 and 2028, the no-build scenario for those three years, as well as 2013 base year traffic conditions.



The proposed site concept plan maintains four existing access points to NC 54 (Raleigh Road), a new access connection along US 15-501, and the existing access point on US 15-501 at Brandon Road. All local street access to the north and east is proposed to remain the same as current conditions. The plans also propose additional internal circulation streets that would provide connectivity to surface parking lots and structured parking that are similar to the existing roadway network within the Glen Lennox property. **Figure ES-2** displays the preliminary concept plan of Glen Lennox and nearby land uses and roadways.

### Existing Conditions

#### **Study Area**

The site is located in the eastern portion of Chapel Hill with frontage along US 15-501 (Fordham Boulevard) and NC 54 (Raleigh Road). The study area contains all major signalized intersections along US 15-501 (Fordham Boulevard) from Manning Drive to Ephesus Church Road and along NC 54 (Raleigh Road) from South Drive/Country Club Road to E. Barbee Chapel Road. It also includes two intersections along Estes Drive west of US 15-501 and several local intersections in the vicinity of neighborhoods surrounding Glen Lennox to the north and east. 15 of the 30 existing study area intersections are currently signalized and the remaining intersections are either two-way or four-way stop-controlled or yield-controlled.

Site traffic is primarily expected to use either the major existing access points along NC 54 (Raleigh Road) or the new proposed access point along US 15-501. Consideration was made for a small percentage of site traffic to utilize local streets from the neighborhoods surrounding Glen Lennox. Existing internal local streets are expected to remain part of the development plan and provide access to the commercial and residential land uses and parking areas.

US 15-501 (Fordham Boulevard) and NC 54 (Raleigh Road) are major principal arterials providing connectivity between downtown Chapel Hill, the UNC Main Campus, the I-40 corridor and other areas of Chapel Hill. The remaining study area network roadways are either minor arterial facilities providing connectivity throughout Chapel Hill, suburban collector streets or local neighborhood/commercial access streets.





### Site Traffic Generation

With the addition of new peak hour trips during the weekday AM, noon, and PM peak hours, there are potential site traffic impacts to the study area transportation system. Appropriate reductions for internally captured trips (between land uses within the Glen Lennox Redevelopment site), and "pass-by" type trips for the retail component of the redevelopment were assumed to occur, given the nature of the proposed land uses that comprise the Glen Lennox redevelopment plan. Internal capture trip rates, by redevelopment phase, are summarized in **Table ES-1**. Trip reductions for the effects of transit were also included for this study, using ITE methodologies, existing data from Chapel Hill Transit, and data from the Transportation Research Board (TRB) Transit Cooperative Research Program (TCRP) *Report 128 – Effects of Transit-Oriented Development on Housing, Parking, and Travel* (Arrington and Cervero, 2008). **Table ES-2** highlights projected transit trip estimates for each redevelopment phase using the methodologies listed above. **Table ES-3** shows site trip generation details, with rates taken from the *ITE Trip Generation Manual, Volume 9* and adjusted for the internal and transit trip reductions. The table lists total driveway trips, which include pass-by trip estimates, and total trips added to the study area network (where the pass-by trips do not have an effect).

**Table ES-1. Summary Internal Capture Rates By Redevelopment Phase**

Phase	Daily Trips*	AM Peak Hour	Noon Peak Hour	PM Peak Hour
1	10%*	9%	22%	26%
2	10%*	6%	14%	12%
3	10%*	10%#	10%#	10%#
<b>Composite Total</b>	<b>10%*</b>	<b>7%</b>	<b>16%</b>	<b>18%</b>

\* - No Specific ITE Calculation Available for Daily Trips

# - Phase 3 Has Only One Land Use, but was assumed to contribute to overall internal trips

**Table ES-2. Total Transit Trip Generation Estimates By Phase**

Phase	Daily Ridership			AM Peak Hour Trips			Noon Peak Hr Trips			PM Peak Hour Trips		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
1	542	542	1,083	46	37	83	24	24	48	60	68	128
2	990	990	1,980	114	53	166	28	28	57	63	112	175
3	392	392	783	8	31	39	10	12	22	32	17	49
<b>SUM</b>	<b>1,923</b>	<b>1,923</b>	<b>3,847</b>	<b>167</b>	<b>121</b>	<b>288</b>	<b>62</b>	<b>65</b>	<b>127</b>	<b>155</b>	<b>197</b>	<b>352</b>

### Background Traffic

Background traffic growth for the future 2018, 2023, and 2028 analysis years is expected to be a combination of ambient regional traffic growth and specific development-related traffic growth. With numerous on-going and planned development sites located in or near the large project study area for Glen Lennox, and varying time frames for completion of specific projects, background traffic for the three analysis years was estimated through the use of the latest version of the Triangle Region Travel Demand Model (TRM). The TRM utilizes estimates of existing and future socio-economic data (dwelling units, employment) to generate, distribute and assign traffic flows throughout the region. Comparisons of base year (2010) and future year (2040) model results allow a composite calculation of per-year background traffic growth specific to the Glen Lennox project study area. This growth rate is estimated to be approximately 1.4 percent per year and was applied to initial estimates of 2018, 2023, and 2028 peak hour traffic volumes.



Table ES-3.  
**Weekday Peak Hour Vehicle Trip Generation Summary**  
 Glen Lennox Redevelopment

Total External Vehicle Trips (Driveway Volumes)

Phase	24 Hour Volumes			AM Peak Hour Trips			Noon Peak Hour Trips			PM Peak Hour Trips		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
1	5,100	5,100	10,200	268	178	445	265	252	518	288	324	612
2	3,664	3,664	7,328	630	224	855	301	294	594	260	601	861
3	886	886	1,772	24	131	155	89	111	200	130	64	195
<b>TOTALS</b>	<b>9,651</b>	<b>9,651</b>	<b>19,300</b>	<b>923</b>	<b>533</b>	<b>1,455</b>	<b>655</b>	<b>656</b>	<b>1,312</b>	<b>678</b>	<b>989</b>	<b>1,668</b>

Total External Vehicle Trips Added to Adjacent Streets

Phase	24 Hour Volumes			AM Peak Hour Trips			Noon Peak Hour Trips			PM Peak Hour Trips		
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
1	4,013	4,013	8,026	268	178	445	221	208	430	241	277	516
2	3,379	3,379	6,759	630	224	855	288	281	568	242	583	825
3	886	886	1,772	24	131	155	89	111	200	130	64	195
<b>TOTALS</b>	<b>8,279</b>	<b>8,279</b>	<b>16,557</b>	<b>923</b>	<b>533</b>	<b>1,455</b>	<b>598</b>	<b>599</b>	<b>1,198</b>	<b>613</b>	<b>924</b>	<b>1,536</b>



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RB5883 66 56/196

**Town of Chapel Hill: Traffic Impact Study**  
*Glen Lennox - Proposed Mixed-Use Redevelopment*

**Impact Analysis**

**Peak Hour Intersection Level of Service**

Existing traffic operations at most study area intersections are acceptable during all three peak hours analyzed. The projected ambient and background development traffic growth will increase impacts for each successive analysis time period, necessitating mitigation recommendations at each build-out phase. To make consistent recommendations through the project redevelopment process, it was assumed that recommended mitigation improvement made for one analysis year would remain in place for the successive analysis years.

A summary of the traffic operations for each intersection, related to vehicular delays (overall intersection average if signalized, critical movement if stop-controlled) and the corresponding Level-of-Service (LOS) is shown in **Table ES-4** on the following page.

**Access Analysis**

Vehicular site access is to be accommodated by the proposed site driveway along US 15-501, existing site driveways and Hamilton Road along NC 54, and local street connections to neighborhoods to the north and east of the Glen Lennox site. Due to the need to maintain traffic flow (and improve congested conditions) along US 15-501, several modifications to full access points are recommended to convert the US 15-501 corridor to a superstreet design concept. In addition, high traffic volumes, and the number of conflict points with driveways and street connections on NC 54 along the Glen Lennox site frontage lead to the following recommendations: 1) close driveway access points, 2) provide adequate intersection capacity at the signalized NC 54/Hamilton Road intersection and 3) provide adequate traffic flow in the vicinity of the US 15-501 existing interchange ramps.

Access for pedestrians is currently adequate in the project study area. Sidewalks are present on both sides NC 54 (Raleigh Road) throughout the study area and connectivity is available on at least one side of the street along many facilities in the project study area that connect to the NC 54. US 15-501 has limited pedestrian facilities and access along site frontage, especially across US 15-501 between the NC 54 interchange and Estes Drive. Crosswalks do exist across US 15-501 at Estes Drive and along NC 54 below the US 15-501 (Fordham Boulevard) overpass. Most internal Glen Lennox streets and neighborhood streets connecting to Glen Lennox to the north and east have a sidewalk on at least one side of the street.

Access for bicyclists is currently adequate in the project study area, though several limitations exist due to the absence of bicycle provisions along the high volume NC 54 corridor. No specific bicycle amenities are present within the Glen Lennox site itself, though the low volume/low speed grid street network is not prohibitive to cycling activities. No details are shown on the Glen Lennox concept plans regarding external improvements for pedestrian or bicycle access to/from the site. All recommended roadway improvements to facility segments or intersections should make accommodations, where appropriate, to provide adequate access for non-motorized transportation.



Table ES-4. Glen Lennox Redevelopment Peak Hour LOS Summary

ID	Intersection Name	LOS For No-Build Scenario / Build Scenario / Mitigated Scenario											
		2013 Existing Conditions			2018 Analysis Year			2023 Analysis Year			2028 Analysis Year		
		AM	Noon	PM	AM	Noon	PM	AM	Noon	PM	AM	Noon	PM
1	US 15-501 Bypass (Fordham Blvd) & Epiesthus Church Road	D	D	D	D/D/D	D/D/D	D/D/D	D/D/D	D/D/D	D/D/D	D/D/D	D/D/D	D/D/D
2	US 15-501 Bypass (Fordham Blvd) & Ellet Road	B	C	B	A/A/-	B/B/-	B/D/-	C/C/-	D/D/-	C/C/-	C/C/-	C/C/-	E/E/D
3	US 15-501 Bypass (Fordham Blvd) & Willow Drive	B	C	C	B/B/-	C/C/-	B/B/-	C/C/-	C/C/-	B/B/-	C/C/-	C/C/-	C/C/-
4	US 15-501 Bypass (Fordham Blvd) & Foyes Drive	C	C	C	C/C/-	C/C/-	C/C/-	C/C/-	C/C/-	C/C/-	C/C/-	C/C/-	C/C/-
5	US 15-501 Bypass (Fordham Blvd) & Cleared Road <sup>a</sup>	F	F	F	F/F/A	F/F/A	F/F/A	F/F/A	F/F/A	A/A/-	A/A/-	A/A/-	D/D/-
6	US 15-501 Bypass (Fordham Blvd) & Brandon Road <sup>a</sup>	E	F	F	F/F/A	F/F/A	F/F/A	F/F/A	F/F/A	A/A/-	A/A/-	A/A/-	B/B/-
7	US 15-501 Bypass (Fordham Blvd) & NC 54 (Raleigh Rd) Interchange Ramps (North) <sup>a</sup>	D <sup>b</sup>	D <sup>b</sup>	D <sup>b</sup>	E/E/F/-	F/F/F/-	F/F/F/-	F/F/F/-	F/F/F/-	A/A/-	A/A/-	A/A/-	B/B/-
8	US 15-501 Bypass (Fordham Blvd) & NC 54 (Raleigh Rd) Interchange Ramps (South) <sup>a</sup>	C	C	C	C/C/B	B/B/B	C/C/C	C/C/C	C/C/C	C/C/-	C/C/-	C/C/-	B/B/B%
9	US 15-501 / NC 54 Bypass (Fordham Blvd) & Old Mason Farm Road	F	D	E	F/F/D	D/D/B	D/D/B	D/D/B	D/D/B	C/C/-	E/E/-	C/C/-	C/C/-
10	US 15-501 / NC 54 Bypass (Fordham Blvd) & Mimmy Drive	E	C	D	D/D/B	C/C/B	D/D/C	D/D/C	D/D/C	B/B/-	B/C/C	E/E/C	C/C/C
11	South Road / Raleigh Road & Country Club Drive	C	D	D	D/D/-	D/D/-	D/D/-	D/D/-	D/D/-	D/D/-	D/D/-	C/C/-	B/B/-
12	US 15-501 Bypass (Fordham Blvd) & NC 54 (Raleigh Road) Interchange Ramps (West) <sup>a</sup>	C	B	D	C/C/-	C/C/-	F/F/-	F/F/-	F/F/-	C/C/A	F/F/B	B/B/-	A/A/-
13	US 15-501 Bypass (Fordham Blvd) & NC 54 (Raleigh Road) Interchange Ramps (East) <sup>a</sup>	C	B	C	C/C/-	C/B/-	C/C/-	C/C/-	C/C/-	B/C/-	C/C/-	C/C/-	C/C/-
14	NC 54 (Raleigh Road) & Glen Lennox Shopping Center Driveway #1 (Eastbound Left-Over) <sup>a</sup>	C	B	C	C/C/-	B/B/-	C/C/-	C/C/-	C/C/-	N/A	N/A	N/A	N/A
15	NC 54 (Raleigh Road) & Glen Lennox Shopping Center Driveway #2 (RRR) <sup>a</sup>	B	B	B	C/C/-	B/B/-	B/C/-	B/C/-	B/C/-	C/C/-	C/C/-	C/C/-	C/C/-
16	NC 54 (Raleigh Rd) & Hamilton Road	C	B	C	C/C/-	B/B/-	B/C/-	B/C/-	B/C/-	C/C/-	C/C/-	C/C/-	C/C/-
17	NC 54 (Raleigh Road) & Audley Lane <sup>a</sup>	B	B	B	B/B/-	B/B/-	B/C/-	B/C/-	B/C/-	N/A	N/A	N/A	N/A
18	NC 54 (Raleigh Road) & Farming Tree Drive / Firdly Golf Course Road	A	A	B	A/A/-	A/A/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-
19	NC 54 (Raleigh Road) & W. Barbee Chapel Road	B	B	C	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-
20	NC 54 (Raleigh Road) & Meadowmont Lane / Friday Center Drive	C	C	D	C/C/-	C/C/-	D/D/-	D/D/-	D/D/-	C/C/-	C/C/-	C/C/-	C/C/-
21	E. Barbee Chapel Road / Barbee Chapel Road Extension	D	B	C	D/D/-	B/B/-	C/C/-	C/C/-	C/C/-	D/E/D	B/B/B	C/C/C	E/E/D
22	E. Franklin Street & Foyes Drive	D	D	E	D/D/D	D/D/D	E/E/D	E/E/D	E/E/D	D/D/D	D/D/D	D/D/D	D/D/D
23	Willow Drive & Estles Drive	B	B	B	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-
24	Cleland Road & Hayes Drive <sup>a</sup>	A	A	B	A/A/-	A/A/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-	B/B/-
25	Cleland Road & Hamilton Road <sup>a</sup>	A	A	C	A/A/-	A/A/-	B/B/-	B/B/-	B/B/-	A/A/-	A/A/-	A/A/-	A/A/-
27	Cleared Drive & Burning Tree Drive <sup>a</sup>	A	A	A	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-
28	Pinehurst Drive & Burning Tree Drive <sup>a</sup>	B	A	A	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-
29	Brandon Road & Hyles Road <sup>a</sup>	A	A	A	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-
30	Beckley Road & Oakwood Drive <sup>a</sup>	A	A	A	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-	A/A/-
31	US 15-501 Bypass (Fordham Boulevard) & Proposed Site Entrance	N/A	N/A	N/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A
31	US 15-501 Bypass (Fordham Boulevard) & Madlen U-Turn #1	N/A	N/A	N/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A
32	US 15-501 Bypass (Fordham Boulevard) & Madlen U-Turn #2	N/A	N/A	N/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A
61	US 15-501 Bypass (Fordham Boulevard) & Madlen U-Turn #3	N/A	N/A	N/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A	N/A/A/A

N/A - Not Applicable, i.e. movement is non-existent or no improvements made  
 % - 10% Full Downstream Weaving Segment on US 15-501 Southbound  
 @ - Unsignalized Intersection, LOS Delay Values Correspond to Worst-Case Critical Movement  
 # - Estimated LOS Delay For Yield-Controlled Movement Based on HCM Stop-Controlled Methodology  
 % - LOS For Downstream Weaving Segment on US 15-501 Southbound  
 BOLD/FALCS - Movement or Overall Intersection is over capacity as defined by Town of Chapel Hill LOS Standards  
 B/LUG - New-Proposed Intersections







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RBS883 68 58/196

**Town of Chapel Hill: Traffic Impact Study**  
*Glen Lennox - Proposed Mixed-Use Redevelopment*

### Signal Warrant Analysis

Based on projected Phase 1 - 2018 traffic volumes and current/proposed access plans, the only unsignalized intersections in the project study area that warrant the installation of a traffic signal, based on the peak hour warrant methodology found in the *2009 Manual on Uniform Traffic Control Devices (MUTCD)*, are the following intersections:

- US 15-501 (Fordham Boulevard) & Cleland Road
- US 15-501 (Fordham Boulevard) & Proposed Site Access Road
- US 15-501 (Fordham Boulevard) Southbound Off-Ramp & NC 54 (Raleigh Road) Eastbound

The Peak Hour signal warrant analysis is used as verification that projected traffic volumes meet peak hour warrants as a precursor to a more extensive analysis of conditions via additional data collection for 4-Hour and 8-Hour warrant analyses. Projected queue lengths for the US 15-501 southbound off-ramp intersection indicated that, though warranted in 2018, this intersection may not require signalization until 2023.

### Crash Analysis

Data from the NCDOT Traffic Safety Unit was provided for the three-year period from 6/1/2010 to 5/31/2013 for segments of US 15-501 (Fordham Boulevard) and NC 54 (Raleigh Road) in the vicinity of the proposed site and for all existing major study area intersections. 77 crashes along the US 15-501 (Fordham Boulevard) study area corridor between Old Mason Farm Road and Cleland Road were reported over the three year period. 60 crashes were reported along NC 54 (Raleigh Road) between the US 15-501 interchange and Burning Tree Drive/Finley Golf Course Road. Primary crash types included rear end crashes, sideswipes, and left-turn crashes.

Overall, the number and severity of crashes along both the US 15-501 and NC 54 corridors in the project study area is lower than state-wide averages for similar facilities. Intersection crash data comparisons for all study area network roadways show the highest overall crash rates at intersections along US 15-501 north of Estes Drive and along Estes Drive at E. Franklin Street and Willow Drive.

### Other Transportation-Related Analyses

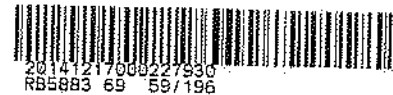
Other transportation-related analyses relevant to the 2001 Town of Chapel Hill Guidelines for the preparation of Traffic Impact Studies were completed as appropriate. The topics listed in **Table ES-5** on the following page are germane to the scope of this study.

### Mitigation Measures/Recommendations

#### Planned Improvements

The Town of Chapel Hill, in coordination with the North Carolina Department of Transportation, has two recently completed planning studies and an additional potential improvement project whose recommendations may impact study area facilities within the analysis time frame of 2013 to 2028.

- The 2011 *Ephesus Church Road/Fordham Boulevard Small Area Plan* has several intersection and local connectivity improvements that affect the study area intersections of US 15/501 with Ephesus Church Road and Elliott Road, including a new extension of Elliott Road to the east of US 15-501.



2014 1217000227930  
RB5883 69 59/196

**Town of Chapel Hill: Traffic Impact Study**  
Glen Lennox - Proposed Mixed-Use Redevelopment

**Table ES-5. Other Transportation-Related Analyses**

Analysis	Comment
Generalized Daily V/C Analysis	<p>Daily Volume/Capacity Ratio analyses were conducted for existing year (2013 data) and 2040 Long Range Planning horizons (No-Build and Build). Existing roadway segment V/C's are acceptable throughout most of the study area. In 2040, multiple study area roadway segments approach or exceed their daily estimated model capacity. These include segments of US 15-501 between Manning Drive and Estes Drive as well as NC 54 between US 15-501 and E. Barbee Chapel Road.</p> <p>The 2040 TRM model used for the daily V/C analysis already includes growth in the traffic analysis zone (TAZ) where Glen Lennox development would be located. To account for future No-Build and Build conditions with the redevelopment scenario proposed in this study, the model growth estimates were removed from No-Build calculations, and daily traffic estimates from the redevelopment scenario were added to the No-Build condition and distributed through the study area network for the Build condition.</p>
Turn Lane Storage Requirements	Storage bay lengths at study area intersections were analyzed using Synchro and HCS 95 <sup>th</sup> percentile (max) queue length estimates for the Build Scenarios. Recommendations for improvements to storage bays were made in cases where intersections exhibited deficient peak hour LOS and required improvements to existing storage bay lengths. In some cases, new auxiliary lanes are proposed to either meet capacity needs or improve safety on major thoroughfares.
Appropriateness of Acceleration/Deceleration Lanes	The site concept plan shows no specifics related to acceleration/deceleration lanes. The capacity analyses conducted for the study include recommendations for right-turn deceleration lanes and auxiliary lanes where appropriate to provide additional capacity or improved weaving operations. No other specific acceleration/deceleration lane issues were analyzed in the project study area.
Sight Distance Analysis	In general, sight distance issues entering and exiting the Glen Lennox site would be minimal, considering the fact that both NC 54 and US 15-501 have no horizontal curvature in the vicinity of the proposed project, and vertical curvature is currently minimal.
Pedestrian and Bicycle Analysis	<p>Existing pedestrian and bicycle access and connectivity exists in the project study area but is limited in some areas. Sidewalks exist along several major thoroughfares and into several neighborhoods/commercial areas. Bicycle facilities are also present in some areas. Several crosswalks with pedestrian signals exist across NC 54 and US 15-501 and provide connectivity and access to the Glen Lennox site.</p> <p>To achieve the goals of current Town pedestrian and bicycle plans and standards, it is recommended that improvements to the NC 54 and US 15-501 corridors necessary for vehicular capacity also include sidewalk and bicycle amenities to connect to existing ped/bike facilities.</p>
Public Transportation Analysis	Public transportation service to the study area and proposed site is excellent. Additional study and coordination is necessary to implement additions and modifications to existing transit service to provide local and express bus service to/from Glen Lennox site, due to increased future demand.

- The 2010 NC 54/I-40 Corridor Study – Transportation-Land Use Master Plan includes a wide range of potential improvements to the NC 54 corridor in the project study area between the US 15-501 interchange and E. Barbee Chapel Road. These include intersection capacity improvements, conversion of specific sections to a superstreet concept, additional pedestrian and bicycle amenities, and transit route modifications.



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## Town of Chapel Hill: Traffic Impact Study Glen Lennox - Proposed Mixed-Use Redevelopment

- The NCDOT STIP U-5304 project is currently listed in the draft 2013-2023 STIP work program as being scheduled for a feasibility study of the US 15-501 (Fordham Boulevard) corridor from NC 86 (South Columbia Street) to Eastowne Drive/Lakeview Drive. Potential improvements along this six mile corridor may include a conversion of corridor segments to a superstreet concept with sidewalks, wide outside lanes and transit accommodations. In addition, a study of a potential interchange with Manning Drive and intersection improvements at Ephesus Church Road are listed as part of the project.

None of the potential improvements from the studies/projects listed above were considered to be constructed by a specific analysis year. However, if intersections in the project study area fell below acceptable operating thresholds for either No-Build or Build Scenarios for a given analysis year, recommendations from these planning studies were considered as a mitigation option on a case-by-case basis.

### Background Committed Improvements

Per information from the Town of Chapel Hill, there are no specific committed background improvements expected to be completed by the 2018, 2023, or 2028 analysis years.

### Applicant Committed Improvements

Based on the concept plan provided, there are no specific transportation-related improvements shown external to the site property, except for the delineation of a new full access connection to US 15-501 between the NC 54 interchange and Brandon Road. One of the purposes of this traffic impact study was to provide guidance in determining appropriate access strategies and intersection improvements for areas adjacent to the site, as well as determining site traffic impacts for the general project study area beyond the immediate Glen Lennox site parcel. The following Necessary Improvements section details recommended improvements to maintain adequate transportation operations within the project study area over the phased development process.

### Necessary Improvements

#### Project Study Area Roadway Network Improvements

Based on traffic capacity analyses for the 2018, 2023, and 2028 analysis years, and analyses of existing study area turning bay storage lengths and site access, the following improvements, listed in **Table ES-6**, are recommended as being necessary for adequate transportation network operations for the specific analysis year scenarios. **Figure ES-3** displays recommended 2018 improvements. **Figure ES-4** displays recommended 2023 improvements. **Figure ES-5** displays recommended 2028 improvements. All improvements are based on the assumption that improvements recommended by a previous phase are in place by each successive analysis year.

**Table ES-6** and the corresponding figures also detail improvements that are the responsibility of the Applicant. The delegation of responsibility is related to whether or not a recommended improvement directly involves access to the Glen Lennox site, along with whether or not the need for improvement is based on existing study area network deficiencies, or deficiencies that might arise in the future, whether or not the Glen Lennox site is redeveloped.



20141217000227930  
R86883 71 61/196

**Town of Chapel Hill: Traffic Impact Study**  
*Glen Lennox - Proposed Mixed-Use Redevelopment*

Transit Improvements

Based on preliminary trip generation and mode split data (see **Section II.C.ii.b** of this report for details), additional transit capacity will be necessary to accommodate projected transit ridership to/from the Glen Lennox Redevelopment.

Initial estimates of peak hour demand indicate that 288 AM peak hour, 127 noon peak hour and 352 PM peak hour trips (boardings or alightings) are estimated in the 2028 Phase 3 full build-out scenario. Given that fixed route service is provided through Glen Lennox on the G Route, with two AM, one noon, and two PM peak hour buses, and adjacent to Glen Lennox along NC 54 by the S and V Routes (eight AM and PM peak hour and three noon peak hour buses total), the total transit capacity provided by existing service may need to be increased to meet future demand. No specific analysis of existing available capacity was conducted for this study, so additional study is necessary to determine appropriate headway adjustments to these three routes once the redevelopment project proceeds.

To better accommodate transit operations along the high volume westbound NC 54 corridor, it is recommended that a bus pull-out area be constructed immediately to the west of the NC 54 intersection with Hamilton Road. Additional improvements for transit operations along US 15-501 may also be considered as part of the superstreet concepts recommended in this study.

Pedestrian and Bicycle Improvements

Improvements to pedestrian and bicycle facilities, as recommended in *the NC 54/I-40 Corridor Study*, should be implemented in coordination with proposed roadway improvements to NC 54 between the US 15-501 interchange and Hamilton Road as recommended in this analysis. This would include additional crosswalks, bicycle lane striping and modifications to existing bridge abutments under the US 15-501 overpass as displayed in the *NC 54/I-40 Corridor Study*.

Superstreet recommendations for the US 15-501 corridor made in this report should also include the provision for pedestrian signalization and crossings of US 15-501 at appropriate locations – particularly Manning Drive, Old Mason Farm Road, and at the proposed new site access location along US 15-501 south of Brandon Road.



