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TOWN OF CHAPEL HILL
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ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS that the undersigned property owner, Deborah H. Fraley, has been granted a Special Use Permit by the Town of Chapel Hill on May 24, 2010, the terms of which are as follows:

NAME OF PROJECT: Bridgepoint
NAME OF DEVELOPER: Deborah H. Fraley

DESCRIPTION OF PREMISE

LOCATION: 2214, 2300, and 2312 Homestead Road
ORANGE COUNTY PARCEL IDENTIFIER NUMBERS: 9870-91-4489 and 9870-91-9528

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 399,972 sq. ft. (9.2 acres)
MAXIMUM FLOOR AREA: 99,978 sq. ft.
MAXIMUM IMPERVIOUS SURFACE: 143,112 sq. ft.
PARKING SPACES: Minimum 127;
Maximum 157
NUMBER OF DWELLING UNITS: 23 - 32

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated March 3, 2009 and revised September 22, 2009 (on file in the Chapel Hill Planning Department), with the following modification of regulations:

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree.

1. Modification of Subsection 5.9.7 to modify the parking quantity standards. That the development have the flexibility to have a mix of different tenants, with a constant amount of parking (87 non-residential parking spaces), even if the parking falls below the minimum requirement for a particular combination of uses.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree for the above requested modification to regulations because the proposed development is providing bus stops on both street frontages for an expanded bus

network presence, is building bike lanes across both street frontages, has a sidewalk and pedestrian system, and visitors have the opportunity to arrive at the site via alternative means of transportation.

Stipulations Specific to the Development

1. Construction Deadline: That construction begin by May 24, 2013 and be completed by May 24, 2015.
2. Land Use Intensity: This Planned Development – Mixed Use Special Use Permit authorizes the following:

Gross Land Area	399,972 sq. ft. (9.2 acres)
Total Maximum Floor Area Allowed	99,978 sq. ft.
Maximum Residential Floor Area Allowed	72,578 sq. ft.
Maximum Nonresidential Floor Area Allowed	27,400 sq. ft.
Maximum Impervious Surface Area	143,112 sq. ft.
Number of Non-residential Vehicular Parking Spaces	87 spaces
Minimum Vehicular Parking Spaces	40 residential spaces
Maximum Vehicular Parking Spaces	70 residential spaces
Minimum Bicycle Parking Spaces	Minimum 12 spaces
Number of Dwelling Units	23 - 32

3. Permitted Land Use Category: That the following land uses are permitted within the non-residential portion of the site: General Business; Convenience Business/Restaurant; Office-Type Business; Clinic; Automated Teller Machine (ATM), Barber Shop/Beauty Salon; Medical Offices; Personal Services; Public Cultural Facility; Public Use Facility; Recreation Facility: Commercial; Recreation Facility: Non-Profit. A Bank with a walk-up Automated Teller Machine (ATM) is permitted but limited to no more than 4,250 square feet of floor area. The entire site is authorized for Multi-family Dwelling Units and associated customary incidental uses.
4. Mix of Uses: That in order to maintain a mix-of uses, no single non-residential land use category shall exceed 75% of the non-residential floor area. That the Convenience-Business/Restaurant category shall not exceed 50% of the non-residential floor area.
5. Land Use Intensity (Non-Residential Parking): That the applicant shall have the flexibility to have a mix of different tenants (based on market needs over time), with a constant amount of parking (the proposed 87 non-residential parking spaces), even if the parking falls below the normal minimum requirements identified in the Land Use Management Ordinance for a particular combination of uses.
6. Land Use Intensity (Residential Parking): That the applicant may increase parking by up to two parking spaces for each additional unit incorporated above the proposed 23 dwelling units (maximum is 18 additional spaces if all of the 32 dwelling units are provided), as long as the additional parking is provided beneath the building.

