

# CONDITIONAL ZONING APPLICATION



TOWN OF CHAPEL HILL  
Planning Department  
405 Martin Luther King Jr. Blvd.  
(919) 968-2728 fax (919) 969-2014  
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9778999279

Date: 12/1/2021

## Section A: Project Information

## Section B: Applicant, Owner, and/or Contract Purchaser Information

Project Name: Jay Street Affordable Housing

Property Address: Jay Street Zip Code: 27516

Use Groups (A, B, and/or C): A Existing Zoning District: R-3

Project Description: Two 3-story apartment buildings with a total of 48 units, a community center building and associated parking and pedestrian connectivity

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

Name: Taft Mills Group, LLC

Address: P.O. Box 566

City: Greenville State: NC Zip Code: 27835

Phone: 252-916-2691 Email: dustin@taftmillsgroup.com

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

Signature:  Date: 12.1.21

### Owner/Contract Purchaser Information:

Owner  Contract Purchaser

Name: Taft Mills Group, LLC

Address: P.O. Box 566

City: Greenville State: NC Zip Code: 27835

Phone: 252-916-2691 Email: dustin@taftmillsgroup.com

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

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

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

Click [here](#) for application submittal instructions.



## CONDITIONAL ZONING

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Conditional Rezoning applications are reviewed by staff, Planning Commission, and Town Council. The application is part of an open public process that enables Town Council to discuss and decide on the key issues of a rezoning proposal. If a rezoning is approved, the applicant may then submit a detailed final plan application to staff for compliance review with the technical development standards and with the Council rezoning approval.

The establishment of a Conditional Zoning District shall be consistent with the Land Use Plan in the Comprehensive Plan. A proposed Conditional Zoning District is deemed consistent if the proposed District will be located in conformance with an adopted small area plan and/or in one of the following Land Use Categories:

- Medium Residential
- High Residential
- Commercial
- Mixed Use, Office/Commercial Emphasis
- Mixed Use, Office Emphasis
- Town/Village Center
- Institutional
- Office
- University
- Development Opportunity Area
- Light Industrial Opportunity Area

If the proposed conditional zoning districts is located in a Low Residential or a Rural Residential Land Use Category, the Town Council must approve a Land Use Plan amendment prior to proceeding.

**SIGNED CONDITIONS:** All conditions shall be in writing, prepared by the owner of the property or an attorney and must be signed by all property owners and contract purchasers, if applicable. The Town Attorney may require additional signatures if necessary and will determine whether or not the conditions statement is legally sufficient. Within thirty (30) days after receipt of the conditions the Planning Division Manager will notify the applicant of any deficiencies in the conditions statement or if any additional information is needed. The applicant may make changes to the written conditions statement provided it is submitted at least thirty (30) prior to Planning Commission meeting or thirty (30) days prior to Town Council public hearing.

**RECORDATION OF CONDITIONS:** After a rezoning has been approved by the Town Council, the conditions statement shall be recorded with the Register of Deeds Office. After a rezoning has been approved by Town Council and recorded by the Register of Deeds Office, the conditions may not be amended except through a new rezoning application.



**PROJECT FACT SHEET**

**TOWN OF CHAPEL HILL**

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**Section A: Project Information**

**Use Type:** *(check/list all that apply)*

Office/Institutional     Residential     Mixed-Use     Other: \_\_\_\_\_

**Overlay District:** *(check all that apply)*

Historic District     Neighborhood Conservation District     Airport Hazard Zone

**Section B: Land Area**

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	339670	sq. ft.
Choose one, or both, of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=		sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=		sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	373637	sq. ft.

**Section C: Special Protection Areas, Land Disturbance, and Impervious Area**

**Special Protection Areas:** *(check all those that apply)*

Jordan Buffer     Resource Conservation District     100 Year Floodplain     Watershed Protection District

Land Disturbance	Total (sq. ft.)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all grading, including off-site clearing)	147,092
Area of Land Disturbance within RCD	7,389
Area of Land Disturbance within Jordan Buffer	0

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	2161	2161	77501	77501
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	0.58%	0.58%	20.74%	20.74%
If located in Watershed Protection District, % of impervious surface on 7/1/1993	N/A	N/A	N/A	N/A



**PROJECT FACT SHEET**

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**Section D: Dimensions**

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	5	2161	2	2
Number of Floors	N/A	N/A	3	3
Recreational Space	N/A	N/A	5656	5656

**Residential Space**

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Floor Area (all floors – heated and unheated)	2161	2161	61,032	61,032
Total Square Footage of All Units	N/A	N/A	51,639	51,639
Total Square Footage of Affordable Units	N/A	N/A	51,639	51,639
Total Residential Density	N/A	N/A	16.33%	16.33%
Number of Dwelling Units	N/A	N/A	48	48
Number of Affordable Dwelling Units	N/A	N/A	48	48
Number of Single Bedroom Units	N/A	N/A	9	9
Number of Two Bedroom Units	N/A	N/A	27	27
Number of Three Bedroom Units	N/A	N/A	12	12

**Non-Residential Space (Gross Floor Area in Square Feet)**

Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial					
Restaurant			# of Seats		
Government					
Institutional					
Medical					
Office					
Hotel			# of Rooms		
Industrial					
Place of Worship			# of Seats		
Other		2032			

Dimensional Requirements		Required by Ordinance	Existing	Proposed
<b>Setbacks (minimum)</b>	Street	10	N/A	38.7
	Interior (neighboring property lines)	0	N/A	76.0
	Solar (northern property line)	N/A	N/A	38.7
<b>Height (maximum)</b>	Primary	39	N/A	36
	Secondary	60	N/A	50
<b>Streets</b>	Frontages	N/A	N/A	N/A
	Widths	N/A	N/A	N/A



**Section F: Adjoining or Connecting Streets and Sidewalks**

*Note: For approval of proposed street names, contact the Engineering Department.*

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
Jay Street (Exist.)	TBD	27' B-B	2	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
				<input type="checkbox"/> Yes	<input type="checkbox"/> Yes

List Proposed Points of Access (Ex: Number, Street Name):

\*If existing sidewalks do not exist and the applicant is adding sidewalks, please provide the following information:

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
Jay Street	5'	Concrete	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

**Section G: Parking Information**

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	74	93	90
Handicap Spaces	10	10	10
Total Spaces	74	93	100
Loading Spaces	N/A	N/A	N/A
Bicycle Spaces	12	N/A	12
Surface Type	Asphalt		

**Section H: Landscape Buffers**

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
North (Jay Street Frontage)	10'	10'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
West (Southern Railroad)	20'	20'	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes
			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes



