

RESOLUTION A
Approving the Application

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR MERRITT MILL EAST, MULTI-FAMILY DEVELOPMENT AT 800 S. MERRITT MILL ROAD (PROJECT #17-084)(####-##-##/R-)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit application, proposed by CASA, Inc., for Merritt Mill East, Multi-Family Development located at 800 S. Merritt Mill Road on property identified as Orange County Property Identifier Numbers 9778-93-3103 and 9778-93-4008, if developed according to the Site Plan dated August 17, 2017, last revised January 30, 2018 and the conditions listed below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

MODIFICATIONS TO REGULATIONS

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

The following Land Use Management Ordinance requirements are met when combined with the portion of the site within the Town of Carrboro's jurisdiction:

1. Land Use Management Ordinance Section 5.5.2: Allow a minimum of 23% Tree Canopy Coverage on the site. This Finding is based on the determination that coverage is met when inclusion of the Carrboro parcel is allowed. Section 5.7.2(b) allows council to allow a modification to canopy coverage when public purposes are met with Affordable Housing.
2. Land Use Management Ordinance Section 5.13: Allow Solid Waste Collection and Recycling facilities to be located off-site on the adjacent Carrboro parcel with a Shared Dumpster Agreement. A sidewalk connecting Chapel Hill residential units to the solid waste/recycling area is proposed as well as the enclosure to be constructed to Town of Chapel Hill standards.
3. Land Use Management Ordinance Section 5.4.5: Stormwater Management facilities to be constructed and treated off-site on adjacent Carrboro property. Section 5.4.5(a) allows the Council to waive the stormwater management requirements if alternative measures for off-site management of stormwater have been proposed. The Carrboro parcel is located downhill of the Chapel Hill site.

4. Land Use Management Ordinance Section 5.5.2: Allow Recreation Space to be partially satisfied off-site on the adjacent Carrboro parcel. The applicant proposes to meet recreation space with a playground, patio, picnic area, seating areas, and community building; the community building is located on the Chapel Hill parcel and playground, patio, picnic area, and seating areas on the Carrboro parcel. The total amount of recreation space required is 2,964 sq. ft. and is proposed to be met with all parcels.

The following Land Use Management Ordinance Modifications to Regulations are required only on the Chapel Hill side of the development:

5. Land Use Management Ordinance Section 5.3.2: Allow land disturbance on all steep slopes (greater than 25%) to exceed the maximum land disturbance of 25% to allow a maximum usage of the site using retaining walls on the site perimeter.
6. Land Use Management Ordinance Section 5.9: Allow reduction of 5-foot planting strip between the parking lot and building façade (exclusive of sidewalk) to allow safe emergency fire department access to the front of the building. [LUMO 5.9.2c.2(a)]

STIPULATIONS SPECIFIC TO MERRITT MILL EAST, MULTI-FAMILY DEVELOPMENT

1. Construction Deadline: That construction begin by _____(two years from the date of approval) to be completed by _____(four years from the date of approval). [LUMO 4.5.5]
2. Land Use Intensity: This Special Use Permit Modification authorizes the following:

Use: Multi-Family	
Gross Land Area	51,322 square feet (1.2 acres)
Total Floor Area Allowed	56,454 sq. ft.; 25,000 sq. ft. proposed
Minimum Vehicular Parking Spaces	26 spaces proposed; Max is 30 spaces, Min is 24 spaces
Minimum Bicycle Parking Spaces	34 Spaces: 20% Class I and 80% Class II Seeking modification
Total Impervious Surface Area Allowed	25,000 sq. ft. proposed (49%)
Total number apartments	24 1-bedroom apartments
Land Disturbance	135,000 sq. ft. for entire site (includes off-site sewer line extension)

[LUMO Articles 3.4.5]

3. Memorandum of Understanding: That prior to issuance of a Zoning Compliance Permit, the Memorandum of Understanding between the Town of Chapel Hill, Town of Carrboro, and CASA, Inc. be recorded in the Orange County Land Records.

