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TOWN OF CHAPEL HILL
405 MARTIN LUTHER KING JR BLVD
CHAPEL HILL, NC 27514
(919) 968-2728

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS that the undersigned property owner, WCA Partners, LLC, has been granted a Special Use Permit by the Town of Chapel Hill on September 24, 2012, the terms of which are as follows, except as they have been modified by the Consent Judgment entered on October 18, 2013, in the case of David S. Snow and Delilah S. Snow Living Trust, et. al v. Town of Chapel Hill et. al, 12-CVS-1612 (Orange County, North Carolina Superior Court) a copy of which Consent Judgment is attached hereto and the terms of which are made a part of and incorporated into said Special Use Permit in accordance with its terms. See Exhibit A, attached hereto:

NAME OF PROJECT: Charterwood
NAME OF DEVELOPER: WCA Partners, LLC

DESCRIPTION OF PREMISE

LOCATION: 1641 Martin Luther King Jr. Boulevard
ORANGE COUNTY PARCEL IDENTIFIER NUMBERS: 9880-24-7586; 9880-25-4232; 9880-25-4398

DESCRIPTION OF PROJECT

GROSS LAND AREA: 686,144 sq. ft. NUMBER OF BUILDINGS: 7
MAXIMUM FLOOR AREA: 278,000 sq. ft. NUMBER OF DWELLING UNITS: 154
PARKING SPACES: 362

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated July 5, 2011 and revised July 26, 2011, as shown on Exhibit 1, dated January 9, 2012, as shown on Exhibit 2, dated January 5, 2012, and materials presented at the January 30, 2012 Council meeting, with the following modifications:

- Modification of Section 5.6.2 to modify the minimum landscape bufferyard requirement for Martin Luther King Jr. Boulevard frontage for approximately 200 linear feet along Building A and the courtyard area to a minimum width of 15 feet outside of rights-of-ways and utility easements.
- Modification of Section 5.6.2 to permit the buffer in front of the retained 48" dbh Willow Oak Tree, for approximately 120 feet immediately south of Building A, to be developed with less than the required amount of buffer plantings in order to provide visual access to this preserved tree and to reduce impacts to the tree's root system.
- Modification of Section 5.6.2 to modify the minimum landscape bufferyard requirement for the reduced plantings

near the Altemueller farm house subject to Community Design Commission approval.

- Modification of Section 5.9.6 to provide relief for installing a 5-foot wide landscaping strip between parking spaces and buildings only within the central parking area surrounding buildings A and B.
- Modification of Section 5.6.2 to modify the minimum landscape bufferyard requirement for the northern buffer reduced plantings subject to Community Design Commission approval.

Stipulations Specific to the Development

1. Construction Deadline: That construction begins by June 25, 2015, and be completed by June 25, 2019.
2. Land Use Intensity: This Special Use Permit authorizes the following land use intensity:

	R-2	MU-V
Gross Land Area	282,571 sq. ft.	403,572 sq. ft.
Floor Area	28,270 sq. ft.	250,000 sq. ft.
Maximum Building Height	as allowed in the R-2 zoning district	Bldg. A – 58 feet Bldg. B – 61 to 71 feet* Bldg. D – 32 feet Bldg. E – 54 feet Bldg. J – 70 feet**
Maximum Impervious Surface Area	227,446 sq. ft.	
Minimum Vehicular Parking Spaces	16	250
Maximum Vehicular Parking Spaces	21	360
Minimum Bicycle Parking Spaces	3	86
Max. Number of Dwelling Units	9	145
Minimum Affordable Dwelling Units	15% of market rate ownership dwelling units	15% of market rate ownership dwelling units
Minimum Recreation Space	7,063 sq. ft.	13,923 sq. ft.

- * Building B - western 1/3 of building no more than three stories above parking, not to exceed 61 feet in overall height;
- * Building B – eastern 2/3 of building no more than four stories above parking, not to exceed 71 feet in overall height;
- ** Building J – no more than four stories above parking, not to exceed 70 feet in overall height.

3. Permitted Land Use Category: That the following land uses are permitted within the Mixed Use-Village/Planned Development-Mixed-Use portion of the site:

- Bank, with an accessory use of a Drive-through;
- Bank ATM, Walk-up and Drive-through;
- Barber shop/beauty salon;
- Business, convenience; general; office-type; wholesale;
- Child/adult day care facility;
- Clinic,
- College or university;
- Essential Services;
- Fine arts educational institution;
- Hotel/Motel;
- Manufacturing, light;
- Personal Services;
- Places of worship;
- Public cultural facility;
- Public service facility;
- Public use facility;
- Publishing and/or printing;
- Recreation facility, commercial;
- Research activities;
- Veterinary hospital or clinic;
- Multi-family Dwelling Units and associated customary incidental uses.