**PROJECT FACT SHEET**

TOWN OF CHAPEL HILL

Planning Department

**Section I: Land Use Intensity**

Existing Zoning District:

Proposed Zoning Change (if any):

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MSR) = RSR x GLA
R-SS-CZD	1.10	.050	X			411,000	18,681
<b>TOTAL</b>	1.10						
RCD Streamside		0.01					
RCD Managed		0.019					
RCD Upland							

**Section J: Utility Service**

Check all that apply:

<b>Water</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Well	<input type="checkbox"/> Community Well	<input type="checkbox"/> Other
<b>Sewer</b>	<input checked="" type="checkbox"/> OWASA	<input type="checkbox"/> Individual Septic Tank	<input type="checkbox"/> Community Package Plant	<input type="checkbox"/> Other
<b>Electrical</b>	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
<b>Telephone</b>	<input checked="" type="checkbox"/> Underground	<input type="checkbox"/> Above Ground		
<b>Solid Waste</b>	<input checked="" type="checkbox"/> Town	<input type="checkbox"/> Private		



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Planning Department**

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) 968-2728 or at [planning@townofchapelhill.org](mailto:planning@townofchapelhill.org).

N/A	<b>Application fee</b> ( <a href="#">including Engineering Review fee</a> ) ( <a href="#">refer to fee schedule</a> )	Amount Paid \$	<input type="text" value="N/A"/>
X	<b>Pre-application meeting</b> –with appropriate staff		
X	<b>Digital Files</b> – provide digital files of all plans and documents		
X	<b>Recorded Plat or Deed of Property</b>		
X	<b>Project Fact Sheet</b>		
X	<b>Traffic Impact Statement</b> – completed by Town’s consultant (or exemption)		
N/A	<b>Description of Public Art Proposal</b> , if applicable		
X	<b>Statement of Justification</b>		
N/A	<b>Response to Community Design Commission and Town Council Concept Plan comments</b> , if applicable		
X	<b>Affordable Housing Proposal</b> , if applicable		
X	<b>Statement of Consistency with Comprehensive Plan or request to amend Comprehensive Plan</b>		
X	<b>Mailing list of owners of property within 1,000 feet perimeter of subject property</b> ( <a href="#">see GIS notification tool</a> )		
N/A	<b>Mailing fee for above mailing list (mailing fee is double due to 2 mailings)</b>	Amount Paid \$	<input type="text" value="N/A"/>
X	<b>Written Narrative describing the proposal, including proposed land uses and proposed conditions</b>		
X	<b>Resource Conservation District, Floodplain, &amp; Jordan Buffers Determination</b> – necessary for all submittals		
N/A	<b>Jurisdictional Wetland Determination</b> – if applicable		
TBD	<b>Resource Conservation District Encroachment Exemption or Variance (determined by Planning)</b>		
TBD	<b>Jordan Buffer Authorization Certificate or Mitigation Plan Approval (determined by Planning)</b>		
X	<b>Reduced Site Plan Set (reduced to 8.5” x 11”)</b>		

**Stormwater Impact Statement (1 copy to be submitted)**

- a) Written narrative describing existing & proposed conditions, anticipated stormwater impacts and management structures and strategies to mitigate impacts
- b) Description of land uses and area (in square footage)
- c) Existing and proposed impervious surface area in square feet for all subareas and project area
- d) Ground cover and uses information
- e) Soil information (classification, infiltration rates, depth to groundwater and bedrock)
- f) Time of concentration calculations and assumptions
- g) Topography (2-foot contours)
- h) Pertinent on-site and off-site drainage conditions
- i) Upstream and/or downstream volumes
- j) Discharges and velocities
- k) Backwater elevations and effects on existing drainage conveyance facilities
- l) Location of jurisdictional wetlands and regulatory FEMA Special Flood Hazard Areas
- m) Water quality volume calculations
- n) Drainage areas and sub-areas delineated
- o) Peak discharge calculations and rates (1, 2, and 25-year storms)
- p) Hydrographs for pre- & post-development without mitigation, post-development with mitigation
- q) Volume calculations and documentation of retention for 2-year storm



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- r) 85% TSS removal for post-development stormwater runoff
- s) Nutrient loading calculations
- t) BMP sizing calculations
- u) Pipe sizing calculations and schedule (include HGL & EGL calculations and profiles)

**Plan Sets (10 copies to be submitted no larger than 24" x 36")**

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, Jordan Riparian Buffer Boundary, Floodplain, and Wetlands Boundary, where applicable
- Revision dates and professional seals and signatures, as applicable

**Cover Sheet**

- a) Include Project Name, Project fact information, PIN, and Design Team

**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
- f) 1,000' notification boundary

**Existing Conditions Plan**

- a) Slopes, 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
- e) Nearest fire hydrants
- f) Nearest bus shelters and transit facilities
- g) Existing topography at minimum 2-foot intervals and finished grade
- h) Natural drainage features & water bodies, floodways, floodplain, RCD, Jordan Buffers & Watershed boundaries





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Planning and Development Services**

**Detailed Site Plan**

- a) Existing and proposed building locations
- b) Description & analysis of adjacent land uses, roads, topography, soils, drainage patterns, environmental constraints, features, existing vegetation, vistas (on and off-site)
- c) 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.
- d) Location of existing and proposed fire hydrants
- e) Location and dimension of all vehicle entrances, exits, and drives
- f) Dimensioned street cross-sections and rights-of-way widths
- g) Pavement and curb & gutter construction details
- h) Dimensioned sidewalk and tree lawn cross sections
- i) Proposed transit improvements including bus pull-off and/or bus shelter
- j) Required landscape buffers (or proposed alternate/modified buffers)
- k) Required recreation area/space (including written statement of recreation plans)
- l) Refuse collection facilities (existing and proposed) or shared dumpster agreement
- m) Construction parking, staging, storage area, and construction trailer location
- n) Sight distance triangles at intersections
- o) Proposed location of street lights and underground utility lines and/or conduit lines to be installed
- p) Easements
- q) Clearing and construction limits
- r) Traffic Calming Plan – detailed construction designs of devices proposed & associated sign & marking plan

**Stormwater Management Plan**

- a) Topography (2-foot contours)
- b) Existing drainage conditions
- c) RCD and Jordan Riparian Buffer delineation and boundary (perennial & intermittent streams; note ephemeral streams on site)
- d) Proposed drainage and stormwater conditions
- e) Drainage conveyance system (piping)
- f) Roof drains
- g) Easements
- h) BMP plans, dimensions, details, and cross-sections
- i) Planting and stabilization plans and specifications