Table ES-6. Recommended Improvements Matrix  
(Refer to Figures ES-3, ES-4 and ES-5 for Additional Details)

ID	Intersection Name	Recommended Improvements		
		2016 Phase 1	2023 Phase 2	2028 Phase 3
1	US 15-501 Bypass (Fordham Blvd) & Ephesus Church Road	N/A	<ul style="list-style-type: none"> <li>Modify Intersection Per 2020 SAP Plan</li> <li>Construct WB Dual LT Lanes with 250' storage</li> <li>Retime Signal</li> </ul>	<ul style="list-style-type: none"> <li>Construct EB RT Lane with 150' Storage</li> </ul>
2	US 15-501 Bypass (Fordham Blvd) & Elliot Road	N/A	<ul style="list-style-type: none"> <li>Modify Intersection Per 2020 SAP Plan</li> <li>Construct New WB Elliot Drive Approach with Dual WB LT Lanes with 225' Storage, WB Through Lane, and WB RT Lane with 125' Storage</li> <li>Construct EB Elliot Drive RT Lane with 275' Storage</li> </ul>	N/A
4	US 15-501 Bypass (Fordham Blvd) & Fishes Drive	<ul style="list-style-type: none"> <li>Allow NB Left-Turn U-Turn Movements</li> </ul>	N/A	N/A
5	US 15-501 Bypass (Fordham Blvd) & Cleland Road	<ul style="list-style-type: none"> <li>Construct Superstreet- Limit Side Streets to Right-Turns &amp; Signalize Intersection</li> <li>Construct NB and SB Right-Turn Deceleration Lanes with 150' storage</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Extend SB LT Storage Bay to 300'</li> </ul>
6	US 15-501 Bypass (Fordham Blvd) & Branson Road	<ul style="list-style-type: none"> <li>Construct Superstreet- Limit Side Streets to Right-Turns &amp; Signalize Intersection</li> <li>Construct NB and SB Right-Turn Deceleration Lanes with 150' storage</li> <li>Extend Existing NB and SB Left-Turn Lanes for 250' storage</li> </ul>	N/A	N/A
7	US 15-501 Bypass (Fordham Blvd) & NC 54 (Raleigh Rd) Interchange Ramps (North)	<ul style="list-style-type: none"> <li>Construct 1,050' NB Auxiliary Lane From Existing On-Ramp to Proposed Site Access Driveway</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Remove Traffic Signal and Convert Dual EB RT Lanes to Single Free-Flow Add Lane</li> </ul>
8	US 15-501 Bypass (Fordham Blvd) & NC 54 (Raleigh Rd) Interchange Ramps (South)	N/A	N/A	<ul style="list-style-type: none"> <li>Construct 3<sup>rd</sup> SB Through Lane on US 15-501, Provide SB RT Decel Lane onto Ramp with 250' Storage</li> </ul>
9	US 15-501 / NC 54 Bypass (Fordham Blvd) & Old Mason Farm Road	<ul style="list-style-type: none"> <li>Construct Superstreet- Remove all LT and Thru Movements</li> </ul>	<ul style="list-style-type: none"> <li>Convert NB RT Lane to Thru RT Lane and extend 3<sup>rd</sup> Through Lane to US 15-501 Interchange</li> </ul>	<ul style="list-style-type: none"> <li>Construct 3<sup>rd</sup> SB Through Lane on US 15-501 and Convert SB RT Lane to Thru RT Lane</li> </ul>
10	US 15-501 / NC 54 Bypass (Fordham Blvd) & Manning Drive	<ul style="list-style-type: none"> <li>Construct Superstreet- Remove US 15-501 LTs and Manning Drive Through Movements</li> <li>Convert Existing Outside LT Lane to Through Lane to Drop at Downstream U-Turn Intersection (#01)</li> </ul>	N/A	N/A
12	US 15-501 Bypass (Fordham Blvd) & NC 54 (Raleigh Road) Interchange Ramps (West)	N/A	<ul style="list-style-type: none"> <li>Signalize NB Stop-Controlled Approach if Meets Signal Warrants</li> </ul>	N/A
13	US 15-501 Bypass (Fordham Blvd) & NC 54 (Raleigh Road) Interchange Ramps (East)	<ul style="list-style-type: none"> <li>Construct EB Exclusive RT Deceleration Lane with 250' storage</li> </ul>	N/A	N/A
14	US 15-501 Bypass (Fordham Blvd) & Glen Lenoir Shopping Center Driveway #1 (Eastbound Left-Over)	<ul style="list-style-type: none"> <li>Close Access Point</li> </ul>	N/A	N/A
15	US 15-501 Bypass (Fordham Blvd) & Glen Lenoir Shopping Center Driveway #2 (RRR)	<ul style="list-style-type: none"> <li>Construct RT Deceleration Lane with 150' storage</li> </ul>	N/A	N/A

N/A - Not Applicable, i.e. no recommended improvements for the intersection and scenario  
RED - Necessary Improvements Required by Applicant



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Table ES-6 (Continued). Recommended Improvements Matrix  
 (Refer to Figures ES-3, ES-4 and ES-5 for Additional Details)

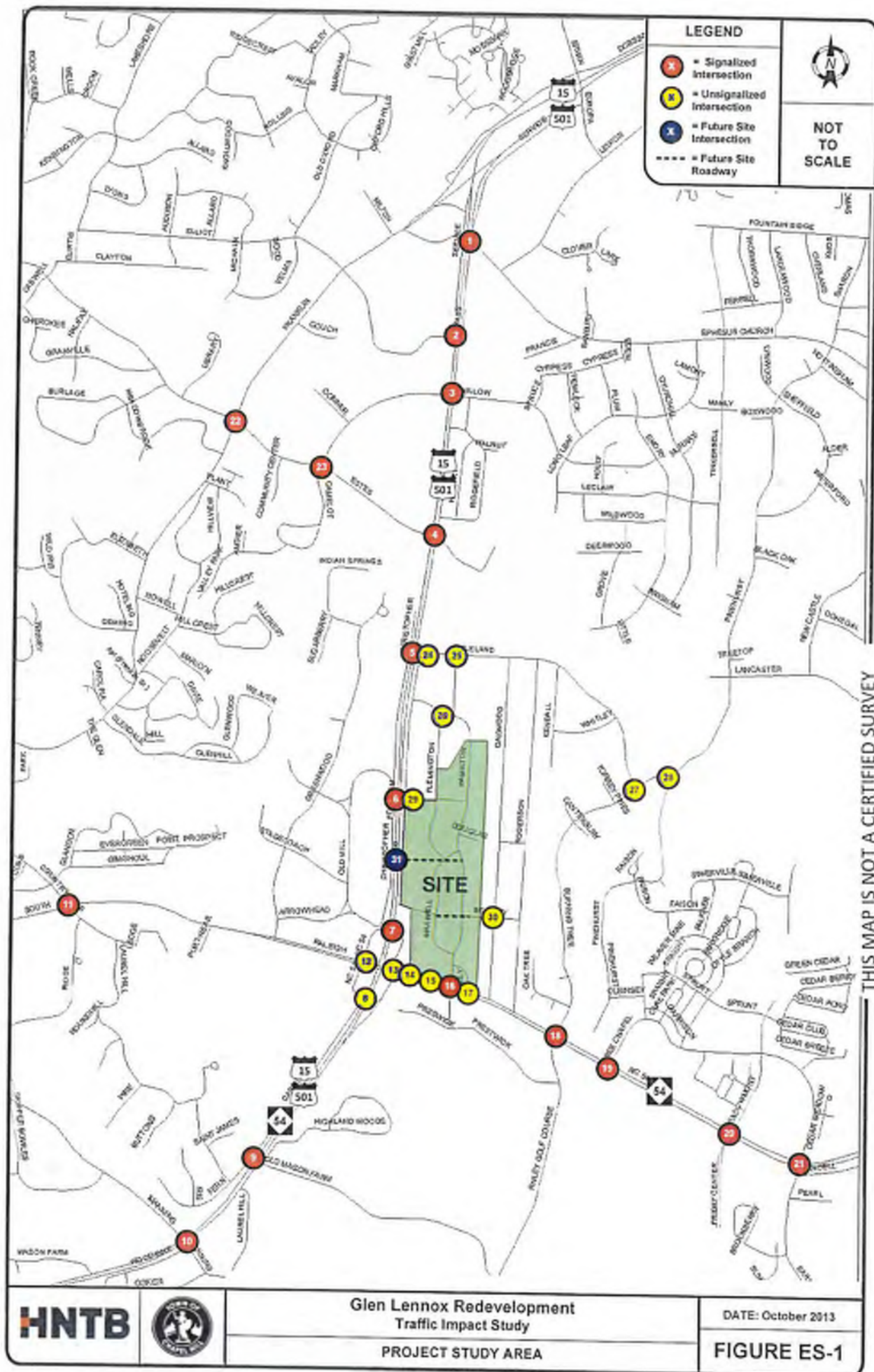
ID	Intersection Name	Recommended Improvements		
		2018 Phase 1	2023 Phase 2	2028 Phase 3
16	NC 54 (Raleigh Rd) & Hamilton Road	<ul style="list-style-type: none"> <li>Lengthen SB LT Storage to 250' minimum</li> <li>Construct WB RT Deceleration Lane with 250' storage</li> <li>Provide bus bay pullout on NC 54 immediately West of Intersection</li> </ul>	<ul style="list-style-type: none"> <li>Construct Dual SB LT Lanes with 350' Storage and Exclusive RT Lane Drop Lane</li> <li>Construct EB Dual Left-Turn Lanes with 300' Storage</li> <li>Provide Minimum 4-Lane Cross-Section on Hamilton Road into the Side</li> </ul>	N/A
17	NC 54 (Raleigh Road) & Audley Lane	<ul style="list-style-type: none"> <li>Close Access Point</li> </ul>	N/A	N/A
20	NC 54 (Raleigh Road) & Meadowmont Lane / Friday Center Drive	N/A	<ul style="list-style-type: none"> <li>Extend Marriot Way to Reduce Traffic Volumes Per NC 54/40 Corridor Study</li> </ul>	N/A
21	NC 54 (Raleigh Road) & E. Barbee Chapel Road / Barbee Chapel Road Extension	N/A	<ul style="list-style-type: none"> <li>Extend Marriot Way to Reduce Traffic Volumes Per NC 54/40 Corridor Study</li> </ul>	<ul style="list-style-type: none"> <li>Construct Additional NB LT Lane to Create Dual NB LT Lanes with 500' Storage</li> </ul>
22	E. Franklin Street & Estes Drive	<ul style="list-style-type: none"> <li>Construct Dual EB LT lanes with 250' storage and SB RT Lane with 200' storage</li> </ul>	<ul style="list-style-type: none"> <li>Construct Additional EB Through Lane</li> </ul>	N/A
29	Brandon Road & Haynes Road	<ul style="list-style-type: none"> <li>Revisit NB and SB Connections on Haynes Road to RRRO Intersections to Protect US 15-501 &amp; Brandon Road Intersection WB Approach Vicinity</li> </ul>	N/A	N/A
31	US 15-501 Bypass (Fordham Boulevard) & Proposed Site Entrance	<ul style="list-style-type: none"> <li>Construct Dual SB LT Lanes with 300' storage &amp; Signalize Intersection</li> <li>Construct Dual WB RT Lanes with 300' Storage (Driveway Throat Length)</li> <li>Provide Two Inbound Travel Lanes</li> <li>Prohibit Connection to Exceeds Haynes Road</li> </ul>	N/A	N/A
91	US 15-501 Bypass (Fordham Boulevard) & Median U-Turn #1 (Between Manning Drive & Old Mason Farm Road)	<ul style="list-style-type: none"> <li>Construct Superstreet Design with Median U-Turn Lanes (NB U-Turn Drop Lane From Manning Drive/250' SB U-Turn Storage) and Signalize Intersection</li> </ul>	N/A	<ul style="list-style-type: none"> <li>Construct 3<sup>rd</sup> NB Through Lane on US 15-501 (Fordham Blvd)</li> </ul>
92	US 15-501 Bypass (Fordham Boulevard) & Median U-Turn #2 (North of Old Mason Farm Road)	<ul style="list-style-type: none"> <li>Construct Superstreet Design with NB Left-Turn/U-Turn (250' Storage)</li> <li>Connect NB Left-Turn to Connect with St. Thomas More Driveway and Signalize Intersection</li> </ul>	<ul style="list-style-type: none"> <li>Construct 3<sup>rd</sup> NB Through Lane on US 15-501 (Fordham Blvd)</li> </ul>	<ul style="list-style-type: none"> <li>Construct 3<sup>rd</sup> SB Through Lane on US 15-501 (Fordham Blvd)</li> </ul>
61	US 15-501 Bypass (Fordham Boulevard) & Median U-Turn #3 (Between Brandon Road & Cleland Road)	<ul style="list-style-type: none"> <li>Construct Superstreet Design with Median U-Turn Lanes (200' Storage NB and SB) and Signalize Intersection</li> </ul>	N/A	N/A

N/A = Not Applicable, i.e. no recommended improvements for the intersection and scenario

RED = Necessary Improvements Required by Applicant

BLUE = New Intersections Proposed in Corridor Superstreet Concept - Not Specifically Required by Applicant

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 LAND DEVELOPMENT REGULATIONS.

**HNTB**



Glen Lennox Redevelopment  
 Traffic Impact Study

PROJECT STUDY AREA

DATE: October 2013

FIGURE ES-1

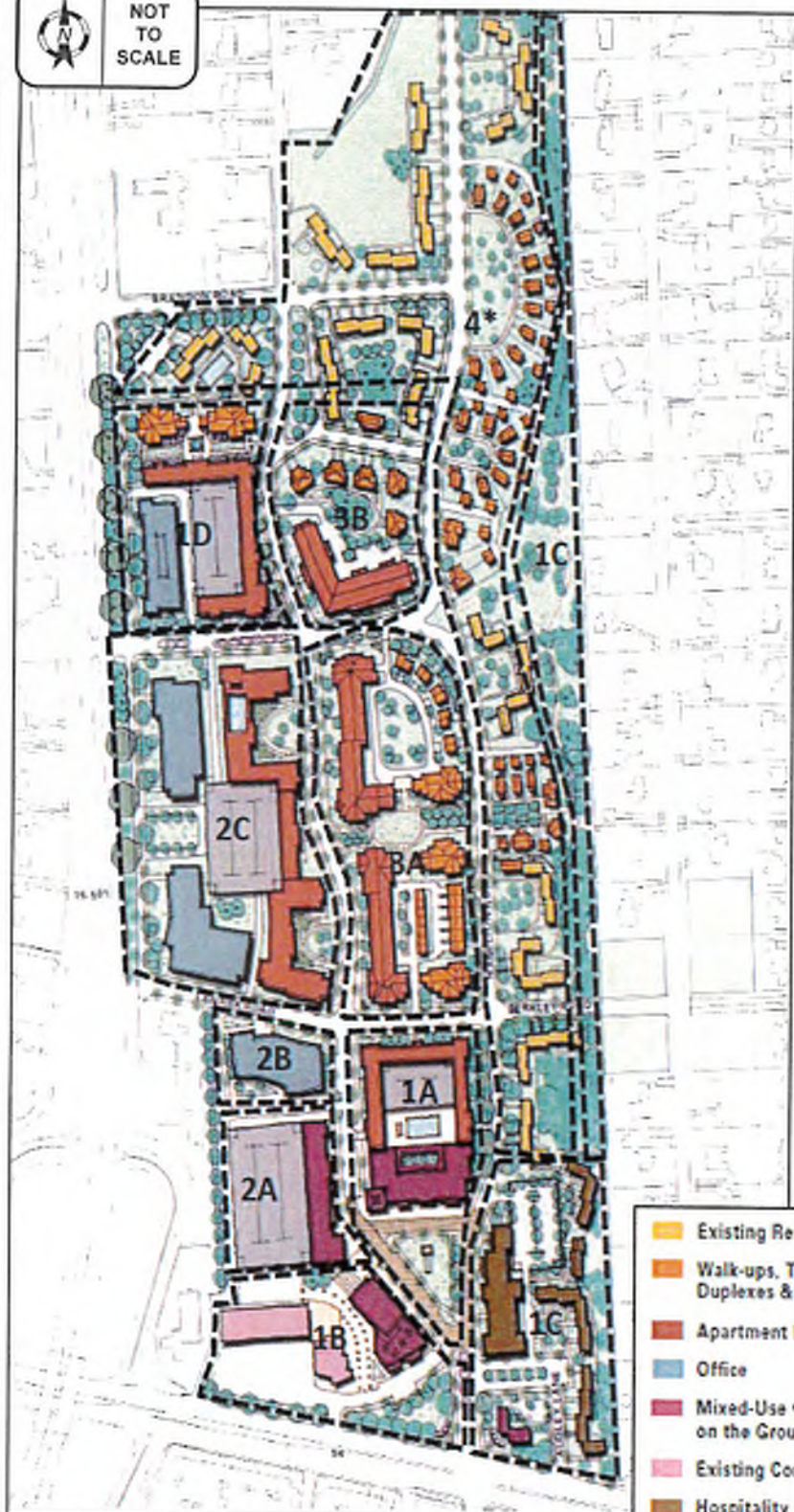


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 RB5885 74 541195





NOT  
TO  
SCALE



SOURCE: Grubb Properties (Applicant) May 2013



#### Phase 1: (1-5yrs)

460 Residential Units  
 86,500 SF Retail  
*(includes 20,948 existing)*  
 100,000 SF Office  
*(includes 5,084 existing)*  
 150 Hotel Rooms

#### Phase 2: (6-10 yrs)

460 Residential Units  
 21,500 SF Retail  
 500,000 SF Office

#### Phase 3: (11-15 yrs)

320 Residential Units

#### Phase 4: (Over 20 yrs)

118 Existing Residential Units Renovated  
 33 Residential Units in same scale as existing units

#### Total Land Use:

1,391 Residential Units  
 108,000 SF Retail  
 600,000 SF Office  
 150 Hotel Rooms

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**HNTB**



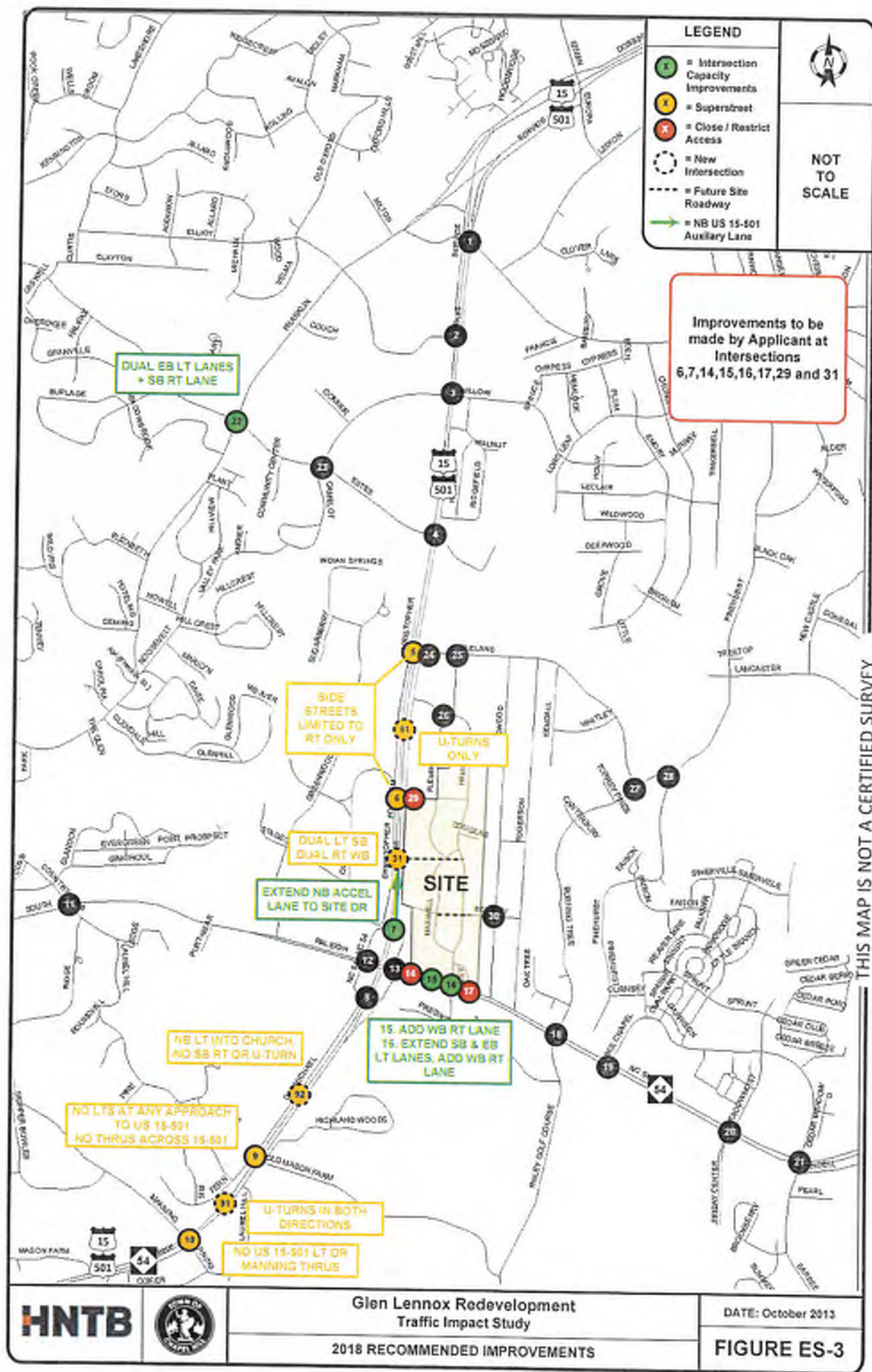
Glen Lennox Redevelopment  
 Traffic Impact Study

PRELIMINARY SITE CONCEPT PLAN

DATE: October 2013

**FIGURE ES-2**





Improvements to be made by Applicant at Intersections 6, 7, 14, 15, 16, 17, 29 and 31



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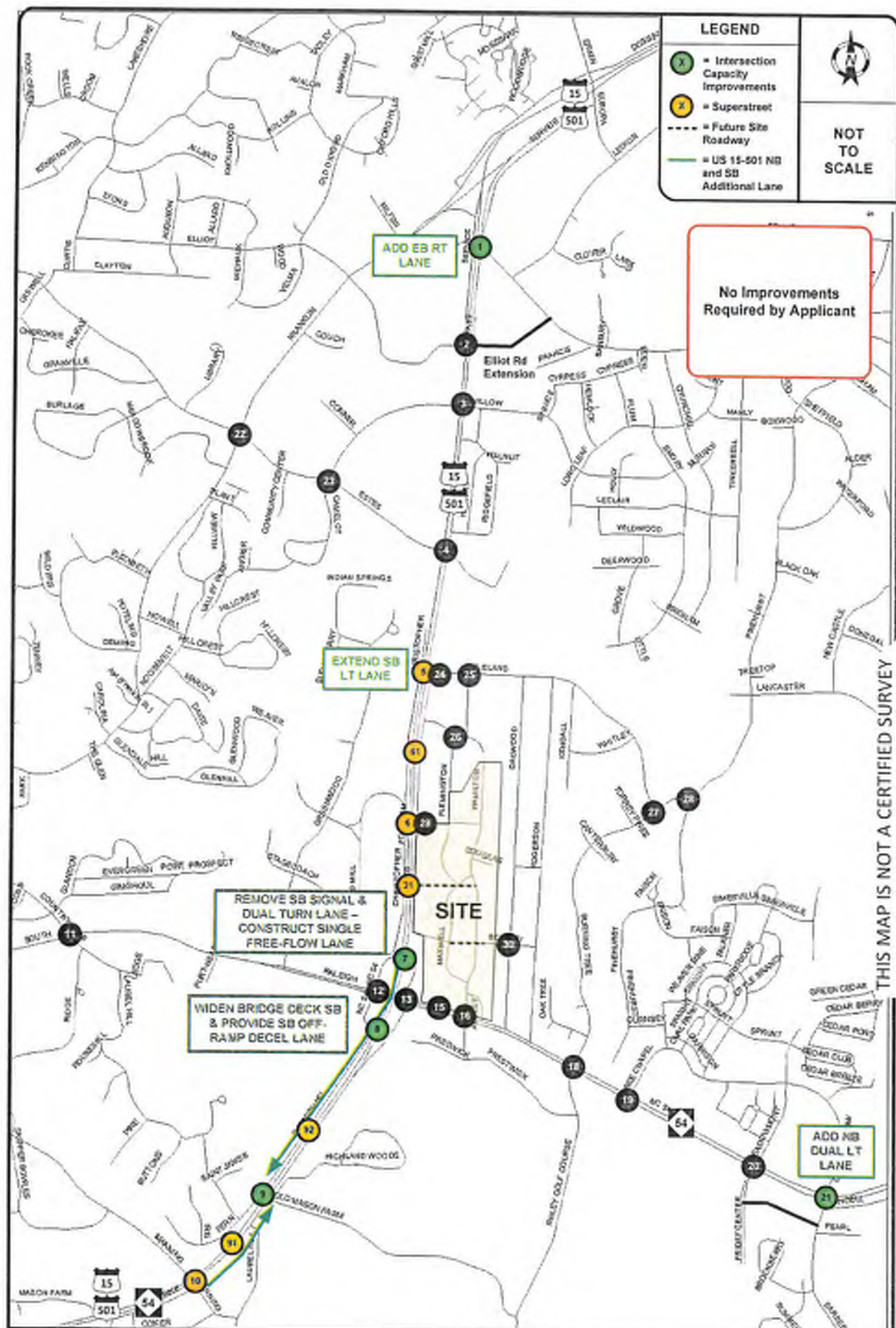


Glen Lennox Redevelopment  
Traffic Impact Study  
2018 RECOMMENDED IMPROVEMENTS

DATE: October 2013

FIGURE ES-3





**LEGEND**

- 1 = Intersection Capacity Improvements
- 2 = Superstreet
- = Future Site Roadway
- = US 15-501 NB and SB Additional Lane



**NOT TO SCALE**

No Improvements Required by Applicant

ADD EB RT LANE

EXTEND SB LT LANE

REMOVE SB SIGNAL & DUAL TURN LANE - CONSTRUCT SINGLE FREE-FLOW LANE

WIDEN BRIDGE DECK SB & PROVIDE SB OFF-RAMP DECEL LANE

ADD NB DUAL LT LANE

**SITE**

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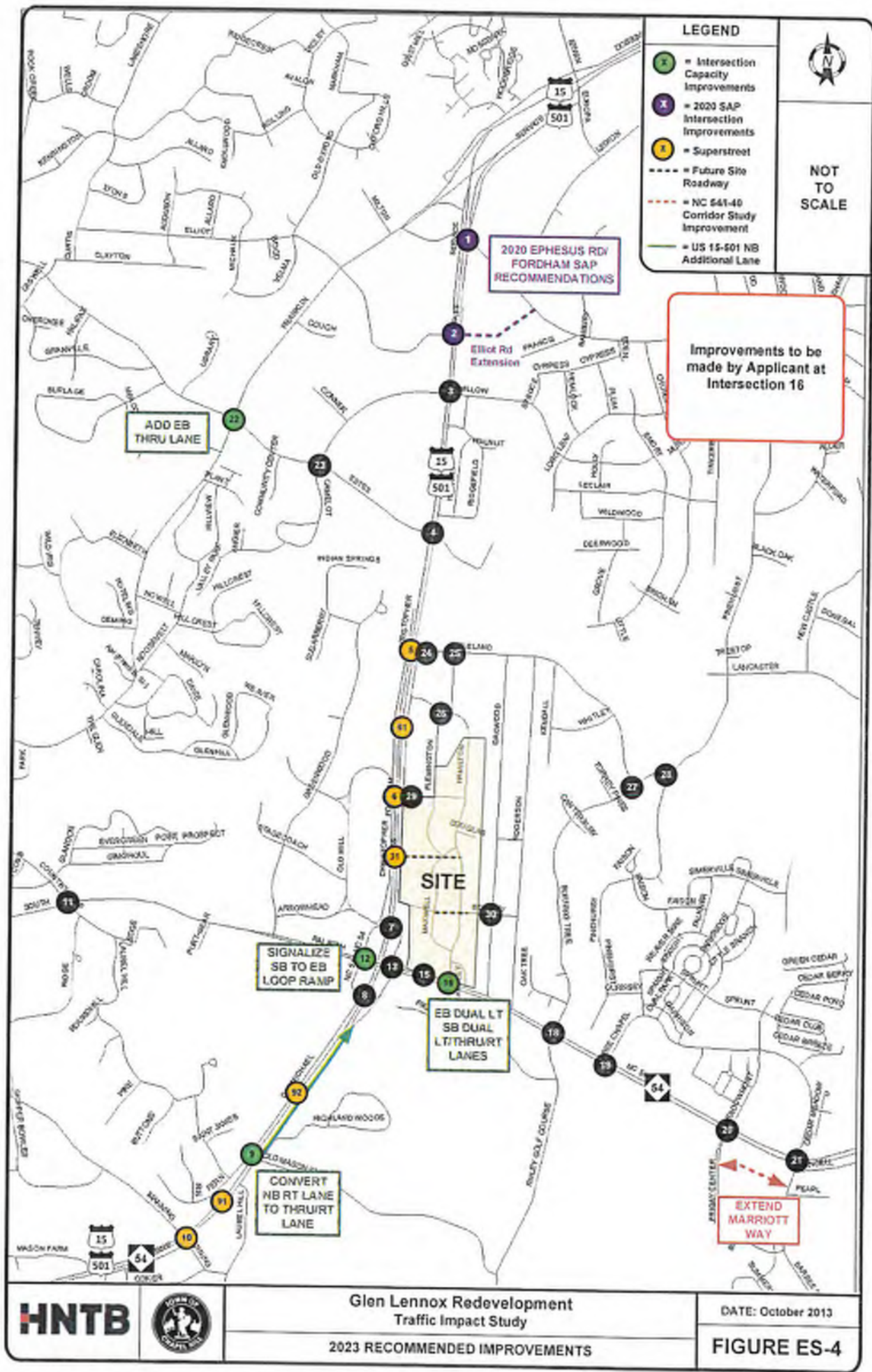


**Glen Lennox Redevelopment**  
 Traffic Impact Study  
 2028 RECOMMENDED IMPROVEMENTS

DATE: October 2013

**FIGURE ES-5**





**LEGEND**

- = Intersection Capacity Improvements
- = 2020 SAP Intersection Improvements
- = Superstreet
- = Future Site Roadway
- = NC 541-40 Corridor Study Improvement
- = US 15-501 NB Additional Lane



NOT TO SCALE

2020 EPHEBUS RD FORDHAM SAP RECOMMENDATIONS

Improvements to be made by Applicant at Intersection 16

ADD EB THRU LANE

SIGNALIZE SB TO EB LOOP RAMP

EB DUAL LT SB DUAL LT/THRU Lanes

CONVERT NB RT LANE TO THRU LANE

EXTEND MARRIOTT WAY

SITE



Glen Lennox Redevelopment  
Traffic Impact Study  
2023 RECOMMENDED IMPROVEMENTS

DATE: October 2013

FIGURE ES-4



# EXHIBIT F. TRIP EQUIVALENCY MATRIX

Table 1: Glen Lennox Trip Equivalency Matrix

LAND USE	Apartments (Dwelling Units)	Single Family Homes (Dwelling Units)	General Office Space (Square Footage)	Medical-Office Space (Square Footage)	Hotel (Rooms)	Assisted Living (Dwelling Units)	Retail Space (Square Footage)
Apartments [220]		0.80 <sup>1/1</sup>	0.96 <sup>3/2</sup>	1.02 <sup>4/2</sup>	1.07 <sup>3/5</sup>	1.02 <sup>1/6</sup>	0.49 <sup>4/2</sup>
Single Family Homes [210]	1.24 <sup>1/1</sup> Example A		1.03 <sup>3/7</sup>	1.10 <sup>3/2</sup>	0.93 <sup>1/8</sup>	1.27 <sup>1/6</sup>	0.75 <sup>4/2</sup>
General Office [710]	1.05 <sup>2/3</sup> Example B	0.97 <sup>7/3</sup>		1.06 <sup>7/2</sup>	1.12 <sup>2/5</sup>	3.05 <sup>2/6</sup>	1.10 <sup>10/2</sup>
Medical-Office [720]	0.98 <sup>2/4</sup>	0.91 <sup>2/3</sup>	0.94 <sup>2/7</sup>		1.49 <sup>2/5</sup>	4.07 <sup>7/6</sup>	0.95 <sup>7/2</sup> Example E
Hotel [310]	0.94 <sup>6/3</sup>	1.07 <sup>8/1</sup>	0.90 <sup>5/2</sup> Example C	0.67 <sup>5/2</sup>		0.68 <sup>8/6</sup>	0.32 <sup>5/2</sup>
Assisted Living [254]	0.98 <sup>6/1</sup>	0.79 <sup>6/1</sup>	0.33 <sup>6/2</sup>	0.25 <sup>6/2</sup>	1.47 <sup>6/9</sup>		0.12 <sup>6/2</sup>
Retail [820]	2.06 <sup>2/4</sup>	1.34 <sup>2/4</sup>	0.91 <sup>2/10</sup>	1.06 <sup>2/7</sup> Example D	3.14 <sup>2/5</sup>	8.57 <sup>2/6</sup>	

Reference: Trip Generation, 9th Edition, Institute of Transportation Engineers, Washington, DC, 2012. [ITE Land Use Code]

KEY: X.XX = Multiplier, 1/2 = From Density-Land Use / To Density-Land Use

- <sup>1</sup> Based on 50 DU's in PM peak
- <sup>2</sup> Based on 50,000 SF in PM peak
- <sup>3</sup> Based on 200 DU's in PM peak
- <sup>4</sup> Based on 300 DU's in PM peak
- <sup>5</sup> Based on 200 Rooms in PM peak
- <sup>6</sup> Based on 200 Beds in PM peak
- <sup>7</sup> Based on 100,000 SF in PM peak
- <sup>8</sup> Based on 100 Rooms in PM peak
- <sup>9</sup> Based on 50 Rooms in PM peak
- <sup>10</sup> Based on 300,000 SF in PM peak

Example A - To convert 50 Single Family Homes (footnote 1) to Apartments -> Multiply 50 Single Family Homes (footnote 1) x 1.24 = 62 Apartments

Example B - To convert 50,000 SF of General Office (footnote 2) to Apartments -> Multiply 200 Apis. (footnote 3) x 1.05 = 210 Apartments

Example C - To convert 200 Hotel Rooms (footnote 5) to General Office -> Multiply 50,000 SF General Office (footnote 2) x 0.90 = 45,000 SF General Office

Example D - To convert 50,000 SF Retail (footnote 2) to Medical Office -> Multiply 100,000 SF Medical Office (footnote 7) x 1.06 = 106,000 SF Medical Office

Example E - To convert 100,000 SF Medical Office (footnote 7) to Retail -> Multiply 50,000 SF Retail (footnote 2) x 0.95 = 47,500 SF Retail







Exhibit F part 2: Glen Lennox Trip Generation Values

Land Use [ITE Code]			Daily	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Apartments [220]	50	DUs	427	6	22	28	29	16	45
Apartments [220]	100	DUs	730	11	42	53	47	26	73
Apartments [220]	200	DUs	1,336	20	82	102	83	45	128
Apartments [220]	300	DUs	1,942	30	121	151	119	64	183
Single Family Homes [210]	50	DUs	555	11	34	45	35	21	56
Single Family Homes [210]	100	DUs	1,050	20	60	80	66	39	105
Single Family Homes [210]	200	DUs	1,987	38	112	150	123	73	196
Single Family Homes [210]	300	DUs	2,886	55	165	220	178	104	282
General Office Bldg. [710]	50,000	SF	775	97	13	110	23	111	134
General Office Bldg. [710]	100,000	SF	1,313	168	23	191	32	158	190
General Office Bldg. [710]	200,000	SF	2,223	293	40	333	51	251	302
General Office Bldg. [710]	300,000	SF	3,026	406	55	461	70	344	414
Retail (Shopping Center) [820]	50,000	SF	4,328	63	39	102	181	196	377
Retail (Shopping Center) [820]	100,000	SF	6,791	97	59	156	288	311	599
Retail (Shopping Center) [820]	200,000	SF	10,656	148	90	238	457	496	953
Retail (Shopping Center) [820]	300,000	SF	13,870	189	116	305	600	651	1,251
Medical-Office Bldg. [720]	50,000	SF	1,807	95	25	120	50	129	179
Medical-Office Bldg. [720]	100,000	SF	3,613	189	50	239	100	257	357
Medical-Office Bldg. [720]	200,000	SF	7,226	378	100	478	200	514	714
Medical-Office Bldg. [720]	300,000	SF	10,839	566	151	717	300	771	1,071
Hotel [310]	50	Rms	409	16	11	27	15	15	30
Hotel [310]	100	Rms	817	31	22	53	31	29	60
Hotel [310]	200	Rms	1,634	63	43	106	61	59	120
Assisted Living [254]	50	Beds	133	5	2	7	5	6	11
Assisted Living [254]	100	Beds	266	9	5	14	10	12	22
Assisted Living [254]	200	Beds	532	18	10	28	19	25	44

Trip Generation, 9th Edition, Institute of Transportation Engineers, Washington, DC, 2012.