The following land uses are permitted within the Residential-2/Planned Development- Housing portion of the site:

- Dwelling units (single-family, two-family, and Multi-Family);
- Associated customary incidental uses.

4. Mix of Uses and Phasing: Mixed Use Village: That the mix of floor area within the Mixed Use-Village portion of the site shall contain at least twenty-five (25) percent of the floor area devoted to residential uses and at least twenty-five (25) percent of the floor area devoted to office/commercial uses. That all required use categories (residential, office, and commercial) shall be included in the first phase of the project, if phased.
5. Convenience-Business: Eating/Drinking Establishments: That the Convenience-Business: Eating/Drinking Establishment (restaurant/bar) land use category shall not exceed 75% of the non-residential floor area without demonstrating that the total

non-residential use parking will comply with Town of Chapel Hill minimum and maximum parking space standards and that the cumulative average daily traffic from all development will not exceed 2,805 daily trips.

6. Drive-Through Facility: That the land use associated with the drive-through facility be limited to a bank.
7. Compliance with Section 4.5.4: That the Town Manager may authorize site plan adjustments, associated with the location of principal and/or accessory structures or structural alterations, as permitted by Section 4.5.4 of the Land Use Management Ordinance. Substantial changes in the location of principal and/or accessory structures or structural alterations significantly affecting basic size, form, style, ornamentation and appearance of structures, as shown on the plans approved by the Town Council, shall require Town Council approval of a Special Use Permit Modification. Any site plan adjustment would be of an equal or less intensity.
8. Building Massing and Materials: That substantial changes from the proposed building massing, elements of architectural materials, or structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal and/or accessory structures as shown on the approved site plans, dated July 26, 2011, Exhibit 1, dated January 9, 2012, and materials presented at the January 30, 2012 Council meeting, and described in the agenda materials on pages 323-324 (item 2b), shall require Town Council approval of a Special Use Permit Modification.
9. NCDOT Properties: That prior to issuance of a Zoning Compliance Permit, the applicant submit a recorded recombination plat to recombine the two NCDOT parcels, if acquired, with the remainder of the property. The recombination plat shall be reviewed and approved by the Town Manager prior to recordation. If the NCDOT properties are not acquired, it will be necessary for the applicant to provide revised plans and related materials based on the revised property lines, indicating compliance with the Land Use Management Ordinance, for review and approval of the Town Manager prior to issuance of a Zoning Compliance Permit. This may necessitate in a Special Use Permit Modification.
10. Taxation: That during any time this property or portion of this property is exempt from ad valorem property taxes (State or other government), the owner shall make annual payments-in-lieu of property taxes, the amount to be determined based on a valuation determined by the Orange County Tax Supervisor and the applicable year's established city and county tax rate.
11. Pedestrian/Utility Easement: That the existing 30' Pedestrian/Utility easement providing access from the Northwoods neighborhood to Martin Luther King Jr. Boulevard be abandoned prior to issuance of a Zoning Compliance Permit.

Affordable Housing

12. Payment-in-Lieu of Providing Affordable Housing: The applicant will provide a payment to the Town's Affordable Housing Fund for \$233,000 as indicated below:

Twenty-Five percent (25%) of the total amount to be paid prior to the issuance of a Zoning Compliance Permit for any site development activity (\$58,250 at Zoning Compliance Permit).

Twenty-Five percent (25%) of the total amount to be paid for each of building A, B, and J, prior to the issuance of the building permit for each of the three buildings (\$58,250 at Building Permit for each of the three buildings).

- 12a. Conversion From Rental Residential Community to Ownership Condominium Community: If the rental development is converted to an ownership condominium development the applicant will propose a plan for approval by the Council in accordance with the Inclusionary Zoning Ordinance or Affordable Housing policy in place at the time of conversion, to provide at the choice of the developer either: 1) for sale affordable housing units; or 2) a payment-in-lieu, according to the following two options:

Option 1: *Permanently Affordable Condominium Units*- Affordable units for ownership shall be provided according to Inclusionary Zoning Ordinance or other affordable housing policy in place at the time of conversion. An Affordable Housing Plan shall be approved by the Town Manager prior to recordation of the condominium plat. The required number of affordable units shall be based on a formula that credits the developer/owner for the payment-in-lieu.