Affordable Housing

7. Affordable Housing Plan and Performance Agreement: The Affordable Housing Plan and Performance Agreement shall be reviewed and approved by the Town Manager prior to issuance of Zoning Compliance Permit.
8. Affordable Housing Plan/Performance Agreement: That prior to the issuance of a Zoning Compliance Permit, the applicant must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the applicant, the Town Manager (or designee), and the non-profit agency that will administer the affordable housing units that will contain the following information:
 - (1) General information about the nature and scope of the covered development
 - i. 15% the market rate units
 - ii. The applicant will construct affordable townhouse units on-site that will be affordable to households earning less than 80% of the area median income by household size.
 - iii. The applicant will provide partial payment-in-lieu to fulfill the affordable housing requirement (\$85,000 X partial unit)
 1. The \$85,000 baseline shall be established on the SUP approval date, to be inflated by 3% per year until such time as payment is made to the Town.
 2. The payment shall be made to the Town's Affordable Housing Fund.
 3. Payment must be received prior to issuance of a Zoning Compliance Permit.
 - (2) The total number of market rate units and Affordable Dwelling Units in the development.
 - (3) The number of bedrooms and bathrooms in each Affordable Dwelling Unit.
 - (4) The approximate square footage of each Affordable Dwelling Unit.
 - (5) The approximate location within any multifamily residential structure, or any subdivision of land, of each Affordable Dwelling Unit.
 - (6) The pricing for each Affordable Dwelling Unit. The pricing of each unit or lot shall be determined prior to issuing a Zoning Compliance Permit. At the time of sale, this price may be adjusted if there has been a change in the median income or a change in the formulas used in this ordinance.
 - (7) The applicant will establish an Affordable Housing Transfer Fee. Funds collected from a transfer fee associated with the sale/resale of market rate properties (not to exceed 1%) in Bridgepoint are to be placed into a reserve fund to be administered by the selected affordable housing agency. The Affordable Housing Performance Agreement will govern how the transfer fee mechanism and reserve fund will function, and require an annual report by June 30 be provided to the Town Council detailing the use of the Transfer Fee Fund.

- (8) Documentation and plans regarding the exterior appearance, materials and finishes of the development for each of the Affordable Dwelling Units, unless it is stated that market rate units and Affordable Dwelling Units shall have identical exterior finishes.
- (9) Any and all other information that the Town Manager may require that are needed to demonstrate compliance with the Council's Affordable Housing Policies.

The Affordable Housing Plan and Performance Agreement shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Transportation