Affordable Housing

4. Affordable Housing Plan: It will be necessary for an Affordable Housing Plan to be provided and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [LUMO 3.10.4]

Access

5. NCDOT Three-Party Sidewalk Encroachment: It will be necessary to obtain a Three-Party Encroachment Agreement with NCDOT, the Town of Chapel Hill, and the Town of Carrboro for sidewalk and appurtenances prior to issuance of a Zoning Compliance Permit.
6. Driveway Sidewalk: That a five-foot wide concrete sidewalk be constructed along the S. Merritt Mill Road frontage to the Town limits line prior to issuance of a Certificate of Occupancy. [LUMO 5.8.1(a)]
7. Curb and Pavement Transition Taper: It will be necessary to provide a minimum curb and pavement transition taper length of 50 feet for transitions to and from the bike lane prior to issuance of a Zoning Compliance Permit. [LUMO 5.8.1(e)]
8. Sidewalk and Bicycle Improvements: Prior to issuance of a Certificate of Occupancy, the developer shall construct a 5-foot sidewalk and 5-foot bike lane along the property frontage. That the design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation prior to issuance of the Zoning Compliance Permit

Utilities

9. Water Line Connection: The water service pavement repair shall be done with approval by NCDOT prior to issuance of a Zoning Compliance Permit.
10. Separate Sewer Service: Each building shall have a separate sewer service. Shared service lines are not permitted by OWASA.
11. Sewer Easement: The developer shall provide on-site sewer easement for the future sewer line connection and have the easement recorded prior to issuance of a Zoning Compliance Permit.
12. Sewer Road Crossing: It will be necessary for the sewer road crossing to be as near normal to roadway centerline as possible and installation shall be by trenchless method with encasement prior to issuance of a Certificate of Occupancy.

Site Development and Landscaping

13. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site and a detail of the tree protection fence. That additional tree protection fencing be indicated on the plans on both sides of the proposed stormwater connection along S. Merritt Mill Road prior to issuance of a Zoning Compliance Permit. [LUMO 5.7.3]
14. Landscape Buffer Adjacent to Single Family home: That an evergreen landscape screen shall be planted along the property line adjacent to the single family home on the west to provide privacy and screening of car lights and noise.

15. Steep Slopes: It will be necessary to stabilize and demonstrate how the steep slopes will be maintained and stabilized as part of the final planting plan prior to issuance of a Zoning Compliance Permit.
16. Retaining Wall: If the retaining wall design is not included as part of the final plan application, a separate Zoning Compliance Permit and Building Permit will be required prior to construction of the retaining wall. If Geogrid fabric is proposed behind the retaining wall, an off-site easement could be required.

Stormwater

17. Location of Storm Drain System: It will be necessary to locate the proposed storm drain system outside of existing right-of-way and tie the existing roadway drainage in to the system.

Recreation

18. Playground fence/gate: It will be necessary to provide a fenced and securely gated enclosure around the playground area. All playground equipment shall meet the Town's Design Guidelines.
19. Active Recreation Amenities: Prior to issuance of a Zoning Compliance Permit, it will be necessary to provide a tally of all active recreation amenities that will be counted toward the Recreation Space requirement. The tally shall include the amount of recreation space required. Each element shall be identified with the exact square footage of each amenity.

Solid Waste and Recycling

20. Private Collection: That prior to issuance of a Zoning Compliance Permit, the applicant shall provide a letter from a private solid waste hauler and recycling service indicating their ability to serve the development.

STANDARD STIPULATIONS

Transportation

21. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, it will be necessary to repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design must be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. [TOWN CODE 6.10]
22. Driveway Stem Design: It will be necessary to provide pavement structure design for the driveway stem according to the [Manual on Uniform Traffic Control Devices](https://mutcd.fhwa.dot.gov/)¹ (MUTCD) requirements prior to issuance of a Zoning Compliance Permit.
23. Driveway Permit: It is necessary to obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of the stipulated improvements in accordance with NCDOT requirements.

¹ <https://mutcd.fhwa.dot.gov/>

An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.

24. Lane/Sidewalk Closure Permit: It will be necessary to obtain a Lane/Sidewalk Closure Permit from the Town's Public Works Department at least five days prior to the closure.
25. NCDOT Three-Party Utility Encroachment: It will be necessary to obtain a Three-Party Encroachment Agreement for OWASA utility construction prior to issuance of a Zoning Compliance Permit.
26. Sight Distance Easement: Provide 10-foot by 70-foot sight distance easements per NCDOT standards on each side of the driveway prior to issuance of a Zoning Compliance Permit.
27. Intersection Sight Lines: Provide intersection sight lines per AASHTO standards prior to issuance of a Zoning Compliance Permit. [LUMO 5.8.3 and NCDOT]
28. Clear Sight Lines: It will be necessary to keep sight lines free and clear of obstructions from landscaping, above ground utilities or other appurtenances prior to issuance of a Zoning Compliance Permit. Landscape plantings may be no taller than 2'- 6" above the pavement. [LUMO 5.8.3b and NCDOT]
29. Low Vision Design: Pedestrian facilities should incorporate low vision design features where feasible.
30. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the applicant shall provide the minimum required handicapped infrastructure according to Americans with Disabilities Act and NCDOT requirements. [LUMO 5.9.5]
31. Performance Bond: That prior to beginning construction, it will be necessary to submit a performance bond to the Town to cover 125 percent of the cost of the infrastructure improvements in the public right-of-way. [LUMO 4.5.2]
32. Street Closure Plan: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager approval, for any work requiring street, sidewalk, or lane closures. [TOWN CODE 21-7.1]
33. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [TOWN CODE 17-47]
34. Bicycle Parking: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details for the bicycle parking spaces that comply with Town parking standards. The bicycle parking design must comply with the spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines, and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 5.9.7]