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 CHMEL HILL, NC

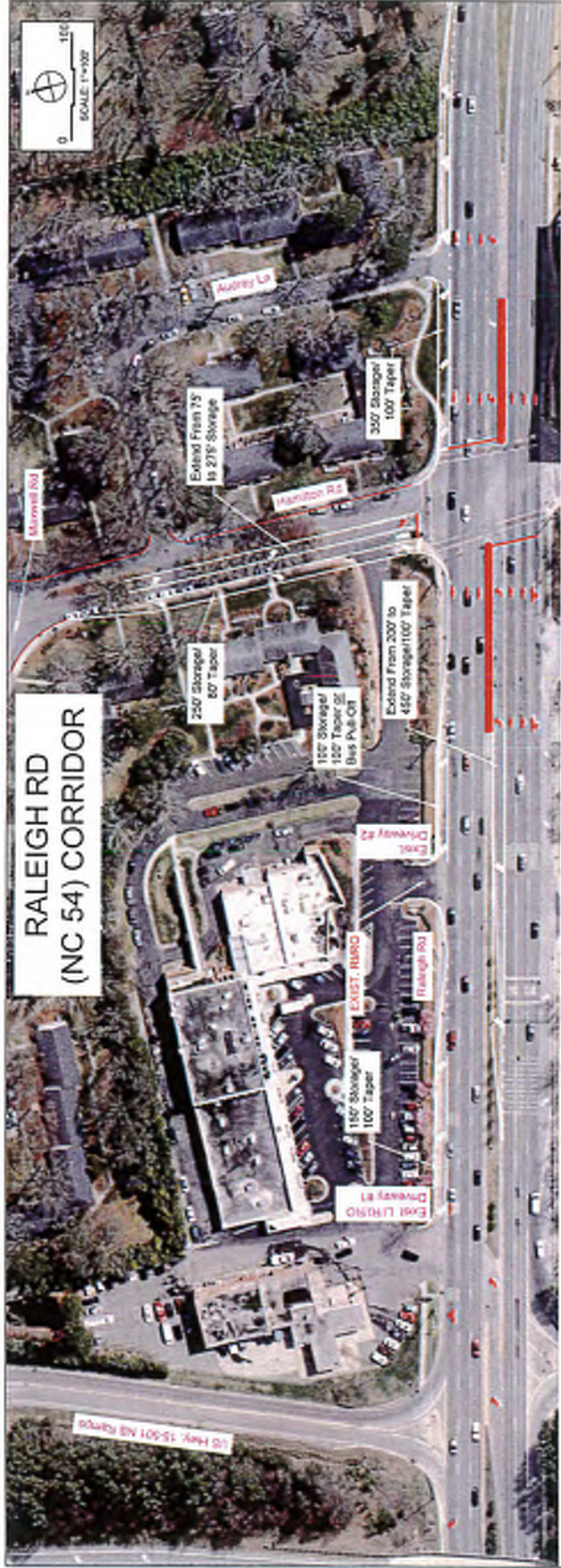
PROJECT # 215-003  
 OWNER DRG  
 ARCHITECT DRG

NC 54  
 CONCEPTUAL  
 DESIGN &  
 RECOMMENDED  
 IMPROVEMENTS

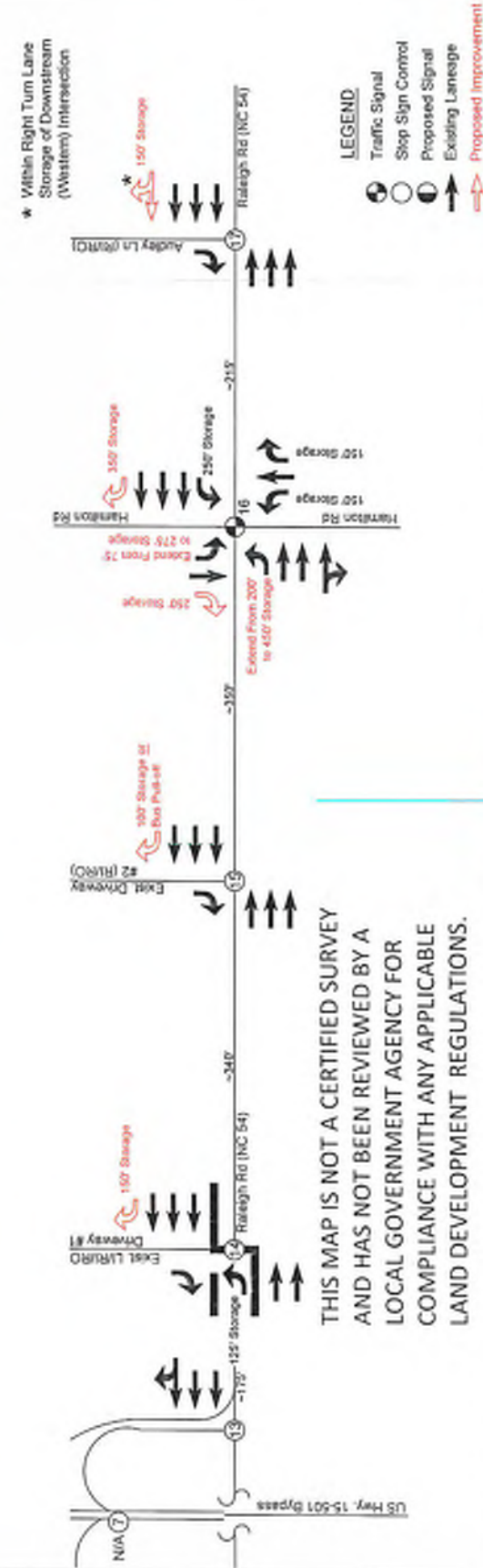
JANUARY 2014

- REVISIONS
1. ISSUED FOR PERMIT
  2. DETAILED FOR PERMIT
  3. ISSUED FOR PERMIT

Figure 2



RALEIGH RD  
 (NC 54) CORRIDOR



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## Glen Lennox Area Neighborhood Conservation District Plan for CD-8C

*Adopted by the Chapel Hill Town Council  
May 30, 2012*

CHAPEL HILL, NORTH CAROLINA

*Prepared by* URBAN DESIGN ASSOCIATES

*In collaboration with*

Glen Lennox Area Neighborhood Conservation District Development Committee



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RB5883 84 74/195





# GLEN LENNOX AREA NEIGHBORHOOD CONSERVATION DISTRICT PLAN FOR CONSERVATION DISTRICT 8-C

Adopted by the Chapel Hill Town Council  
May 30, 2012

## Summary

This Glen Lennox Area Neighborhood Conservation District Plan has been prepared and adopted in accordance with Section 3.6.5 in Chapel Hill's Land Use Management Ordinance, and has been incorporated into the Land Use Management Ordinance by reference.

The purpose of a Neighborhood Conservation District (NCD) Zoning Overlay is to establish special regulations especially designed for and intended to help preserve the character of a particular, older residential neighborhood. This Plan contains special regulations for the Glen Lennox Area Neighborhood Conservation District-8C (CD-8C) as described in this document. Development in the CD-8C district may occur upon approval by the Town Council of a development agreement or shall be considered to be a special use and subject to the special use permit standards and procedural requirements of Section 4.5 of the Land Use Management Ordinance.

NCD Zoning Overlay regulations have also been established for the single-family residential neighborhood in the Glen Lennox Area Neighborhood. These regulations are referred to as Glen Lennox Area Neighborhood Conservation District-8A (CD-8A) and Glen Lennox Area Neighborhood Conservation District-8B (CD-8B) and were adopted by the Chapel Hill Town Council on October 26, 2011. Together, the regulations for CD-8A, CD-8B, and CD-8C form the complete set of regulations for the Glen Lennox Area Neighborhood.

For a copy of the CD-8A and CD-8B regulations, please visit [www.townofchapelhill.org/glenlennox](http://www.townofchapelhill.org/glenlennox) or contact the Chapel Hill Planning Department at 919-968-2728.

# TABLE OF CONTENTS



## BACKGROUND

INTRODUCTION 2

PROCESS 4

EXISTING CONDITIONS 6

HISTORY 10

GUIDING PRINCIPLES 14

## PLAN SUMMARY

MASTER PLAN 20

STREET NETWORK 22

OPEN SPACE 26

LAND USE, HEIGHT, AND DENSITY 32

PRESERVATION 36

CHARACTER 38



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## NCD ZONING OVERLAY REGULATIONS

SETBACK PLAN 58

HEIGHT PLAN 60

ALLOWABLE LAND USE CHART 61

IMPERVIOUS SURFACE PLAN 62

PARKING REGULATIONS 64

## DESIGN GUIDELINES

BUILDING TYPOLOGIES 68

STOREFRONTS, SIGNAGE, AND MATERIALS 78

LANDSCAPE 79





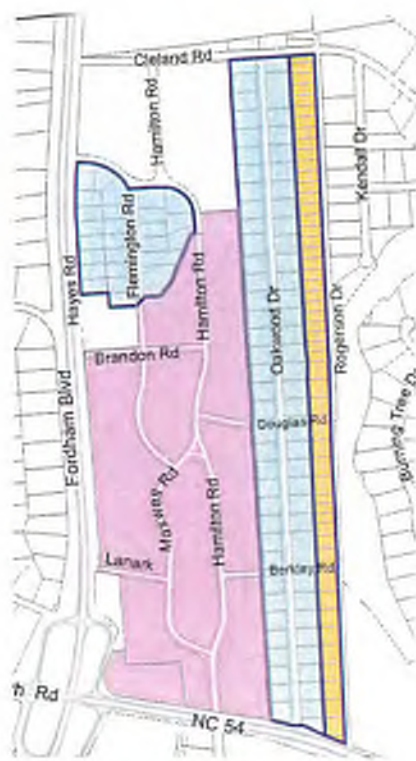
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# BACKGROUND



# INTRODUCTION



GLEN LENNOX NCD ZONING OVERLAYS

-  NCD-8A: FLEMINGTON RD, HAYES & OAKWOOD DR AREAS
-  NCD-8B: ROGERSON DR AREA
-  NCD-8C: GLEN LENNOX

For nearly four years, the redevelopment of the Glen Lennox apartment and commercial property has been the focus of a conversation among the neighborhood and apartment residents, the property owners, and the Town. In order to address the concerns about the redevelopment and to collaboratively and creatively use planning tools to maintain the character of the neighborhood, the Glen Lennox Area Neighborhood Conservation District Development Committee (the Committee) was formed.

This diverse and representative Committee successfully authored Neighborhood Conservation District (NCD) Zoning Overlay regulations for the single-family residential section of the Glen Lennox Area; these regulations are referred to as CD-8A and CD-8B and are shown in yellow and blue on the diagram to the left. For more information about the regulations for CD-8A and CD-8B, please visit [www.townofchapelhill.org/glenlennox](http://www.townofchapelhill.org/glenlennox) or contact the Chapel Hill Planning Department at 919-968-2728.

The purpose of this document is to provide the NCD Zoning Overlay regulations for the Glen Lennox apartment and commercial property; these regulations are referred to as CD-8C and are shown in purple on the diagram to the left. This document also provides design guidelines for new development and records the unique characteristics of the area and the extraordinary efforts of the Committee.

The following pages of this Plan describe the process; the physical context of the area; the history of the Glen Lennox apartment and commercial property; and also the guiding principles that emerged from this process.





## Background

The Glen Lennox Area Neighborhood, a well-loved neighborhood in Chapel Hill, is home to people of varying cultures, ages, and backgrounds. Residents and community members play at the local Oakwood Park, eat at the restaurants in the Glen Lennox commercial property, attend services at the Church of the Holy Family, and play soccer on the nearby fields. The apartment residents and the neighborhood residents feel that this is one neighborhood and enjoy the amenities that this area has to offer.

From this sense of cohesion and uniqueness has come the Glen Lennox Area Neighborhood Conservation District Plan which provides regulations and visions for the growth of the area, both the apartment and commercial property and the single-family residential sections.

The development of these regulations has been a great example of collaboration, compromise, visioning, and patience. A process which began as antagonistic and distrustful evolved into a process in which people felt that their ideas, thoughts, and needs were heard and respected. While everyone has made compromises throughout this effort, a plan has developed that the Glen Lennox Area Neighborhood and the owners of the Glen Lennox property respond to positively and with the hope that this area will become a community gathering space for all.



*Community Visioning Workshop -  
January 20-22, 2011*



**FEBRUARY 8, 2009**  
The "Forum on the Proposed Glen Lennox Neighborhood Conservation District: Information Discussion" was held which was designed by the Dispute Settlement Center of Orange County and neighborhood residents.

**OCTOBER 28, 2009**  
**Council Meeting:**  
The Council accepted a petition to begin Phase Two of the NCD process.





## Process



Community Visioning Workshop

This process began in the spring of 2008 with the submittal of a Concept Plan by Grubb Properties for the Glen Lennox apartment and commercial property. This plan was strongly opposed by the neighborhood and apartment residents who were concerned that the character of the neighborhood would be negatively impacted. As a result of the opposition, Grubb Properties withdrew their proposal and publicly apologized for its submittal.

In the spring of 2010, Grubb Properties began to hold monthly meetings to hear resident concerns and better understand the needs of the community. Neighborhood residents petitioned the Town Council to create a Neighborhood Conservation District for the Glen Lennox Area Neighborhood. Through this process, the Committee was created and composed of representative stakeholders in the process: neighborhood residents, apartment residents, Grubb Properties, the Church of the Holy Family, Planning Board, and a resident of an existing Town of Chapel Hill Neighborhood Conservation District.

The Committee's charge was to develop a Neighborhood Conservation District plan proposal in accordance with the provisions of the Town's Land Use Management Ordinance while also exploring the use of alternative neighborhood preservation tools to achieve the neighborhood's goals.

Beginning in June of 2010, the Committee held regular meetings (one to two per month) to achieve consensus about the redevelopment of the apartment and commercial property; to discuss the appropriate planning tools and regulations for the Glen Lennox property; and to discuss the creation





of regulations for the single-family residential sections of the Glen Lennox Area Neighborhood. From 2010-2012, the Committee discussed, compromised, expressed their needs and wants, and truly came together to create a workable plan for all those involved.

In the spring of 2011, the Committee and neighborhood residents created the Neighborhood Conservation District regulations for the single-family residential sections of the Glen Lennox Area Neighborhood. These regulations (CD-8A and CD-8B) provide regulations for new construction and/or additions to existing units.

From late 2011 through the Spring of 2012, the Committee worked to create the Neighborhood Conservation District regulations for the Glen Lennox apartment and commercial property. The Committee held discussions regarding what should be preserved on the site, what is currently missing from the site, and what form new development should take, including appropriate heights, density, and uses. The resulting regulations and design guidelines are referred to as CD-8C, and are illustrated in this document.

Together, CD-8A, CD-8B, and CD-8C create the regulations and visions for the future of the Glen Lennox Area Neighborhood. This Chapel Hill neighborhood has always been a desirable place for people of all backgrounds and cultures to live and visit, and the area will continue to grow and develop under the guidance of the Glen Lennox Area Neighborhood Conservation District Plan.



*Committee Meeting*







Glen Lennox is located on a 70-acre site at the intersection of NC Highway 54 and US 15-501, two-miles from the center of Chapel Hill. The property includes 440 apartments of rental housing and a commercial center, all of which were built by 1953. The apartments are housed in 78 one-story brick buildings. The shopping center consists of a two-story structure with a covered arcade supported on slender steel columns. The site has wide winding streets across the rolling topography in a wooded setting.

Today, the 60-year old structures have some physical challenges such as foundation settling, stoop separation, roof problems, cracking, efflorescence of the brick, aging trees and poor site drainage in areas. Despite these issues, the property is well managed and occupied by several long-time residents. It remains one of the few neighborhood-like and affordable rental opportunities in Chapel Hill.

In order to gain a better understanding of the regional architecture, the Urban Design Associates design team visited historic neighborhoods and successful new developments. The photos on the following page represent a variety of housing types and architectural vocabularies that can be used as precedents for Glen Lennox.

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LAND DEVELOPMENT REGULATIONS.



*Context Map (Glen Lennox Development (CD-8C) outlined in red; Flemington Road-Hayes Road & Oakwood Drive (CD-8A) in blue; and Rogerson Drive (CD-8B) in yellow)*





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## Precedents



*Chapel Hill*



*Meadowmont, Chapel Hill*



*UNC, Chapel Hill*



*Franklin Street, Chapel Hill*



*North Hills, Raleigh*



*Southern Village, Chapel Hill*



# EXISTING CONDITIONS



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## X-Rays

As part of the site analysis, the design team collected data, through mapping of the area, review of previous plan studies, and a physical documentation of the area. These elements help to understand the local context, inform the plan for Glen Lennox, and the appropriate character for new development.

The UDA X-Rays® presented on this page isolate specific elements to reveal existing challenges or patterns surrounding a site.

### STREETS

Glen Lennox lies at an important local and regional crossroads. Access to NC Highway 54 and US 15-501 are a major amenity, given they are primary connectors. This level of access can be a major asset to market new development. The property has an effective internal street network, including picturesque curvilinear streets that add to the charm of the neighborhood.

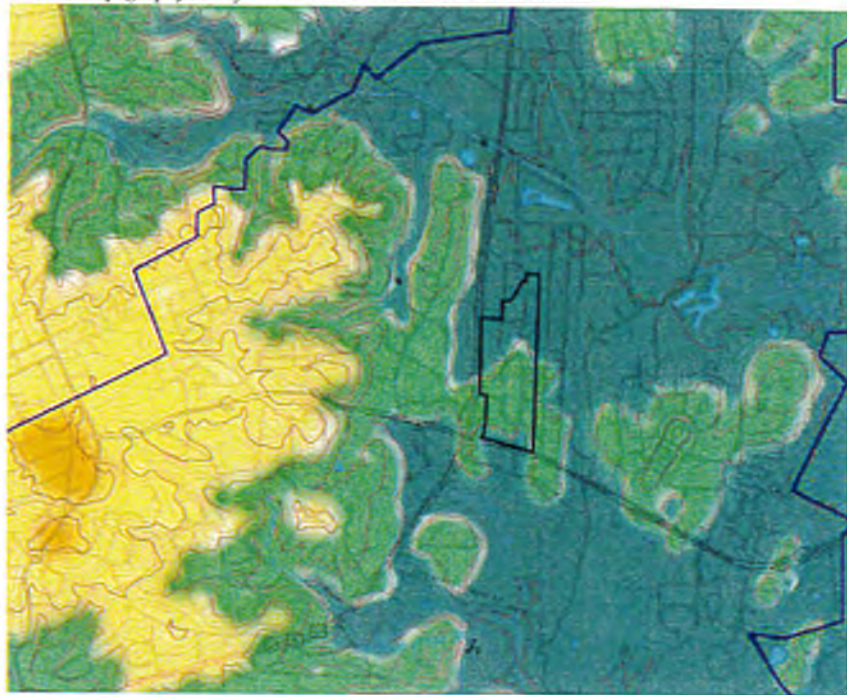
### TOPOGRAPHY

The site benefits from a fair amount of rolling topography that slopes toward Bolin Creek - a prominent feature of the very northern boundary of the site. While the topography creates visual interest on the site, it also poses a challenge for site development.



(Above) Existing Street X-ray

(Below) Topography X-ray - Watershed Protection District in blue







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## Portrait of Existing Conditions



*A Existing homes*



*B Common greens and play areas*



*C Glen Lennox Shopping Center*

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Glen Lennox historic photos

## DEMAND CREATES OPPORTUNITY

After World War II, American colleges and universities across the country swelled with the ranks of returning veterans taking advantage of educational allowances provided through the GI Bill. The University of North Carolina at Chapel Hill was no exception to this with enrollment increasing from 4,100 in 1941 to over 6,800 by 1946 in just that five-year period alone.<sup>1</sup> Similarly, the town of Chapel Hill exploded after the war with the population of the town growing by over 250% from 1940 to 1950.<sup>2</sup> This growth caused enormous demand for housing and led to a severe shortage by the late 1940s. It was around that time, as the story goes, that former UNC President W.D. Carmichael approached local businessman and contractor William Muirhead with the idea of creating a modern housing development to provide relief to the impending housing crisis.<sup>3</sup>

## A COMMUNITY VISION

Examples of “modern” planned communities existed throughout the country and were often featured in popular magazines of the day. Many of these served as reference for Muirhead when planning began for a new community in Chapel Hill. In nearby Raleigh as well, a number of “modern-style” apartment communities had begun to emerge outside of the traditional downtown and by 1949 the first modern “shopping center” between Washington, D.C. and Atlanta was completed. Named Cameron Village and designed by renowned architect Leif Valand, this complex was a significant model for Muirhead.<sup>4</sup> As friends and professional colleagues, Leif Valand and Muirhead collaborated in planning the new Chapel Hill community that was named Glen Lennox; “Glen” coming from the Muirhead’s Scottish immigrant heritage, and “Lennox” from the maiden name of Mrs. Muirhead.<sup>5</sup>

1 Vickers, James. *Chapel Hill: An Illustrated History*. Chapel Hill NC: Barclay Publishers, 1985, Page 167.

2 Jacobson, Linda. *Glen Lennox Apartment: Synthesizing Visual and Written Evidence to Reveal Postwar Middle Class Culture*, Page 2.

3 Hobbs, Pat. Interviewed by Rachel Russell, Chapel Hill, NC, March 12, 2010.

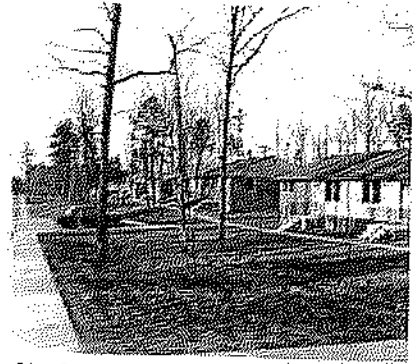
4 North Carolina History Project. Accessed March 2010. <http://www.northcarolinahistory.org/encyclopedia/74/entry>

5 Hobbs, Pat. Interviewed by Rachel Russell, Chapel Hill, NC, March 12, 2010.



### VISION BECOMES REALITY

The community was laid out with wide curvilinear streets and sidewalks to accommodate the automobile as well as the pedestrian and formed a loose grid-like pattern across the rolling topography. Each of the streets was named after a personal connection to the Muirheads like Hamilton Road, the street Mrs. Muirhead grew up on in Scotland. Many existing trees were preserved, but new street trees were also planted. The apartments were designed and built in a single story "cottage" style with lawns and plantings, these gave the homes a picturesque quality and a sense of spaciousness in spite of the multi-family format and smaller unit size when compared to single-family houses of its day. Glen Lennox opened in 1950 with 314 apartments and by 1953 had expanded to include the 440 units found on the property today.<sup>6</sup>



*Glen Lennox historic photos*

### A MODERN SHOPPING CENTER TO SERVE CHAPEL HILL

Integrated with Muirhead's housing community was a vision for a modern shopping center to serve the needs of a rapidly growing community that included the adjacent residents of his Glen Lennox Cottages. In 1952, he completed construction of Chapel Hill's first shopping center also believed to be the second in North Carolina.<sup>7</sup> It was designed in the modern style with a streamlined appearance utilizing a combination of brick and storefront materials with a low-slung, covered arcade supported on slender steel columns. The shopping center was designed with all of the modern conveniences in mind including a full service Sinclair Gas Station, the Colonial Grocery Store, and the Dairy Bar Restaurant where one could order a toasted egg salad sandwich, a milkshake, or an ice cream float among other favorites. The shopping center, unlike the traditional downtown where parking was rare and metered, parking at Glen Lennox was designed to accommodate the modern automobile with plenty of free surface parking located between the stores and Raleigh Road (NC-54). Other notable tenants at the time included Pace's Gift Shop, a Laundromat, the Glen Lennox Beauty Salon, a branch of the Bank of Chapel Hill, and Glen Lennox Pharmacy all of which would later become regular institutions in the town's post war history.<sup>8</sup>

<sup>6</sup> *Vickers, James. Chapel Hill: An Illustrated History. Chapel Hill NC: Barclay Publishers, 1985, Page 168.*

<sup>7</sup> *Eyre, John Douglas. Profiles of Chapel Hill Since 1900. Chapel Hill NC: The Chapel Hill Historical Society, 2009, Page 104.*

<sup>8</sup> *Mann, Charly. Chapel Hill's Glen Lennox Apartments and Shopping Center; Chapel Hill Memories, 2010.*



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*Glen Lennox historic photos*

## GLEN LENNOX OVER THE YEARS

Over the years following its construction, Glen Lennox quickly became a favorite housing choice for many young families that formed the “baby-boomer” generation following the war. It also became a favorite of graduate students as Muirhead wisely provided a shuttle bus system to the campus since the community was originally considered so far “out of town.”<sup>9</sup> In addition, the community restricted undergraduate students, creating a stable base of slightly older residents that took pride in their neighborhood. Many of North Carolina’s most successful future lawyers, doctors and businessmen lived in Glen Lennox over the years as they attended graduate school, worked at the University, or interned at the hospital as medical students. For many families, it was where they had their children, discovered their career path, and participated in the educational and social experiences that would shape their lives and friendships. Famous residents such as football legend and UNC All American, Charlie “Choo-Choo” Justice once lived at Glen Lennox where rumor has it the pet policy was changed to accommodate the pet boxer of the future NFL star Roy Williams, current coach of the legendary UNC basketball team lived for a short time in Glen Lennox in 1979 during his first year as the assistant part-time coach under Dean Smith.<sup>10</sup>

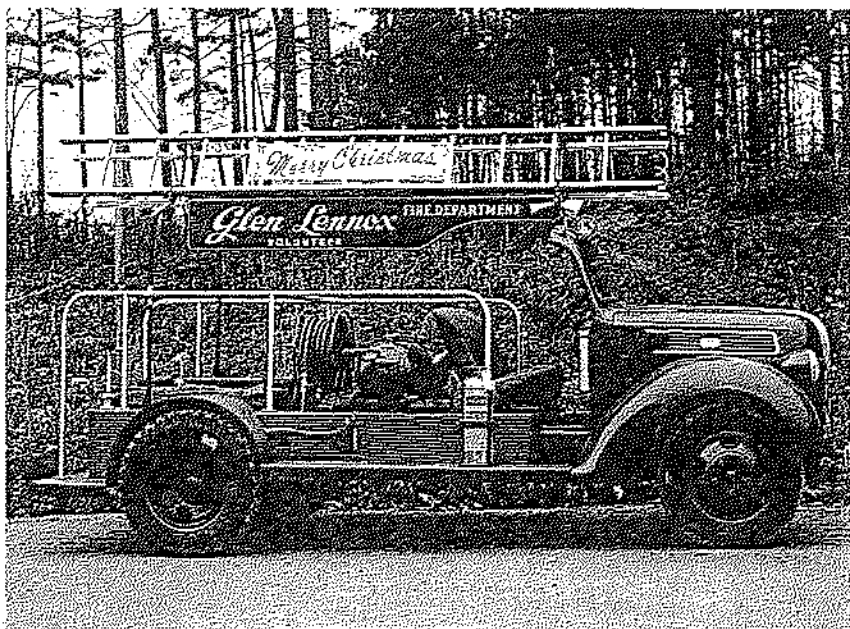
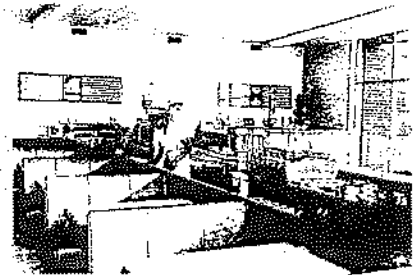
For many others, the apartments and shopping center represents an era of American optimism, the promise of modern living, and the stream-lined aesthetics of a new form of shopping experience that would later become the dominant pattern. Whether it is a student’s memory of a milkshake from the Dairy Bar on a study break in the 1950s, a childhood experience of collecting soda bottles to redeem at the Colonial Grocery for 2 cents each in the early 60s, or a great dinner at Bin 54 restaurant just last week, many memories like these have shaped the Glen Lennox brand over the years.

<sup>9</sup> Mann, Charly. *Chapel Hill’s Glen Lennox Apartments and Shopping Center, Chapel Hill Memories, 2010.*

<sup>10</sup> Hobbs, Pat. *Interviewed by Rachel Russell, Chapel Hill, NC, March 12, 2010.*  
Chansky, Art and Dick Vitale. *Blue Blood: Duke-Carolina, Inside the Most Storied Rivalry in College Hoops, Page 28.*



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*Glen Lennox historic photos*



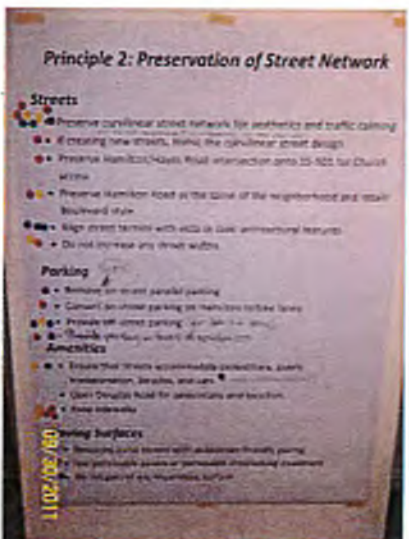
# GUIDING PRINCIPLES



The Guiding Principles for the development of Glen Lennox grew from discussions of the Glen Lennox Area Neighborhood Conservation District Development Committee and the community. These principles guide the proposed redevelopment plan of the Glen Lennox apartment and commercial property and should be referenced in future redevelopment plans for Glen Lennox. The following pages describe each of the eleven Guiding Principles and provide further details about each principle.