9. Homestead Road Right-of-way Dedication: That prior to issuance of a Certificate of Occupancy, the applicant shall dedicate one-half of a 90-foot wide public right-of-way along the Homestead Road site frontage.
10. Homestead Road Improvements: That prior to the issuance of a Certificate of Occupancy, the applicant shall improve the Homestead Road frontage with a 12-foot wide westbound travel lane, a 4-foot wide striped bike lane, and a standard 30-inch curb and gutter along the site's frontage, constructed to the North Carolina Department of Transportation standards. The design shall be subject to the approval of the Town Manager and North Carolina Department of Transportation.
11. Homestead Road Entrance: That prior to issuance of a Certificate of Occupancy, the applicant shall improve the Homestead Road entrance to a right-in/right-out driveway connection with a raised center median installed within the Homestead Road to restrict turning movements, subject to the approval of the North Carolina Department of Transportation and the Town Manager.
12. Homestead Road Bus Pull-off: That prior to the issuance of a Certificate of Occupancy, the applicant improve Homestead Road with construction of a bus pull-off with the location and dimensions approved by the Town Manager and the North Carolina Department of Transportation prior to issuance of a Zoning Compliance Permit.
13. Traffic Signal/Traffic Circle: That prior the issuance of a Zoning Compliance Permit, the applicant provide a payment-in-lieu of \$24,000 towards construction of either a roundabout or traffic signal at the intersection of Homestead Road and Weaver Dairy Road Extension intersection. That the Council by separate resolution direct the staff to proceed with plans to have the signal installed at this intersection of Homestead Road and Weaver Dairy Road Extension as quickly as possible.
14. Weaver Dairy Road Extension Left Turn Lane: That prior to issuance of a Certificate of Occupancy, the applicant shall construct a left turn lane on Weaver Dairy Road Extension to provide for left turns from Weaver Dairy Road Extension into the site. The design shall be subject to the approval of the Town Manager and North Carolina Department of Transportation.
15. Weaver Dairy Road Extension Bike Lane and Curb and Gutter: That prior to the issuance of a Certificate of Occupancy, the applicant shall install a 5-foot wide bicycle lane and standard 30-inch curb and gutter on Weaver Dairy Road Extension along the entire frontage of the site. The design shall be subject to the approval of the Town Manager and North Carolina Department of Transportation.
16. Weaver Dairy Road Extension Sidewalk: That prior to issuance of a Certificate of Occupancy, and subject to the grant of necessary permissions for entry and construction in the right-of-way, it will be necessary for the applicant to construct a 5-foot wide concrete sidewalk along Weaver Dairy Road Extension, from Homestead Road to the existing sidewalk in Vineyard Square. The location of this sidewalk within the public right-of-way for Weaver Dairy Road Extension is to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
17. Weaver Dairy Road Extension Maintenance Agreement: That prior to the issuance of a Zoning Compliance Permit, it will be necessary for the applicant to provide a maintenance agreement to maintain the landscaping between the street and the Weaver Dairy Road Extension sidewalk. The conditions of the maintenance agreement shall terminate at the time Weaver Dairy Road Extension is widened to the 4-lane cross section.
18. Future Cross Access Easements: That a plat, recorded at the Orange County Register of Deeds Office prior to issuance of a Zoning Compliance Permit, shall include a cross-access easement for pedestrian and vehicular connections between all portions of the development. Notes to this effect shall be provided on all plats and final plans
19. Weaver Dairy Road Extension Bus Pull-off: That prior to the issuance of a Certificate of Occupancy, the applicant shall improve Weaver Dairy Road Extension with construction of a bus pull-off with the location and dimensions approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
20. Bus Pull-off Right-of-Way dedications: That, if determined necessary by the Town Manager, prior to the issuance of a Zoning Compliance Permit, the applicant shall dedicate additional right-of-way for the two transit stops, on Homestead Road and along Weaver Dairy Road Extension, with locations to be approved by the Town Manager.
21. Bus Stop Amenities Payments-in-Lieu: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a payment-in-lieu of \$22,000 for two bus stop shelters/benches. If no bus service is provided to service the bus shelters within three years of Council approval, upon request by the property owner, the payment-in-lieu will be returned.
22. Non-Residential Vehicular Parking: That the applicant shall provide a minimum of 87 parking spaces built to Town standard according to Town Design Manual guidelines, design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
23. Accessibility Requirements: The applicant shall provide the minimum required handicapped parking spaces and design all handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans With Disabilities Act standards, North Carolina Accessibility Code, and Town standard prior to issuance of a Certificate of Occupancy. Code requirements include standards for the number, size and spacing of handicapped spaces, travel distance from parking spaces to buildings, ramp and sidewalk slope, cross-walk striping and other considerations.

24. Bicycle Parking: That the applicant shall provide dimensioned details for 11 bicycle parking spaces that comply with Town parking standards and the spring 2002 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual.
25. Transportation Management Plan: A Transportation Management Plan for the non-residential portion of the site shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall be updated and approved annually by the Town Manager. The required components of the Transportation Management Plan shall include:
- a) A Transportation Coordinator at each site to communicate and promote alternate modes of transportation.
 - b) Submission of an Occupancy Survey due 90 days after issuance of Certificate of Occupancy.
 - c) Submission of an updated annual Transportation Management Plan Report.
 - d) Submission of Go Chapel Hill Mobility Business and Employee Surveys during survey years.
 - e) Trip reduction measures implemented to gradually attain the goals of the program.
 - f) An annual list of the types of land use categories occupying the non-residential portion of the site, and the total amount of floor area associated with each category.