**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) Landscape protection supervisor note
- j) Existing and proposed tree canopy calculations, if applicable



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**Planting Plan**

- a) Dimensioned and labeled perimeter buffers
- b) Off-site buffer easement, if applicable
- c) Landscape buffer and parking lot planting plan (including planting strip between parking and building, entryway planting, and 35% shading requirement)

**Steep Slope Plan**

- a) Classify and quantify slopes 0-10%, 10-15%, 15-25%, and 25% and greater
- b) Show and quantify areas of disturbance in each slope category
- c) Provide/show specialized site design and construction techniques

**Grading and Erosion Control Plan**

- a) Topography (2-foot contours)
- b) Limits of Disturbance
- c) Pertinent off-site drainage features
- d) Existing and proposed impervious surface tallies

**Streetscape Plan, if applicable**

- 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 detail

**Solid Waste Plan**

- a) Preliminary Solid Waste Management Plan
- b) Existing and proposed dumpster pads
- c) Proposed dumpster pad layout design
- d) Proposed heavy duty pavement locations and pavement construction detail
- e) Preliminary shared dumpster agreement, if applicable



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**Construction Management Plan**

- a) Construction trailer location
- b) Location of construction personnel parking and construction equipment parking
- c) Location and size of staging and materials storage area
- d) Description of emergency vehicle access to and around project site during construction
- e) Delivery truck routes shown or noted on plan sheets

**Energy Management Plan**

- a) Description of how project will be 20% more energy efficient than ASHRAE standards
- b) Description of utilization of sustainable forms of energy (Solar, Wind, Hydroelectric, and Biofuels)
- c) Participation in NC GreenPower program
- d) Description of how project will ensure indoor air quality, adequate access to natural lighting, and allow for proposed utilization of sustainable energy
- e) Description of how project will maintain commitment to energy efficiency and reduced carbon footprint over time
- f) Description of how the project's Transportation Management Plan will support efforts to reduce energy consumption as it affects the community

**Exterior Elevations**

- a) An outline of each elevation of the building, including the finished grade line along the foundation (height of building measured from mean natural grade)

December 1, 2021

## **JAY STREET APARTMENTS – DEVELOPER’S PROGRAM CONCEPT PLAN REVIEW**

This Program accompanies a request for review of a Conditional Zoning Application by the Town of Chapel Hill.

### **Introduction**

The Jay Street Apartment project is located south and west of Jay Street, to the east of the Southern Railroad rights-of-way, and is south of the Village West. The project is proposing is an Affordable Housing apartment units. The developer understands the significance of affordable and has done this successfully throughout North Carolina.

### **Site Description**

The project area is described as Lot 1 and is approximately 7.5 acres. The site is mostly wooded, with some existing structures located near the center area of the parcel. Due to the existing topography and parcel location, the project is proposing a single access to Jay Street.

The project site is bounded by West Chapel Hill Cemetery to the north, a mix of existing single family and multi-family residential to the east and south, and the Southern Railroad to the west.

The site slopes significantly from west to east, with slopes becoming steeper to the south due to the close proximity to Tanyard Branch.

### **Site Access, Circulation, and Pedestrian Connectivity**

The project will seek ingress/egress from the only public right-of-way adjacent to the property, Jay Street. Onsite parking will be provided for the apartments and a community building. A turnaround area will be provided at the southern end and will meet Town requirements.

The closest bus stops are located on Village Drive, but none are directly adjacent to the site.

The project will meet the requirements for recreational space, will align with the Greenway Master Plan, and is proposing a connection to the Tanyard Branch Trail.

### **Building Layout**

The proposed structures are situated to meet buffer and setback requirements. The buildings are located in the central area of the property to provide separation from adjacent parcels and the RCD buffer area. The architectural elements will meet the LUMO requirements.

### **Environmental and Landscaping**

The 7.5 acre site contains approximately 1.9 acres of protected RCD buffer area, extending 150' from Tanyard Branch along the south eastern property line. New landscaping and street trees will be provided

for the developed portion of the site. Required tree coverage, landscaping, and buffers will provide screening and visual interest.

### **Stormwater**

The existing site currently does not have any stormwater treatment measures. The proposed development will comply with the current stormwater quality and quantity regulations. The project will comply with all sedimentation and erosion control requirements utilizing on and offsite protection measures.

### **Utilities**

The project site is currently served by OWASA for water and sewer services. The water and sewer services for the new apartment buildings will be designed to the most current standards and specifications.

March 23, 2021

## **JAY STREET APARTMENTS – AFFORDABLE HOUSING PLAN CONCEPT PLAN REVIEW**

The Chapel Hill Town Council has identified affordable housing as one of its strategic goals and is implementing a comprehensive plan to preserve and increase the availability of affordable housing. The approval of the \$5.25 million funding plan is a major step in the Town’s efforts to reach its affordable housing goals.

The Town Council approved funding awards from the Town’s Affordable Housing Bond and Affordable Housing Development Reserve. In November 2018, Chapel Hill voters approved a \$10 million Affordable Housing Bond Referendum.

In June 2018, the Town of Chapel Hill Council prioritized three Town-owned sites for affordable housing and authorized the Town Manager to pursue affordable housing on those sites. This property, on Jay Street, was one of those locations. Town Staff proposed the following goals for the Jay Street site based on Council feedback, Council’s FY2020-22 Strategic Goals & Objectives, and the Town’s affordable housing policies and goals:

- Provide housing affordable to a range of income levels with priority for units serving households earning 60% or less of Area Median Income
- Maintain long term affordability
- Minimize need for Town funding through leverage of outside funding
- Utilize environmentally friendly and sustainable principles for development
- Facilitate connections within the community and surrounding neighborhood

The concept plan for this site will be the first formal step in beginning a Town and public participation process. The concept plan will be reviewed, and receive input from, two of the Town’s advisory boards, the Community Design Commission and the Housing Advisory Board. The concept plan developed through this process will shape the proposed project.

These homes will be apartments and will be developed by the Taft-Mills Group. “Taft-Mills’ primary focus is delivering high-quality, affordable rental housing developments that blend seamlessly into the communities in which they are located. Possessing a specialized knowledge of Housing Tax Credits, Tax-Exempt Bonds, State and Federal Housing Programs, and various other forms of debt/equity structures, Taft-Mills develops communities that are attractive, safe, and affordable to both families and seniors of modest means.”

In total, the partners propose to develop 48-52 affordable rental units serving households earning from below 30% to 60% Area Median Income (AMI). In Chapel Hill, this is near \$64,500 a year for a family of four. The apartments will range from 1-bedroom units to 4-bedroom units.