OR

Option 2: *Payment-In-Lieu with Condo Conversion*- If a payment-in-lieu of affordable ownership units is proposed, the payment shall be calculated at such time the development converts to condominium ownership. The additional payment-in-lieu shall be provided to the Town's Affordable Housing Fund prior to recordation of the condominium plat. The number of affordable units and the per unit payment amount shall be determined by the Inclusionary Zoning Ordinance or affordable housing policy in place at the time of conversion. The payment-in-lieu amount shall credit the developer/owner for the payment-in-lieu.

Transportation

13. Martin Luther King Jr. Boulevard Improvements: That prior to the issuance of a Certificate of Occupancy for the portion of the development accessed by the primary entrance at the intersection of Martin Luther King Jr. Boulevard and Westminster Drive, the applicant shall improve the Martin Luther King Jr. Boulevard frontage including:
 - A northbound left-turn lane in the median at the Martin Luther King Jr. Boulevard and Westminster Drive intersection to accommodate site-related traffic including a protected left-turn signal phase for the northbound and southbound left-turn movements (as related to the associated signal upgrade).
 - Crosswalks at the Martin Luther King Jr. Boulevard and Westminster Drive intersection on all four legs of the intersection.

- Pedestrian-actuated signals and bicycle-activated loops for all four approaches at the Martin Luther King Jr. Boulevard and Westminster Drive intersection.
- Improvements to the site approach to the Martin Luther King Jr. Boulevard and Westminster Drive intersection including at least 100 feet of driveway length and two exit lanes to be designated as left-turn/through and right-turn only.
- A right turn lane for southbound Martin Luther King Jr. Boulevard traffic.
- Signal retiming along the corridor (to Homestead Road) to accommodate the revised signal timing at the site's entrance.
- Minimum five (5) foot bicycle lane (or width of current bicycle lane along frontage) be maintained after the road improvements associated with the proposed development.

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

14. Traffic Generation: That a detailed table of traffic generation rates and estimated traffic generation for each land use and the development as a whole be submitted prior to issuance of a Zoning Compliance Permit. That this table is subject to review and approval by the Town Manager. In the event the number of daily trips exceeds 2,805, it will be necessary for the applicant to prepare a Traffic Impact Analysis or obtain an exemption from the Town Manager.
15. Martin Luther King Jr. Boulevard Bus Pull-off: That prior to the issuance of a Certificate of Occupancy, the applicant improve Martin Luther King Jr. Boulevard with construction of a bus pull-off with the location and design approved by the Town Manager and the North Carolina Department of Transportation prior to issuance of a Zoning Compliance Permit.
16. Bus Stop Amenities: That prior to the issuance of a Certificate of Occupancy, the applicant shall provide a bus stop shelter with amenities including a bench, lighting, trash receptacle, and electrical connection sufficient to power a real-time bus information sign.
17. Kenilworth Place: That the applicant constructs a cul-de-sac or other means for vehicles to turn around at the end of the Kenilworth Place. The design and location of the turn-around shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
18. Driveway Access to Martin Luther King Jr. Boulevard: That the required improvements shall be designed to the North Carolina Department of Transportation standards and approved by NCDOT and that the entrance drives to the development shall be designed to town standards and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. That prior to issuance of the first Certificate of Occupancy for this portion of the development, all public improvements shall be constructed.
19. Future Cross Access Easements: That a plat, further include a stub out from the northern parking area to the property to the north to provide an opportunity for future cross access and an easement to allow this access to be provided. The design of this stub out shall be approved by the Town Manager and this access easement shall be recorded at the Orange County Register of Deeds Office prior to issuance of a Zoning Compliance Permit for development of the northern portion of the site. The plat shall also 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.
- 19a. Stub-out Signage and Notification: At such time as the applicant completes construction activity associated with the clearing and grading for the future cross access easement, signage shall be located at the edge of easement. That the signage shall indicate that this area permits cross access to the adjacent property to the north. The size, text, and color of the signs shall be subject to the Town Manager's approval. That any final plat and final plans include a note stating that "Future development of the adjoining property to the north may include the extension of cross access easement between this site and the adjacent property."
20. Loading Zone: That the applicant provides additional information regarding the coordination of potential delivery schedules and parking demands prior to issuance of a Zoning Compliance Permit in order to demonstrate that the peak operation does not conflict with the delivery schedule.
21. Accessibility Requirements: The applicant shall provide the minimum required handicapped parking spaces and design all handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans With Disabilities Act standards, North Carolina Accessibility Code, and Town standard prior to issuance of a Certificate of Occupancy. Code requirements include standards for the number, size and spacing of handicapped spaces, travel distance from parking spaces to buildings, ramp and sidewalk slope, cross-walk striping and other considerations.
22. Complete Streets: That the design of the transportation network shall be consistent with the adopted Town of Chapel Hill policy for Complete Streets.
23. Bicycle Parking: That the applicant shall provide dimensioned details for the bicycle parking spaces that comply with Town parking standards and the spring 2002 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual.
24. Altemueller Farm House Parking: That no parking spaces shall be constructed within the immediate vicinity of the farm house, or residual lot, when this property is renovated and put to use.