- » Value the history of the neighborhood and the Glen Lennox apartment and commercial property
- » Preserve the street network
- » Create and maintain public open space
- » Balance the new development with preservation of the trees and tree canopy
- » Keep a portion of the buildings
- » Transition and vary density and heights of the buildings
- » Provide landscaped buffers for sensitive neighbors
- » Preserve the Church of the Holy Family's visibility and accessibility
- » Create an effective transportation strategy
- » Encourage community sustainability
- » Encourage and support community diversity






*Photos of Guiding Principles dot exercises used with committee to refine goals*



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## GUIDING PRINCIPLES

VALUE THE HISTORY OF THE NEIGHBORHOOD AND THE GLEN LENNOX APARTMENT AND COMMERCIAL PROPERTY	PRESERVE THE STREET NETWORK	CREATE AND MAINTAIN PUBLIC OPEN SPACE
<ul style="list-style-type: none"><li>» Ensure that the future design characteristics respect the current and preserved architectural features</li><li>» Preserve the character, identity, and brand of the Glen Lennox apartment and commercial property</li><li>» Honor the legacy of the Glen Lennox property through documentation and education</li></ul>	<ul style="list-style-type: none"><li>» Maintain a north-south street as a spine through the neighborhood</li><li>» Street preservation allows for infrastructure and landscaping preservation</li><li>» Preserve the curvilinear street network for aesthetics and traffic calming</li></ul>	<ul style="list-style-type: none"><li>» Incorporate universal accessibility</li><li>» Preserve the character of the undulating public open spaces</li><li>» Create a public open space for community gathering</li><li>» Utilize open space for recreational programming</li></ul>
		



# GUIDING PRINCIPLES










## GUIDING PRINCIPLES

BALANCE THE NEW DEVELOPMENT WITH PRESERVATION OF THE TREES AND TREE CANOPY	KEEP A PORTION OF THE BUILDINGS	TRANSITION AND VARY DENSITY AND HEIGHTS OF THE BUILDINGS	PROVIDE LANDSCAPED BUFFERS FOR SENSITIVE NEIGHBORS
<ul style="list-style-type: none"> <li>» Develop a tree life-cycle plan</li> <li>» Actively maintain the trees</li> <li>» Plant additional trees along the street network and buffer areas</li> </ul>	<ul style="list-style-type: none"> <li>» Preserve buildings where physically and economically viable</li> <li>» Weave together the old and new structures for added variety and cohesion</li> </ul>	<ul style="list-style-type: none"> <li>» Keep the highest intensity of uses near 15-501 and NC Highway 54 intersection</li> <li>» Use trees and open spaces to transition between densities within the site</li> <li>» Lower heights and density near single-family residences</li> </ul>	<ul style="list-style-type: none"> <li>» Create a smooth transition between the residential and mixed-use areas</li> <li>» Incorporate a green buffer that includes trees and plantings</li> <li>» Protect views from the Church of the Holy Family with landscape</li> </ul>
 	 	 	 



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## GUIDING PRINCIPLES

PRESERVE THE CHURCH OF THE HOLY FAMILY'S VISIBILITY AND ACCESSIBILITY	CREATE AN EFFECTIVE TRANSPORTATION STRATEGY	ENCOURAGE COMMUNITY SUSTAINABILITY	ENCOURAGE AND SUPPORT COMMUNITY DIVERSITY
<ul style="list-style-type: none"> <li>» Allow for adequate green space in the transitional area between the Church and the new apartments</li> <li>» Preserve the tree line along Brandon Road</li> <li>» Have appropriate adjacent uses and be height sensitive</li> <li>» Ensure accessibility from 15-501</li> </ul>	<ul style="list-style-type: none"> <li>» Include bicycle and pedestrian amenities such as dedicated bike space and sidewalks</li> <li>» Integrate the proposed bus rapid transit station along the periphery of Block 8 of the Glen Lennox property</li> <li>» Provide greenways</li> <li>» Accommodate bus service</li> <li>» Ensure connectivity throughout the whole site</li> </ul>	<ul style="list-style-type: none"> <li>» Evaluate and implement a redevelopment plan that balances people, planet and prosperity</li> <li>» Encourage eco-friendly site design, building materials and practice</li> <li>» Establish ongoing operational measures to maintain and improve environmental sustainability over time</li> <li>» Attend to water conservation, water quality, and air quality</li> <li>» Incorporate stormwater management practices</li> <li>» Promote alternate modes of transportation</li> <li>» Provide recycling</li> <li>» Include no smoking areas</li> </ul>	<ul style="list-style-type: none"> <li>» Include a mix of affordable rental and homeownership housing types</li> <li>» Provide a variety of housing options for people of all backgrounds, ages, abilities, and income</li> <li>» Incorporate Universal Design</li> </ul>
 	 		 







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# PLAN SUMMARY



## Overview

The Master Plan provides a comprehensive strategy to guide new development in Glen Lennox. The plan is organized around four themes that reflect the key guiding principles. These themes are:

### Street Network

- » Preserve the street network.
- » Create an effective transportation strategy.

### Open Space

- » Create and maintain public open space
- » Balance the new development with preservation of the trees and tree canopy
- » Provide landscaped buffers for sensitive neighbors
- » Encourage community sustainability

### Land Use, Height, and Density

- » Transition and vary density and heights of the buildings
- » Encourage and support community diversity

### Preservation

- » Value the history of the neighborhood and the Glen Lennox apartment and commercial property
- » Keep a portion of the buildings
- » Preserve the Church of the Holy Family's visibility and accessibility

The diagrams that follow illustrate key aspects of these plan themes.





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## MASTER PLAN

The plan for Glen Lennox creates a village center near Raleigh Road and a new entrance off of 15/501. These two features are connected by a network of preserved and new streets that create winding, tree-lined addresses for new development.

The scale of the proposed development transitions from the single-family densities of the neighborhoods to the north and east, to a village-supporting scale at the south and west of the site, nearest the intended and existing commercial uses.

This layout has sought to preserve existing trees along existing streets in order to preserve the best characteristics of the existing community.

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# STREET NETWORK

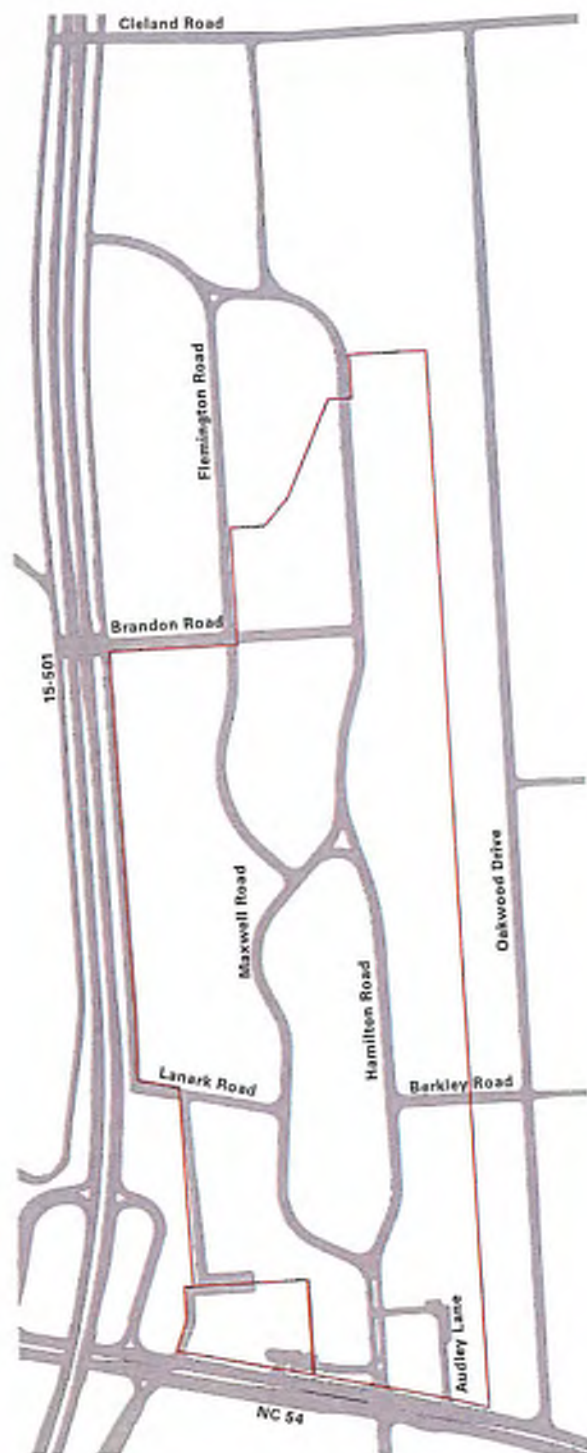


## EXISTING STREETS

The existing layout at Glen Lennox has the following characteristics:

- » Effective internal street network
- » Picturesque curvilinear streets, adding to the character of the neighborhood
- » A lack of east-west connections
- » One main entrance at Raleigh Road and a secondary entrance at Brandon Road (adjacent to the Church of the Holy Family)

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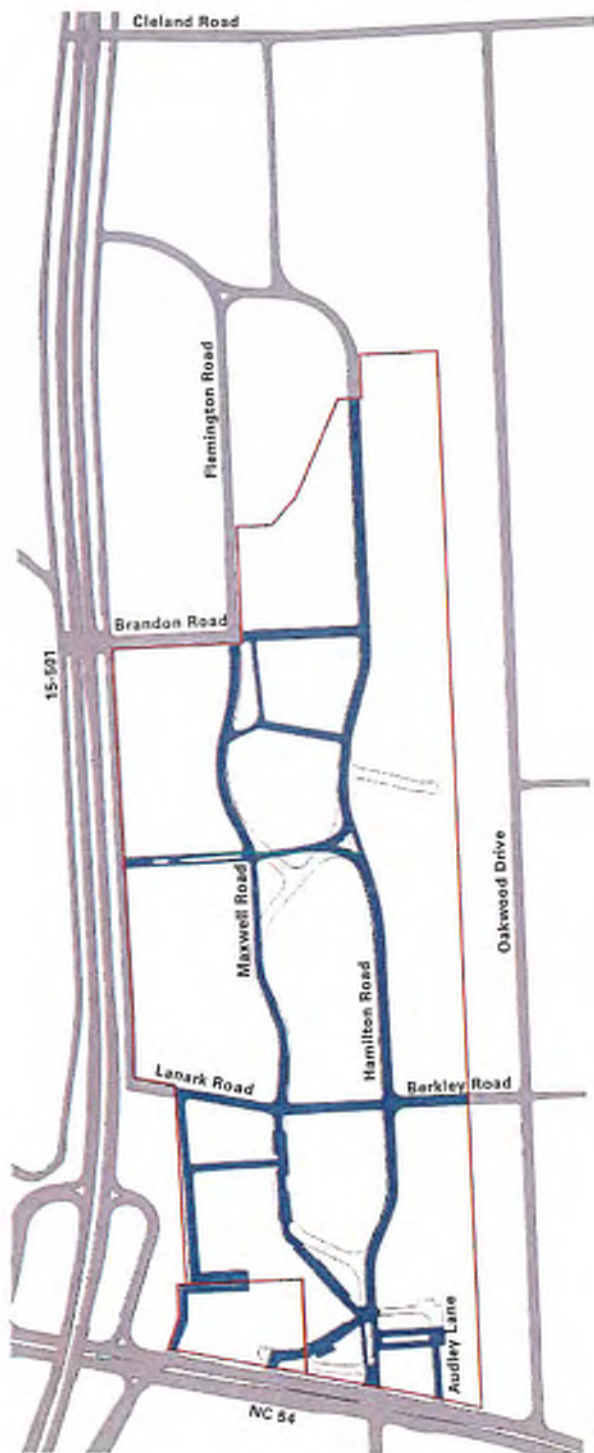


EXISTING STREET NETWORK

EXISTING STREETS



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## PROPOSED STREETS

The proposed street network at Glen Lennox builds on the assets of the existing network while overcoming some of its shortcomings for redevelopment. Some key changes are these:

- » Realign a portion of Maxwell Street to create effective block structure and a more efficient traffic flow
- » Increase pedestrian and vehicular connectivity within the site
  - » New streets parallel to Brandon and Lanark Road
  - » Expansion of Lanark Road to connect to Berkley Road
- » Create a new and improved entrance from 15-501 to minimize the traffic burden adjacent to the Church.

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EXISTING STREET NETWORK  
— EXISTING STREET ALIGNMENT  
— PROPOSED STREET ALIGNMENT

# STREET NETWORK



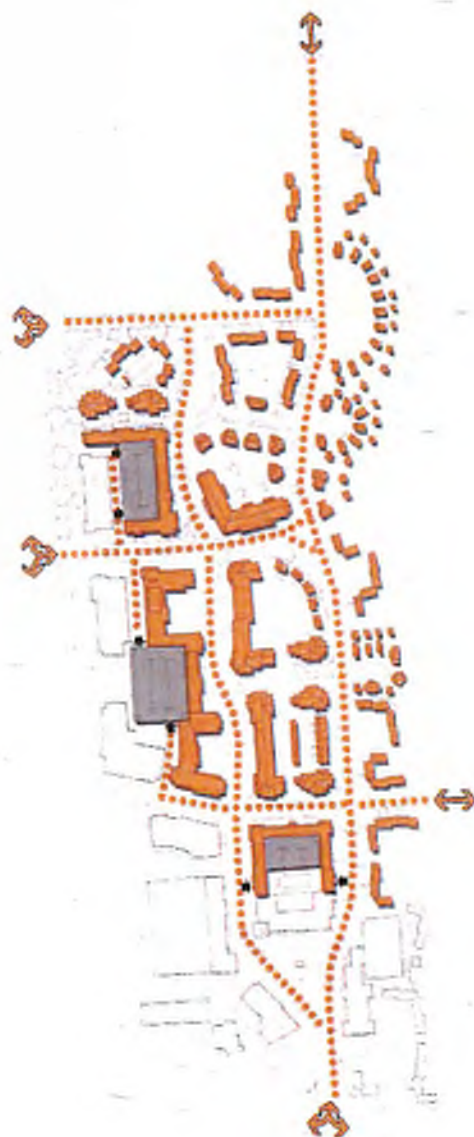
## TRANSPORTATION ROUTES BASED ON PROPOSED LAND USE

One of the typical concerns about bringing new land uses into an existing neighborhood is the traffic congestion. These diagrams illustrate the different routes anticipated for each type of user. Because of the positioning of commercial uses closest to arterial roads and entrances, the traffic generated by these uses will have less of an impact on the neighborhoods than if the plan were configured differently. As a result, congestion is limited and the mix of uses may also result in fewer trips outside of the neighborhood.

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### TRANSPORTATION ROUTES BASED ON LAND USE

-  RESIDENTIAL BUILDINGS
-  ROUTES USED BY RESIDENTS
-  OFFICES
-  ROUTES USED BY OFFICE EMPLOYEES
-  MIXED-USE (SHOPS, RESTAURANTS, ETC)
-  ROUTES USED BY CUSTOMERS
-  POTENTIAL GARAGE ENTRY & EXIT LOCATIONS
-  TURN & TRAFFIC DIRECTIONS



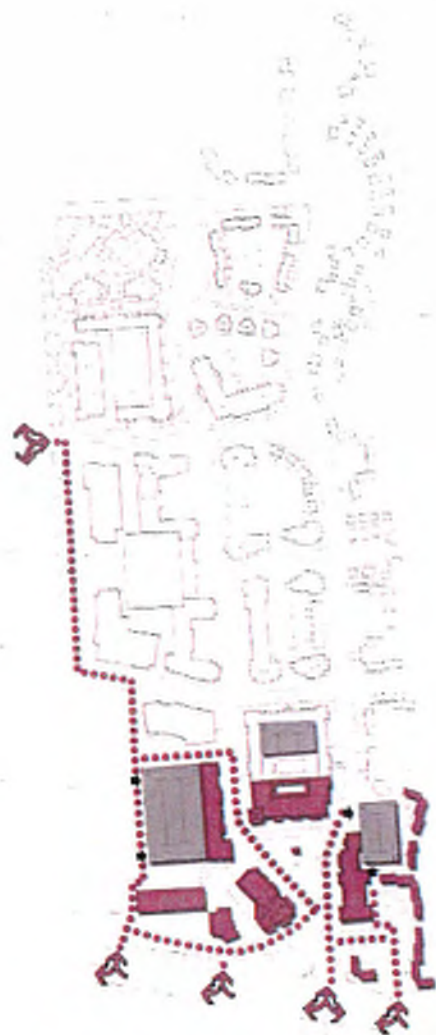
PRIMARY RESIDENTIAL ACCESS AND ROUTES



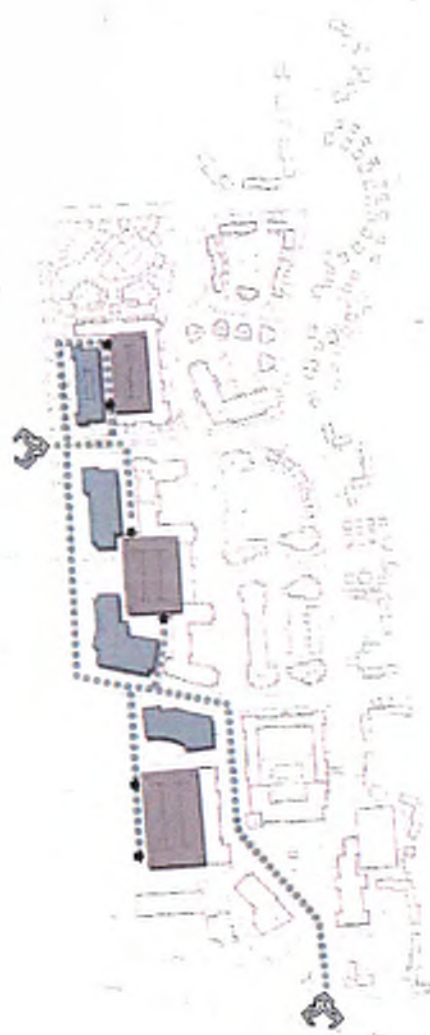
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PRIMARY VILLAGE CENTER ACCESS AND ROUTES



PRIMARY OFFICE ACCESS AND ROUTES





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## EXISTING FRONTAGE

This diagram highlights the connected system of undulating open spaces created by the existing buildings. The existing open space is a valued asset to the community.

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### EXISTING FRONTAGE DIAGRAM

- EXISTING PUBLIC REALM
- EXISTING BUILDING FRONTAGE



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#### PROPOSED FRONTAGE

The proposed frontage preserves the character and feel of the connected, undulating spaces while also creating new public spaces.

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#### FRONTAGE DIAGRAM

-  PROPOSED PUBLIC REALM
-  PROPOSED BUILDING FRONTAGE



# OPEN SPACE



## PROPOSED OPEN SPACE NETWORK

- » Various new open spaces that vary in size and character and promote a distinctive sense of placemaking
- » Buffer areas adjacent to single-family residences
- » Sidewalk and trails that create a complete pedestrian network throughout the site
- » Paths and trails to be designed to be bicycle-friendly wherever possible

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### OPEN SPACE NETWORK DIAGRAM

- OPEN SPACE
- IMPERVIOUS AREAS
- SIDEWALK, PATH & TRAILS



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## TREE PRESERVATION

This diagram depicts potential locations where existing trees that are in good health are preserved, especially along the north and east boundary of the property.



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### TREE PRESERVATION DIAGRAM

-  OPEN SPACE
-  IMPERVIOUS AREAS
-  PRESERVED TREES



# OPEN SPACE



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## PARKS

- » A variety of parks are provided, including public gathering areas, paved plazas, formalized gardens, community gardens, courtyards, neighborhood parks, passive recreation areas of lawn and tot lots.
- » Similar scale parks in the region have been studied as precedents. The diagrams on the following page are shown at the same scale for open space comparison.
- » An open space plan would be crucial for programming an appropriate diversity of uses in each of these parks.

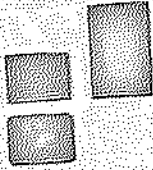
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*(Above) Oakwood Park, Chapel Hill*



*(Above) Glen Lennox, Chapel Hill*



*(Above) Weaver Street, Carrboro  
(Below) Meadowmont, Chapel Hill*



*(Above) Southern Village, Chapel Hill  
(Below) Meadowmont, Chapel Hill*





## PROPOSED LAND USE

- » Mix of uses across the site including:
  - › Residential: a variety of residential buildings, including for-rent and for-sale units
  - › Hospitality: a boutique style inn with preserved cottages
  - › Office: a mix of small tenants and corporate users
  - › Retail: boutique shops and restaurants, and limited anchor tenants
  - › Civic space

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### LAND USE DIAGRAM

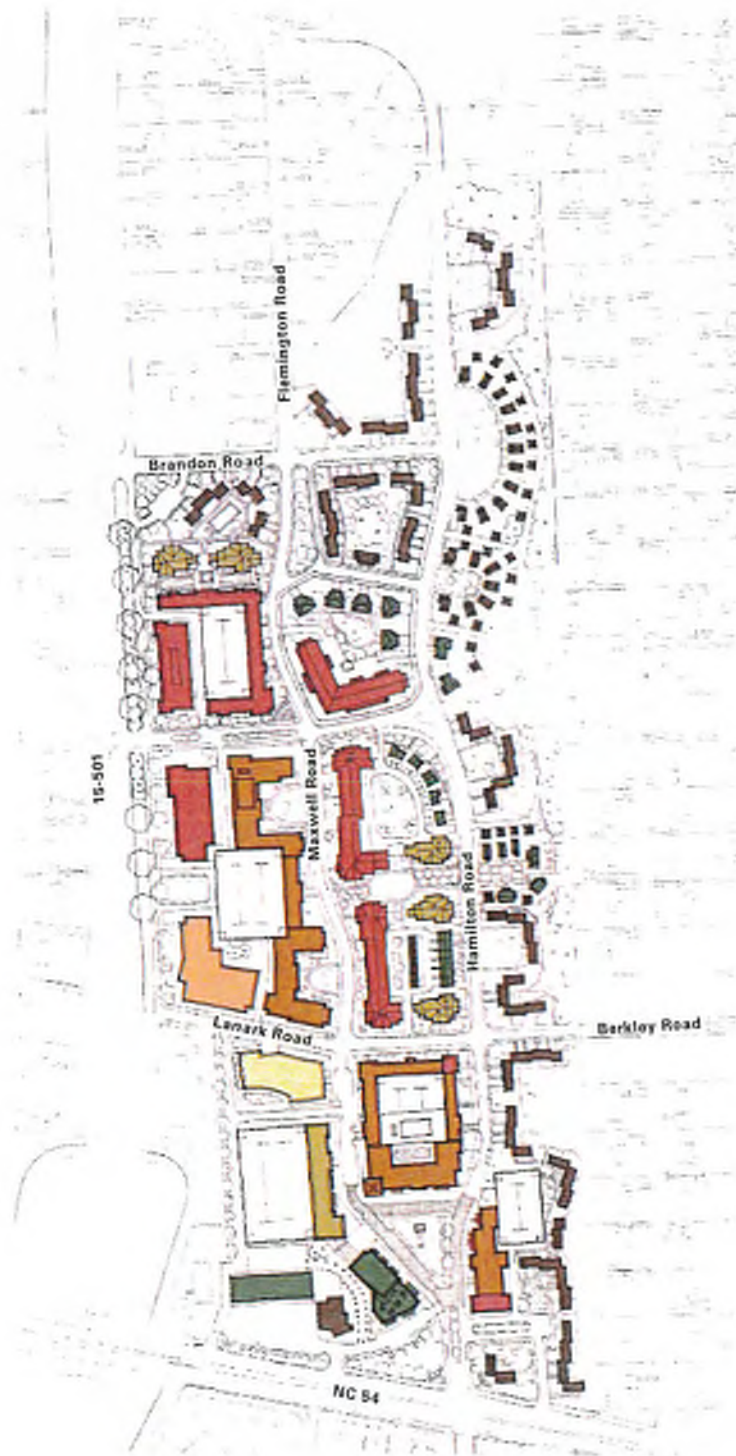
- EXISTING RESIDENTIAL: 1-STORY APARTMENTS
- WALK-UPS, TOWNHOUSES, DUPLEXES, & COTTAGES
- APARTMENT BUILDINGS
- OFFICE
- MIXED-USE WITH RETAIL ON THE GROUND FLOOR
- EXISTING COMMERCIAL
- HOSPITALITY
- SURFACE PARKING
- PARKING GARAGE







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#### PROPOSED HEIGHT

- » A variety of building heights to preserve the desired character and charm without discouraging growth and development
- » Highest intensity is focused on southwest corner of property, along 15-501.
- » Lower heights near single-family residences
- » Heights transition from tallest to lowest going west to east and south to north

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#### HEIGHT DIAGRAM



# LAND USE, HEIGHT, AND DENSITY

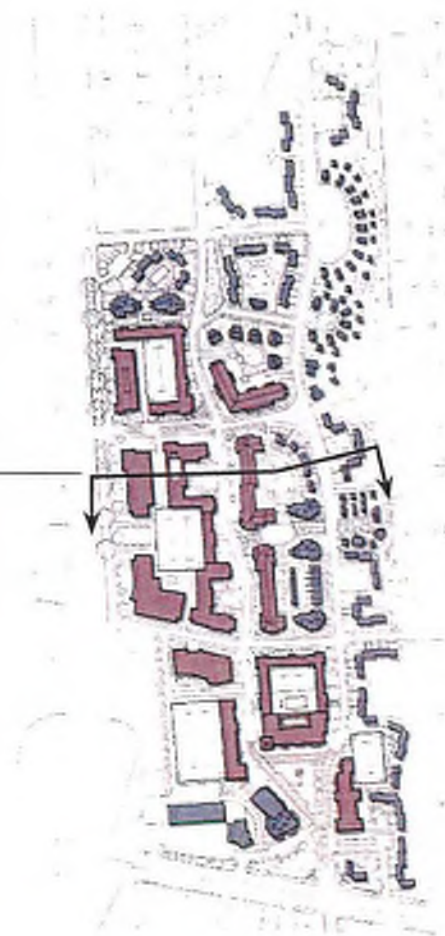


## PROPOSED DENSITY

- » Highest intensity focused on the southwest corner of property, along 15-501
- » Lower density near single-family residences

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*Line showing the location and direction of the section drawing below.*



### (RIGHT) DENSITY DIAGRAM



*(Below) Site Section, looking south, depicting a transition in height and density from Hamilton Road to Hayes.*





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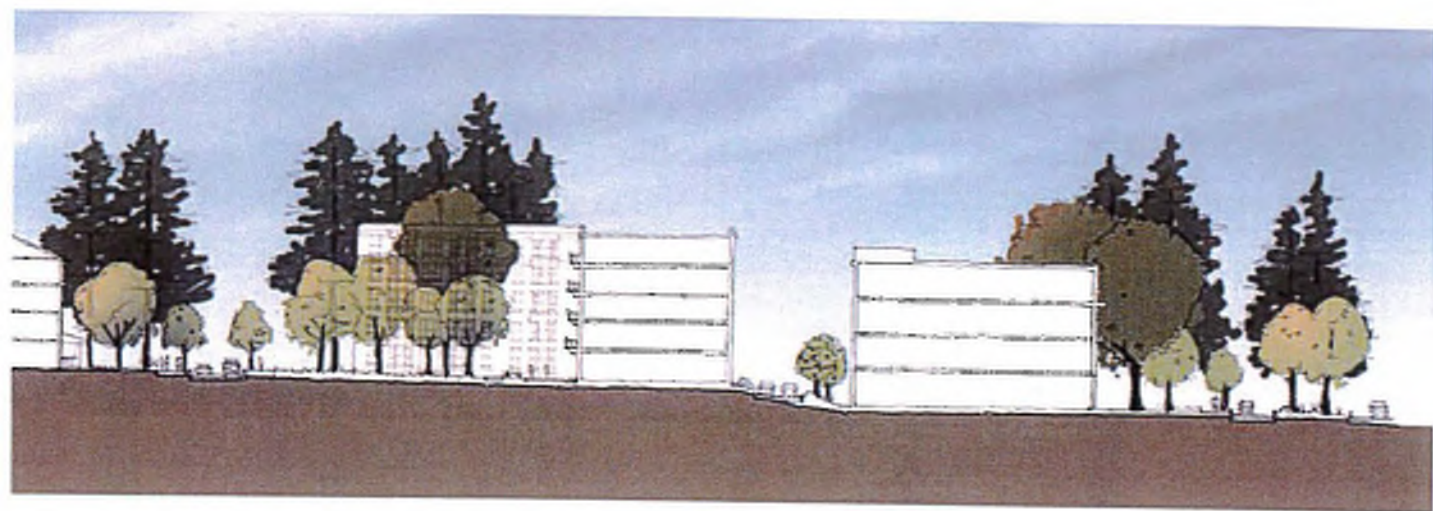
*Small residential buildings*



*Medium residential buildings*



*Larger residential buildings*







## PRESERVATION OF EXISTING BUILDINGS

- » These buildings are intended to be retained through the development period (of at least 25 years). They will require further in-depth study of structural and material viability as development plans continue to evolve.
- » Lower-scale residences along the eastern edge of the site help transition to the adjacent residential neighborhoods.
- » Existing commercial center should be integrated into the new development plan.

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PRESERVED BUILDING DIAGRAM

EXISTING BUILDINGS



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#### PROPOSED USE OF PRESERVED BUILDINGS

- » Existing buildings will either retain their original use, or they will be re-purposed to better integrate with the plan vision. An example of this are the units adjacent to the proposed Inn, which could be used as hotel units or converted to office or restaurant uses.

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#### PROPOSED USE OF PRESERVED BUILDINGS

- RESIDENTIAL
- COMMERCIAL
- HOTEL/INN

# CHARACTER



Glen Lennox is designed as a walkable neighborhood with a series of open spaces and mix of uses. Each address in the plan has a distinct character and feel. The following pages contain the artist's impressions of a possible image for the new neighborhood that will continue to evolve as the actual buildings are planned and developed.