The apartments will be available to low and moderate-income households that meet the respective development partners' eligibility requirements. In addition, the range of unit sizes and types will provide opportunities to serve several target populations, including persons with disabilities, individuals or families transitioning out of homelessness, holders of housing vouchers, survivors of domestic violence, and veterans, among others.

The developer will provide a 30-year pro forma for the two apartment buildings, from the date of issuance of C of O, which is standard for affordable multi-family new construction projects.



12/1/2021

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## Conditional Zoning Application – Jay Street, Chapel Hill, NC Statement of Justification

In late 2019, the Town of Chapel Hill released a Request for Qualifications seeking a qualified development team to develop affordable housing on three Town-owned parcels located on Jay Street. In 2020, the town selected a development partnership comprised of Chapel Hill-based Community Home Trust and Greenville, NC-based Taft-Mills Group and entered into a Memorandum of Understanding in March of 2021 to begin negotiating an agreement to develop the site. TMG and CHT are proposing the development of approximately 48 units of affordable housing, to be financed using low-income housing tax credits and tax exempt-bonds, on the +/- 7-acre site.

In proposing the development of the Jay Street parcel(s), TMG/CHT is seeking to rezone the property to allow for the development of the aforementioned community. This Statement of Justification is based on the Town of Chapel Hill's Land Use Management Ordinance ("LUMO") which was established to maintain sound, stable, and desirable development within the planning jurisdiction of the town. Further, the LUMO states that the zoning classifications shall not be amended except when one of the following situations exists: a) to correct a manifest error in the appendix, or b) because of changed or changing conditions in a particular area or in the jurisdiction generally, or c) to achieve the purposes of the comprehensive plan.

In seeking the requested zoning amendment, please consider the following as it pertains to Section 4 of the LUMO:

**A. To correct a manifest error in the appendix:**

Response: TMG/CHT does not believe that a manifest error exists in the appendix and, thus, this criteria is not applicable as it pertains to this request.

**B. Because of changed or changing conditions in a particular area or in the jurisdiction generally:**

Response: There is a significant existing and growing need for affordable housing in the Town of Chapel Hill. The desirability of the community has driven considerable growth that has failed to provide a sufficient amount of rental or home ownership units that are deemed affordable to residents in the Town of Chapel Hill. By securing the requested zoning amendment to allow for the development of the Jay Street parcel(s), residents of Chapel Hill will benefit through the provision of 48 additional units of high-quality affordable housing that does not presently exist in the market. In addition, the proposed amendment is consistent with the Town of Chapel Hill's Future Land Use Map which



envisions Medium Residential (generally 4-8 units per acre) for this area. The proposed development is anticipated to be approximately 6.9 units per acre.

**C. To achieve the purposes of the comprehensive plan:**

Response: The proposed amendment would help achieve the following elements of the comprehensive plan:

- A. *A Place for Everyone*: One of the key components of this goal is to provide affordable housing. The proposed development will provide affordable housing in a community that is welcoming and family friendly.
- B. *Community Prosperity and Engagement*: The Jay Street community will provide a safe, affordable community that will benefit residents and will be an asset to the surrounding community. By providing affordable housing, residents will strengthen their household's financial health by only spending a reasonable amount (~30% or less) of their household income on housing related expenses. In addition, the property's access to public transit will further strengthen the economic position of the household by providing cost effective transportation options that reduce the resident's reliance on vehicular travel (and the associated costs).
- C. *Getting Around*: The Jay Street parcel, in addition to being served by public transportation, is uniquely positioned along the Tanyard Branch Trail ("the trail"). Access to the trail not only provides an opportunity for future residents to be more physically active by using the trail, it also provides non-vehicular access to other communities and amenities throughout the Town of Chapel Hill which promotes a more "active and connected" lifestyle.
- D. *Good Places, New Spaces*: The proposed Jay Street site is nestled among an abundance of both single and multi-family homes, most of which are several decades old. Jay Street's location represents a unique opportunity to locate a newly-constructed affordable housing community in an area that is well located, served by public transit and is within a reasonable walking distance of the downtown districts of both Chapel Hill and Carrboro. The development, as proposed, uses just 50% of the parcel's total acreage, thus, providing a desirable amount of open (undisturbed) space which will benefit the future residents of Jay Street as well as surrounding neighbors. The proposed development also seeks to respect the "old/existing" uses in the surrounding area by designing a concept that is consistent with many of the surrounding multi-family uses.
- E. *Nurturing Our Community*: The project will provide many sustainable design features that were selected to minimize the impact on the community while maximizing benefits for the residents and immediate neighbors. The developed site area was concentrated to provide contiguous areas of undisturbed tree coverage and minimize impervious area to mitigate stormwater demand. These natural areas buffer neighboring properties and provide open space that extends beyond the immediate site through a connection to the adjacent trail system. Demand on local utilities will be reduced because the development will be certified to the latest Energy Star standard (Multifamily New Construction) and compliance will be verified through a third-party rater through inspection testing. Materials are selected to require very low maintenance and have long service lives such as heavy-gauge vinyl siding, high efficiency vinyl windows, and 30-year anti-fungal asphalt shingles. Exterior wood products are minimized and



where exposed to weather will be wrapped with aluminum. Regionally appropriate materials will be selected and sourced where possible such as the brick veneer. Bathroom faucets, shower heads, and toilets will be Water Sense certified and the water heater will be a high efficiency electric model carrying a Uniform Energy Factor of 0.92 or better. A majority of the interior and exterior lighting will utilize high efficiency LED lamps. The refrigerator and dishwasher will be Energy Star rated. HVAC systems will be sized correctly for the unit needs and provide a minimum SEER rating of 14.5. Ceiling fans will be installed in all bedrooms and the living room providing the opportunity for reduced HVAC usage.

March 23, 2021

Jay Street Apartments  
Affordable Housing Development  
Jay Street, Chapel Hill, NC 27516

**STATEMENT OF COMPLIANCE**  
**With the Chapel Hill 2020 Comprehensive Plan**

The Chapel Hill Town Council has identified affordable housing as one of its strategic goals and is implementing a comprehensive plan to preserve and increase the availability of affordable housing. The approval of the \$5.25 million funding plan is a major step in the Town's efforts to reach its affordable housing goals.