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 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.
- g) Explore the feasibility of including electric charging stations for future electrical vehicles and designated parking for scooters/mopeds.

Landscaping and Elevations

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

Location	Required Bufferyard
Southern Property Line	Minimum 20 ft Type C
Western Property Line	Minimum 50ft Type C (with 2 exceptions) (enhanced plantings)
Eastern Property Line	1,110 linear feet minimum 20 ft Type C buffer; (320 linear feet buffer modification)
Northern Property Line	Minimum 20 ft Type C (planting modification)

27. Southern Buffer: That unless the applicant obtains alternate bufferyard approval from the Community Design Commission, that a standard 20-foot wide Type C buffer be provided continuously along the north edge of the Southern Bell easement. Stormwater management features, utility easements or multi-use paths shall not be located within this 20-foot wide bufferyard unless the applicant obtains alternate bufferyard approval from the Community Design Commission. That the limits of disturbance be revised on the final plans to attempt to preserve more, of the rare and specimen trees in this area.
28. Western Buffer: That prior to the issuance of a Zoning Compliance Petmit, the applicant shall provide an enhanced landscape planting plan along this 50-foot wide Type C bufferyard. As authorized by the Town Council, the buffer shall not be less than 50 feet in width with the exception to two sections as identified on Exhibit 2 (dated January 5, 2012). These planting shall be installed prior to issuance of the first Certificate of Occupancy.
29. Central Green Space: Any pedestrian crossing of the central green space shall be an above grade crossing.
30. Eastern Buffer in Front of Building A: That in order to provide sufficient width to accommodate canopy trees, the 280 linear foot modified bufferyard, in front of Building A and the courtyard area shall include a minimum 15-foot wide tree lawn with canopy tree plantings. The tree lawn and associated canopy trees shall be located outside the public right-of-way and any utility easements. That the placement of the townhomes does not shift westward to accommodate the revision to the plans, as shown on Exhibit 1 dated January 9, 2012.
31. Altemueller farm house buffer: That subject to approval by the Community Design Commission the minimum landscape bufferyard requirement near the Altemueller farm house may be reduced in order to protect the root zones of the significant trees.
32. Northern Buffer: That in order to place the proposed wall in the buffer, and provide an access easement for a stormwater management feature; the applicant obtains alternate bufferyard approval from the Community Design Commission. The proposed buffer modification to planting requirements also be reviewed and approved by the Community Design Commission.
33. Minimum Tree Caliper: A combination of tree sizes with larger trees (up to 4" caliper) being installed in streetscape and critical perimeter buffer locations and standard size trees being installed in some other locations.
34. Hardscape Plan Building A: That the final plan consider the installation of sidewalk, patios and other hardscape elements consistent with the modified buffer along Martin Luther King Jr. Boulevard and located between the building and Martin Luther King Jr. Boulevard. If proposed, plans and details indicating the amounts and types of hardscape shall be submitted for review and approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
35. Landscape planting near 48-inch willow oak: That in order to minimize damage to the critical root zone, that the Town Manager may authorized limited landscape buffer plantings near this tree. When the 48" willow oak tree eventually dies (or needs to be removed), the applicant shall provide a landscape planting plan that complies with the ordinance required planting requirements.
36. Alternate bufferyard: That no stormwater management features or any type of easement not expressly permitted by this approved Special Use Permit, shall be located within a required bufferyard, unless authorized as part of an alternate bufferyard plan reviewed and approved by the Community Design Commission.
37. Buffers: That all buffers be graded at a maximum slope of 3 to 1 unless otherwise approved by the Town Manager. The final plans shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

38. Landscape Protection: That a detailed Landscape Protection Plan, clearly indicating which significant tree stands, rare and specimen trees shall be removed and which shall be preserved, shall be provided prior to issuance of a Zoning Compliance Permit. The plan shall include critical root zones of all rare and specimen trees, and clearly delineate significant tree stands.