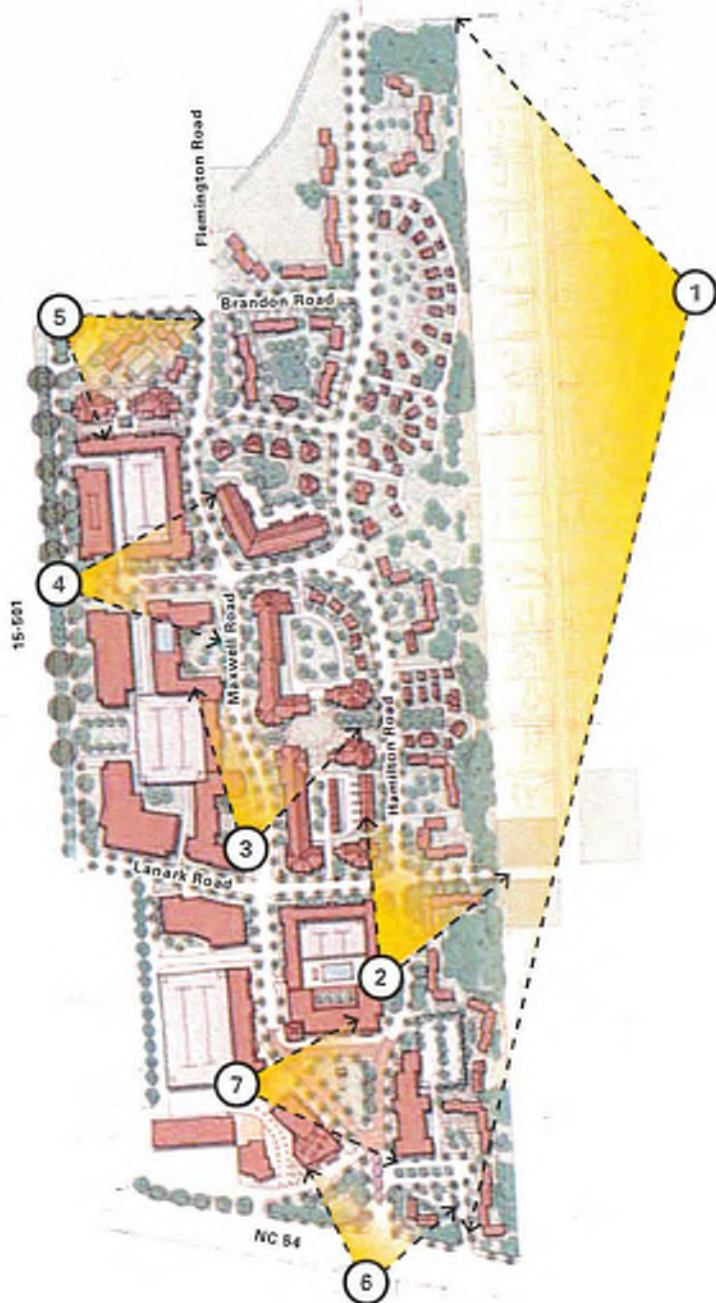
1. Aerial view
2. View along Hamilton Road
3. View along Maxwell Road
4. New entry to 15-501
5. Proposed courtyard adjacent to existing units on Brandon Road
6. Entry view off Raleigh Road
7. New village green





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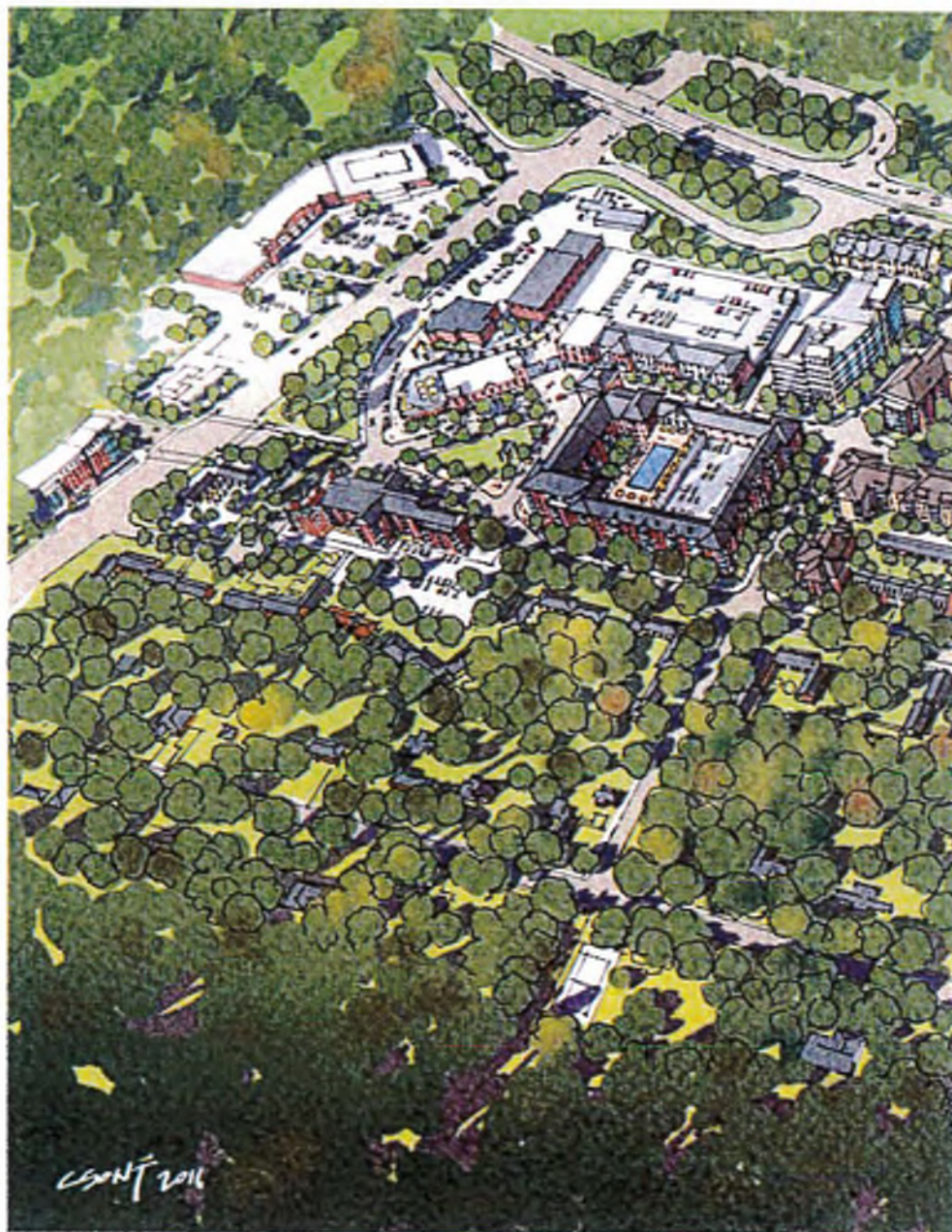
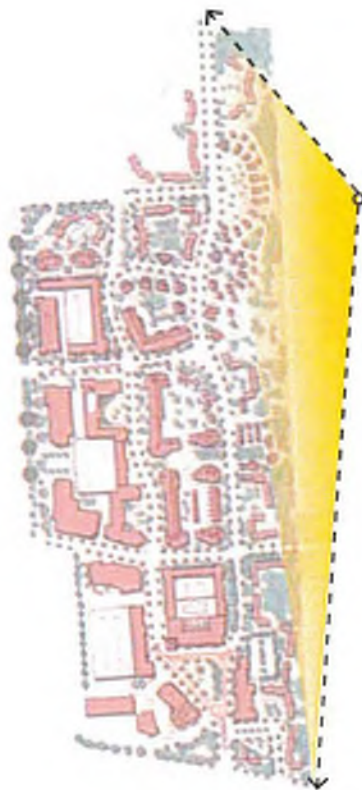
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# CHARACTER

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## AERIAL VIEW

- » A variety of building heights and density to preserve the desired character and charm without discouraging growth and development.
- » Highest intensity focused on southwest corner of property, along 15-501
- » Lower heights and density near single-family residences
- » Preservation of tree canopy







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# CHARACTER



## VIEW ALONG HAMILTON ROAD

- » New development transitioning from mid-rise apartments to existing 1-story residential neighborhood on Hamilton Road

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# CHARACTER



## VIEW ALONG MAXWELL ROAD

- » Maxwell Road aligned with apartments and public greens between buildings
- » Variety of height and architecture



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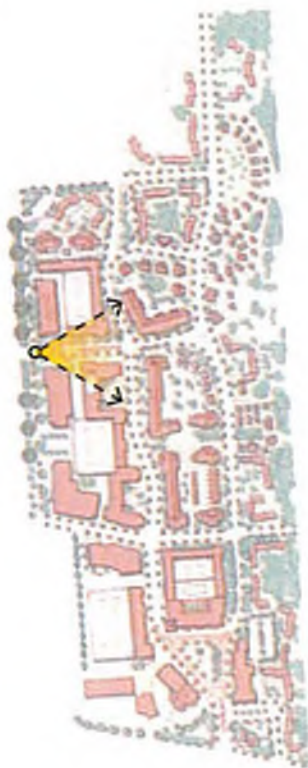
# CHARACTER



## THE WEST GATEWAY INTO THE SITE

- » A new tree-lined entrance from 15-501

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# CHARACTER



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## PROPOSED COURTYARD ADJACENT TO EXISTING UNITS ON BRANDON ROAD

- » Preserve buildings
- » Maintain existing buildings on Brandon Road and preserve church's visibility
- » Create a courtyard, defined by buildings surrounding it
- » Potential location for community pool, tot lots, neighborhood park

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# CHARACTER



## ENTRY VIEW OFF RALEIGH ROAD

- » Improve entrance off Raleigh Road by providing additional landscaping and green space
- » Maintain existing units on Raleigh Road to preserve the historic character of Glen Lennox
- » Great location for the inn due to visibility



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## CHARACTER



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### NEW VILLAGE GREEN

- » A vibrant and walkable retail environment with restaurants and small shops
- » Outdoor seating and desirable streetscaping enhance the public realm
- » Enhance Glen Lennox's intimate character and pedestrian walkability
- » Village green acts as a heart for the development, a central, programmable gathering space for the community
- » Prime park frontage, perfectly suited for restaurants and recreation-oriented uses







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# NCD ZONING OVERLAY REGULATIONS

Special Design Standards to apply to development in the  
Glen Lennox Area Neighborhood Conservation District-8C

The following Design Standards shall apply to all development within the  
Glen Lennox Area Neighborhood Conservation District-8C, and are incor-  
porated into Chapel Hill's Land Use Management Ordinance by reference.  
No application for development shall be approved that does not comply with  
these standards. For the Glen Lennox Area Neighborhood Conservation  
District-8C, these standards shall replace/supersede general provisions in  
the Land Use Management Ordinance where such standards differ. For  
standards that are not specifically identified in this Plan, provisions of the  
underlying zoning district for a particular parcel shall apply.

The photographs and illustrations used throughout this chapter are examples  
and are not binding. The language, maps, and Allowable Land Use Chart  
are binding and can be regulated.

The design standards for the Glen Lennox Area Neighborhood Conserva-  
tion District-8C are as follows:



The following pages describe the plan framework, the open space and impervious surface requirements, setback regulations, height regulations, allowable land uses, and parking guidelines. Building placement and typologies will be addressed in the subsequent section.

## KEY DEFINITIONS

**Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a zoning lot, and which is defined by setback and height regulations.

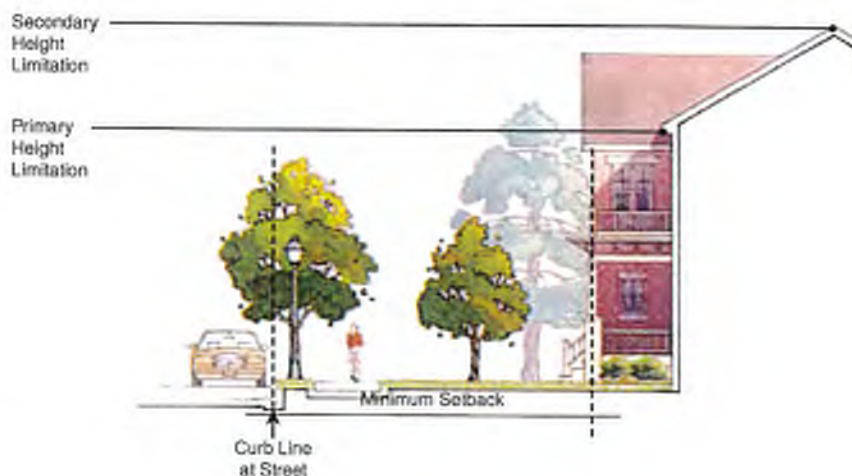
**Height Limitation (Primary):** The maximum height allowed for any structure located at the minimum setback required for such structure.

**Height Limitation (Secondary):** The absolute maximum height allowed for any structure.

**Impervious Surface:** A surface composed of any material that impedes or prevents the natural infiltration of water into the soil.

**Open Space:** Land devoted to uses characterized by vegetative cover or water bodies, that may include agricultural uses, pastures, meadows, parks, recreational areas, lawns, gardens, walks/trails, ponds, and streams.

**Setback:** The horizontal distance between the curb line (for Street Setback) or interior lot line (for Interior Setback) of a zoning lot and any structure on such zoning lot, measured perpendicularly to the curb or lot line.



*Building Envelope Diagram: This diagram illustrates some of the zones that will be described in this section.*





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#### PLAN FRAMEWORK

The diagram to the left illustrates a proposed block structure, and desired street connections. Regulations for developable land are addressed in the subsequent plans.

The implementation of this plan is dependent upon NCDOT approval of new street connections.

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*(Left) NCD-8C: Glen Lennox with proposed street modifications shown in blue  
(Below) Existing Glen Lennox Streets in black*



# SETBACK PLAN



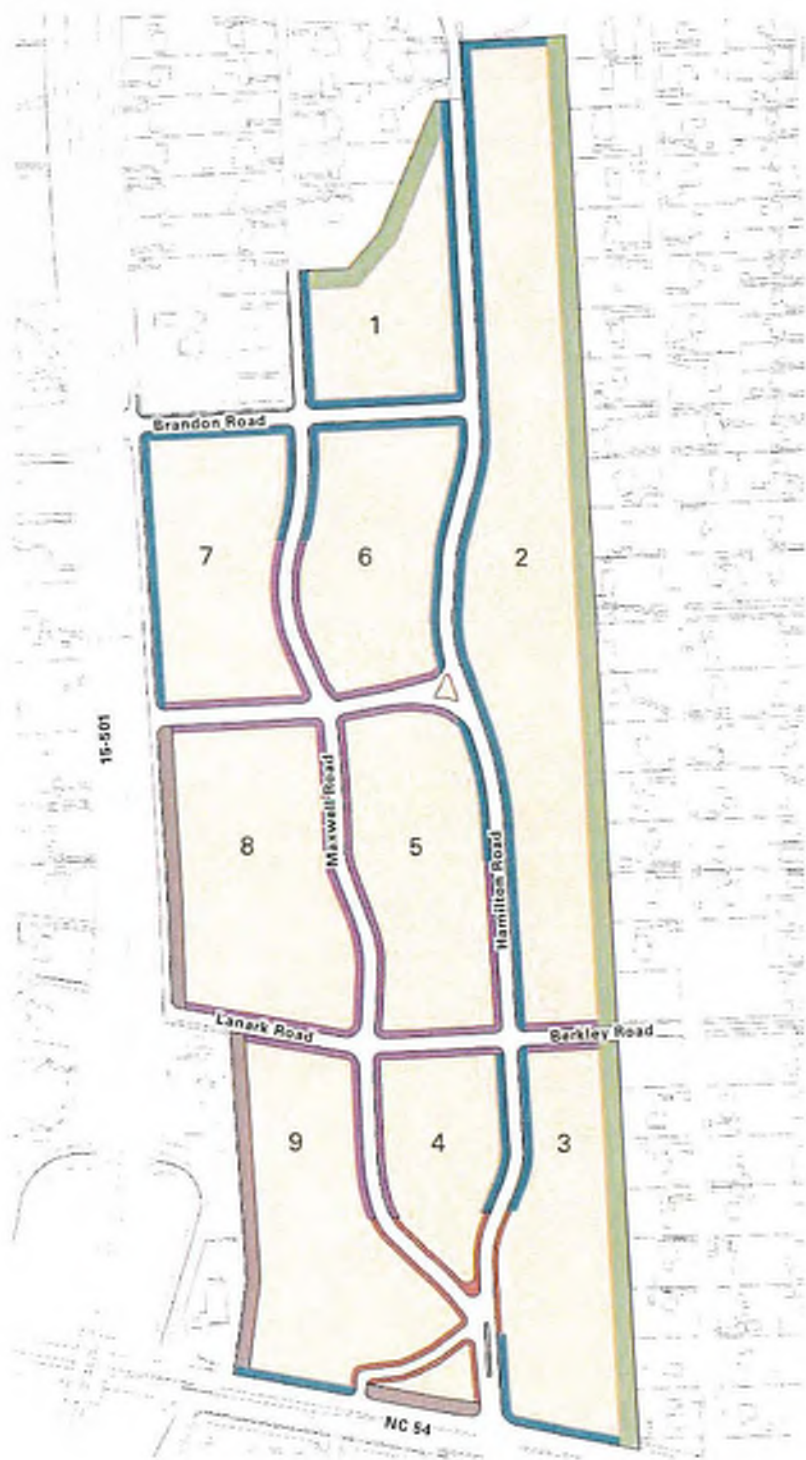
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Setbacks illustrated in the adjacent diagram are measured from the curb or from the exterior property lines. Generally, setbacks are shallowest for the mixed-use core (allowing for a vibrant and active street frontage). Deeper setbacks have been prescribed elsewhere to preserve trees and to maintain compatibility with adjacent residential areas.

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#### MINIMUM SETBACKS

	12 FEET
	10 FEET
	24 FEET
	30 FEET
	48 FEET







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SETBACK	SECTION	PHOTO
MINIMUM 12 FEET		<p>E. Franklin Street, Chapel Hill, NC</p>
MINIMUM 18 FEET		<p>Meadowmont, Chapel Hill, NC</p>
MINIMUM 24 FEET		<p>Baxter Village, Fort Mill, SC</p>
MINIMUM 36 FEET		<p>Ledges, Huntersville, AL</p>
MINIMUM 48 FEET		<p>Glen Lennox, Chapel Hill, NC</p>



# HEIGHT PLAN



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The height regulations control the scale of future development with the vision of preserving the neighborhood's character while accommodating higher density. The allowable heights transition from lower scale adjacent to the NCD-8A and NCD-8B zones to taller development at the southwestern edge of the site.

It is important for there to be flexibility in the delineation of height zones within the identified blocks to accommodate future development. This is illustrated in the diagram to the right. Additionally, while these regulations limit the height of the building as a whole, certain vertical architectural elements are allowed to protrude outside of the prescribed building envelope.

Height is measured from the average ground level along the primary street-facing facade to the bottom of the roof structure. Allowable height per story is measured from floor to floor and indicated by use below:

- » Residential Ground Floors: 9'-16'
- » Residential Upper Floors: 9'-12', up to 22' for penthouse units
- » Non-Residential Ground Floors: 12'-18'
- » Non-Residential Upper Floors: 12'-16'





# ALLOWABLE LAND USE CHART



		BLOCK 1	BLOCK 2	BLOCK 3	BLOCK 4	BLOCK 5	BLOCK 6	BLOCK 7	BLOCK 8	BLOCK 9
Use Code for Parking Requirement	n/a Accessory Use, Incidental to Primary Use	○	○	○	○	○	○	○	○	○
	O Adult Day-Care Facility	X	X	X	X	X	●	●	●	●
	n/a ATM (walk-up)	X	X	X	●	X	X	X	●	●
	O Bank	X	X	X	●	X	X	X	●	●
	C Barber Shop, Beauty Salon	X	X	X	●	X	X	X	X	●
	C Business – Restaurant	X	X	●	●	X	X	●**	●	●
	C Business – Convenience	X	X	●	●	X	X	●**	●	●
	C Business – General	X	X	●	●	X	X	●**	●	●
	O Business – Office-type	X	X	●	●	X	X	●	●	●
	O Child Care	X	X	●	●	●	●	●	●	●
	MO Clinic	X	X	X	X	X	X	●**	●	●
	C Club	X	X	○	○	X	X	X	X	○
	O College or University	X	X	X	X	X	X	X	●	●
	R Dwelling Unit – Single-Family	●	●	●	X	●	●	●	X	X
	R Dwelling Unit – Single-Family with Accessory Apartment	●	●	●	X	●	●	●	X	X
	R Dwelling Unit – Duplex	●	●	●	X	●	●	●	●	X
	R Dwelling Unit – 3- to 7-unit Multi-Family	●	●	●	●	●	●	●	●	●
	R Dwelling Unit – 7+ Multi-Family	X	X	X	●	●	●	●*	●	●
	n/a Essential Services	○	○	○	○	○	○	○	○	○
	+ Group Care Facility	X	X	X	X	○	○	○	○	○
	n/a Home Occupation	○	○	○	○	○	○	○	○	○
	H Hotel/Motel	X	X	●	●	X	X	X	●	●
	n/a Parking, Off-Street	○	○	●	●	●	●	●	●	●
	* Place of Assembly	X	X	X	●	X	X	X	X	●
	O Public Cultural Facility	X	X	●	●	X	X	●	●	●
	n/a Recreation Facility – Outdoor	X	X	●	●	○	○	○	○	●
	C Recreation Facility – Commercial	X	X	●	●	X	X	●**	●	●
	C Recreation Facility – Non-Profit	X	X	●	●	X	X	●	●	●
	O Residential Support Facility	●	●	●	●	●	●	●	X	X
	C Service Station, Convenience Store	X	X	X	X	X	X	X	X	●
	C Temporary Portable Building – Construction-related	●	●	●	●	●	●	●	●	●
	MO Vet Hospital or Clinic	X	X	X	X	X	X	●**	●	●

● Permitted as Primary Use    ○ Permitted as Accessory Use    X Not Permitted  
 Parking Requirement Code: R=Residential, C=Commercial, O=Office, H=Hotel, \* and + are individually defined on page 66.  
 \*\* These uses are only allowed where a minimum height of 4 stories is permitted. \* These uses are only allowed where a minimum height of 3 stories is permitted.



# IMPERVIOUS SURFACE PLAN



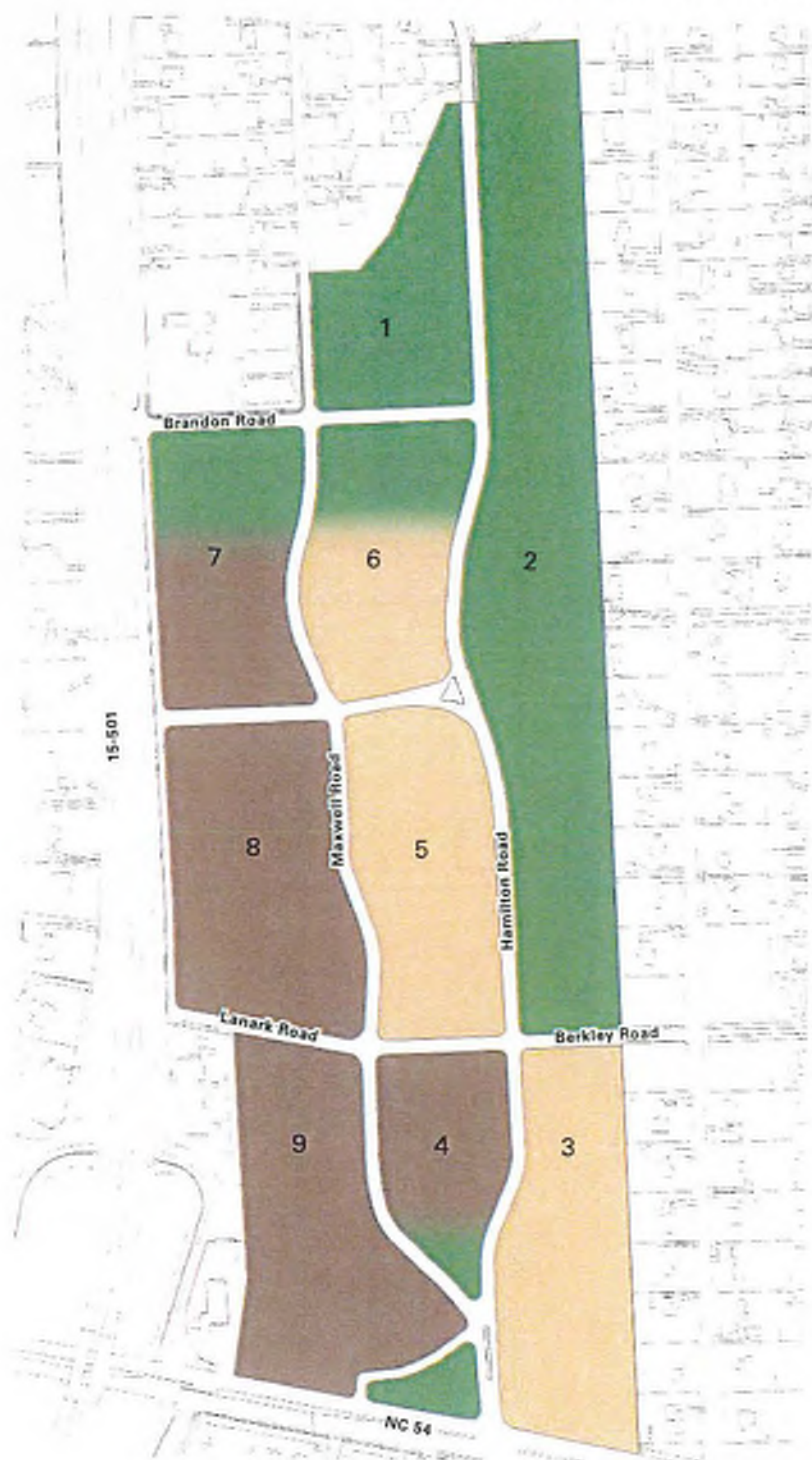
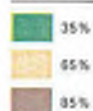
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Within Chapel Hill's Watershed Protection District, impervious surface percentages are stipulated based on type of development. The Glen Lennox site falls under the category of "high-density development" as it is defined in the Land Use Management Ordinance.

Pervious areas can include pervious paving and porous parking/service areas provided permeability is retained. The diagram to the right illustrates the recommended percentage of impervious surface based on the desired density across the site.



## MAXIMUM PERCENTAGE IMPERVIOUS SURFACE





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- OPEN SPACE ELEMENTS
- COURTYARDS
  - GREENWAY
  - NORTHERN PARK
  - BRANDON ROAD PARK
  - VILLAGE GREEN
  - ENTRY PARK
  - NEIGHBORHOOD PARK

## OPEN SPACE RECOMMENDATIONS

The percentage of open space will be greater than 33% of the entire site area and will include a majority of usable, functional spaces. The following six open space elements are required as part of any proposed plan:

- A Greenway:** A greenway at the eastern boundary of the site will serve to buffer new development from existing neighboring properties (see also: Setback Plan).
- B Northern Park:** An area at the northern boundary of the site will serve as a buffer to the existing stream bed and could contain public uses such as a community garden (see also: Setback Plan).
- C Brandon Road Park:** A park space of a minimum 0.33 acres will be preserved at Brandon Road.
- D Village Green:** A park shall be established that is a minimum 0.33 acres.
- E Entry Park:** A green space of a minimum of 0.5 acres shall be established at the entry off of NC54.
- F Neighborhood Park:** Dedicated public open space area of .33 acres.

In addition, it is recommended that courtyards be implemented throughout the site in order to serve the residents. They may engage the street edge on one side to vary the building line, or may also be used to preserve existing trees.

# PARKING REGULATIONS



The goal for parking at Glen Lennox is to adequately support the needs of the customers and residents while discouraging parking lots and facilities from dominating the streetscapes. To this end, these pages outline the number of parking spaces required by use as well as some general guidelines for siting and screening parking facilities. As development plans continue to evolve, a parking model should be implemented in order to take advantage of opportunities where land uses can share parking spaces at different times in the day, thereby reducing the required number of overall parking spaces.



It is important to note that while the ultimate density of development at Glen Lennox will justify structured parking, surface parking lots may be permitted in the early phases so long as they are adequately screened from existing residences and well landscaped/lit in the interim.



In addition to these provisions, supportive sustainable practices about alternative vehicles, such as bicycles and electric cars should be included.

USE	PARKING RATIO
R = Residential	1.25 space/du
C = Commercial (Retail/ Restaurant)	4 space/1k SF
O = Office	3 space/1k SF
MO = Medical Office	4 space/1k SF
H = Hotel	1 space/room
+ = Group Care Facility	1 space/2 beds
* = Place of Assembly	1 space/4 people

*(Above) Parking Requirement Chart: This chart is intended to simplify the regulations for parking. Please cross-reference the use code with the Allowable Land Use Chart on page 41.*





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## PLACEMENT GUIDELINES

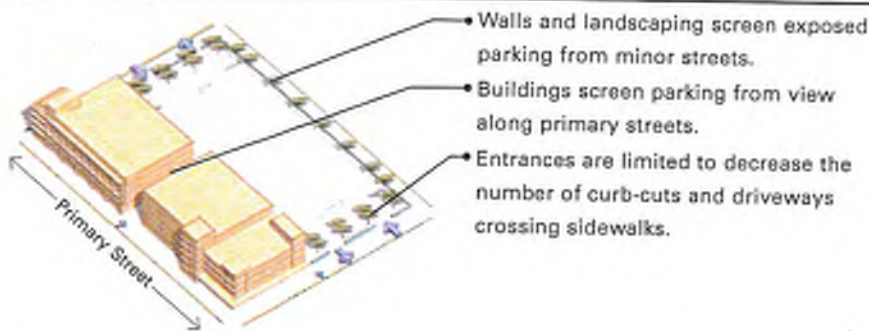
- » Parking areas are necessary components to development, but are best located out of public view.
- » Vehicular and pedestrian access points to parking areas should be visible and easily accessed from public rights-of-way.
- » Parking structures can either be connected to other buildings, or free standing and naturally ventilated.

## SCREENING GUIDELINES

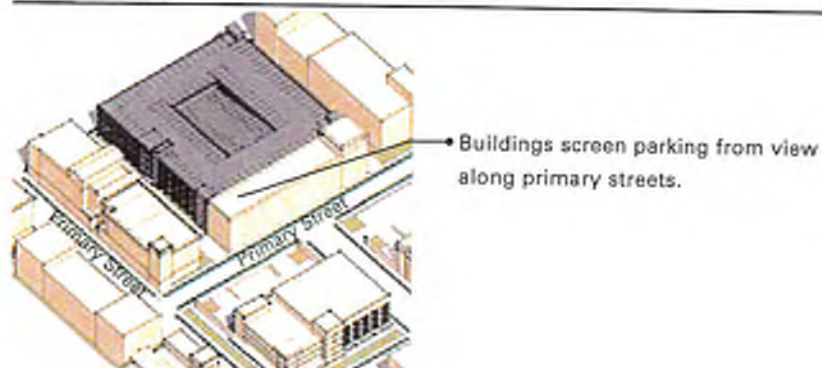
- » Surface parking lots are permitted within the interior of blocks. They should be screened from public rights-of-way by buildings, low walls, fences, or landscaping.
- » Parking garages should be lined by buildings along public rights-of-way. When exposed to the street, they must have an architectural treatment to the facade.



### SCREENED SURFACE LOT



### SCREENED GARAGE



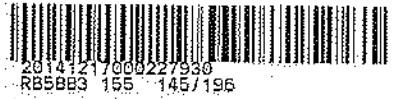
*It is recommended that where a garage is exposed to pedestrian passages, the facade is articulated architecturally.*





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# DESIGN GUIDELINES

## Design Guidelines for development in the Glen Lennox Area Neighborhood Conservation District-8C

The purpose of these Design Guidelines is to assist property owners in the planning of new structures and/or improvements to existing structures within the Glen Lennox Area Neighborhood Conservation District-8C (CD-8C). The hope and intent is that these guidelines will be followed to the greatest extent possible, helping to assure that improvements enhance the overall neighborhood quality.

Chapel Hill's Land Use Management Ordinance contains regulations and provisions that must be followed as any new development or redevelopment occurs with the Glen Lennox Area Neighborhood Conservation District-8C (CD-8C). These guidelines are intended to be a supplement to the regulations for development planned within the Glen Lennox Area Neighborhood Conservation District-8C (CD-8C).





## Overview



*Small Neighborhood Building*



*Medium Neighbourhood Building*



*Small Urban Building*



*Medium Urban Building*

Great neighborhoods usually have a variety of building types that create a vibrant social environment. This section defines the potential building typologies for the Glen Lennox apartment and commercial property and identifies general locations for them within the plan, while providing guidelines on building placement, vertical and horizontal articulation, and general massing. These recommendations are intended to provide general guidelines for massing and articulation, yet are not of a regulatory nature

### SMALL NEIGHBORHOOD BUILDING

Detached, single-family dwellings; duplexes; townhouses; small, free-standing commercial units; and small professional offices are included in this typology. These are typically one-and-a-half to two stories, and are most commonly residential in character although a mix of uses may be accommodated.