Landscaping and Elevations

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

Location	Bufferyard LUMO Requirement	Buffer Reduction 5.6.6 of LUMO	Required Bufferyard
Southern Property Line (Homestead Road)	30 ft Type D	20 ft Type C	20 ft Type C Alternate
Western Property Line	20 ft Type D	n/a	20 ft Type C (existing vegetation)
Eastern Property Line (Weaver Dairy Road Extension)	30 ft Type D	20 ft Type C	20 ft Type C Alternate
Northern Property Line	10 ft Type B	n/a	10 ft Type B (existing vegetation)

27. Alternative Buffer Approval: That the applicant shall provide Alternative Buffer approval for the authorized Alternative Buffers by the Community Design Commission prior to the issuance of a Zoning Compliance Permit.
28. Landscape Protection: That a detailed Landscape Protection Plan, clearly indicating which significant tree stands, rare and specimen trees shall be removed and which shall be preserved, shall be provided prior to issuance of a Zoning Compliance Permit. The plan shall include critical root zones of all rare and specimen trees, and clearly delineate significant tree stands. The plan shall include specialized construction techniques to preserve the 42" oak tree along Homestead Road.
- The plan shall also include detail of tree protection fencing around construction limits and indicate construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
29. Landscape Planting Plan: That the applicant shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
30. Tree Protection Fencing Prior to Demolition: That the applicant shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to demolition of the existing buildings on the site, prior to issuance of a Zoning Compliance Permit
31. Chain link Fencing: That a chain link fence shall be installed around the portions of the tree save areas during construction, to ensure restricted land disturbance near these areas. Details concerning the location, type, installation, and maintenance of this fence shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
32. Tree Replacement: That in the event that the 21" oak tree on the Homestead Road frontage dies within 5 years of the start of construction, the applicant shall replace the 21" oak tree with a 4" caliper oak tree subject to Town Manager approval.
33. Landscape Screening and Shading: That the landscaping standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance shall be provided prior to issuance of a Zoning Compliance Permit.
34. Landscape Plan and Landscape Maintenance Plan: That a detailed Landscape Plan and a Landscape Maintenance Plan, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all proposed plantings as well as the limits of land disturbance and tree protection fencing.
35. Tree Canopies Maintenance Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a tree canopy maintenance plan that provides and ensures maintenance of a 13 1/2 foot vertical clearance distance above the entrance driveways to allow for emergency access.

36. Tree Canopy Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a tree canopy plan calculating the existing tree canopy coverage on the site and the tree canopy coverage proposed when the replacement plantings have reached maturity.
37. Building Elevation Approval: That the Community Design Commission shall approve building elevations including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit.
38. Lighting Plan Approval: That the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) offsite spillage of light, prior to issuance of a Zoning Compliance Permit.

Recreation

39. Multipurpose trail on Homestead Road: That the applicant provide a 10-foot-wide greenway trail/bicycle path across the Homestead Road frontage of the site prior to issuance of a Certificate of Occupancy. That, in order to minimize damaging the root zone of a nearby significant tree, the construction of the greenway shall include a boardwalk or similar low impact path around the tree. The path surface must be appropriate for a multiple use trail and shall not consist of a dirt, gravel, or similar surface. That the final design and location of this greenway be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
40. Recreation Space Payment-in-lieu: That the applicant provide a payment-in-lieu for the remaining required Recreation Space prior to issuance of a Zoning Compliance Permit.
41. Resource Conservation District Greenway Easement: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a recorded greenway easement to the Town for the portion of the site that is greater than 100' north of the rear of the proposed multi-family units in the western portion of the property and is located in the Stream-Side portion of the Town's Resource Conservation District in the eastern portion of the property, as shown on the "Proposed Greenway Easement" exhibit dated February 16, 2010. This easement shall be located and labeled on the Final Plans and final plat.