The plan shall also include detail of tree protection fencing around construction limits and indicate construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

39. 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.
40. 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
41. 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.
42. Landscape Screening and Shading: That compliance with the landscaping standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance, except as provided for in the modification to regulations for the central parking lot, shall be shown on the Landscape Planting Plan and shall be reviewed and approved provided prior to issuance of a Zoning Compliance Permit.
43. 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.
44. 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.
45. Tree Canopy Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a tree canopy plan calculating the existing tree canopy coverage on the site and calculating the tree canopy that will be retained after development. The applicant shall also provide a planting plan showing the number and location of and the proposed canopy trees planting plan demonstrating how that the development will meet the new Tree Protection Ordinance minimum tree canopy coverage standards.
46. Building Elevation Approval: That the Community Design Commission shall approve building elevations and shall take additional care during review to ensure that the design reflect the importance of the gateway nature of this site, transition between zoning districts, and building mass, as well as that the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit, and to ensure that the building mass and design are consistent with the plans approved by the Town Council in Stipulation #8 of this Special Use Permit.
47. Lighting Plan Approval: That the Community Design Commission shall approve a lighting plan for this site consistent with the plans identified in Stipulation #75 of this Special Use Permit 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

48. Multi-Use Path: That the applicant provide two paved 10-foot-wide multi-use trails, designed to American Association of State Highway and Transportation Officials (AASHTO) standards; one through the northern portion of the site between Martin Luther King Jr. Boulevard and Lonebrook Drive as shown of on the site plan dated July 5, 2011 and one through the southern portion of the site between Martin Luther King Jr. Boulevard and Kenilworth Place. The trails shall be constructed prior to issuance of a Certificate of Occupancy. The path surfaces must be appropriate for a multiple use trail and be constructed with grades no greater than five percent and designed to support the weight of a maintenance vehicle. The trails may include sections of boardwalk and/or bridges where needed for environmental protection purposes. Any such bridge and/or boardwalk section shall be designed to accommodate maintenance and emergency vehicles.
- a) That the location of the trails and associated construction area be outside of the Jordan Riparian Buffer, and outside of the Resource Conservation District. That the proposed trail final design, location, and construction details, including signage and pavement marking plan of these greenways be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
 - b) That the maintenance of the portion of the bicycle/pedestrian paths on the owner's property be the responsibility of the property owner.
 - c) That where feasible the paths be provided within a 16-foot wide public greenway easement. That the easement be recorded at the Orange County Register of Deeds, and grant an easement in perpetuity to the Town of Chapel Hill prior to issuance of a Zoning Compliance Permit. The recorded easement shall include wording that guarantees public pedestrian, non-motorized vehicle, and motorized wheel chair access. The easement must also guarantee the Town of Chapel Hill's right to construct and maintain the trail, signage, or any other function necessary to guarantee public safety. The recorded easement shall also include sketch maps indicating the location of the trails within the easement and nearby points of reference, such as public streets.

- d) Southern Greenway Extension: That prior to the issuance of a Certificate of Occupancy, the applicant shall construct a greenway extension, which extends from the proposed greenway from Kenilworth Place to Martin Luther King Jr. Boulevard to the proposed closest parking area within the development. This greenway extension shall provide emergency vehicle access to the southern portion of the site via an emergency access connection from the greenway path to the proposed parking lot driveway, the design and location of this greenway shall be reviewed and approved by the Town Manager.

Environment

49. Resource Conservation District and Jordan Lake Riparian Stream Buffer: That no land disturbance within the Resource Conservation District or within the Jordan Riparian Buffer is permitted by this approval unless authorized by the Land Use Management Ordinance Sections 3.6.3 Resource Conservation District or 5.18 Jordan Riparian Buffer Protection, whichever is more stringent, and approved by the Town Manager.
50. Jordan Buffer: That the applicant shall comply with the Jordan Riparian Buffer Protection regulations and that Jordan stream buffer boundaries be located by field survey performed by a NC licensed Professional Land Surveyor and be indicated on the final plat and plan. A note shall be added to all final plats and final plans, indicating, "Development shall be restricted within the Jordan stream buffers in accordance with the Chapel Hill Land Use Management Ordinance." That the applicant shall comply with the proposed Jordan rules as reviewed by the Town Council during the Public Hearing on October 17, 2011.
51. Resource Conservation District Boundaries: That the on-site and off-site boundaries (associated with the multi-use path extension to Lonebrook Dr.) of the Resource Conservation District be located by field survey performed by a NC licensed Professional Land Surveyor and indicated on the final plat and plan. A note shall be added to all final plats and final plans, indicating, "Development shall be restricted within the Resource Conservation District in accordance with the Chapel Hill Land Use Management Ordinance.
52. Stormwater Impact Statement and Plans: Prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a Stormwater Management Plan for review and approval by the Town Manager. This project must comply with the stormwater management requirements of the Land Use Management Ordinance to provide for 85 percent total suspended solids removal from the increased impervious area, retention for 2-5 days of the increased volume of stormwater runoff from the 2-year, 24-hour storm, and control of the stormwater runoff rate for the 1-year, 2-year, and 25-year storms.