### MEDIUM NEIGHBORHOOD BUILDING

This building typology will have the massing and scale that is complimentary to the surrounding neighborhood. Composed facades and a pitched roofscape are sensitive methods for providing more scale, typically up to three stories. This building type can still accommodate a mix of uses ranging from multi-family residential to small professional offices, restaurant spaces, artist studios, or the like.

### SMALL URBAN BUILDING

Small urban buildings at Glen Lennox will range in height from four to five stories and are characteristic of traditional mixed-use buildings. They will accommodate both residential and commercial uses and will provide a transition in scale from the neighborhood buildings to the uses along Hayes Road.

### MEDIUM URBAN BUILDING

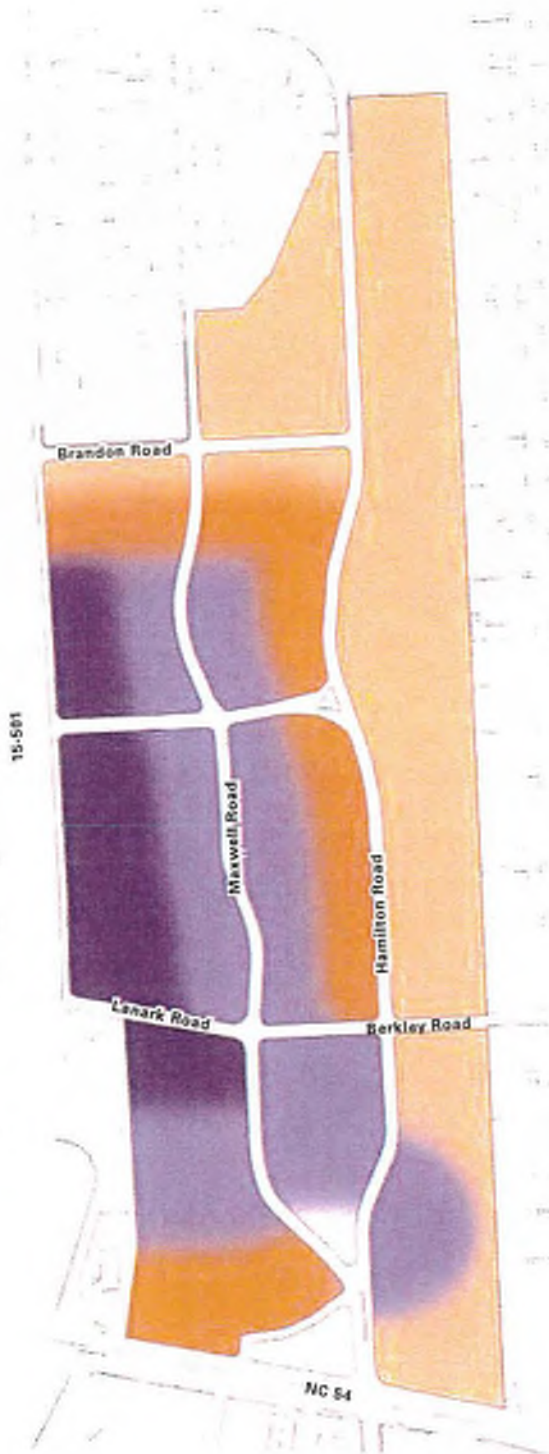
This type allows for a larger floor plan making it a good choice for commercial functions, while also accommodating a denser form of residential development. The height for these buildings will range from five to eight stories, depending on use and location.

The following pages provide a more detailed description of each of these types.





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**BUILDING TYPOLOGY PLAN**

-  SMALL NEIGHBORHOOD BUILDINGS ONLY
-  MEDIUM NEIGHBORHOOD & SMALL NEIGHBORHOOD BUILDING TYPES PERMITTED
-  SMALL URBAN, MEDIUM NEIGHBORHOOD & SMALL NEIGHBORHOOD BUILDING TYPES PERMITTED
-  ALL BUILDING TYPES PERMITTED



## Small Neighborhood Buildings



### DEFINITION

These buildings contain one dwelling unit within a single structure. They may be either detached in a single-family form, or attached groups of multiple units. These units typically have private yards on three to four sides. Front and side street setbacks provide a zone within which the building facade must be located. On-site parking may be accessed through either an alley or a side driveway.

### SITE PLACEMENT

- » Front Setback: refer to setback diagram on page 60 in NCD Regulations.
- » Side Setback (between buildings): n/a
- » Alley (Rear) Setback: minimum 5 feet.

### BUILDING ELEMENTS

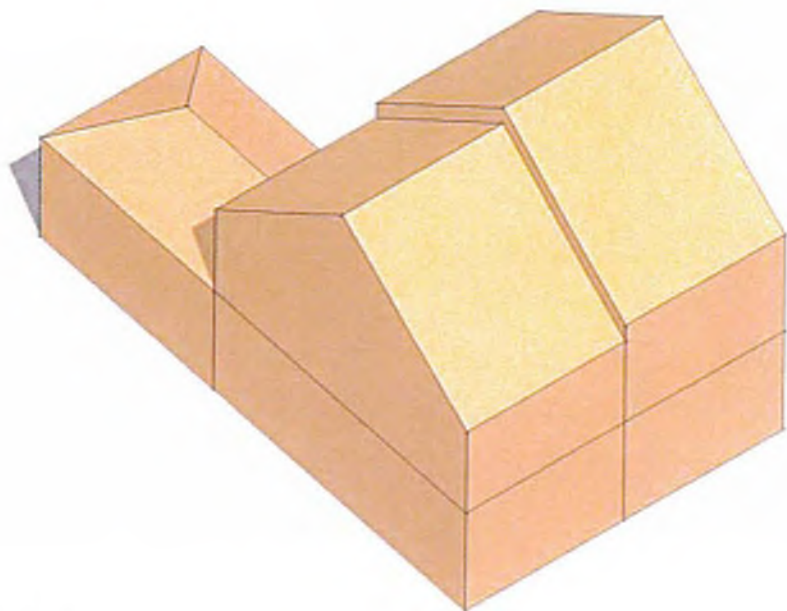
- » The main massing (yellow) should be simple geometries with additive elements (blue) to add facade variety and livable space to each unit. Special elements such as bay windows, roof dormers, balconies, decorative eaves and cornices, and ornamented doorways should be provided.
- » Define base, middle and top (may use window composition, ornament and special feature to accomplish this).
- » Residential entries should be raised when possible and take the form of a stoop or porch.
- » The middle is characterized by residential windows.
- » The top can be articulated by varying roofscaped to enrich the facade of the street.



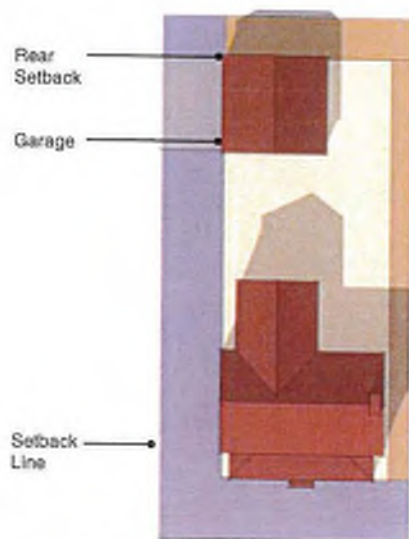
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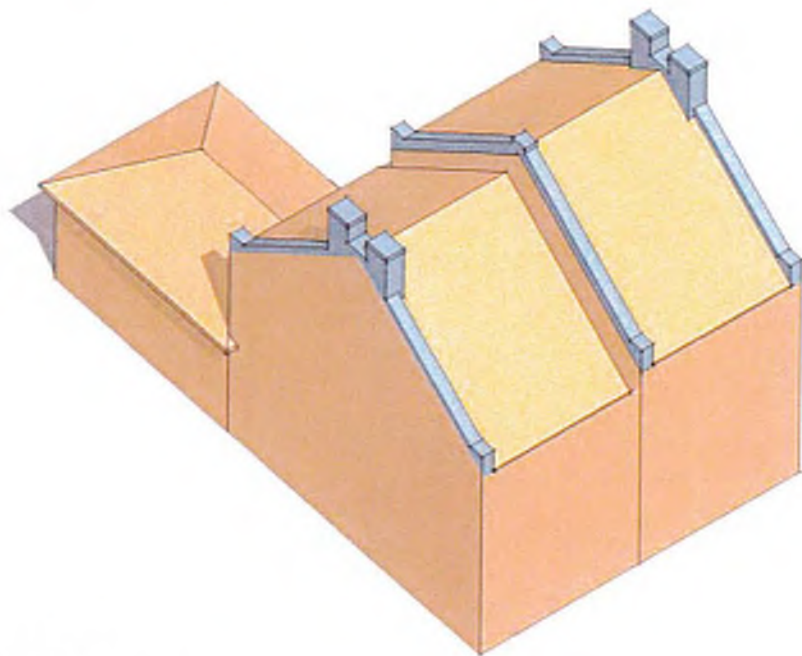
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*Massing*



*General Building Placement*  
*(Note: conceptual, not actual, footprint shown)*



*Building Elements*





## Medium Neighborhood Buildings



### DEFINITION

This typology can be up to three or four stories and takes the form of a large house with a simple massing. Porches and balconies are often incorporated to provide outdoor living space. While these buildings are primarily residential, they can also accommodate retail and commercial uses on the ground floor. Parking should be placed behind the main massing and accessed through the rear of the building.

### SITE PLACEMENT

- » Front Setback: refer to setback diagram on page 60 in NCD Regulations.
- » Side Setback (between buildings): minimum 7 feet.
- » Alley (Rear) Setback: minimum 5 feet.

### BUILDING ELEMENTS

- » Facades should be composed of vertical bays.
- » Each vertical element may be distinguished by one of the following: material, color, architectural style, height, window type, facade composition, storefront or entry type.
- » Define base, middle and top.
- » For mixed-use buildings, ground floor retail storefronts should sit at grade.
- » Residential entries should be raised when possible and take the form of a stoop or porch.
- » The middle is characterized by a continuous pattern of windows.
- » The top can be articulated by varying roofscapes to enrich the facade of the street.

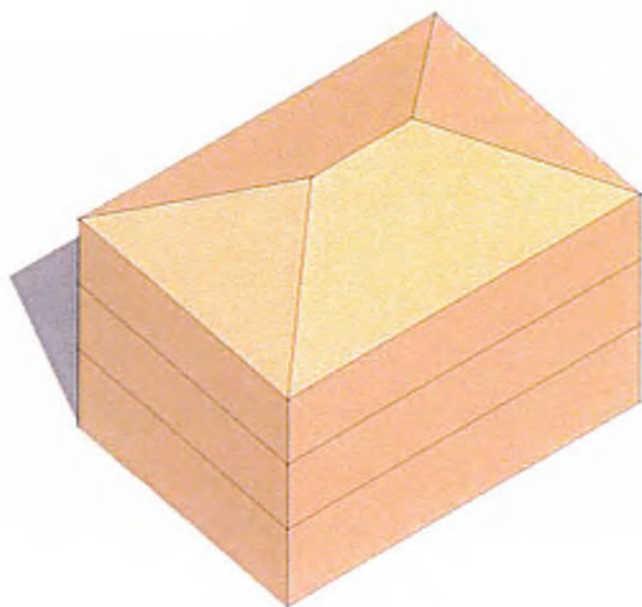


*(Above) A purely residential example, and (below) an example with a commercial ground floor*

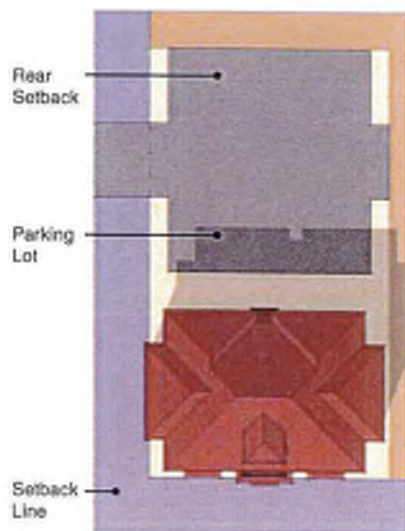
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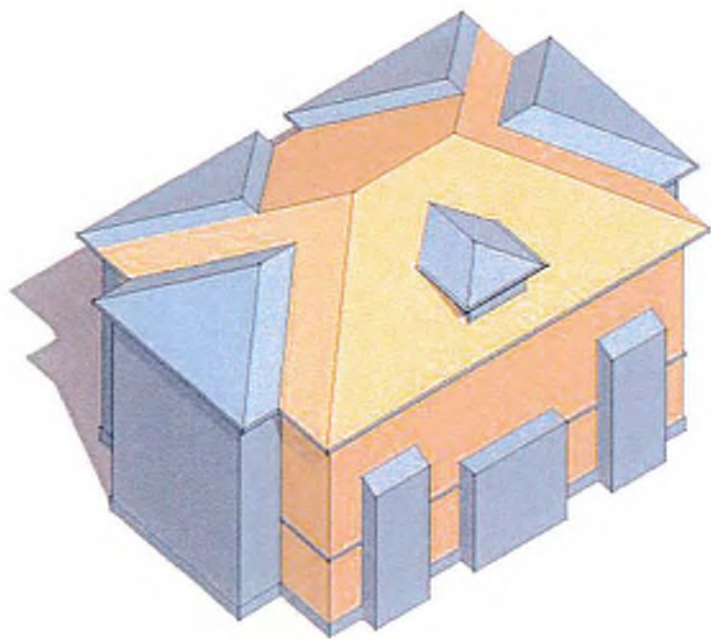
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*Massing*



*General Building Placement  
(Note: conceptual, not actual, footprint shown)*



*Building Elements*





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## Small Urban Buildings

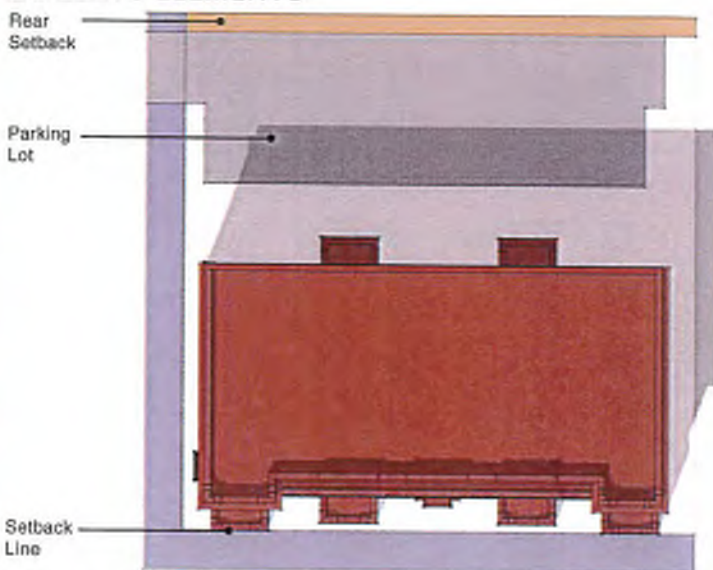
### DEFINITION

Small urban buildings tend to be sited in a more urban manner along the sidewalk. They range from four to five stories, and occur as residential only, commercial only, or mixed-use. Parking should be placed behind the building either in a surface lot or structured parking. Service is also provided in the rear of the building.

### SITE PLACEMENT

- » Front Setback: refer to setback diagram on page 60 in NCD Regulations.
- » Side Setback (between buildings): n/a
- » Alley (Rear) Setback: minimum 5 feet.

### BUILDING ELEMENTS



General Building Placement (Note: conceptual, not actual, footprint shown)

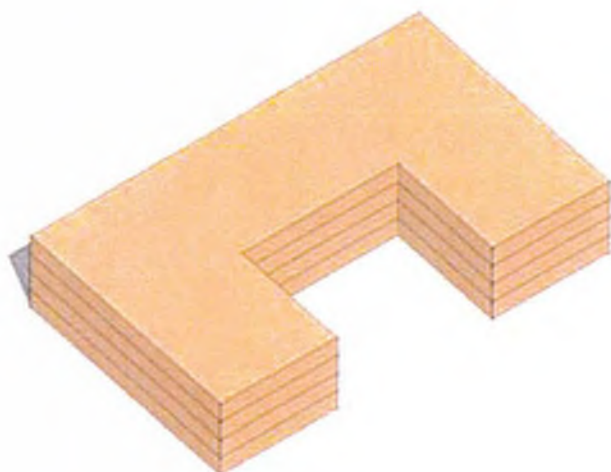
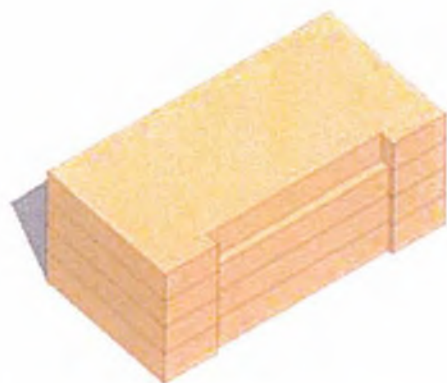
- » Facades should be composed of vertical bays.
- » Each vertical element may be distinguished by one of the following: material, color, architectural style, height, window type, facade composition, storefront or entry type.
- » Stepping the building stories back is encouraged to provide more visual interest to the streetscape and to keep with the current character.
- » For mixed-use buildings, ground floor retail storefronts should sit at grade.
- » The middle is characterized by a continuous pattern of windows.
- » The top can be articulated by varying roofscapes to enrich the facade of the street.



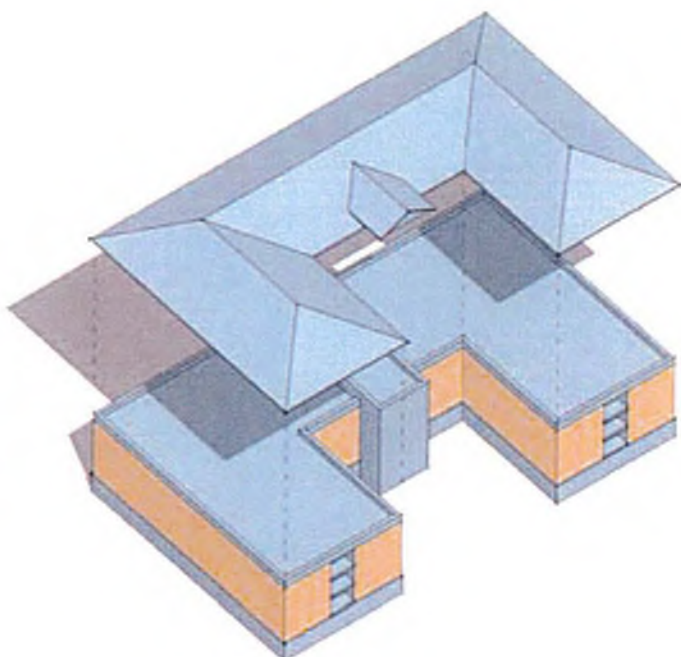
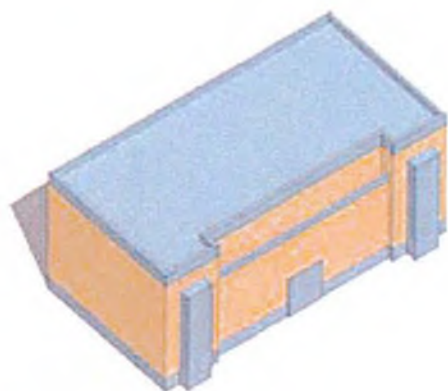




20141217000227930  
RB5893 163 153/196



*Massing*



*Building Elements*

# BUILDING TYPOLOGIES

THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.



## Medium Urban Buildings

### DEFINITION

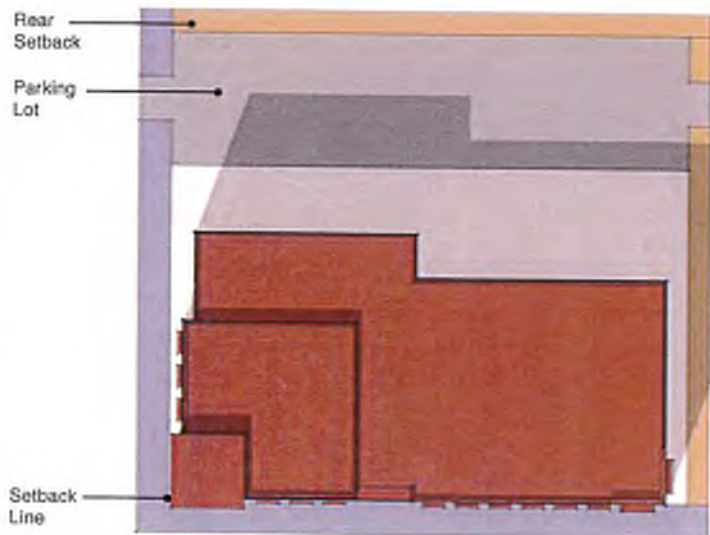
Medium urban buildings are most appropriate along the edge of the site on 15-501 and Lanark Road. They have simple massing and have a direct relationship to the sidewalk and the street. Buildings range from four to eight stories and accommodate a variety of uses. Parking should be placed behind the building either in a surface lot or structured parking. Service is also provided in the rear of the building.

### SITE PLACEMENT

- » Front Setback: refer to setback diagram on page 60 in NCD Regulations.
- » Side Setback (between buildings): n/a
- » Alley (Rear) Setback: minimum 5 feet.

### BUILDING ELEMENTS

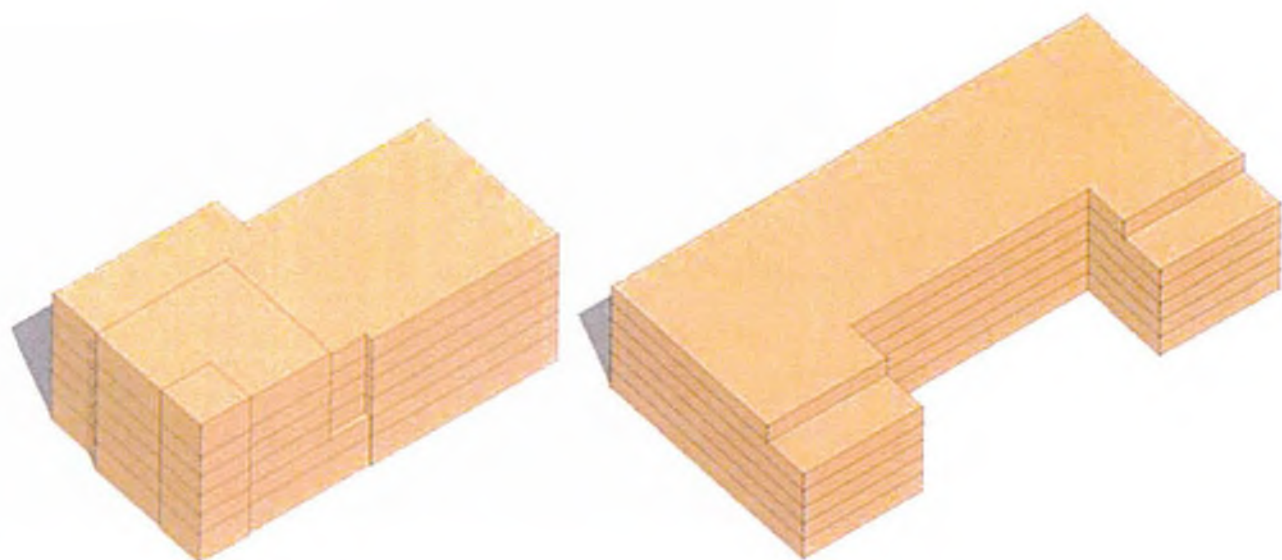
- » Facades should be composed of vertical bays.
- » Each vertical element may be distinguished by one of the following: material, color, architectural style, height, window type, facade composition, storefront or entry type.
- » Stepping the building stories back is encouraged to provide more visual interest to the streetscape and to keep with the current character.
- » For mixed-use buildings, ground floor retail storefronts should sit at grade.
- » The middle is characterized by a continuous pattern of windows.
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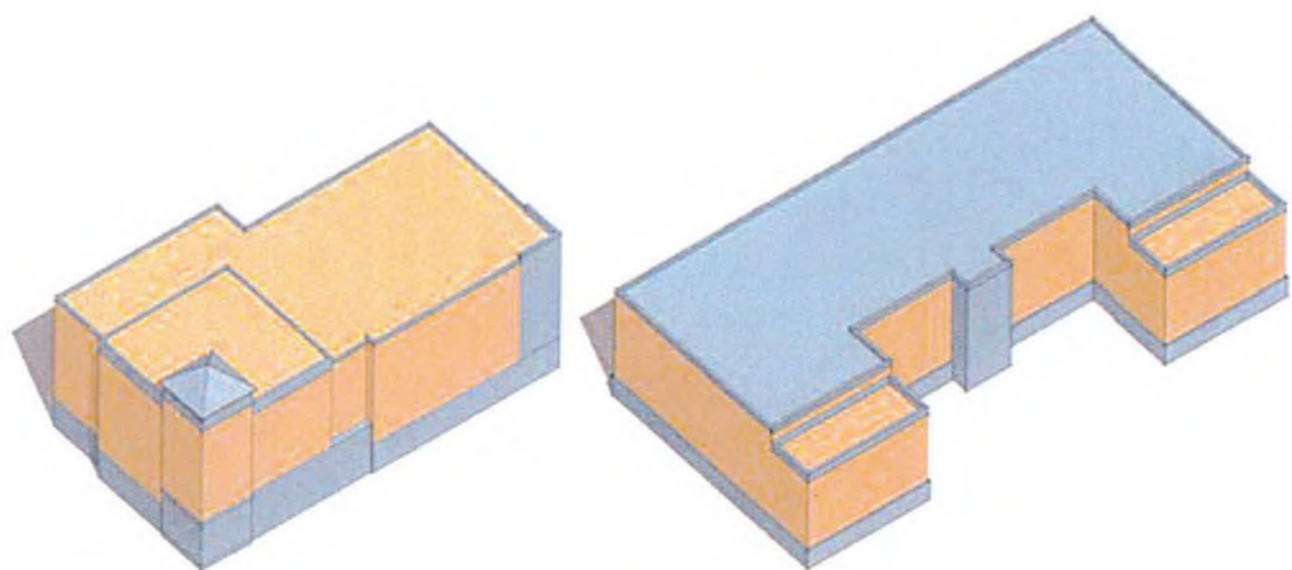
General Building Placement (Note: conceptual, not actual, footprint shown)



20141217000227930  
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*Massing*



*Building Elements*





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RB5883 166 156/196

# STOREFRONTS, SIGNAGE, AND MATERIALS

## Storefront Design

### STOREFRONT COMPOSITION

- » Storefront design must utilize the full height of the ground-floor facade frontage.
- » Storefronts shall maintain a typical rhythm wherever possible.

### AWNINGS

- » Awnings are encouraged and may provide additional signage space by incorporating names and logos.

### OPENINGS AND TRANSPARENCY

- » Storefront entrances shall be clearly distinguished from those serving floors above.
- » Glazing should constitute a large portion of the ground-floor retail facades.

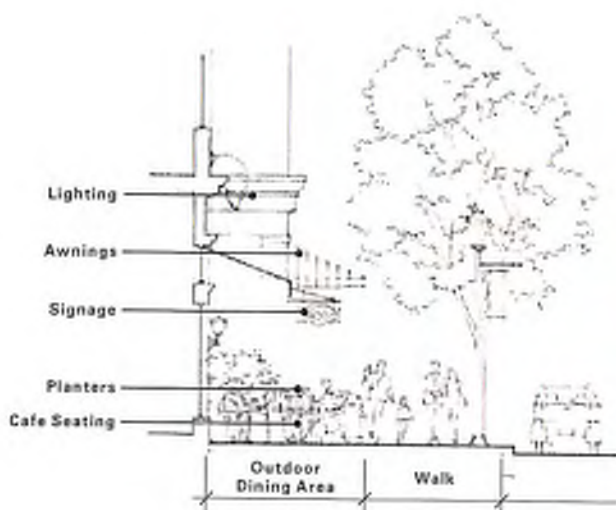
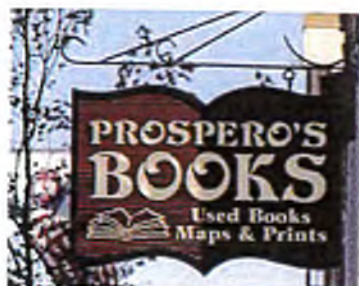
- » Shop windows should provide views into the shop as well as its displays. The use of operational doors and windows that allow for direct connection and movement between the sidewalk and restaurant and shop interiors is encouraged.

### SIGNAGE

Signage must comply with Town's sign regulations per Land Use Management Ordinance Section 5.14 Signs.

### MATERIALS

Building materials should fit in harmoniously within the community's existing architecture, including a portion of the buildings utilizing brick compatible with the existing buildings, and also reflect the cherished characteristics of the regional architecture.







20141217000227930  
R85893 167 157/196



# LANDSCAPE

## Public Open Space and Parks

Public open spaces are the hallmark of a community. The range of public open spaces include the neighborhood parks accommodating passive and active use, squares as gathering space, courtyards, community gardens, playgrounds, nature preserve and trails. Once an overall park plan for Glen Lennox is established to program the various outdoor uses, the parks will contribute to the quality of experience and distinctiveness within the community.

### ESSENTIAL ELEMENTS

- » Accessible by all
- » Year-round landscape plant material for seasonal interest
- » Dedicated site furniture including benches, trash receptacles, and lighting unique to specific spaces
- » Preserve existing habitat
- » Coordinated landscape and plant palettes
- » Special lighting for public spaces
- » Walking/running/bike trail when possible

### RESIDENTIAL LANDSCAPE

A high-quality, sustainable residential landscape is an integral part of a Glen Lennox home. These landscapes will complement and soften the built environment and lend character to houses, streets, and neighborhoods. Furthermore, residential landscapes can create intimate outdoor rooms, reinforce entrances to houses, and help delineate property boundaries.



*Gazebo serves as a meeting point*



*Photo showing pervious paving to aid in percolation of runoff water*



### Sustainable Landscapes: Designing with Ecology in Mind

To help Glen Lennox be a sustainable community, the following is a list of sustainable devices and techniques encouraged for residents to use:

- » Native plantings to reduce watering
- » Increased yard planting in place of lawn to reduce maintenance
- » Proper shade tree placement to reduce solar gain
- » Pervious paving or the use of a driveway strip to enhance porosity
- » Rain barrels, rain chains, and rain gardens to catch rain water for irrigation
- » Greywater retention to recycle water





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20141217000227930  
R85893 169 159/196

TOWN OF CHAPEL HILL

Planning &amp; Sustainability

Planning: 919-969-5066 [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org)

## *Glen-Lennox* Development Agreement Compliance Permit Application

A Development Agreement Compliance Permit is required for all Development, any development related activities increasing floor area by more than 1,000 square feet, within the Property governed by the Glen Lennox Development Agreement. For development related activities that do not constitute a Development, a zoning compliance permit will be required per section 1.9 in the Development Agreement. A separate permit is required for each individual building. The Town must, within 5 working days determine the completeness of the application and within 75 working days of submission of a complete application, either, approve, approve with conditions, deny the permit, or applicant must request a time extension. While the application is being reviewed, Town staff must provide an update every 10 working days. For additional information, please contact the Planning Department at (919) 968-5066 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org).