The Jay Street Apartments Affordable Housing project is proposed to be developed in accordance with the Chapel Hill 2020 Comprehensive Plan. We provide this statement of compliance to demonstrate adherence to the general concepts set forth in the CH2020 Comprehensive Plan. Two general concepts within CH2020 Comprehensive Plan fall under Community Vision and are noted as Community Choices and Community Connections. These are defined in the plan as:

**Community Choices:**

The community would like more choices about where and how people can live and house their families and more choices about how they travel through town. The community also would like more choices about where to shop and how to meet daily needs. Community members also would like choices about where they can work and play in Chapel Hill.

**Community Connections:**

The community also desires more connections and improved opportunities to meet others and to embrace the diversity of those who live, work, and play in the community. Community members want more connections in how they can get around and a real commitment to safe pedestrian and bicycle transportation. They want real connections between the decisions town leaders make and the ideals that the community has expressed in the Chapel Hill 2020 comprehensive plan. Chapel Hill wants a sense of connectedness from many perspectives.

The other components of the CH2020 Comprehensive Plan fall under the five **Big Ideas**:

- 1. Implement a bikeable, walkable, green communities plan by 2020.**
- 2. Create an entrepreneurial enterprise hub in the Rosemary Street Corridor.**
- 3. Create entertainment/dining/arts hubs to capitalize on Chapel Hill's strengths as a recreational destination.**
- 4. Increase the ratio of workforce housing by 2020 and develop a plan for student housing in the community.**

**5. Establish a structure to support community and neighborhood engagement in a proactive manner.**

**Comprehensive Plan Themes**

The new affordable housing development proposed off Jay Street is being designed to comply with the major themes developed within the Chapel Hill 2020 Comprehensive Plan.

**A Place for Everyone**

This theme is intended to explore and provide diversity and inclusion in a family-friendly, creative environment. It also focuses on the need for affordable housing. The Jay Street development is designed to provide affordable housing for inclusion of all within the community. It will also provide a community center within the project to offer a space to gather for a variety of programs and creative opportunities. The project will be a major step in the Town's efforts to reach its affordable housing goals.

**Community Prosperity and Engagement**

Part of the focus for this theme is to provide a safe, vibrant and connected community, as well as healthy neighborhoods. The development is designed to provide a safe location for the proposed apartment units, with good vehicular and pedestrian access. It will also provide additional connectivity to the existing Greenway Trail between McMasters Street and Jay Street and the Tanyard Branch Trail.

**Getting Around**

This theme focuses on all modes of transportation for an inclusive and connected community. The proposed development will offer pedestrian connectivity to the surrounding neighborhoods, as well as the Greenway Trail connecting to McMasters Street. Sidewalks will be provided throughout the site and a proposed extension of the Greenway will be reserved through the site. The site is also adjacent to an active Town of Chapel Hill Transit route and the residents will be able to take advantage of that service.

**Good Places, New Spaces**

This theme focuses on the various types of neighborhoods throughout Chapel Hill and providing a balanced respect for the old with the prospect of the new. Consideration is also given for open space and the rural buffer. The Jay Street development is located adjacent to some older single-family neighborhoods to the south and east, Village West Apartments to the north and Estes Park Apartments to the west on the other side of the railroad tracks. The development of this vacant property will provide a complimentary neighborhood with a similar balance among the surrounding properties. There is a stream that runs along the southeast side of the property and this area will be fully preserved as Open Space and a Resource Conservation District.

### **Nurturing Our Community**

This theme is focused on environmental sustainability. The proposed development will have two 3-story buildings and a 1-story community building, which is a low density design for the 7.5 acre parcel. The remaining property will be preserved in Open Space and a Resource Conservation District buffer. The proposed impervious area for the project will only be 23% of the property and there will be a significant amount of existing tree canopy preserved on the site. Water quality will also be preserved with the design and installation of Stormwater Control Measures per the requirements of NCDEQ and the Town of Chapel Hill Stormwater Management Program.

### **Town and Gown Collaboration**

This theme focuses on collaboration with the University of North Carolina as well as the UNC Health Care System. While this project is not close in proximity to the UNC Campus, it will provide affordable housing opportunities for both students and university and staff. As previously discussed, it will have access to Greenway and Bicycle routes, as well as bus service, so getting to the campus will be out of reach. Both of these means of transportation will help promote active lifestyle opportunities to include walking to a bus stop or cycling through Town to the campus.

**Jay Street Apartments – Affordable Housing  
Town Council Meeting – 6/21/2021**

Council Comments and Applicant Responses:

- IZ units are mostly offered at higher income levels - not moving the needle for lower income brackets. Would like for Council to find housing solutions for that income bracket.  
Applicant Response: **This project will serve households earning between 30% and 80% of AMI**
- We have a desperate need for affordable housing, especially in locations closer to downtown, and hope this project can move forward.  
Applicant Response: **This project will be 100% affordable, serving households earning between 30% and 80% of Area Median Income, with a majority below 60% of Area Median Income.**
- Challenging area. Jay St doesn't have capacity or condition to make the community work. Need more transit to make it accessible, and more pedestrian and bike connections.  
Applicant Response: **The project will be providing a pedestrian connection to the Tanyard Branch Greenway Trail and will also provide a sidewalk connection from the point of access on Jay Street out to Village Drive.**
- Appreciate you're planning to preserve much of the site. Would like to see development move with the terrain of the site.  
Applicant Response: **The development has been aligned with the existing terrain of the site as much as possible and yes, has been consolidated to the north end of the property to preserve as much of the site as possible, including the RCD area.**
- Would ask as engineers look at things to see if you can get up to a 50-year storm capacity.  
Applicant Response: **We have currently designed the stormwater control measures to meet the 1,2 and 25 year storm events, but will look further to see if the 50-year storm can also be controlled without having to disturb or clear more of the site.**
- Parking seems high - could de-couple parking  
Applicant Response: **The required maximum parking for the unit mix is 93 total spaces. We're proposing a total of 100 spaces, including 10 handicap spaces. The additional 7 spaces have been provided for guest parking at the community building to accommodate community events and meetings without taking parking away from the residents.**
- Pedestrian road infrastructure is an issue - need to make sure it works.  
Applicant Response: **As part of this project, the front section for Jay Street out to Village Drive will be improved to a 27' B-B curb width, with a 5-ft. sidewalk connection.**
- Take advantage of our urban designer.  
Applicant Response: **We have met with him during the development of the concept plan and plan to meet with him again as we finalize the site plan, and again when incorporating feedback from advisory boards.**

- Would suggest flipping the building closer to the community building and put the parking lot behind the large building - would make parking less visible.

Applicant Response: **The plan has been designed to minimize the visibility of the parking lot areas as much as possible. The northern lot will be between Building #1 and the community building; the lower parking lot will be below the elevation of the railroad and above the elevation of the properties to the east.**

- Would like to see stoops incorporated into building design.

