

**REVISED 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)(2018-04-25/R-8)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit application, proposed by Ballantine Associates for 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 20% 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. This Finding is based on the determination that a convenient solid waste and recycling collection facility is provided convenient to future residents according to Section 5.13(b). The facility is centrally located to both Chapel Hill Carrboro housing units. The location is just over the Chapel Hill side of the site. A sidewalk connects the Chapel Hill residential units to the solid waste/recycling area. Secondly, in conformance with Section 5.13(c) a wooden enclosure is proposed 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. This Finding is based on the determination of Section 5.4.5(a) which allows the Council to waive the stormwater management requirements if alternative measures for off-site management of stormwater has been proposed. The Carrboro parcel is located downhill of the Chapel Hill where stormwater collection will naturally occur. A Stormwater Management Plan is required in the Revised Resolution and a Memorandum of Understanding between Carrboro, CASA, and the Town will allow Chapel Hill staff to examine the stormwater facilities annually according to the Operations and Maintenance Plan, also included as a stipulation in Revised Resolution A.

4. Land Use Management Ordinance Section 5.5.2: Allow 397 sq. ft. less Recreation Space than required on the Chapel Hill site. This Finding is based on the determination that active recreation is proposed to include a playground and club house; passive recreation includes a covered picnic area. When coupled with the gazebo located within the Carrboro’s jurisdiction, Chapel Hill requirements for Recreation Space are met. Land Use Management Ordinance Section 5.5.2(e)(1) allows Council to grant an exemption where square footage required is under 3,000 sq. ft. Chapel Hill regulations require 2,964 sq. ft. of Recreation Space, allowing an exemption.

**The following Land Use Management Ordinance Modification to Regulations is required only on the Chapel Hill side of the development:**

5. Land Use Management Ordinance Section 5.3.2(e): Allow new cut and fill slopes to be greater than 3 :1 slope (33 percent) when approved by the Town Manager. This Finding is based on the determination that approximately 4,000 sq. ft. of slopes are proposed to be greater than 25 percent in order to allow a maximum usage of the site using retaining walls to stabilize the slopes. Ground covers and plantings are proposed on top of the slope to prevent erosion.
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). This Finding is based on the determination that in order to allow safe emergency fire department access to the front of the building, in conformance with the NC. State Fire Code, a distance of no more than 30 feet shall be provided for fire truck stabilization apparatus. Parking and a sidewalk are proposed between the building and parking lot leaving little to no room for a 5-foot planting strip in all locations.

**STIPULATIONS SPECIFIC TO MERRITT MILL EAST**

1. Construction Deadline: That construction begin by April 25, 2020 (two years from the date of approval) to be completed by April 25, 2022 (four years from the date of approval). [LUMO 4.5.5]
2. Land Use Intensity: This Special Use Permit Modification authorizes the following:

<b>Use: Multi-Family</b>	
Gross Land Area	51,322 square feet (1.2 acres)
Total Floor Area Allowed	119,278 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	6 Spaces: 20% Class I and 80% Class II

	Seeking modification
Total Impervious Surface Area Allowed	27,500 sq. ft. proposed (48.7%)
Total number apartments	24 1-bedroom apartments
Land Disturbance	135,00 sq. ft. for entire site (includes off-site sewer line extension)

[LUMO Articles 3.4.5]

#### Access

3. 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.
4. 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.
5. 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.
6. Intersection Sight Lines: Provide intersection sight lines per AASHTO standards prior to issuance of a Zoning Compliance Permit. [LUMO 5.8.3 and NCDOT]
7. 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 ft. 6 inches above the pavement. [LUMO 5.8.3b and NCDOT]
8. 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 Certificate of Occupancy. [LUMO 5.8.1(e)]
9. Sidewalk and Bicycle Improvements: Prior to issuance of a Certificate of Occupancy, the developer shall construct 5-foot sidewalk and 5-foot bike lanes 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.
10. Electric Car Charging Station: Prior to issuance of a Certificate of Occupancy, the applicant shall dedicate two electric car charging spaces and lay conduit for future electric car station expansion during the parking lot configuration.

#### Utilities

11. Water Line Connection: The water service pavement design within the NCDOT right-of-way shall be approved by NCDOT prior to issuance of a Zoning Compliance Permit.
12. Separate Sewer Service: Each building shall have a separate sewer service.

13. 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.
14. 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

15. 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]
16. 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 east to provide privacy and screening of car lights and noise prior to Certificate of Occupancy.
17. 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.
18. Abutting Land Disturbance: Prior to any land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s).
19. Retaining Wall: If the retaining wall design is not included as part of the final plan application, it will be necessary that prior to construction of the retaining wall a separate Zoning Compliance Permit and Building Permit will be required. We note that if Geogrid fabric is proposed behind the retaining wall, an off-site easement could be required.

#### Stormwater

20. Location of Storm Drain System: Locate a proposed storm drain system outside of existing right of way and tie the existing roadway drainage into the system prior to issuance of Certificate of Occupancy.

#### Recreation

21. 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

22. 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 company indicating their ability to serve the development.

23. 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.
24. 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.
25. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

#### **TOWN OF CHAPEL HILL – SPECIAL USE PERMIT STANDARD STIPULATIONS**

The following standard stipulations are supplemental to site-specific conditions as set by Town Council-approved resolution. Unless modified by the site-specific conditions, these standards apply to all development permitted by Special Use Permits.