OFFICE USE:	Project Number		
Submission Date		Completeness Check Deadline	
Accepted Date:		Decision Deadline:	

### Section A: Project Information

Project Name			
Property Owner:			
Project Number (from Development Plan):		Parcel Identifier Number (PIN):	
Project Address:			
Project Description:			

### Section B: Applicant Information (to whom correspondence will be mailed)

Name:				
Address:				
City:		State:		Zip Code:
Phone Number:		E-Mail:		

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Property Owner  
Signature: \_\_\_\_\_

Date: \_\_\_\_\_



Glen Lennox Development Agreement Compliance Permit Application

NOTE All fields in sections C - X refer to this specific Development application submittal unless otherwise noted. All fields must be filled. Enter NA for information that is not applicable to this Development application submittal.

**Section C: Project Summary**

Types of work proposed: (select all that apply)

- Addition  Demolition  Greenway  New Building  Parking  
 Street / ROW  Replace Building  Utilities  Other: \_\_\_\_\_

Development Block, per Exhibit H		Proposed Cumulative Impervious Area (S.F) (block)	
Proposed Land Disturbance (S.F.):		Proposed Cumulative Impervious % (block)	

**Section D: Summary Fact Sheet<sup>1</sup>**

	Existing <sup>2</sup>	Demolition	Proposed New	Net Total	Total (Property)
<b>Number of Buildings</b>					
<b>Land Uses</b>					
Residential (S.F.)					
Hospitality (S.F.)					
Office (S.F.)					
Retail (S.F.)					
Civic (S.F.)					
Total Floor Area (S.F.)					
<b>Residential Uses</b>					
Total Residential Units Rental/Owner-Occupied					
Single-Family units <sup>3</sup> Rental/Owner-Occupied					
Multi-Family Units Rental/Owner-Occupied					
Affordable Housing Units					
<b>Other</b>					
Vehicular Parking					
Bicycle Parking					
Impervious Surface Area (S.F.)					
Park space (S.F.)					
Open Space (S.F.)					
Open Space (%)					
Greenways (L.F.)					
Tree canopy %					

<sup>1</sup> This table is for informational purposes only. Requirements related to any of these measurements are tracked in section C and subsequent sections.

<sup>2</sup> Existing at the time of the application submittal. Include data from previously approved DACPs.

<sup>3</sup> Single Family defined as: Single Family detached, duplex, and townhouse



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## Glen Lennox Development Agreement Compliance Permit Application

E. Address Guiding Principles Exhibit H, pp. 14-17 Describe how this Development application submittal addresses each of the guiding principles below, if applicable. Otherwise, enter NA	Meets Principle?	
	Yes	No
Value the history of the neighborhood and the Glen Lennox Apartment and Commercial Property <ul style="list-style-type: none"> <li>• Ensure that the future design characteristics represent the current and preserved architectural features</li> <li>• Preserve the character, identity, and brand of the Glen Lennox apartment and commercial property</li> <li>• Honor the legacy of the Glen Lennox property through documentation and education</li> </ul>		
Preserve the street network <ul style="list-style-type: none"> <li>• Maintain a north-south street as a spine through the neighborhood</li> <li>• Street preservation allows for infrastructure and landscaping preservation</li> <li>• Preserve the curvilinear street network for aesthetics and traffic calming</li> </ul>		
Create and maintain public open space <ul style="list-style-type: none"> <li>• Incorporate universal accessibility</li> <li>• Preserve the character of the undulating public open spaces</li> <li>• Create a public open space for community gathering</li> <li>• Utilize open space for recreational programming</li> </ul>		
Balance the new development with preservation of the trees and tree canopy <ul style="list-style-type: none"> <li>• Develop a tree life-cycle plan</li> <li>• Actively maintain the trees</li> <li>• Plan additional trees along the street network and buffer areas</li> </ul>		
Keep a portion of the buildings <ul style="list-style-type: none"> <li>• Preserve buildings where physically and economically viable</li> <li>• Weave together the old and new structures for added variety and cohesion</li> </ul>		
Transition and very density and heights of the buildings <ul style="list-style-type: none"> <li>• Keep the highest intensity of uses near 15-501 and NC Highway 54 intersection</li> <li>• Use trees and open spaces to transition between densities within the site</li> <li>• Lower heights and density near single-family residences</li> </ul>		



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RB5883 172 162/196

### Glen Lennox Development Agreement Compliance Permit Application

<p>Provide landscaped buffers for sensitive neighbors</p> <ul style="list-style-type: none"> <li>• Create a smooth transition between the residential and mixed-use areas</li> <li>• Incorporate a green buffer that includes trees and plantings</li> <li>• Protect view from the Church of the Holy Family with landscape</li> </ul>		
<p>Preserve the Church of the Holy Family's visibility and accessibility</p> <ul style="list-style-type: none"> <li>• Allow for adequate green space in the transitional area between the Church and the new apartments</li> <li>• Preserve the tree line along Brandon Road</li> <li>• Have appropriate adjacent uses and be height sensitive</li> <li>• Ensure accessibility from 15-501</li> </ul>		
<p>Create an effective transportation strategy</p> <ul style="list-style-type: none"> <li>• Include bicycle and pedestrian amenities such as dedicated bike space and sidewalks</li> <li>• Integrate the proposed bus rapid transit station along the periphery of Block 8 of the Glen Lennox property</li> <li>• Provide greenways</li> <li>• Accommodate bus service</li> <li>• Ensure connectivity throughout the whole site</li> </ul>		
<p>Encourage community sustainability</p> <ul style="list-style-type: none"> <li>• Evaluate and implement a redevelopment plan that balances people, planet, and prosperity</li> <li>• Encourage eco-friendly site design, building materials, and practice</li> <li>• Establish ongoing operational measures to maintain and improve environmental sustainability over time</li> <li>• Attend to water conservation, water quality, and air quality</li> <li>• Incorporate stormwater management practices</li> <li>• Promote alternate modes of transportation</li> <li>• Provide recycling</li> <li>• Include no smoking areas</li> </ul>		
<p>Encourage and support community diversity</p> <ul style="list-style-type: none"> <li>• Include a mix of affordable rental and homeownership housing types</li> <li>• Provide a variety of housing options for people of all backgrounds, ages, abilities, and income</li> <li>• Incorporate Universal Design</li> </ul>		





Glen Lennox Development Agreement Compliance Permit Application

NOTE: "Meets Standard" checkboxes are for Town staff use only.

<b>F. Building Scale: Height</b> 5.1.a, Exhibit H p.60. Required for new buildings, additions >1000 S.F.		Meets Standard?	
		Yes	No
Building Address			
Prp. Maximum Height, (stories)			
Allowed Height			
Ground Floor Height ft. (North Elevation)			
Ground Floor Height ft. (East Elevation)			
Ground Floor Height ft. (South Elevation)			
Ground Floor Height ft. (West Elevation)			
Upper Floor Height(s) ft.			

<b>G. Setbacks</b> Exhibit H pp. 58, 68-78. Required for new buildings, additions >1000 S.F.		Meets Standard?	
		Yes	No
North Setback Type i.e. street, alley, side			
North Setback (ft)			
East Setback Type			
East Setback (ft)			
South Setback Type			
South Setback (ft)			
West Setback Type			
West Setback (ft)			

<b>H. Design Guidelines</b> Exhibit H pp. 68-78. Required for new buildings, additions >1000 S.F.		Meets Standard?	
		Yes	No
Building Typology			
Consistent with Guidelines			



Glen Lennox Development Agreement Compliance Permit Application

I. Design Standards		Meets Standard?	
5.6. Required for new buildings, additions >1000 S.F.		Yes	No
<b>Transparency of commercial buildings facing primary street, park, or square (required 20-70%) 5.6.a</b>			
Elevation	Transparency %		
North			
East			
South			
West			
<b>Drive-throughs 5.6.b</b>			
Number of drive-through bays			
Drive-thru location compliant with 5.6.b?			
Width of curb cut			
Signs compliant to LUMO 5.14 and site Master Sign Plan? 5.6.c			
Back of house functions located on secondary streets? 5.6.d			
List green building principles below, if building is over 5,000 S.F. 5.6.e			

J. Land Use			Meets Standard?	
5.1.b. Exhibit H p. 61. Required for new buildings, additions >1000 S.F.			Yes	No
Proposed Use	Accessory / Primary	Sq. Feet		





## Glen Lennox Development Agreement Compliance Permit Application

<b>K. Affordable For Sale Housing</b> 5.2.a, LUMO 3.10. Required for Developments that includes new for-sale units		Meets Standard?	
		Yes	No
Total for-sale, market-rate units proposed			
Affordable for-sale units proposed			

<b>L. Lighting</b> 5.17. Required for new buildings, additions >1000 S.F, streets / ROW, parking	Y / N / NA	Meets Standard?	
		Yes	No
Are streets lit to Town or DOT standards? 5.17.c.1			
Does lighting meet building code requirements? 5.17.c.2			
Does lighting comply with 5.17.d?			
Does lighting comply with LUMO 5.11 and the Town's Design Manual? 5.17.a			
Lighting plan compliant with LUMO 5.11.6 submitted?			

<b>M. Public Schools</b> 5.7 Required for all new residential units	Y / N / NA	Meets Standard?	
		Yes	No
Has a Certificate of Adequate Public Schools been requested, or has compliance been demonstrated with the Schools Adequate Public Facilities Ordinance (SAPFO) or other procedure in place at the time of this Development application submittal? Compliance must be demonstrated prior to Issuance of a DACP.			

<b>N. Existing Development</b> 5.15 Required for all Development	Y / N / NA	Meets Standard?	
		Yes	No
If Development from this Development application submittal occurs near existing neighborhoods, does it respect all buffers, lighting, drainage, and noise impacts? 5.15.b			



Glen Lennox Development Agreement Compliance Permit Application

<b>O. Parking</b> 5.4.b, Exhibit H pp. 64-65. Required for parking						Meets Standard?	
						Yes	No
<b>Auto Parking 5.4.b.1, Exhibit H p. 64</b>							
USE Group	Ratio	Dwelling Units- Sq. Ft	% SPM <sup>4</sup> reduction	Spaces Required	Spaces Provided		
Residential	1.25/DU						
Commercial	4/ 1K SF						
Office	3/ 1K SF						
Medical Office	4/ 1K SF						
Hotel	1/ room						
Group Care Facility	1/ 2 Beds						
Place of Assembly	1/ 4 people						
						Y/N/NA	
Parking consistent with placement guidelines? Exhibit H p. 65							
Surface parking screened per Exhibit H p.65?							
Parking decks lined or treated architecturally per Exhibit H p.65?							
Loading space appropriately sized for proposed use and to minimize impervious surfaces? 5.4.b.5							
<b>Bike Parking 5.4.b.7, LUMO 5.9.7, Town of Chapel Hill Design Manual 4.11</b>							
USE Group (class I / class II % guidelines)	Ratio	Dwelling Units- Sq. Ft	% SPM <sup>4</sup> reduction	Spaces Required (Class I / Class II)	Spaces Provided (Class I / Class II)		
Residential (90 / 10)	1/ 4 DU						
Commercial Under 100K SF (20 / 80)	See below <sup>5</sup>						
Commercial Over 100K SF (20 / 80)	1 / 10K SF						
Office (80 / 20)	4 + 2 / 2.5K SF						
Medical Office (80 / 20)	4 + 2 / 2.5K SF						
Hotel (20 / 80)	Min: 8 1/ 15 rooms						
Group Care Facility	Min:4 1 / 4 beds						
Place of Assembly	Min:8 1 / 40 seats						

<sup>4</sup> Shared Parking Model

<sup>5</sup> 4 + 2 per 2,500 Sq. ft. for first 10,000 Sf. Then 1 per 5,000 sq ft.





Glen Lennox Development Agreement Compliance Permit Application

P. Stormwater Management 5.3.c, 5.12	Y/N/NA	Meets Standard?	
		Yes	No
Do post-development peak discharge rates comply with 5.3.c.1?			
Does 2-Year volume Control Comply with 5.3.c.2?			
85% Total suspended solids removed? 5.3.c.3, NCDENR Stormwater Best Management Practices Manual, as modified by the Town of Chapel Hill			
Meets nutrient export limitation per Jordan Watershed Stormwater Management for Development? 5.3.c.4			
Meets erosion and sediment control measures? 5.3.c.5, Orange County Erosion Control Design Manual, LUMO 5.5			
Meets Watershed Protection District requirements? 5.3.c.6, LUMO 3.6.4			
Stormwater Management Plan meets design criteria in Development Agreement, NPDES permit requirements and applicable federal and state rules? 5.3.d			
Stream buffers consistent with Resource Conservation District requirements 5.3.g, 5.12, LUMO 3.6.3			
Stormwater Facilities outside of RCD streamside zone 5.3.g			
If no to above, has RCD Encroachment permit been issued? 5.3.g			
Will stormwater conveyance system be located in street rights-of-ways maintained by the Town? 5.3.h			
If yes to above, has an encroachment agreement with the Town been approved? 5.3.h			
Are stormwater outlets on the northern and eastern boundaries of the property located at least 15 feet away from the property line? 5.3.i			
Are facility discharges toward private properties non-erosive? 5.3.i			
Stormwater certification?			

Q. Sedimentation 5.14	Y/N/NA	Meets Standard?	
		Yes	No
Sedimentation and Erosion control plans provided? 5.14.b			



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Glen Lennox Development Agreement Compliance Permit Application

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Glen Lennox Development Agreement Compliance Permit Application

R. Streets and Rights-of-Way 5.4.a., 5.4.d, 5.18. Required for streets / ROW and greenways	Y/N/NA	Meets Standard?	
		Yes	No
Do new and rebuilt roads and streets that are designed to accommodate transit meet Town standards for roads that support transit? 5.4.a.1			
Are new pedestrian, bicycle, and greenway facilities designed to meet minimum Town standards and 5.4.b.3? 5.4.a.1, 5.4.b.3			
New sidewalks abutting curb have minimum width of 6 feet? 5.4.d.2.,5.18.d			
Are new and rebuilt roads and streets within thirty (30) feet from the center line of the streets depicted in Exhibit B? 5.4.a.3			
Are transit stops, transit passenger amenities, bus turnouts, and other transit facilities included in this Development application submittal?			
Is transit stop design consistent with Chapel Hill Transit standards? 5.4.a.4			
Are sidewalks compliant with Americans with Disabilities Act? 5.4.a.9			
Has the need for traffic calming measures for this Development application submittal been evaluated by the Owners and Developer? 5.4.d.1			
Does the above evaluation determine that traffic calming measures are necessary? 5.4.d.1			
Are sidewalks provided on all public streets per Exhibit C? 5.4.d.2			
Are bicycle facilities provided per Exhibit D? 5.4.d.3?			
Roadway network connections and infrastructure phasing provided? 5.4.a.7			
Are traffic signal system improvements proposed per 5.4.d.4?			
Are Roadway improvements proposed per 5.4.d.5?			

S. Construction Management Plan 4.33, 5.15.c, 5.16 Required for all Development	Y/N/NA	Meets Standard?	
		Yes	No
Construction Management Plan included in Development application submittal? 5.16.b			
Does CMP indicate how project construction will comply with Town's Noise Ordinance? 5.16.b.1			
Does CMP propose times and days when construction and noise from the project are permitted? 5.16.b.2			
Does CMP propose to use neighborhood and local streets located outside of the Development for construction traffic? 5.15.c			



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RB5883 180 170/196

Glen Lennox Development Agreement Compliance Permit Application

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Glen Lennox Development Agreement Compliance Permit Application

T. Open Space, Parks, and Recreation Areas 5.8. Required for new buildings, additions > 1000 S.F.			Meets Standard?	
			Yes	No
Will this Development application submittal maintain a minimum of 33% open space on the Property? 5.8.b				
Site-wide amount of open space provided as a result of this Development application submittal (sq. ft.) 5.8.b				
Site-wide percentage of open space provided as a result of this Development application submittal 5.8.b				
Does this Development application submittal meet the active recreation space requirements in LUMO 5.5? 5.8.d				
<b>Active recreation space and payment-in-lieu calculation 5.8.e-h</b>				
Residential floor area in this Development application submittal (sq. ft.)				
Cumulative residential floor area, including this Development application submittal (sq. ft.)				
Active recreation space ratio (sq. ft.)		.032		
Payment-in-Lieu rate (per acre). <b>Note: current rate can be found in Parks &amp; Recreation fee schedule</b>				
	<i>Calculation</i>	<i>Provided</i>		
Active recreation space in this Development application submittal (sq. ft.) <sup>6</sup>				
	<i>Required</i>	<i>Provided</i>		
Cumulative active recreation space (sq. ft.)				
Payment-in-Lieu, if applicable (difference between required and provided cumulative active recreation space)				

U. Greenways 5.9 Required for Greenways		Y/N/NA	Meets Standard?	
			Yes	No
Are the location of greenways and paths for pedestrians and cyclists on the Property generally consistent with Exhibit D? 5.9.a				
Are greenways proposed to be built to AASHTO standards for multi-use pedestrian and bicycle trails? 5.9.b				

V. Public Art and Historical & Cultural Features 5.6.f, 5.10 Required for all Development		Y/N/NA	Meets Standard?	
			Yes	No
Public art included in this Development application submittal? 5.6.f				
Historical and cultural facilities included in this Development application submittal? 5.10				

<sup>6</sup>Recreation space is required ONLY on a cumulative basis once the Development of the Property is complete. This row should be used to calculate the amount of recreation space incurred/provided with this application. That amount should then be applied to the cumulative required/required amount of recreation space below.



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RBS5883 182 172/196

Glen Lennox Development Agreement Compliance Permit Application

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Glen Lennox Development Agreement Compliance Permit Application

<b>w. Solid Waste Management</b> 5.11		<b>Meets Standard?</b>	
		<b>Yes</b>	<b>No</b>
Will Construction waste be managed in accordance with Town Standards and with Orange County Regulated Materials Ordinance? 5.11.d			
Solid waste provider for this Development application submittal: 5.11.e			

<b>X. Trees, Landscaping, and Streetscape</b> 5.13, 5.4.a.8		<b>Meets Standard?</b>	
		<b>Yes</b>	<b>No</b>
Does this Development application submittal meet tree canopy coverage requirement of 30 % for the Property as calculated per LUMO 5.7.2? 5.13.b			
Is the landscape plan consistent with the landscape plan in NCD-8C? 5.13.d.3			
Does this Development application submittal address page 79 of the NCD Planting Guidelines? 5.13.d.7			
Consistent streetscape proposed to be installed and fixtures and amenities proposed to be provided for full block length? 5.4.a.8			
Is this a perimeter property? 5.13.d			





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RB5883 184 174/196

Glen Lennox Development Agreement Compliance Permit Application

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## Y. Submittal Requirements

The following must accompany your application. Failure to do so will result in your application being considered incomplete. For assistance with this application, please contact the Chapel Hill Planning Department (Planning) at (919)968-5066 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org). For detailed information on these submittal requirements, please refer to the Description of Detailed Information handout available at [www.townofchapelhill.org/index.aspx?page=1034](http://www.townofchapelhill.org/index.aspx?page=1034)

Provide 1 copy of following materials, except where otherwise indicated


Application fee ([refer to fee schedule](#))

Amount Paid \$

Digital Files - provide digital files of all plans and documents

Recorded Plat or Deed of Property

Development Agreement Compliance Application

Resource Conservation District Encroachment Exemption or Variance (determined by Planning)

Roadway network connection and infrastructure phasing information

Recorded Documents - see below

Stormwater Impact Statement- see below

Affordable Housing Plan -see below. Applicable to projects with For-sale dwelling units only

Site Plan Set - see below (10 copies)

Reduced Site Plan Set (reduced to 8.5"x11")

### 1. Recorded Documents for existing conditions

- a) HOA Documents
- c) Utility Easements
- d) ROW Plats
- e) Access Easements
- f) Drainage Easements
- g) Any other easement or document



## Glen Lennox Development Agreement Compliance Permit Application

### 2.A Stormwater Management Plan (1 copy, signed and sealed by a North Carolina-registered Professional Engineer)

- a) Topography (2-foot contours)
- b) Existing roof drain locations, stormwater conveyance system, structures and surface drainage patterns with flow direction arrows
- c) Proposed roof drain locations, stormwater conveyance system, structures, and surface drainage patterns with flow direction arrows
- d) Locations of stormwater management structures, including dimensions. Provide seasonal high water table elevations.
- e) Stormwater management structure details, cross-sections and construction notes
- f) Planting and final stabilization plans and specifications
- g) Stormwater management structure and drainage easements, as required
- h) Proposed outfall locations and outlet structure dimensions and details
- i) Erosion and sediment control measures, including details (e.g., inlet protection, silt fence, steep slope protection and permanent stabilization specifications)

### 2.B Stormwater Management Report (1 copy, signed and sealed by a North Carolina-registered Professional Engineer)

- a) Stormwater design and site summary form
- b) Written narrative describing:
  - 1) Existing & proposed conditions,
  - 2) Pertinent onsite and offsite drainage conditions,
  - 3) Anticipated stormwater impacts,
  - 4) Discussion of structural and non-structural BMPs and strategies chosen to mitigate development impacts that will be part of the stormwater management plan
  - 5) Soils information (classification, infiltration rates, depth to groundwater and bedrock)
- c) Pre-development and post-development drainage maps clearly labeled and showing delineated drainage sub-basins; connectivity of conveyance system and stormwater structures; points of analysis and time of concentration (tc) flow paths (may be included in plan set).
- d) Hydrology calculations, to include:
  - 1) Summary table of total land areas, land uses and areas (in square feet) within each drainage basin, soil types, curve numbers/runoff coefficients for each land use, Basin ID, and source of values used.
  - 2) Time of concentration calculations
  - 3) Peak discharge calculations documenting results shown in summary table (See b above)
- e) Hydraulic calculations, to include:
  - 1) Water quality volume calculations for providing 85% TSS removal for post-development stormwater runoff
  - 2) BMP sizing calculations, including stage-storage-discharge information and draw down calculations
  - 3) Routings and hydrographs
  - 4) Pipe sizing calculations and schedule (including HGL & EGL calculations and profiles)
  - 5) Channel sizing calculations
  - 6) Outlet dissipator and spillway sizing calculations
- f) Draft Operations and Maintenance Plan for each stormwater management structure





## Glen Lennox Development Agreement Compliance Permit Application

### 3. Affordable Housing Plan (applicable to projects with for sale units only)

- a) Total number of market rate units and Affordable Dwelling Units in the development
- b) Number of bedrooms and bathrooms in each Affordable Dwelling Unit
- c) The approximate square footage of each Affordable Dwelling Unit
- d) The approximate location within any subdivision of land, of each Affordable Dwelling Unit
- e) The pricing for each Affordable Unit. The pricing of each unit or lot shall be determined prior to issuance of a Development Agreement 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
- f) Documentation and plans regarding the exterior appearance, materials, and finished 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
- g) Any and all other information that the Town Manager may require that are needed to demonstrate compliance with the Council's Affordable Housing Policies

### 4. Plan Sets (10 copies to be submitted no larger than 24"x36")

Plans should be legible and clearly drawn. All Plan set sheets should include the following

- Project Name
- Legend
- Labels
- North Arrow (North oriented toward top of page)
- Property Boundaries with bearing and distances
- Scale (Engineering), denoted graphically and numerically
- Setbacks
- Streams, RCD Boundary, Floodplain, and Wetlands Boundary, where applicable
- Revision dates and professional seals and signatures, as applicable

#### 4.A Cover Sheet

- a) Include Project Name, Project fact information, PIN, Design team

#### 4.B Area Map

- a) Project name, applicant, contact information, location, PIN, & legend
- b) Dedicated open space, parks, greenways
- c) Overlay Districts, if applicable
- d) Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, significant buildings, corporate limit lines
- e) Existing roads (public & private), rights-of-way, sidewalks, driveways, vehicular parking areas, bicycle parking, handicapped parking, street names.

#### 4.C Existing Conditions Plan

- a) Soils, environmental constraints, existing vegetation, and any existing land features
- b) Location of all existing structures and uses
- c) Existing property line and right-of-way lines
- d) Existing utilities & easements including location & sizes of water, sewer, electrical, & drainage lines



## Glen Lennox Development Agreement Compliance Permit Application

- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, & Watershed boundaries
- i) Description & analysis of adjacent land uses, roads, topography, soils, drainage patterns, environmental constraints, features, existing vegetation, vistas (on & off-site)

### 4.D Detailed Site Plan

- a) Existing and proposed building locations
- b) Location, arrangement, & dimension of vehicular parking, width of aisles and bays, angle of parking, number of spaces, handicapped parking, bicycle parking . Typical pavement sections & surface type
- c) Location of existing and proposed fire hydrants
- d) Location and dimension of all vehicle entrances, exits, and drives
- e) Dimensioned street cross-sections and rights-of-way widths
- f) Pavement and curb & gutter construction details
- g) Dimensioned sidewalk and tree lawn cross-sections
- h) Proposed transit improvements including bus stops, pull-off and/or bus shelter, and other amenities
- i) Perimeter Buffers, if applicable (or proposed alternate buffers)
- j) Required Parks
- k) Required recreation area/space and parks (including written statement of recreation plans)
- l) Refuse collection facilities (existing and proposed) or shared dumpster agreement

### 4.E Roadway Design Plan

- a) Horizontal alignment with curve data (if applicable)
- b) Vertical alignment (profile, curve length, grades, k-values, PVI stations)
- c) Typical street cross-section
- d) Cut and fill limits on topography
- e) Intersection curb radii
- f) Driveway locations and widths
- g) Sight distance triangles at intersections
- h) Geotechnical analysis (if applicable)
- i) Right-of-way widths
- j) Easements
- k) Drainage facilities (materials used, slopes, invert elevations, HGL, spread/intercepted flow, pipe & channel size calculations for 10 and 25-year storm, pertinent off-site drainage features)
- l) Work zone traffic control plan
- m) Pavement removals/demolitions
- n) Phasing information





## Glen Lennox Development Agreement Compliance Permit Application

### 4.F Traffic Plans

- a) Traffic Calming Plan – detailed construction designs of devices proposed & associated sign & marking plan
- b) Traffic Sign, Street Name Sign, and Pavement Marking Plan – in accordance with Manual on Uniform Traffic Control Devices. Street name signs in accordance with Town of Chapel Hill standards
- c) Traffic Signal Plan – in accordance with Manual on Uniform Traffic Control Devices and NCDOT traffic signal design standards (prepared by licensed professional engineer)

### 4.G Street Light Plan

- a) In accordance with Town of Chapel Hill and Duke Energy standards; sealed by professional engineer
- b) Proposed location of street lights and underground utility lines and/or conduit lines to be installed
- c) Description and/or detail of proposed light poles, fixture, watts, lumens, and spacing
- d) Location of street edge of pavement and/or curb and gutter, sidewalk, and property lines

### 4.H Landscape Protection Plan

- a) Rare, specimen, and significant tree survey within 50 feet of construction area
- b) Rare and specimen tree critical root zones
- c) Rare and specimen trees proposed to be removed
- d) Certified arborist tree evaluation, if applicable
- e) Significant tree stand survey
- f) Clearing limit line
- g) Proposed tree protection /silt fence location
- h) Pre-construction/demolition conference note
- i) Detailed tree protection fencing
- j) Landscape protection supervisor note
- k) Plan of street landscaping & landscaped areas
- l) Tree canopy coverage calculations
- m) Planting list (mostly native trees from Design Manual)

### 4.I Grading and Erosion Control Plan

- a) Topography (2-foot contours)
- b) Cut and Fill Lines
- c) Cross-sections (Streets)
- d) Detailed Drawings of infrastructure (BMPs, curb inlets, infiltration systems, erosion control, etc.)
- e) Limits of Disturbance
- f) Pertinent off-site drainage features
- g) Existing and proposed impervious surface tallies
- h) Ground cover
- i) Spot elevations when necessary





## Glen Lennox Development Agreement Compliance Permit Application

- j) Size calculations

### 4.J Planting Plan

- a) Dimensioned and labeled perimeter buffers
- b) Landscape buffer
- d) Detailed buffer planting plan
- e) Detailed parking lot shading/screening plan and parking lot planting plan (including planting strip between parking and building, entryway planning)
- f) Detailed composite plant list with installation sizes
- g) Landscape installation details and maintenance plan
- h) Description of consistency with the landscape design guidelines in Exhibit H.

### 4.K Streetscape Plan

- a) Public right-of-way existing conditions plan
- b) Streetscape demolition plan
- c) Streetscape proposed improvement plan
- d) Streetscape proposed utility plan and details
- e) Streetscape proposed pavement/sidewalk details
- f) Streetscape proposed furnishing details
- g) Streetscape proposed lighting details
- h) Street landscaping details
- i) Identification of conflicts between street trees and utilities

### 4.L Solid Waste Plan

- a) Solid Waste Management Plan approval by Orange County
- b) Existing and proposed dumpster pads
- c) Proposed dumpster pad layout design
- d) Proposed dumpster pad construction section
- e) Proposed dumpster pad protective bollard and screening fence details
- f) Proposed heavy duty pavement locations and pavement construction detail
- g) Existing pavement damage waiver note
- h) Refuse facility lighting plan

### 4.M Fire Protection and Utility Plan

- a) Fire Flow Report: for a fire hydrant within 500 feet of each building, provide the calculated gallons per minute of residual pressure is 20 pounds per square inch. The calculations should be sealed by a licensed professional engineer in North Carolina and accompanied by a water supply flow test conducted within one year of the submittal (see Town of Chapel Hill Design Manual for required gallons per minute)
- b) Indicate location and size of water, sewer, electric, cable, telephone, gas and fire safety apparatus

### 4.N Site Lighting Plan

- a) Site Lighting Plan: A detailed lighting plan for all proposed lighting fixtures on the site (including parking areas, pedestrian paths, building facades, landscape uplighting, etc.). The lighting plan should clearly indicate



## Glen Lennox Development Agreement Compliance Permit Application

the locations of all light fixtures. The lighting plan shall also provide isographs with foot-candle and uniform ratios, candlepower of lamps, and types of illumination for all proposed lighting fixtures. The isographs shall be provided for the full extent of the site lighting (to the point where the lighting reaches 0.0 foot-candles), even if this includes off-site areas. The isograph shall be calculated with 100% lighting, and shall also identify and incorporate a site's topography.

- b) indicate, by isolux contour diagram and grid points, the measured and calculated pre-development and post-development foot-candles at grade both on the development site and on adjacent property where lighting impacts are expected. The lighting plan must be sealed by a professional engineer with demonstrable expertise in lighting design and mitigation strategies, or a lighting specialist who is lighting certified (LC) by NCQLP (National Council on Qualifications for the Lighting Professions).
- c) Cut Sheets: A detailed drawing and description shall be provided for each type of light fixture proposed on the site. The number, height, colors and materials for each type of fixture shall be clearly indicated.
- d) Please note that in accordance with Section 5.11 (Lighting Standards) of the Town's Land Use Management Ordinance, lighting sources shall be shielded or arranged so as not to produce, within any public right-of-way, glare that interferes with the safe use of such right-of-way or constitutes a nuisance to the occupants of adjacent properties.

### 4.0 Detailed Exterior Building Plans

- a) Detailed Building Elevations
  - A detailed list including all materials, textures, and colors for each building. If all buildings are the same, a combined list of materials, texture, and colors is acceptable. All windows, doors, light fixtures, and other appurtenant features must indicate type, style, and color.
  - A straight-on, one-dimensional view of each building façade including front, side, and rear elevations.
  - Color renderings, sketches, or perspective drawings.
- b) Cross-Sections: Provide simple, typical cross-section(s) indicating how the buildings are placed on the site in relationship to topography, public access, existing vegetation, or other significant site features.
- c) Floor Plans: Show the general interior layout of the building (this aids in understanding window locations, etc.) and the relationship of pedestrian circulation and entryways.