Applicant Response: **Each unit will have a porch/patio that will provide each resident with their own dedicated open-air space. Each porch/patio will also include a storage area that serves each specific residential unit.**

- Car and pedestrian safety is a critically important question we will need an answer to move forward.

Applicant Response: **We will be constructing a sidewalk connection from the project entrance on Jay Street out to the intersection of Village Drive. We will also be widening Jay St. to a width of 22-ft and adding curb and gutter for a total width of 27-ft. This will bring the road up to the Town's design standards.**

- Look at if it makes sense to include community center in a building.

Applicant Response: **We have investigated this option but found that for the Community Center building to function for the most uses and flexibility, a separate building works the best. It also serves as an anchor for the rest of the recreation facilities for the development.**

CONCEPT PLAN COMMENTS  
Jay Street Affordable Housing  
COMMUNITY DESIGN COMMISSION

May 10<sup>th</sup>, 2021

The Community Design Commission conducted a Concept Plan review for Jay Street Affordable Housing at a meeting on May 10<sup>th</sup>, 2021. The project proposes a housing complex w/ approx. 50 units.

*\*Key points made by members of the Commission about the Concept Plan are listed below.*

- Multiple Commissioners expressed concern over the difficulties of the site. Those include constrained parcel layout, topographical concerns and adjacent road improvements.

Applicant Response: **We realize the difficulties of the site and have worked to consolidate the grading and overall footprint of the project to minimize the land disturbance. We have also provided proposed road improvements on Jay St. from Village Drive to the entrance of the project.**

- Multiple commissioners expressed concern over the adjacent road network and the improvements that would be needed to create a viable project.

Applicant Response: **We have worked with Town Engineering staff to determine the best solution for road improvements and have proposed widening the northern portion of Jay St. with curb and gutter and a 5-ft. sidewalk to Village Drive.**

- Multiple commissioners expressed concern over the future residences of the site not having access to bus routes and public transportation.

Applicant Response: **The residents will have access to the current bus routes available on Village Drive, including a stop less than 0.1 miles from the site entrance on Village Drive. A second bus stop for a different bus line is located less than 0.5 miles to the south on Caldwell Street. In addition, a pedestrian connection will be provided for access to the existing Tanyard Branch Greenway.**

- Multiple commissioners expressed concern over the proposed loss of vegetation on the site and clear cutting which would reduce tree canopy.

Applicant Response: **The project has been consolidated to the north end of the property to lessen the overall impact and preserve as much of the existing vegetation and canopy as possible. The developed area will then be landscaped and planted with new trees and vegetation to replace as much canopy as possible.**

- Multiple commissioners expressed concern over the vast increase in impervious surface and the stormwater measures that would be required to treat that area.



CONCEPT PLAN COMMENTS  
Jay Street Affordable Housing  
COMMUNITY DESIGN COMMISSION

**Applicant Response: The project is proposing an impervious ratio of approximately 20% and falls within the low-density threshold of the Land Use Management Ordinance. The site does obviously increase the amount of impervious area significantly based on the existing conditions of an undeveloped site, but the runoff will be controlled and treated to meet the LUMO, including a portion designed to be underneath the parking lot.**

- Multiple commissioners suggested an enhanced landscape plan to help reduce the tree loss impact.

**Applicant Response: We are providing a significant amount of landscaping for the project and will work with Town staff to provide as much enhancement of plantings as possible within the confines of other site requirements to be met.**

- Multiple commissioners expressed support of the project as meeting goals of affordable housing.

**Applicant Responses: We appreciate that support and it is the full intent of the project to meet those goals with 100% affordable housing.**

- Multiple commissioners expressed appreciate for using multiple buildings to work w/ the site topography. Commissioners shared that additional building or reducing the size of the current buildings may help work w/ the topographic challenges even better.

**Applicant Responses: We have worked with several options for the project and have settled on the current plan with two buildings to be the best fit for the topography of the site.**

- Multiple commissioners shared w/ the applicant the need to think creatively to solve the issues presented and that additional community engagement would be beneficial.

**Applicant Response: We have continued to engage the community to discuss their questions and concerns for the project and have implemented the appropriate changes as much as possible with the current design.**

- One commissioner expressed their support of the conceptual images of the project including potential elevations and materials. But did reiterate the difficulties the project faced.

**Applicant Response: We appreciate the support for the proposed building design and materials.**

- One commissioner thought integrating the community center into another building may help with building massing the site topography.

CONCEPT PLAN COMMENTS  
Jay Street Affordable Housing  
COMMUNITY DESIGN COMMISSION

Applicant Responses: **We have investigated this option but determined that for the best functionality of the community center, a separate building is the best option. It also serves as an anchor for the rest of the amenities for the project.**

- One commissioner supported created a permanent preservation easement on the portion of the site not developed as part of this application.

Applicant Responses: **This will be discussed with town staff and management to determine during the review process. The Town of Chapel Hill will maintain ownership of the property, so if the undeveloped portion is to be preserved in an easement, a determination will need to be made as to how that would be put in place.**

- One commissioner expressed concern on the selection of this site and encouraged the applicant to select another site.

Applicant Response: **The selection of the site was based on multiple rounds of feasibility analysis conducted by an interdepartmental workgroup of Town staff before Town Council voted to prioritize the site for affordable housing development. The development team is proposing a development plan for this site in response to Council's direction.**



Orange County NC 09/30/2005  
State of North Carolina  
Real Estate Excise Tax  
Excise Tax: \$2100.00

FILED Joyce H. Pearson  
Register of Deeds Orange COUNTY, NC  
BY:

Deputy *Linda Clark*

1-9776-99-6541 7.128.B.29B  
5-9788-09-0009 7.94.B.27  
32 2-9777-71-9117 7.128.A-6  
MB 3-9788-09-2550 7.94.B-2  
4-9788-09-1257 7.94.B.5  
9788-09-1232 7.94.B.6 ✓

This instrument drafted by: Gregory Herman-Giddens, 205 Providence Road, Chapel Hill, NC 27514  
(Prepared without benefit of title examination)

After recording, return to: Town of Chapel Hill, 405 Martin Luther King, Jr. Blvd., Chapel Hill, NC 27514

Revenue Stamps: \$2,100.00

NORTH CAROLINA )  
)  
ORANGE COUNTY ) COMMISSIONER'S DEED

This deed, made and entered into this 29 day of September, 2005, by and between Gregory Herman-Giddens acting as Commissioner as hereinafter stated ("Grantor"); and The Town of Chapel Hill, a municipality organized and existing under the laws of the State of North Carolina; whose address is 405 Martin Luther King, Jr. Boulevard, Chapel Hill, NC 27514.