35. Parking Lot Standards: Prior to issuance of a Certificate of Occupancy, the developer shall construct the parking lot and drive aisles to Town standards for pavement design and dimensions. [TOWN CODE 5.9.5]
36. Handicapped Infrastructure: Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.
37. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to submit an updated Transportation Management Plan, subject to Town Manager approval. [LUMO 4.5.2]

Landscape and Architecture

38. Invasive Exotic Vegetation: That prior to the issuance of a Zoning Compliance Permit, the applicant shall identify on the planting plan, known invasive exotic species of vegetation, as defined by the [Southeast Exotic Pest Plant Council \(SE-EPPC\)](#)² and provide notes indicating removal from the landscape buffer areas, prior to planting.
39. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include which trees will be removed and which will be preserved, critical root zones of all rare and specimen trees, and clearly indicate names and species. [LUMO 5.7.3]
40. Tree Protection Fencing Prior to Construction: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. Tree protection fencing shall be provided around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]
41. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. The developer shall also landscape the parking lot to Town standards for placement and spacing of plant material. [LUMO 5.9.5]. The Plan shall also demonstrate compliance with the Parking Lot Landscape requirements. [LUMO 5.7.]
42. Demolition Plan: Prior to beginning building demolition, it will be necessary to submit a Demolition Plan showing how materials will be recycled.
43. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall review 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) off-site spillage of light. [LUMO 8.5.5]
44. Community Design Commission Approval: That the Community Design Commission review of building elevations prior to issuance of a Zoning Compliance Permit. [LUMO 8.4.6]

²<http://www.se-eppc.org/weeds.cfm>

Environment

45. Energy Management Plan: That prior to issuance of a Zoning Compliance Permit, we recommend that the developer provide an Energy Management Plan (EMP) for Town approval. We suggest a goal to incorporate a "20 percent more energy efficient" feature to outperform the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) energy efficiency standard in place at the time of approval. [LUMO 4.5.2]

Stormwater Management

46. Stormwater Management Plan: That this project must comply with the Section 5.4 Stormwater Management of the Land Use Management Ordinance. [LUMO 8.5]
47. 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 and offsite roadways daily, make any necessary repairs or adjustments to the devices, remove deposition of wet or dry silt on adjacent roadways and maintain inspection logs documenting the daily inspections and any necessary repairs. [LUMO 4.5.2]
48. Phasing Plan: Prior to issuance of a Zoning Compliance Permit, if applicable, the applicant shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats.
49. Watershed Protection District: The owner shall post a performance bond or other surety instrument satisfactory to the Town Manager, in an amount equal to one hundred twenty-five (125) percent of the construction cost of each stormwater management facility to assure maintenance, repair, or reconstruction necessary for adequate performance of the stormwater management facility, or establish a stormwater maintenance (sinking fund) budget and escrow account in accordance with the requirements of Section 5.19 of the Land Use Management Ordinance.
50. Erosion Control Bond: If one 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.
51. Silt Control: That the developer take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways. [LUMO 4.5.2; TOWN CODE Chapter 5]
52. Curb Inlets: The developer 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. [LUMO 4.5.2]
53. As-Built Plans: That prior to the issuance of a Certificate of Occupancy, the developer 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, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. [LUMO 4.9.2]

54. 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. [LUMO 4.9.2]

55. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy.