Environment

42. Resource Conservation District (RCD): That the approximately 21,837 square feet of land disturbance within the RCD, is authorized for the following activities: construction of the bioretention facility, grading associated with the proposed stormwater facility, and the stormwater outfalls. That approximately 330 square feet of land disturbance activities associated with residential construction is permitted within the RCD.
43. Stormwater Management Plan: That the applicant shall demonstrate compliance with the stormwater management requirements of the Land Use Management Ordinance to provide for 85 percent total suspended solids removal for any additional suspended solids that are the result of the new development, the retention of any increase in stormwater runoff volume for the 2-year storm for a period of 2-5 days, and the control of any increase in the stormwater runoff rate for the 1-year, 2-year, and 25-year storms prior to the issuance of a Zoning Compliance Permit.
44. Stormwater Facilities and Operations and Maintenance Plans: That all stormwater management, treatment and conveyance facilities located on and below the ground shall be wholly contained within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions. A copy of the final plat or easement exhibit, signed and sealed by a North Carolina-registered Land Surveyor and recorded by the County Register of Deeds, and containing the following notes shall be submitted prior to issuance of the Certificate of Occupancy:
 - All engineered stormwater management control, treatment, and conveyance structures on and below the ground shall be wholly located within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions.
 - Unless specifically designated as being "Public" and accepted by the Town of Chapel Hill, the "Reserved Stormwater Facility Easement(s)" and the facilities it/they protect are considered to be private, with the sole responsibility of the owner to provide for all required maintenance and operations as approved by the Town Manager.
 - The Reserved Stormwater Facility Easement and the Operations and Maintenance Plan are binding on the owner, heirs, successors, and assigns.
45. Stormwater Operations and Maintenance Plan Recordation: Prior to issuance of a Certificate of Occupancy, a Stormwater Operations and Maintenance Plan, signed by the owner, shall be provided for the proposed stormwater management facilities and submitted to the Stormwater Management Engineer for approval. This Plan shall include all stormwater systems components. A schedule of inspection and maintenance tasks shall be included.
46. Reserved Stormwater Facility Easement: That, for maintenance purposes suitable access to the Reserved Stormwater Facility Easement must be provided and shown on the plans.
47. Stormwater Management Structures: That stormwater management structures shall not be located in the rights-of-ways or building setbacks.
48. Silt Control: That the applicant shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance.

49. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for a maintenance of facilities and modification of the plan if necessary, be approved by the Orange County Erosion Control Officer, and that a copy of the approval be provided to the Town Manager prior to issuance of a Zoning Compliance Permit.
50. Curb Inlets: That the applicant shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way.
51. On-Site/Adjacent Stormwater Features: That the final plans locate and identify existing site conditions including all on-site and adjacent stormwater drainage features on the plans prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris.
52. Steep Slopes Plan: That prior to the issuances of a Zoning Compliance Permit, the applicant obtain approval of a Steep Slopes Plan, as specified by Section 5.3.2 of the Land Use Management Ordinance.
53. Energy Management Plan: That prior to the issuance of a Zoning Compliance Permit, the application submit an Energy Management Plan to be approved by the Town Manager. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, biofuels, and hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that ensures indoor air quality and adequate access to natural lighting, and d) allow for the proposed utilization of sustainable energy in the project; and that the property owner report to the Town of Chapel Hill the actual energy efficiency achieved with their plan, as implemented, during the period ending one year after occupancy.
54. Energy Efficiency: That the Final Plans shall incorporate a "20 percent more energy efficient" feature relative to the 2004 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "20 percent more energy efficient" feature into the final plans.

Water, Sewer, and Other Utilities

55. Utility/Lighting Plan Approval: That the final utility/lighting plan shall be approved by Orange Water and Sewer Authority, Duke Energy Company, Time Warner Cable, Public Service Company, AT & T, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities are extended to serve the development.
56. Lighting Plan: That prior to issuance of a Zoning Compliance Permit, the applicant shall submit site plans and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including submission of a lighting plan, demonstrating compliance with Town standards, sealed by a Professional Engineer, for Town Manager approval.
57. Sewer Line Construction: That all public water and sewer plans be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. Final plans shall be approved by OWASA and the Town Manager prior to issuance of a Zoning Compliance Permit.
58. Overhead Power Lines: That all proposed or relocated utility lines other than 3-phase electric power distribution lines shall be located underground prior to issuance of a Certificate of Occupancy.
59. OWASA Approval: That easement plats and documentation, as required by OWASA and the Town Manager, shall be recorded prior to issuance of a Zoning Compliance Permit.