No stormwater management structures are permitted in the rights-of-way or building setbacks. This includes the outlet structure and stabilization, any underdrains, and the downgradient toe of french drains. Further, the discharge must be in a sheet flow condition.

53. Stormwater Facilities, Easements, and Operations and Maintenance Plans: All stormwater detention, treatment and conveyance facilities located on and below the ground shall be 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. A suitable maintenance access (minimum 20' wide) to accommodate heavy equipment from the nearest public right-of-way to the Reserved Stormwater Facility Easement must be provided and shown on the plans.

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

54. Stormwater Operations and Maintenance Plan Recordation: Prior to issuance of a Certificate of Occupancy (C/O), a Stormwater Operations and Maintenance Plan consistent with information submitted to the Town Council on January 30, 2012, signed by the owner and recorded by the Orange County Register of Deeds, shall be provided for the proposed stormwater management facilities and submitted to the Stormwater Management Engineer for approval. A schedule of inspection and maintenance tasks shall be included.
55. State or Federal Approvals: That any required State or Federal permits or encroachment agreements (e.g. 401 water quality certification, 404 permit) must be approved by the appropriate agencies and copies of the approved permits be submitted to the Town Manager prior to the issuance of a Zoning Compliance Permit.
56. Silt Control: That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
57. Steep Slopes: That all Final Plan applications shall demonstrate compliance with the steep slopes regulations in the Land Use Management Ordinance. The application shall include a plan showing residential building areas and street segments on slopes of 10% or more. The plan shall indicating how the development and construction will comply with the steep slopes regulations in the Land Use Management Ordinance including:
- a) for slopes of 10- 15%, site preparation techniques shall be used which minimize grading and site disturbance;

- b) for slopes of 15- 25%, demonstrate specialized site design techniques and approaches for building and site preparation; and
- c) for slopes of 25% or greater, provide a detailed site analysis of soil conditions, hydrology, bedrock conditions, and other engineering or environmental aspects of the site.

Prior to the issuance of a Zoning Compliance Permit, the Town Manager shall approve a steep slope plan, as necessary.

58. Erosion Control Bond: If one (1) acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. This financial guarantee is intended to cover the costs of restoration of failed or failing soil erosion and sedimentation controls, and/or to remedy damages resulting from land-disturbing activities, should the responsible party or parties fail to provide prompt and effective remedies acceptable to the Town.
59. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for maintenance of facilities and modifications of the plan if necessary, be approved by the Orange County Erosion Control Officer and the Town Manager prior to issuance of a Zoning Compliance Permit.
60. 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.
61. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the applicant shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs.
62. Ground Cover: That the applicant shall stabilize any grading work with vegetation or permanent ground cover within 21 calendar days of completion. A note to this effect shall be placed on the final plat and final plans.
63. Curb Inlets: 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.
64. Certificate of Occupancy Phasing Plan: That prior to issuance of a Zoning Compliance Permit, the applicant shall submit a Certificate of Occupancy Phasing Plan specifying which public improvements and stormwater management structures shall be completed and inspected as part of each phase prior to issuance of a Certificate of Occupancy for that phase.
65. As-Built Plans: That prior to the issuance of a Certificate of 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.
66. 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.
67. Existing Conditions for Future Development: Future development on the property will use the existing conditions described in this Special Use Permit application and stormwater impact statement to calculate the change in peak flow rates for the 1-year, 2-year, and 25-year storms. The existing conditions will be considered the predevelopment conditions until such time that a future development project on the property requires detention in order to maintain the predevelopment peak flow rate.
68. Stormwater Detention Basin Safety: In order to keep children and animals away from and outside the stormwater detention basins, the applicant provide details on how the areas around the stormwater basins will be secured. That any slopes near the basins be graded at a maximum slope of 3 to 1 unless otherwise approved by the Town Manager.
69. As-built Plans: That prior to the issuance of a Certificate of Occupancy for any phase, the applicant shall provide certified as-built plans for building footprints, parking lots, street improvements, stormwater drainage/conveyance systems and stormwater management structures, and all other impervious surfaces, and include a tally of the constructed impervious area. The as-built plans shall be in DXF binary format using State plane coordinates and NAVD 88.
70. P.E. Certification: That prior to the issuance of a Certificate of Occupancy for any phase, the applicant shall provide a certification, signed and sealed by a North Carolina-licensed Professional Engineer, that the stormwater management facility (ies) is (are) constructed in accordance with the approved plans and specifications.
71. 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.