Water, Sewer, and Other Utilities

56. Utility/Lighting Plan Approval: That the final utility/lighting plan shall be approved by Orange Water and Sewer Authority, Duke Energy, and other local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]
57. Lighting Plan: That prior to issuance of a Zoning Compliance Permit, the developer 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, providing for adequate lighting on public sidewalks, including driveway crossings, demonstrating compliance with Town standards, sealed by a Professional Engineer, for Town Manager review and approval. [LUMO 5.11]
58. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, it will be necessary to provide for the underground installation of all public utilities as specified by Section 5.12.2 in the Land Use Management Ordinance. [LUMO 5.12.2]
59. Water/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. That prior to issuance of a Zoning Compliance Permit, final plans shall be approved by OWASA and the Town Manager. [LUMO 5.12.1]
60. OWASA Approval: That prior to issuance of a Zoning Compliance Permit, easement plats and documentation as required by OWASA and the Town Manager shall be recorded if necessary. [LUMO 5.12.1]

Police and Fire Safety

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. [NC Fire Code, Section 1410.1]
62. 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. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements 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. [Town Design Manual]
63. Automatic Sprinkler System: That the applicant shall install automatic sprinkler systems in accordance with Town Code and NC Fire Code prior to issuance of a Certificate of Occupancy.
64. Hydrants Active: That the applicant shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. That fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13.
65. Fire Hydrant and FDC Locations: That the Final Plans shall 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.
66. Aerials: That overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26 feet exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15 feet and maximum of 30 feet from one complete side of the building. [NC FPC]
67. Fire Access Road: It will be necessary for all fire apparatus access roads, including parking lot access, fire lanes, and access driveways, shall be all weather and designed to carry at least 80,000 lbs. and shall have a minimum width of 20 feet. Access shall be provided within 150 feet of all exterior portions of the building.
68. Fire Lane Markings: Prior to issuance of a Certificate of Occupancy, the fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Solid Waste Management and Recycling

69. Solid Waste Management Plan: That prior to issuance of a Zoning Compliance Permit, 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. The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected. [LUMO 5.13]

70. Construction Waste: Clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled. All haulers of construction waste must be properly licensed. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered. [Orange County Solid Waste]
71. Recycling Service: The applicant shall contact Orange County Solid Waste Management to establish commercial recycling and cardboard collection services or provide a Will Serve letter from a private hauler. [Orange County Solid Waste]

State and Federal Approvals

72. State or Federal Approvals: That any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) 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. [NC State; Federal Permits]
73. North Carolina Department of Transportation Approvals: Prior to issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by NCDOT. [NC Department of Transportation]

Miscellaneous

74. Public Safety Survey: Prior to issuance of the first Certificate of Occupancy, the applicant shall hold a security survey with the Police Department to identify and consider opportunities for public safety improvements. [LUMO 4.5.2]
75. Certificate of Adequate Schools: Prior to issuance of a Zoning Compliance Permit, a Certificate of Adequate Schools shall be submitted demonstrating compliance with the Chapel Hill-Carrboro City Schools regulations for new residential development.
76. Temporary Construction Access Agreements: Prior to issuance of a Zoning Compliance Permit, the developer shall provide construction agreements with adjacent property owners where necessary, subject to Town Manager approval. If the abutting property is to be used as part of construction access, provide documentation of permission from the owner of said property. [LUMO 5.12.2.d]
77. 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. [LUMO 4.5.2, TOWN CODE 17-42]

78. Traffic and Pedestrian Control Plan: That the developer 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 five working days prior to any proposed lane or street closure, the developer must apply to the Town Manager for a lane or street closure permit. [LUMO 4.5.2, TOWN CODE 17-42]
79. Construction Sign Required: That the developer 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 Land Use Management Ordinance). The sign shall be non-illuminated, and shall consist of light letters on a dark background. That prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.3]
80. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited. [TOWN CODE, Article 9]
81. Detailed Plan Review and Approval: Prior to issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved. Such plans shall conform to plans approved by the Council and demonstrate compliance with all applicable regulations and standards of the Land Use Management Ordinance and Design Manual.
- Plans, plats, and associated detailed requirements as set forth in the stipulations of this resolution and incorporated into the Special Use Permit Modification shall be reviewed and approved by the Town Manager, or his designee, as well as outside agencies, such as NCDOT, OWASA, and Duke Energy, where indicated. [LUMO 4.5.3.m]
82. As-Built Plans: That prior to issuance of a Certificate of Occupancy, the developer 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. The developer shall also contact the Planning and Development Services for address assignment. [LUMO 4.5.3m]
83. Vested Right: This Special Use Permit Modification constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance.
84. 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.
85. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit for Merritt Mill East, Multi-Family Development at 800 S. Merritt Mill Road.

This the _____ day of _____ 2018.