Fire Safety

60. Fire Hydrant and FDC Locations: That the Final Plans indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
61. Firefighting Access during Construction: That as required by NC Fire Code (Section 1410.1 Required Access) vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions.
62. Combustible Construction: That if combustible construction is used, all required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site.
63. Fire Flow Report: That the Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. Fire flow shall meet the required flow set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
64. Automatic Sprinkler System: That the applicant shall install automatic sprinkler systems in accordance with Town Code prior to issuance of a Certificate of Occupancy.

Solid Waste Management and Recycling

65. Solid Waste Management Plan: That a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The Plan shall also specify public pickup of solid waste and recyclable materials other than cardboard.
66. Refuse Collection: That the final plans include dimensioned details of all dumpster pads required by the Town to provide refuse collection services to all components of this mixed-use development. The size and location of these dumpster pads shall be designed to Town standards and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. If the applicant proposes to retain private refuse collection service for the residential component of this project in lieu of construction the required dumpster pad(s), no Town refuse service will be provided for those residents. A note stating these requirements for Town refuse collection shall be included on the final plat and in the recorded homeowners association documents prior to issuance of a Zoning Compliance Permit.
67. Food/Grease: That the final plans reserve space for segregated grease rendering/recycling collection and provide space for segregated food waste collection near the delivery entrance for any building which may house a food service facility. Commercial grease wastes are not allowed to be disposed with regular waste.
68. Recycling: That prior to the issuance of a Zoning Compliance Permit, the applicant shall contact Orange County Recycling Specialist to request multi-family recycling services from Orange County Solid Waste upon occupancy.
69. Demolition/Deconstruction: If the applicant proposes a phasing plan that delays the construction of the proposed buildings following the deconstruction and demolition of the existing structures, a Deconstruction/Demolition Plan will be required as well as plans for the stabilization of the site during and following deconstruction/demolition. It will also be necessary to work with Orange County Solid Waste staff regarding deconstruction/demolition of the existing structure to maximize recycling of deconstruction/demolition waste.
70. Final Plan Notes: That the applicant shall place the following notes on Final Plans prior to issuance of a Zoning Compliance Permit:
 - a. Any gate design shall include gate retainers.
 - b. The user shall be responsible for opening gates to the dumpster area on collection days of any material(s) to be collected from this location.
 - c. By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled.
 - d. By Orange County Ordinance, all haulers of construction waste shall be properly licensed.
 - e. Prior to any construction activity on the site the applicant shall hold a pre-deconstruction/demolition/pre-construction conference with the County's Solid Waste staff. This may be the same meeting held with other development officials.
 - f. If any vehicles are parked in the refuse or recyclables collection vehicle access area, the containers will not receive service until the next scheduled collection day.

Stipulations Related to Homeowners' Association

71. Homeowners' Association: That a Homeowners' Association be created and Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with Section 4.6.7 of the Land Use Management Ordinance.
72. Dedication of Common Area to Homeowners' Association: That the applicant provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common and open space areas. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.
73. Subdivision of Property: That the townhome portion of the development, if proposed to be subdivided, must be subdivided in accordance with the Town's townhouse development provisions. Private parking, private drive aisles, open space, landscape bufferyards, and stormwater infrastructure shall all be common land area that is owned and maintained by a Homeowner's Association.

State and Federal Approvals

74. State or Federal Approvals: That any required State or federal permits or encroachment agreements shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.
75. North Carolina Department of Transportation Approvals: That plans for improvements to State-maintained roads shall be approved by NCDOT prior to issuance of a Zoning Compliance Permit.

Miscellaneous

76. Construction Management Plan: That a Construction Management Plan, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance.