##### Access

26. Accessibility Requirements: 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.

##### Transportation

27. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to submit a Transportation Management Plan, subject to Town Manager approval. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage. [LUMO 4.5.2]
28. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. The spaces 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 4.5.2]
29. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [Town Code 5.9.5]
30. Parking Lot Landscape and Screening: That the parking lot landscape design shall adhere to the standards of Ordinance. [LUMO 5.9.6]
31. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design and install street lighting along the site frontage. Design and construction details must be approved by the Town Manager and N.C. Department of Transportation prior to a Zoning Compliance Permit.
32. Driveway Permit: It will be necessary to obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the

design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.

33. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadways.
34. Off-Site Construction Easements: Prior to any land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
35. Site Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]
36. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
37. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall 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 and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 6.10]
38. Street Closure Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closure. [Town Code 21.7.1]
39. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. 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]
40. North Carolina Department of Transportation Approvals: Plans for improvements to State-maintained roads shall be approved by NCDOT prior to issuance of a Zoning Compliance Permit for the development.

#### Landscaping and Building Elevations

41. Invasive Exotic Vegetation: That prior to issuance of a Zoning Compliance Permit, the applicant shall identify on the planting plan any known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC), and provide notes indicating removal from the landscape buffer areas prior to planting. [Town Design Manual]
42. Minimum Landscape Caliper Size: That prior to issuance of the Certificate of Occupancy, all proposed landscape materials shall be planted with a minimum as identified in the Town Design Manual. [Town Design Manual]

43. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval from the Community Design Commission shall be required for any proposed alternate buffer. [LUMO 5.6.8]
44. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species, and indicate which trees will be removed and which will remain. [LUMO 5.7.3]
45. 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 and a detail of the tree protection fence. 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]
46. 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 approvals. [LUMO 4.5.3]
47. Tree Canopy: That a minimum of tree canopy coverage be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with LUMO Section 5.7.2 shall be included. [LUMO 5.7.2]
48. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
49. Demolition Plan: Prior to beginning any proposed demolition activity, it will be necessary to obtain demolition permits from both Planning and Inspections. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit may be acquired from Planning prior to proceeding with a demolition permit application to Inspections.
50. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approval a lighting plan 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]
51. Community Design Commission Approval: That the developer obtain Community Design Commission approval of building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.4.6] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission.

## Environment

52. Stormwater Management Plan: Development projects must comply with the *Section 5.4 Stormwater Management* of the Land Use Management Ordinance. [LUMO 5.4]
53. Phasing Plan: If phasing of the project is proposed, that prior to issuance of a Zoning Compliance Permit, the property owner 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 which 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. [LUMO 4.9.2]
54. 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. [LUMO 4.5.2]
55. Silt Control: That the developer take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [LUMO 4.5.2, Town Code Chapter 5]
56. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the developer 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. [LUMO 4.5.2]
57. 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]
58. 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]
59. 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]
60. 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. [LUMO 4.9.2]

61. Energy Efficiency: That the Final Plans incorporate a "20 percent more energy efficient" feature relative to the energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of building 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.
62. Energy Management Plan: That the final plan application include an Energy Management Plan. 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 allows for the proposed utilization of sustainable energy in the project; d) include on-going energy management practices, and e) that the property owner reports to the Town of Chapel Hill both the expected energy consumption as part of a model prior to issuance of a Zoning Compliance Permit and the actual energy consumption as par to sealed engineering calculations at the time construction is completed.

#### Water, Sewer, and Other Utilities

63. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, 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]
64. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans, sealed by a Professional Engineer, for Town Manager approval, as well as 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; and demonstrating compliance with Town standards. [LUMO 5.11]
65. Relocation of Overhead Utilities Underground: Prior to a Certificate of Occupancy, the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines. [LUMO 5.12.2]
66. 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. Prior to issuance of a Zoning Compliance Permit, final plans shall be approved by OWASA and the Town Manager. [LUMO 5.12.1]
67. OWASA Approval: That prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12.1]

### Fire Safety

68. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Code prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems. [TOWN CODE 7-56]
69. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
70. Hydrants Active: The developer 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. Fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13. [NC Fire Protection Code Section 507.5.6]
71. Fire Hydrant and FDC Locations: 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. [NC Fire Protection Code Section 507.5.6]
72. Firefighting Access during Construction: 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]
73. Fire Flow Report: 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]
74. Heavy-Duty Paving: Prior to issuance of a Certificate of Occupancy, the developer shall, in designated areas, provide heavy duty paving designed and built to withstand fire apparatus weighing at least 75,000 pounds. [Town Design Manual]
75. Fire Lane: Prior to issuance of a Certificate of Occupancy, any 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. [NC Fire Code, Sections 503.3, D103.6, D103.6.1, D103.2]

### Solid Waste Management and Recycling

76. Solid Waste Management Plan: 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. Prior to issuance of a Zoning Compliance Permit, the developer shall provide documentation of an agreement for solid waste collection by a private provider. [Orange County Solid Waste]

77. 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]

#### State and Federal Approvals

78. State or Federal Approvals: 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]
79. North Carolina Department of Transportation Approvals: That 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

80. Offsite Construction Easements: That prior to any land disturbance on abutting properties the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
81. Construction Management Plan: A Construction Management Plan shall 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]
82. Traffic and Pedestrian Control Plan: 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 5 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]
83. Construction Sign Required: 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. 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]

84. Schools Adequate Public Facilities Ordinance: If applicable, the developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit. [LUMO 5.16]

85. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [TOWN CODE, Article 9]

86. Detailed Plans: That prior to the 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 by the Town Manager. Such plans shall 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. [LUMO 4.5.3]

87. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are complete; and that a note to this effect shall be placed on the final plats.

If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; and no Building Permits for any phase shall be issued 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 plats.

88. Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.

89. New Street Names and Numbers: That the name of the development and its streets and house/building numbers be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

90. 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]

91. 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.

92. 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.

93. 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 25<sup>th</sup> day of April, 2018.