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

models one year after occupancy, or certification from a recognized standard which demonstrates the actual energy performance of the applicable structures.

72. 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.
73. LEED Program Documentation: The applicant shall provide evidence from a LEED certified consultant that he/she has provided a minimum of 40 LEED standard performance credits for the USGBC LEED for Neighborhood Development rating system, to be reviewed by the Town Manager, within a reasonable period after substantial completion of construction.
74. Solar Collection Devices: That the Homeowners Associations, or similar entities, shall not include covenants or other conditions of sale that restrict or prohibit the use, installation, or maintenance of passive or active solar collection devices including clothes lines.

Water, Sewer, and Other Utilities

75. Utility/Lighting Plan Approval: That the final utility and streetlighting plans shall be approved as required by Orange Water and Sewer Authority, Duke Energy Company, Time Warner Cable, Public Service North Carolina, AT&T, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities are extended to serve the development.
76. Lighting Plan: That prior to issuance of a Zoning Compliance Permit, the applicant shall submit a lighting plan and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance that demonstrate compliance with Town standards, sealed by a Professional Engineer and including dark skies compliant lighting fixtures described at the Public Hearing on January 30, 2012, for Town Manager approval.
77. 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.
78. 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.
79. OWASA Approval: That easement plats and documentation, as required by OWASA and the Town Manager, shall be recorded prior to issuance of Zoning Compliance Permit. If the project is developed in phases, the easement plats for each phase shall be recorded prior to issuance of a Zoning Compliance Permit.
80. Altemueller Farm Home: That OWASA service for both water and sewer be extended to the structure prior to issuance of Certificate of Occupancy.

Fire Safety

81. 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.
82. Firefighting Access during Construction: That as required by NC Fire Code (Section 1410.1 Required Access) vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions. That Final Plans shall include the following note, "During construction, firefighting vehicle access shall be provided. Temporary street signs shall be installed at each street intersection when construction allows the passage of vehicles. Signs shall be of an approved size, weather resistant and maintained until replaced by permanent signs." Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
83. Fire Apparatus Access and Service During Construction: That Final Plans shall include the following note, "When fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction, except when approved alternate means of fire protection are provided." Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
84. Firefighting Equipment Access: That Final Plans shall clearly indicate emergency fire access for the Town's firefighting equipment to within 150 feet of all exterior points of the proposed buildings. Because the buildings will have fire suppression sprinklers, this distance may be increased somewhat upon satisfactory demonstration to the Fire Marshal that building design and materials warrant such an increase. This access shall be unobstructed, constructed of an all-weather surface, and shall be designed to carry the imposed load of the Town's firefighting equipment (75,000 lbs). Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
85. Fire Apparatus Access and Road Design: That Final Plans shall include the following note, "Any and all roads, driveways or dedicated fire lanes used for fire department access shall be all-weather and designed to support to carry the imposed load of fire apparatus weighing 75,000 lbs. Fire access roads shall have a minimum width of 20 feet with overhead clearance of 13ft. 6 in." Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

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

86. Fire Prevention During Demolition and Construction: That Final Plans shall include the following note, "During demolition and/or construction, all aspects of Chapter 14 of the NC Fire Prevention shall be followed. The owner/developer shall designate one person to be the Fire Prevention Program Superintendent who shall be responsible for enforcing Chapter 14 of the NCFPC and the on-site fire prevention program and ensure that it is carried out through completion of the project." Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
87. Combustible Construction: That if combustible construction is used, all required fire hydrants for the appropriate construction phase must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site.
88. 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.
89. Automatic Sprinkler System: That the applicant shall install automatic sprinkler systems in accordance with Town Code and State Building Code prior to issuance of a Certificate of Occupancy.