77. Traffic and Pedestrian Control Plan: That the applicant shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or street closure the applicant must apply to the Town Manager for a lane or street closure permit.
78. Schools Adequate Public Facilities Ordinance: That the applicant shall provide the necessary Certificates of Adequacy of Public Schools prior to issuance of a Zoning Compliance Permit.
79. Construction Sign Required: That the applicant shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. (§5.14.3(g) of LUMO). The sign shall be non-illuminated, and shall consist of light letters on a dark background. A detail of the sign shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
80. Street Names and Addresses: That the name of the development and its streets and house numbers be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
81. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
82. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager before issuance of a Zoning Compliance Permit, and that such plans conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Land Use Management Ordinance and the Design Manual.
83. Certificate of Occupancy and Phasing Plans: That a Certificate of Occupancy shall not be issued until all required public improvements are complete; and that a note to this effect shall be placed on the final plans and plats. If the Town Manager approves a phasing plan, occupancy shall not occur for a phase until all required public improvements for that phase are complete; and no construction for any phase shall begin until all public improvements required in previous phases are completed to a point adjacent to the new phase; and that a note to this effect shall be placed on the final plans and plats.
84. As-Built Plans: That prior to occupancy, the applicant shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.
85. Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs prior to occupancy.
86. Vested Right: This Special Use Permit constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and Appendix A of the Chapel Hill Land Use Management Ordinance.
87. Continued Validity: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
88. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

RANGE COUNTY

NORTH CAROLINA

IN WITNESS WHEREOF, the Town of Chapel Hill has caused this instrument to be executed in its name as evidence of the issuance of said permit, and the undersigned being all of the property owners of the property above described, have executed this instrument in evidence of their acceptance of said Special Use Permit as covenant running with the land.

ATTEST

[Signature]
Town Clerk

Town of Chapel Hill

BY [Signature]
Executive Director, Planning and Sustainability **POK**

ACCEPTED

[Signature]
President, Deborah H. Fraley



PM

ATTEST

[Signature]
Donald E. Fraley, Jr.

ORANGE COUNTY

NORTH CAROLINA

I, Amy T. Harvey, a Notary Public in and for said County and State do hereby certify that

Mary Jane Nirdlinger, Executive Director, Planning and Sustainability, of the Town of Chapel Hill, and

Sabrina M. Oliver, Town Clerk, ~~or Assistant Town Clerk~~, duly sworn says each for himself that he knows the corporate seal of the Town of Chapel Hill and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Chapel Hill, that

Mary Jane Nirdlinger, Executive Director, Planning and Sustainability of said Town of

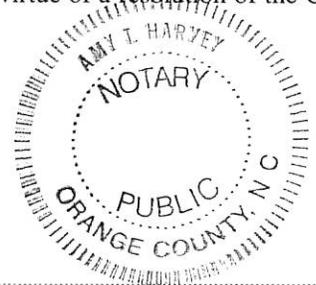
Chapel Hill, and Sabrina M. Oliver, Town Clerk, ~~or Assistant Town Clerk~~, for the Town of Chapel Hill, subscribed their names thereto, that the corporate seal of the Town of Chapel Hill was affixed thereto, all by virtue of a resolution of the Chapel Hill Town Council, and that said instrument is the act and deed of the Town of Chapel Hill.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the

8 day of April, 2015.

[Signature]
Notary Public Amy T. Harvey

My commission expires: May 15, 2015



Wake COUNTY

NORTH CAROLINA

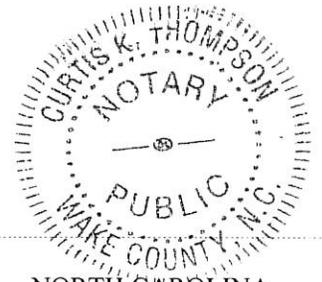
I, Curtis K. Thompson, a Notary Public in and for said State and County do hereby certify that Deborah H. Fraley

owner, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my Hand and Notarial Seal, this 28th day of April, 2015

[Signature]
Notary Public

My commission expires: 9-9-2015



____ COUNTY

NORTH CAROLINA

THIS ____ day of _____, 20____, personally come before me, _____, a Notary Public of _____ County, North Carolina, _____ who being by me duly sworn, says that he knows the common seal of the _____, and is acquainted with _____, who is President of said corporation and he, _____, who is Secretary of said corporation, and saw the President sign the foregoing instrument and he, the said _____, signed his name in attestation of the execution of said instrument in the presence of said President of said corporation.

WITNESS my hand and Notarial Seal, this the ____ day of _____, 20____.

____ Notary Public

My commission expires: _____

(Not valid until fully executed and recorded)