WITNESSETH:

That whereas, in a certain special proceeding entitled "Clarice Eula Merritt Brickhouse and spouse, David M. Brickhouse; Marjorie Ida Merritt, unmarried; William Hubert Merritt and spouse, Cathy L. Merritt; Martha Arvilla Merritt, unmarried; Carolyn Ann Merritt, unmarried; Andrew Seaton Holt, III and spouse, Alice Lee Holt; Edward Eugene Holt, unmarried; Barbara McElduff Browning and spouse, Robert M. Browning; Estate of Annie Willie Greeson, unmarried; Estate of Alfred Willie Sparrow, unmarried; Thurman Andrew Sparrow and spouse, Dorothy B. Sparrow; Brenda Louise Greeson Munford and spouse, John W. Munford; James William Greeson and spouse, Helen Elizabeth Yeatts Greeson; Audrey Lee Greeson Ledbetter and spouse, William C. Ledbetter, **Petitioners**, vs. Furman E. Coggins, Administrator of the Estate of Leo V. Merritt; E. Louise Stone Blackwood and spouse (if any); Jean Stone Miller and spouse (if any); Lurline Stone Whitaker and spouse (if any); Howard E. Stone, Jr. and spouse (if any); Carol S. Stone Fogleman and spouse (if any); William Edgar Stone and spouse (if any); Duke Stone and spouse (if any); Millie Andrews Shepherd and spouse (if any); Billy Ray Andrews and spouse (if any), **Respondents**," brought and pending before the Clerk of the Superior Court of Orange County, North Carolina (File No. 05-SP-10), an order was made by said court appointing said Grantor as Commissioner, to sell at private sale subject to confirmation of the court the lands hereinafter described; and whereas said Grantor, acting as Commissioner as aforesaid, on July 21, 2005 reported to said court a contract for the sale of the lands hereinafter described to said Grantee at the price of **One Million Fifty Thousand & 00/100 Dollars (\$1,050,000.00)**, and recommended that said sale be confirmed by the court, and whereas, said court on July 25, 2005 entered an order approving and confirming the contract for sale and directing said Grantor as Commissioner to make execute, and deliver unto said Grantee a good and sufficient deed for said lands upon the payment to him of one-half of the purchase price and receipt of a duly executed note and deed of trust for the balance of the purchase price;

Now, therefore, said Grantor, acting as Commissioner as aforesaid, under authority of said order of court and in consideration of the said purchase price of **One Million Fifty Thousand & 00/100 Dollars (\$1,050,000.00)** has

bargained and sold and by these presents does grant, bargain, sell, and convey unto said Grantee and its assigns the certain tracts or parcels of land lying and being in the County of Orange and State of North Carolina, in Chapel Hill Township, and more particularly described and bounded as follows:

**TRACT 1: BEGINNING** at an existing iron pin on the southwestern corner of the N/F Slomiany's property (DB 3759, Pg. 398) See PB 92, Pg. 12; said point also being the northwesternmost corner of this tract; thence from said point of beginning and with the southern line of the N/F Slomiany's property, S. 87°45'37" E. 160.12 ft. to a new iron pin on the N/F Cates (DB 3183, Pg. 409) corner; thence with the Cates western line, S. 04°43'10" W. 287.72 ft. to a new iron pin; said iron pin being N. 87°45'37" W. 68.51 ft. from an existing iron pin on Obey's Creek, the N/F Oldham's northeast corner; thence with the N/F Oldham line, N. 87°45'37" W. 160.12 ft. to an existing iron pin on the "Old Merritt School Road" eastern line; thence with the aforementioned Old Merritt School Road, N. 04°43'10" E. 287.72 ft. to the point and place of **BEGINNING, CONTAINING 1.06 ACRES** more or less.

**TRACT 2: BEGINNING** at an existing iron pin on the south bank of a small creek, said point also being the northwesternmost corner of the N/F Cole property (DB 223, Pg. 1463) See PB 17, Pg. 78; thence from said point of beginning, N. 50°47'21" E. 370.09 ft. (See PB 83, Pg. 20) to an existing iron axel at the N/F Hester corner; thence with the Hester line, S. 36°42'05" E. 813.87 ft. to an existing iron pin; thence continuing along the same course, S. 36°42'05" E. 849.47 ft. to a new iron pin on the new northern right-of-way of Hwy. 15-501; thence with the northern right-of-way of 15-501, S. 06°21'09" W. 178.69 ft. to a point of curvature; thence curving to the left, said curve having a radius of 2,355.64 ft., an arc distance of 117.83 ft. and a chord of S. 58°55'06" W. 117.82 ft. to a new iron pin; thence leaving said 15-501 right-of-way and with N/F Cole line (DB 2510, Pg.161), N. 39°22'04" W. 514.47 ft. to an existing iron pin; thence continuing along the same course, N. 39°22'04" W. 1,100.92 ft. to the point and place of **BEGINNING, CONTAINING 12.43 ACRES**, more or less.

**TRACT 3: BEGINNING** at a point on the southern right-of-way of Jay Street, said point being S. 89°37'30" W. 537.61 ft. from an existing iron on the N/F Town of Chapel Hill Cemetery property at the eastern right-of-way of the Southern Railroad; thence from said point of beginning and with the right-of-way of Jay Street, S. 89°37'30" W. 119.07 ft. to an existing iron pin at the right-of-way intersection with the Nunn Street Extension; thence with the western right-of-way of Nunn Street Extension, S. 20°25'12" W. 161.64 ft. to a new iron pin on the AM Properties lot line; thence N. 70°08'19" W. 81.49 ft. to a new iron; thence N. 06°28'32" E. 123.81 ft. to the point and place of **BEGINNING, CONTAINING 0.32 ACRES**, more or less.