Solid Waste Management and Recycling

90. 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 provisions for private waste and recycling collection, management and minimizing of construction debris, and demolition waste public pickup of solid waste and recyclable materials other than cardboard.
91. Private Collection: That, if proposing private collection, prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a letter from a private service confirming that solid waste disposal and recycling service will be provided for the proposed development.
92. Refuse and Recycling Collection Capacity: That the final plan application shall include sufficient refuse and recycling containers to serve all components of the proposed development. These containers shall be located on dumpster pads constructed to Town standards and accessible to collection vehicles. If determined to be needed, the Town Manager may require additional containers to those shown on the plans.
93. Food/Grease: That prior to the issuance of a Zoning Compliance Permit, the applicant 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.
94. 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.
95. Heavy Duty Paving: All driveways and alleys proposed to accommodate refuse collection vehicles be constructed of all-weather, heavy-duty pavement meeting Town standards.
96. Demolition/Deconstruction: It will be necessary to work with Orange County Solid Waste staff regarding deconstruction/demolition of the existing structure to maximize recycling of deconstruction/demolition waste.

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 construction/demolition.

97. 3-R Fee: By County Ordinance, the 3-R fee is assessed to all improved properties in Orange County with habitable structures, and the level of the 3-R fee assessment is based on the number of units on the property and on the level of recycling service the property is eligible to receive. County fees for recycling and waste management associated with this property will not be waived if private recycling collectors are used.
98. Refuse Enclosures: That prior to issuance of a Zoning Compliance Permit, a scaled drawing detailing the refuse and recycling enclosures be submitted and approved by the Town Manager and Orange County Solid Waste indicating compliance with Town and Orange County regulations.
99. Final Plan Notes: That the applicant shall place the following notes on Final Plans prior to issuance of a Zoning Compliance Permit:
 - a) Any gate design shall include gate retainers.
 - b) The user shall be responsible for opening gates to the dumpster area on collection days of any material(s) to be collected from this location.
 - c) By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled.
 - d) By Orange County Ordinance, all haulers of construction waste shall be properly licensed.
 - e) Prior to any construction activity on the site the applicant shall hold a pre- deconstruction/demolition/pre-construction conference with the County's Solid Waste staff. This may be the same meeting held with other

development officials.

- f) If any vehicles are parked in the refuse or recyclables collection vehicle access area, the containers will not receive service until the next scheduled collection day.

Homeowners' (Property Owners') Association

- 100.Homeowners' (Property Owners') 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.
- 101.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.
- 102.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 or in easements controlled by the HOA.
- 103.Homeowner notification of adjacent fire department training facility: That the Homeowners Association document includes a disclosure statement that informs future residents of the location and fire training activities that occur at Fire Station #4 on Weaver Dairy Road Extension and that prospective buyers be notified of these uses in writing. That a copy of the March 31, 2011 report from the Town's Deputy Chief, describing activities that occur at the fire training facility, shall be attached to the homeowners association document. That a plan showing how this information will be provided to prospective tenants shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

State and Federal Approvals

- 104.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.
- 105.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

- 106.Preservation Easement: That prior to issuance of a Zoning Compliance Permit, a preservation and limited use easement shall be placed on the structure, known as the Altemueller home, and the green area immediately surrounding the home as well as the central tree save area giving preservation rights to an independent third party subject to reviewed and approved by the Town Manager.
- 107.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.
- 108.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.
- 109.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.
- 110.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.
- 111.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.
- 112.Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
- 113.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

114. Phasing Plan: That prior to the issuance of a Zoning Compliance Permit, the applicant provide a Phasing Plan that meets Section 3.5.1(d)(2) of the Land Use Management Ordinance. That the first phase within the Mixed Use-Village zoning district of the development shall include all of the required use categories (residential, commercial, and office uses).
115. 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.
116. 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.
117. Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs prior to occupancy.
118. 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.
119. 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.
120. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

ORANGE 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

THE TOWN OF CHAPEL HILL

By: _____
Town Clerk or Assistant Town Clerk

By: _____
Planning Director

ACCEPTED

WCA PARTNERS, LLC

By: _____
William Christian

ORANGE COUNTY

NORTH CAROLINA

I, _____, a Notary Public in and for said County and State do hereby certify that _____, Planning Director of the Town of Chapel Hill, and _____, 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 _____, Planning Director of said Town of Chapel Hill, and _____, 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

_____ day of _____, 20_____.

Notary Public

My commission expires: _____

ORANGE COUNTY

NORTH CAROLINA

I, _____, a Notary Public in and for said State and County do hereby certify that

William Christian, authorized representative of WCA Partners, LLC, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my Hand and Notarial Seal, this _____ day of _____, 20_____

Notary Public

My commission expires: _____