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R85863 192 182/196

## Glen Lennox Development Agreement Compliance Permit Application

- d) Other: Indicate the location of all HVAC, chiller, and/or ventilation units. Show any proposed screenings from relevant public rights-of-way.

### 4.P Construction Management Plan

- a) Show how construction vehicle traffic will be managed and where construction vehicle routes will be located
- b) Identify any impacts to bicycle, pedestrian, or transit routes and facilities and indicate how they will be managed
- c) Show parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods
- d) Identify construction staging and material storage areas
- e) Identify construction trailers and other associated temporary construction management structures
- f) Indicate how the project construction will comply with the Town's Noise Ordinance,
- g) Propose times and days when construction and noise from the project are permitted
- h) Submit written confirmation that Developer has provided information to contractors and subcontractors regarding noise mitigation requirements for Development for contractor and subcontractor review and compliance with the same



EXHIBIT J. RCD DETERMINATION



PUBLIC WORKS DEPARTMENT  
STORMWATER MANAGEMENT DIVISION

405 Martin Luther King, Jr. Blvd.

Chapel Hill, NC 27514-5705

Telephone (919) 969-7246

Fax (919) 969-7276

[www.townofchapelhill.org](http://www.townofchapelhill.org)

3/7/2014

George Retschle  
Ballentine Associates  
221 Providence Road  
Chapel Hill, NC 27514

Dear Mr. Retschle,

As requested, the Town Public Works Department has performed a stream determination on the property identified on the attached forms. This determination indicates whether different types of streams (perennial, intermittent, and/or ephemeral) or perennial waterbodies are present on the property in question or nearby properties. These streams and their classifications are shown on the accompanying map. Stream segments regulated by the Jordan Lake Stream Buffer ordinance are highlighted. Locations of all features on the map are approximate and must be field surveyed for precise location.

This stream determination information is used to determine the location and extent of the Resource Conservation District and Jordan Lake Stream Buffer. Specific land use regulations and restrictions apply within the boundaries of these protected areas. If you are considering any kind of work on your property, including clearing vegetation, paving, grading, or building, please consult with the Town Planning Department to determine the possible extent of the Resource Conservation District and Jordan Lake Stream Buffer on your property and corresponding regulations.

This classification will remain in effect for five years from the date of the site visit before a request for reclassification will be considered, unless the stream channel characteristics are significantly altered as a result of watershed changes.

In accordance with the Town's procedures, you may appeal this administrative decision to the Town Manager. If you wish to do so, you must file your written appeal accompanied by any materials you believe support your appeal, within 30 days of receipt of this letter.

If you have questions regarding stream determinations, please contact me at (919) 969-7202. If you have questions regarding the Town's Resource Conservation Districts or the Jordan Riparian Buffer regulations, please contact the Planning Department at (919) 968-2728, or view information online at <http://www.townofchapelhill.org/index.aspx?page=1615>.

Regards,

*Patricia D'Arconte*

Digitally signed by Patricia  
D'Arconte

Date: 2014.03.07 16:17:01 -05'00'

Patricia D'Arconte  
Water Quality Specialist

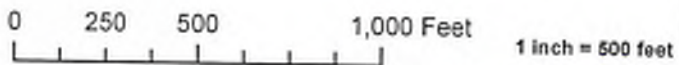
# Stream Determination Area Map



- ..... Unclassified Stream
- - - Ephemeral Stream
- . - Intermittent Stream
- Perennial Stream
- ▤ Culverts
- 2-foot Contours
- 10-foot Contours
- Buildings
- Parcels
- Site visited

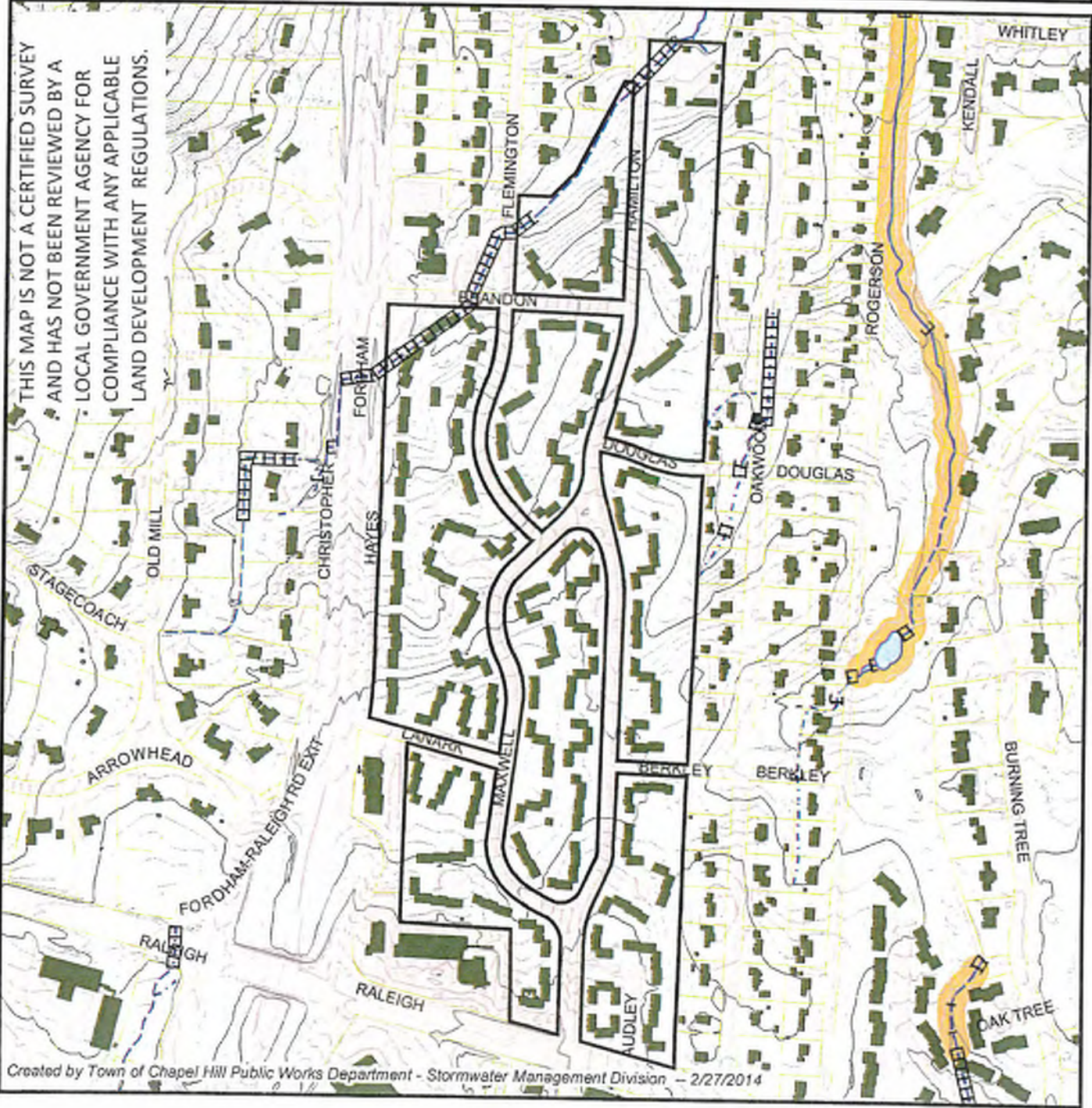
- ▤ Non-regulated Waterbody
- ▤ Non-perennial Waterbody
- Wide Perennial Stream
- ▤ Perennial Waterbody
- Approximate Jordan Buffer
- ⊙ Ephemeral Breakpoint
- ⊙ Intermittent Breakpoint
- ⊙ Perennial Breakpoint

Address: Glen Lennox  
 Parcel ID: 9798-26-8547  
 TMBL: 7.53.A.1



Stream locations are approximate and must be verified by survey.

THIS MAP IS NOT A CERTIFIED SURVEY  
 AND HAS NOT BEEN REVIEWED BY A  
 LOCAL GOVERNMENT AGENCY FOR  
 COMPLIANCE WITH ANY APPLICABLE  
 LAND DEVELOPMENT REGULATIONS.





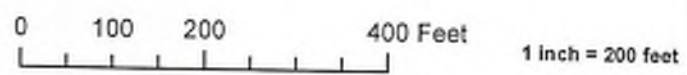
# Stream Determination Area Map



- ..... Unclassified Stream
- - - Ephemeral Stream
- . - Intermittent Stream
- Perennial Stream
- ▤ Culverts
- 2-foot Contours
- 10-foot Contours
- Buildings
- Parcels
- Site visited

- ▤ Non-regulated Waterbody
- ▤ Non-perennial Waterbody
- Wide Perennial Stream
- ▤ Perennial Waterbody
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Address: Glen Lennox  
 Parcel ID: 9798-26-8547  
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 AND HAS NOT BEEN REVIEWED BY A  
 LOCAL GOVERNMENT AGENCY FOR  
 COMPLIANCE WITH ANY APPLICABLE  
 LAND DEVELOPMENT REGULATIONS.







# USGS 24K Topographic / County Soil Survey Maps

 Site Parcel Boundary

Address: Glen Lennox

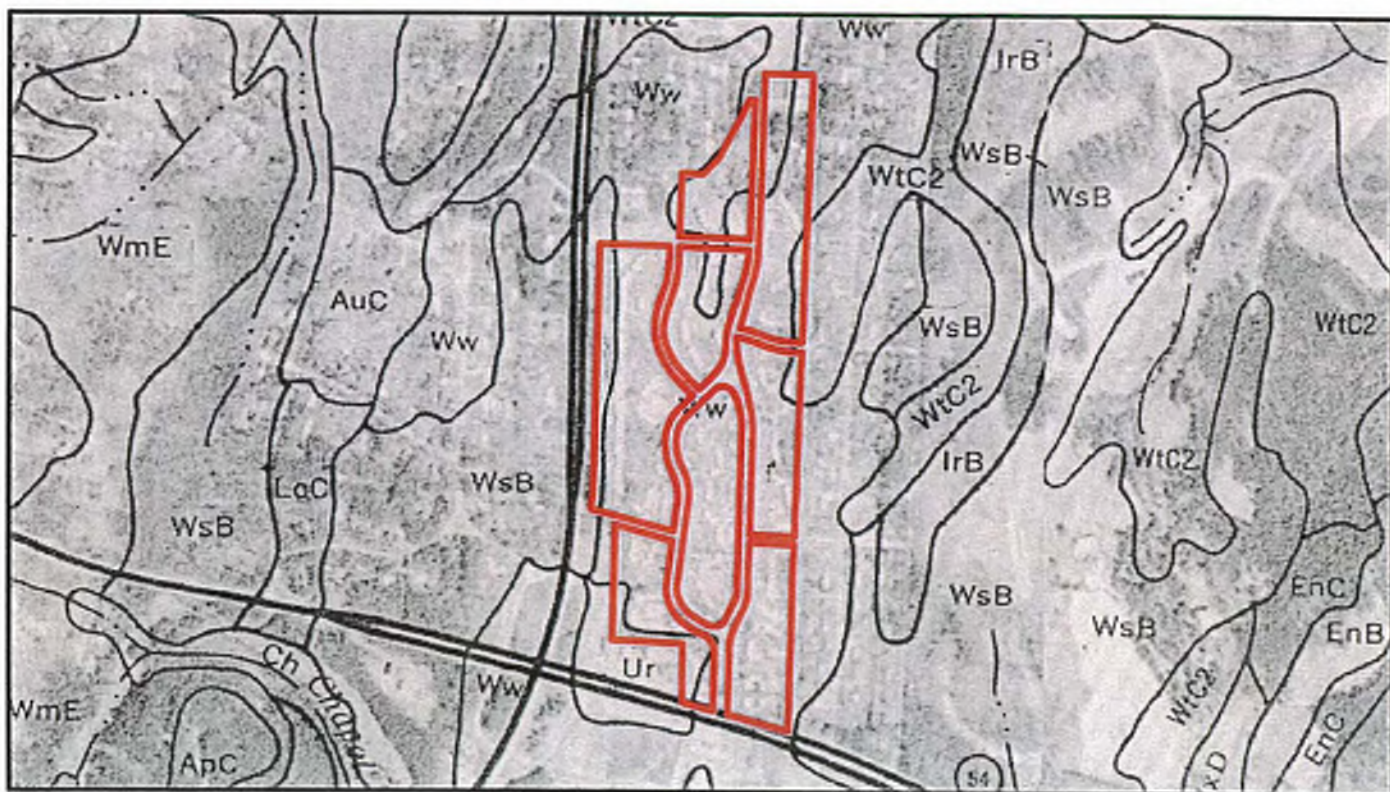
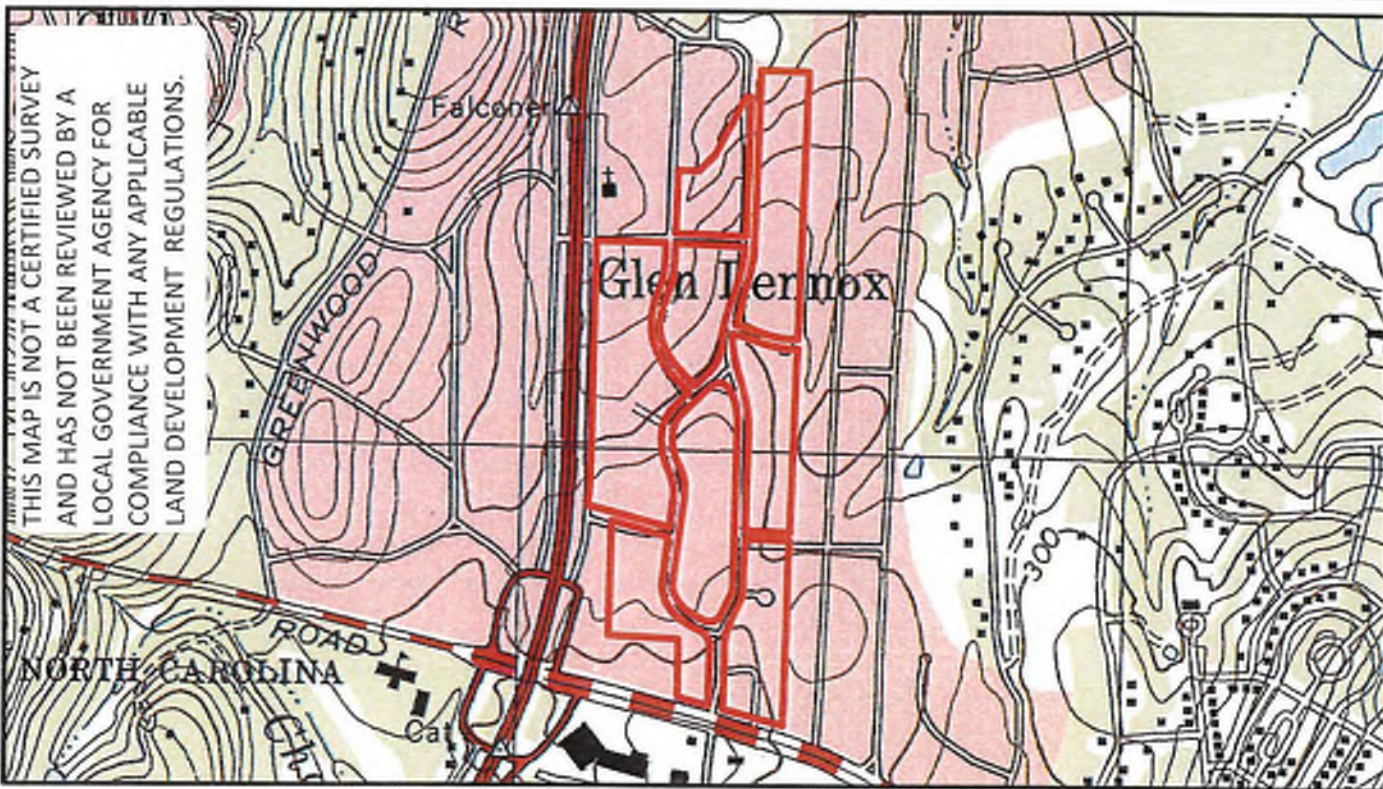
0 280 560 840 1,120 Feet

Parcel ID: 9798-26-8547



1 inch = 1,000 feet

Created by Town of Chapel Hill Public Works Department - Stormwater Management Division - 2/27/2014





2014 0225 1121



NC DWQ Stream Identification Form Version 4.11 7.53. A. 1

(A)

Date: 2/7/2014	Project/Site: 9798-20-8547	Latitude:
Evaluator: D'Aronte	County:	Longitude:
Total Points: 20 <i>Stream is at least intermittent if ≥ 19 or perennial if ≥ 30*</i>	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 8)

	Absent	Weak	Moderate	Strong
1 <sup>a</sup> Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

<sup>a</sup> artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 4.5)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 7.5)

18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	NO FACW = 0.75; OBL = 1.5 Other = 0			

\*perennial streams may also be identified using other methods. See p. 35 of manual.

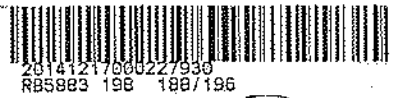
Notes:

Sketch: manmade channel coming from outfall aquatic isopods

photos taken, but year set to 2013 in camera!



201402251122



(B)

NC DWQ Stream Identification Form Version 4.11 7.53.A.1

Date: 2/7/2014	Project/Site: 9798-26-8547	Latitude:
Evaluator: D'Arconte	County:	Longitude:
Total Points: Stream is at least intermittent if $\geq 19$ or perennial if $\geq 30^*$ 16.5	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 7)

	Absent	Weak	Moderate	Strong
1 <sup>a</sup> Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

\*artificial ditches are not rated; see discussions in manual

B: Hydrology (Subtotal = 3.5)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 10)

18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	NO			

FACW = 0.75; OBL = 1.5 Other = 0

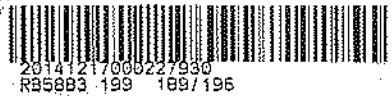
\*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch: aquatic iso pools

photos taken, but year set to 2013 in camera!

201402251123



2

NC DWQ Stream Identification Form Version 4.11 7.53.A.1

Date: 2/7/2014	Project/Site: 9798-26-8547	Latitude:
Evaluator: NArconte	County:	Longitude:
Total Points: 23.75 Stream is at least Intermittent if $\geq 19$ or perennial if $\geq 30$ *	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 7.5)

	Absent	Weak	Moderate	Strong
1. Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control *	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

\*artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 8)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 8.25)

18. Fibrous roots in streambed	0.3	2	1	0.5
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed <i>juncus</i>	FACW = 0.75; OBL = 1.5 Other = 0			

\*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch: aquatic amphipods + crayfish

photos taken, but year set to 2013 in camera!



201402251124



20141217000227930  
RB5883 200 190/196

(D)

NC DWQ Stream Identification Form Version 4.11

7.53. A.1

Date: 2/7/2014	Project/Site: 9798-26-8547	Latitude:
Evaluator: D'Arconte	County:	Longitude:
Total Points: Stream is at least intermittent if $\geq 19$ or perennial if $\geq 30$ <b>23.5</b>	Stream Determination (circle one) Ephemeral <u>Intermittent</u> Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = **3.5**)

	Absent	Weak	Moderate	Strong
1 <sup>a</sup> Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate where visible	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

<sup>a</sup>artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = **9**)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = **11**)

18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians <b>EGGS</b>	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed <b>NO</b>	FACW = 0.75; OBL = 1.5		Other = 0	

<sup>a</sup>perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch: aquatic moss  
aquatic snails  
130 pods  
leeches

photos taken, but year set to 2013 in camera!

201402251125



(E)

NC DWQ Stream Identification Form Version 4.11

7.53.A.1

Date: 2/24/2014	Project/Site: 9798-26-8547	Latitude:
Evaluator: D'Aronte	County:	Longitude:
Total Points: Stream is at least intermittent if $\geq 19$ or perennial if $\geq 30$ . 23	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 11.5)

	Absent	Weak	Moderate	Strong
1 <sup>a</sup> . Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

<sup>a</sup> artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 5)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 5.5)

18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

<sup>a</sup> perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:

photos taken, but year set to 2013, in camera!



2014 0225 11 26



20141217000227930  
RB5883 202 192/196

(F)

NC DWQ Stream Identification Form Version 4.11 7-53.A.1

Date: 2/24/2014	Project/Site: 9998-26-8547	Latitude:
Evaluator: D'Arconte	County:	Longitude:
Total Points: Stream is at least intermittent if ≥ 19 or perennial if ≥ 30* 34.5	Stream Determination (circle one) Ephemeral Intermittent <u>Perennial</u>	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 19.5)

	Absent	Weak	Moderate	Strong
1 <sup>a</sup> Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

<sup>a</sup>artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 6.5)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

C. Biology (Subtotal = 8.5)

18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5		Other = 0	

\*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch: isopods & amphipods

photos taken, but year set to 2013 in camera!

# Stream Determination Status Map

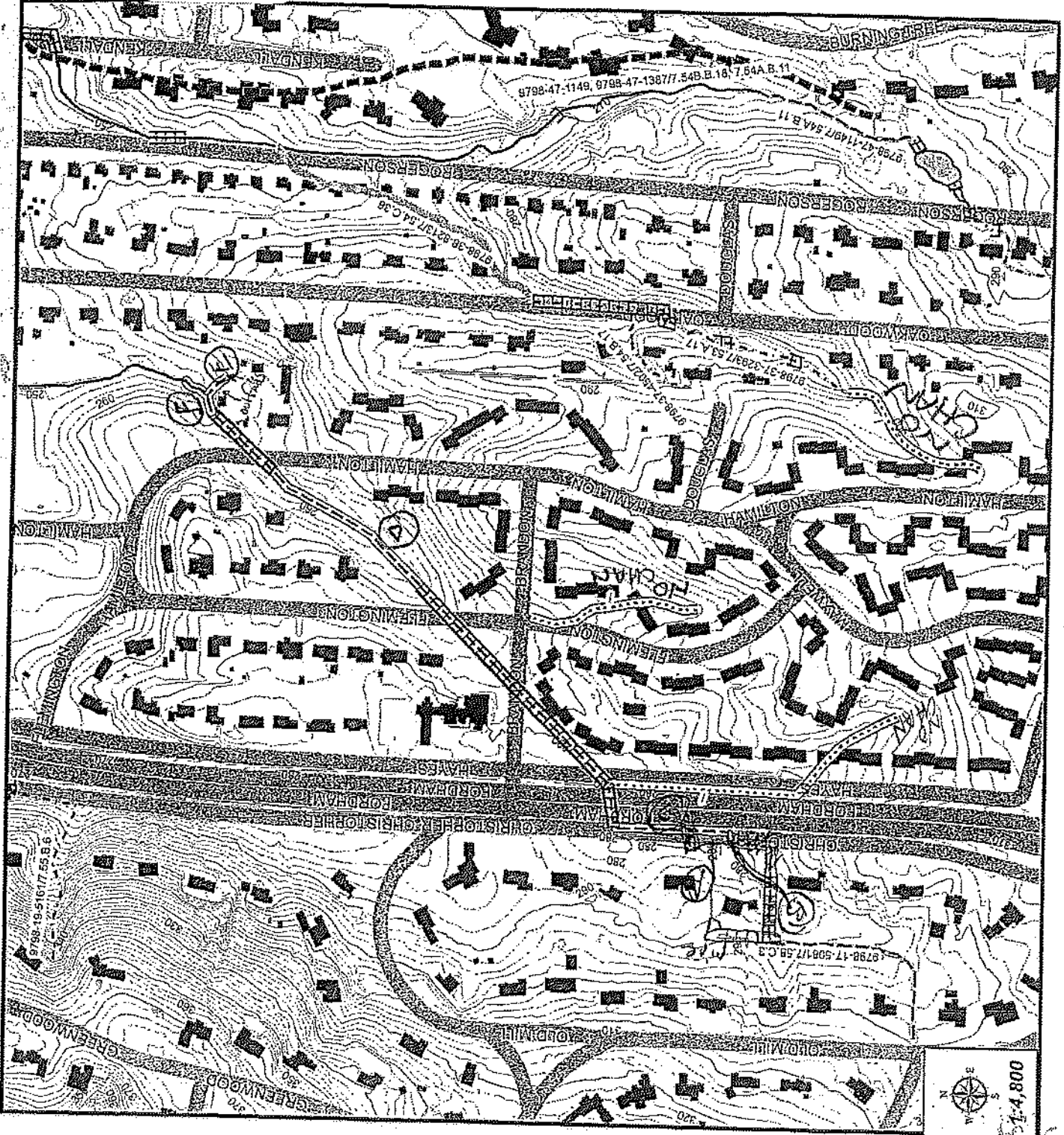
THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

- Verified Soils Streams
  - Unverified Soils Streams
  - Verified USGS Streams
  - Unverified USGS Streams
  - Culverts
  - 2-foot Contours - 2004
  - 10-foot Contours - 2004
  - OC Parcel Info
  - USGS Waterbodies
  - Buildings
  - Streets
- Streams Needing a Site Visit**
- No Channel
  - Ephemeral Stream
  - Intermittent Stream
  - Not-Perennial Stream
  - Perennial Stream
  - Unknown
- Streams Not Needing a Site Visit**
- Outside Jurisdiction
  - No Channel
  - Ephemeral Stream
  - Intermittent Stream
  - Perennial Stream
- Waterbodies - No Site Visit**
- Other Waterbodies
  - Wetlands
  - Lakes
- Wide Streams**
- Waterbodies - Need Site Visit**
- Waterbodies - Need Site Visit

2014 217000227930  
 859883 203 1937196



Map prepared by  
 Chevel Hill Exp. Works  
 Stormwater Division  
 1/27/2014



1" = 4,800'



20141217000227530  
R55863 204 194/196

**PUBLIC WORKS DEPARTMENT  
STORMWATER MANAGEMENT DIVISION**

405 Martin Luther King, Jr. Blvd.  
Chapel Hill, NC 27514-5705  
Telephone (919) 969-7246  
Fax (919) 969-7276  
www.townofchapelhill.org

## REQUEST FOR STREAM DETERMINATION

Stream determinations are used to determine whether the Resource Conservation District or the Jordan Stream Buffer will apply to a property, and the areas protected if that is the case. By default, we will notify you if a new stream determination will not be needed for a property and provide copies of the relevant prior records. Turnaround time is one to three business days. There is no fee for stream determinations.

Check here if you want Town staff to conduct a new stream determination even if a new site visit is not required. No new site visit will be made if a determination has been done in the last 5 years. Turnaround time is two weeks for single-family lots depending on weather conditions and staff availability, and longer for larger lots.

Requests may be emailed ([pdarconte@townofchapelhill.org](mailto:pdarconte@townofchapelhill.org)), faxed, dropped off at Town Hall or the Stormwater Office, or mailed to the above address care of "Stormwater Engineering Technician".

Requestor's Name: Ballentine Associates, attn: George Retschle

Mailing Address: 221 Providence Road

City, State, ZIP: Chapel Hill, NC 27514

Phone / FAX / Email: (919) 929-0481 xt 101 georger@bapa.eng.pro

Check method(s) for report to be sent:

US Mail

Email

FAX

Call for pickup

Signature of property owner or designated legal agent granting permission to Town Staff to enter the property(ies) indicated below for purposes of a Stream Determination:

  
(signature)

1/5/14  
(date)

Owner Name(s): RACHEL RUSSELL ON BEHALF OF FCP GLEN LENNOX, LLC  
(Please print)

Property Information	
fill in both columns, or fill in Parcel ID Number (PIN) and attach a site map indicating location	
Parcel ID Number (PIN)	Address / Location Description
9798-26-8547	See attached map

Where the total area of the property(ies) to visit is over 3 acres please attach an as-built drawing or a topographic map with current landmarks.



EXHIBIT K. LEGAL DESCRIPTION OF THE PROPERTY



20141217000227930  
RB5883 205 195/196

Tract I - Glen Lennox Shopping Center Tract

BEGINNING at a point on the northern right-of-way of N.C. Highway 54 at the southwest corner of Glen Lennox Apartments, Deed Book 537, Page 491, said point being a concrete monument and the true point of beginning; thence along and with the line of Glen Lennox Apartments, North 06 degrees 33 minutes 50 seconds East 315.26 feet to a point, thence along the line of Glen Lennox Apartments North 83 degrees 26 minutes 10 seconds West 416.71 feet to a point, thence South 06 degrees 35 minutes 41 seconds West 107.61 feet to a point, thence South 27 degrees 23 minutes 19 seconds West 110.42 feet to a point on the northern right-of-way of N.C. Highway 54, thence along and with said right-of-way, South 70 degrees 32 minutes 09 seconds East, 467.83 feet to the point Of BEGINNING, containing 2.61 acres, according to a survey prepared by Miles O. McCall, III, R.L.S., dated October 15, 1992, and, being a portion of the land described in Deed Book 625, Page 68, Orange County Registry.



Tract 2 – Glen Lennox Apartment Tract

Being that certain tract of land situate, lying and being in Chapel Hill Township, Orange County, North Carolina, being bound on the north by UNC endowment fund, the east by Oakwood Subdivision, the south by N.C. Highway 54 and the west by Hayes Road, being more particularly described as follows:

BEGINNING at a point on the northern right-of-way of N.C. Highway 54, said point being the southwestern corner of Oakwood Subdivision; thence along and with the western line of Oakwood Subdivision North 06°36'00" East 3521.98 feet to a point on the southern line of UNC Endowment Fund; thence along said line North 83°23'16" West 261.47 feet to a point on the eastern line of Hamilton Road; thence along and with said right-of-way along a simple curve to the right having a radius of 270.00 feet, an arc length of 32.24 feet and a chord bearing and distance of North 03°05'09" East 32.22 feet to an existing iron pipe; thence South 06°30'24" West 112.83 feet to an existing iron pipe; thence North 83°29'41" West 80.45 feet to an existing iron pipe on the eastern line of Matthew Douglas Jones; thence South 32°23'56" West 355.60 feet to a point; thence South 49°43'26" West 122.73 feet to an existing iron pipe; thence North 83°24'00" West 113.68 feet to a point on the eastern right-of-way of Flemington Road; thence along and with said right-of-way South 06°36'00" West 390.23 feet to an existing nail on the southern right-of-way of Brandon Road; thence along and with said right-of-way North 83°28'05" West 429.73 feet to an existing nail on the eastern right-of-way of Hayes Road; thence along and with said right-of-way South 05°48'43" West 1179.14 feet to a point; thence along a simple curve to the right having a radius of 3919.72 feet, an arc length of 251.47 feet and a chord bearing and distance of south 07°38'59" West 251.43 feet to a point on the northern right-of-way of Lanark Road; thence along and with said right-of-way South 70°47'04" East 137.68 feet to a point; thence South 05°52'32" West 663.16 feet to a point on the northern line of Glen Lennox Corporation commercial area; thence along and with said line South 83°29'28" East 382.00 feet to a point; thence South 06°30'32" West 314.48 feet to an existing concrete monument on the northern right-of-way of N.C. Highway 54; thence along and with said right-of-way South 70°40'19" East 459.94 feet to a point; thence South 67°57'57" East 141.44 feet to the true point and place Of BEGINNING less and except the right-of-ways of those public streets as shown on plat Book 14, Page 180 of the Orange County Registry.