**TRACT 4: BEGINNING** at an existing iron pin on the southwest corner of the N/F AM Properties lot said EIP also being S. 48°34'03" E. 524.22 ft. from an existing iron at the southwest corner of the Old Chapel Hill Cemetery and the southern railroad right-of-way; thence from said point of beginning and with the N/F AM Properties line, S. 71°43' 25" E. 134.17 ft. to a new iron pin; thence S. 18°16' 35" W. 98.87 ft. to an existing iron pin; thence with the N/F Johnson line (DB 394, Pg. 449), N 71°04' 38" W. 110.13 ft. to an existing iron pin; thence N 05°00' 01" E. 100.31 ft. to the point and place of **BEGINNING, CONTAINING 0.28 ACRES, AND BEING ALL OF LOTS 11 & 12** and the same lots described in Deed Book 1812, Page 172, Orange Registry (Lot 11) and Deed Book 1598, Page 373, Orange Registry (Lot 12). *TO REMAIN AS LOTS 11 AND 12 LUTHER EDWARD PROPERTY SHOWN IN PLAT BOOK 64 AT PAGE 75. THESE LOTS ARE TO REMAIN SEPARATE AND APART AND DOES NOT CREATE A MERGER.*

**TRACT 5: BEGINNING** at an existing iron pin on the eastern right-of-way of the southern railroad, said iron is also the southwesternmost corner of the N/F Chapel Hill Cemetery (DB 221, Pg. 791); thence from said point of beginning and with the eastern right-of-way of the railroad, S. 38°39'46" E. 66.98 ft. to a point of curvature; thence continuing with the right-of-way and curving to the right an arc distance of 934.06 ft. to a point, said curve having a radius of 633.59 ft. and a chord of S. 01°08'24" W. 851.75 ft; thence with said right-of-way, S. 38°55' 28" W. 7.47 ft. to a point of curvature; thence curving to the left an arc distance of 245.26 ft. to a point on the eastern right-of-way of Broad Street, said curve having a radius of 2,671.92 ft. and a chord bearing of S.

40°30'58" W. 245.17 ft.; thence leaving said railroad right-of-way and with the eastern right-of-way of Broad Street, S. 06°31' 59" E. 163.43 ft. to a new iron pin at the N/F Austin property; thence leaving said Broad Street right-of-way and with the Austin line (DB 461, Pg. 294), N. 83°26'40" E. 161.67 ft. to a new iron pin; thence N. 08°58'54" W. 47.10 ft. to an existing iron pipe (EIP) at a creek; thence down the creek and with N/F Town of Chapel Hill property (PB 92, Pg. 169) and N/F. A.M. Properties (PB 80, Pg. 127) lines the following calls: N. 54°31'30" E. 99.19 ft. to a point; thence N. 36°23'43" E. 31.74 ft. to an EIP; thence N. 47°33'23" E. 32.00 ft. to a point; thence N. 12°45'21" E. 50.00 ft. to a point; thence N. 25°13'13" E. 39.74 ft. to a point; thence N. 41°33'00" E. 75.87 ft. to a point; thence N. 57°04'12" E. 17.93 ft. to a point; thence N.32°51'22" E. 114.99 ft. to a point; thence S. 50°44'50" E. 17.30 ft. to a point; thence N. 62°21'53" E. 22.10 ft. to a point; thence N. 36°23'15" E. 29.27 ft. to a point; thence S. 87°38'17" E. 28.13 ft. to a point; thence N. 61°19'04" E. 48.64 ft. to a point; thence N. 81°38'07" E. 35.82 ft. to a point; thence N. 77°32'57" E. 32.00 ft. to a new iron pin; thence leaving said creek and with the northern right-of-way of Nunn Street Extension (PB \_\_\_, Pg. \_\_\_), N. 16°01'34" E. 121.39 ft. to an EIP; thence leaving said right-of-way and with the N/F A.M. Properties line, N. 68°12'21" W. 177.18 ft. to an EIP; thence N. 05°49' 15" E. 155.28 ft. to an EIP at the N/F Johnson property (DB 394, Pg. 449); thence N. 05°00'10" E. 100.31 ft. to an existing pin at the southwestern corner of N/F A.M. Properties tract (PB 85, Pg. 192); thence with the A.M. Properties line, N. 05°49'16" E. 351.51 ft. to a new iron pin on the southern right-of-way of Jay Street; thence with the southern right-of-way of Jay Street, S. 89°37'30" W. 428.68 ft. to the place and point of **BEGINNING, CONTAINING 7.50 ACRES**, more or less.

All tracts hereby conveyed are described in a survey of the Leo V. Merritt Property by Thomas F. Bick, dated August 12, 2005, and on file with the Town of Chapel Hill."

To have and to hold said lands and premises, together with all privileges thereunto belonging to it the said Grantee and its assigns in as full and ample a manner as said Grantor as Commissioner as aforesaid is authorized and empowered to convey the same.

In Testimony Whereof, said Grantor, acting as Commissioner as aforesaid, has hereunto set his hand and seal the day and year first above written.

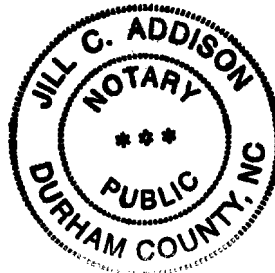
Gregory Herman-Giddens (SEAL)  
Gregory Herman-Giddens, Commissioner

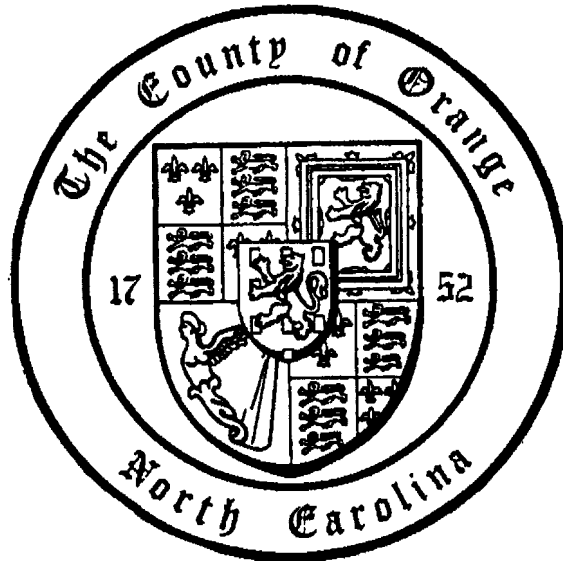
**STATE OF NORTH CAROLINA - COUNTY OF ORANGE**

I, the undersigned Notary Public of the County and State aforesaid, certify that **Gregory Herman-Giddens, Commissioner**, personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 29<sup>th</sup> day of September, 2005.

Jill C. Addison  
Notary Public

My Commission Expires: 9-26-2006





Joyce H. Pearson  
Register of Deeds  
Orange County  
North Carolina

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**State of North Carolina, County of Orange**

The foregoing certificate(s) of JILL C ADDISON, NOTARY PUBLIC for the Designated Governmental units is/are certified to be correct. See filing certificate herein.

This day September 30, 2005.

Joyce H. Pearson, Register of Deeds

BY: Linda Perkins  
Deputy / ~~Assistant~~ Register of Deeds