

SPECIAL USE PERMIT APPLICATION



TOWN OF CHAPEL HILL
Planning Department
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514
phone (919) 968-2728 fax (919) 969-2014
www.townofchapelhill.org

Parcel Identifier Number (PIN): 9799-68-5750

Date: 12/16/2021

Section A: Project Information

Project Name: Fifth Third Bank

Property Address: 1800 Fordham BLVD Chapel Hill Zip Code: 27514

Use Groups (A, B, and/or C): C Existing Zoning District: CC

Project Description: Demolish the existing Hardee's and develop a new financial services branch with drive-thru service.

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

Applicant Information (to whom correspondence will be mailed):

Name: Aston Properties, Inc.

Address: 610 E. Morehead St., Suite 100

City: Charlotte State: NC Zip Code: 28202

Phone: (704) 319-4921 Email: besmith@astonprop.com

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

Signature:  Date: 12/23/21

Owner/Contract Purchaser Information:

Owner

Contract Purchaser

Name: API-DEV, LLC

Address: 610 E. Morehead St., Suite 100

City: Charlotte State: NC Zip Code: 28202

Phone: (704) 366-7337 Email: besmith@astonprop.com

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

Signature:  Date: 12/23/21

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

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Section A: Project Information

Project Name: Fifth Third Bank
Property Address: 1800 Fordham Blvd Zip Code: 27514
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Project Description: Demolish the existing Hardee's and develop a new financial services branch with drive thru service

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

Applicant Information (to whom correspondence will be mailed):

Name: Aston Properties, Inc.
Address: 610 E. Morehead St., Suite 100
City: Charlotte State: NC Zip Code: 28202
Phone: (704) 319-4921 Email: besmith@astonprop.com

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

Signature: Date: 5/9/22

Owner/Contract Purchaser Information:

Owner Contract Purchaser

Name: Boddie-Noell Enterprises, Inc.
Address: PO Box 1908
City: Rocky Mount State: NC Zip Code: 27804
Phone: (252) 937-2800 Email: scottkeene@boddienoell.com

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

Signature: Date: May 9, 2022
Michael H. Hancock, Ex. VP

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



PROJECT FACT SHEET

TOWN OF CHAPEL HILL
Planning Department

Section A: Project Information

Use Type: (check/list all that apply)

Office/Institutional Residential Mixed-Use Other: _____

Overlay District: (check all that apply)

Historic District Neighborhood Conservation District Airport Hazard Zone

Section B: Land Area

Net Land Area (NLA): Area within zoning lot boundaries		NLA=	42,237	sq. ft.
Choose one, or both, of the following (a or b), not to exceed 10% of NLA	a) Credited Street Area (total adjacent frontage) x ½ width of public right-of-way	CSA=	3,300	sq. ft.
	b) Credited Permanent Open Space (total adjacent frontage) x ½ public or dedicated open space	COS=		sq. ft.
TOTAL: NLA + CSA and/or COS = Gross Land Area (not to exceed NLA + 10%)		GLA=	45,537	sq. ft.

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

Special Protection Areas: (check all those that apply)

Jordan Buffer Resource Conservation District 100 Year Floodplain Watershed Protection District

Land Disturbance	Total (sq. ft.)
Area of Land Disturbance (Includes: Footprint of proposed activity plus work area envelope, staging area for materials, access/equipment paths, and all grading, including off-site clearing)	50,000
Area of Land Disturbance within RCD	N/A
Area of Land Disturbance within Jordan Buffer	N/A

Impervious Areas	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Impervious Surface Area (ISA)	34,382	33,064	23,781	23,781
Impervious Surface Ratio: Percent Impervious Surface Area of Gross Land Area (ISA/GLA)%	76	73	52	52
If located in Watershed Protection District, % of impervious surface on 7/1/1993				

All Impervious Surface Areas (ISA) are shown to include the entire limits of disturbance, which includes off-site improvements.

	Pervious/Impervious Project Areas			
	Existing		Proposed	
	ft ²	Acres	ft ²	Acres
Impervious Area	31806	0.730	20413	0.469
Pervious Area	10431	0.239	21824	0.501
Total Parcel Area	42237	0.970	42237	0.970
Off-Site Impervious Area	5187	0.119	3368	0.077
Off-Site Pervious Area	2576	0.059	4395	0.101
Total Pervious Area	15618	0.359	26219	0.602
Total Impervious Area	34382	0.789	23781	0.546
Total Project Area	50000	1.148	50000	1.148



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section D: Dimensions

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Number of Buildings	3,287	3,287	2,400	2,400
Number of Floors	1	1	1	1
Recreational Space				

Residential Space

Dimensional Unit (sq. ft.)	Existing (sq. ft.)	Demolition (sq. ft.)	Proposed (sq. ft.)	Total (sq. ft.)
Floor Area (all floors – heated and unheated)				
Total Square Footage of All Units				
Total Square Footage of Affordable Units				
Total Residential Density				
Number of Dwelling Units				
Number of Affordable Dwelling Units				
Number of Single Bedroom Units				
Number of Two Bedroom Units				
Number of Three Bedroom Units				

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

Use Type	Existing	Proposed	Uses	Existing	Proposed
Commercial		2,400			
Restaurant	3,287		# of Seats		
Government					
Institutional					
Medical					
Office					
Hotel			# of Rooms		
Industrial					
Place of Worship			# of Seats		
Other					

Dimensional Requirements		Required by Ordinance	Existing	Proposed
Setbacks (minimum)	Street	22	34.5'	27'
	Interior (neighboring property lines)	8	51.4'	94.6'
	Solar (northern property line)	9		
Height (maximum)	Primary	34	16.7	18.67'
	Secondary			
Streets	Frontages			
	Widths			



PROJECT FACT SHEET

TOWN OF CHAPEL HILL

Planning Department

Section F: Adjoining or Connecting Streets and Sidewalks

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

Street Name	Right-of-Way Width	Pavement Width	Number of Lanes	Existing Sidewalk*	Existing Curb/Gutter
Wegman's Vehicular Access	N/A	30'	2	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Old Durham Road	60	47	3	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes

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

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

Sidewalk Information			
Street Names	Dimensions	Surface	Handicapped Ramps
Fordham Blvd. (Service Road)	5' x 198'	Concrete	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
			<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A

Section G: Parking Information

Parking Spaces	Minimum	Maximum	Proposed
Regular Spaces	8	12	9
Handicap Spaces	1	1	1
Total Spaces	9	12	12
Loading Spaces	0	0	0
Bicycle Spaces	4	4	4
Surface Type	Asphalt		

Section H: Landscape Buffers

Location (North, South, Street, Etc.)	Minimum Width	Proposed Width	Alternate Buffer	Modify Buffer
Street (Fordham Blvd.)	30'	20' / 5'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
East (Wegman's)	10'	0'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
Old Durham Road (West & South)	15'	20' / 10' / 5'	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes
			<input type="checkbox"/> Yes	<input type="checkbox"/> Yes



Section I: Land Use Intensity

Existing Zoning District:
 Proposed Zoning Change (if any):

Zoning – Area – Ratio			Impervious Surface Thresholds			Minimum and Maximum Limitations	
Zoning District(s)	Floor Area Ratio (FAR)	Recreation Space Ratio (RSR)	Low Density Residential (0.24)	High Density Residential (0.50)	Non-Residential (0.70)	Maximum Floor Area (MFA) = FAR x GLA	Minimum Recreation Space (MSR) = RSR x GLA
CC	0.429	N/A	N/A	N/A	0.49	18,120	N/A
TOTAL	0.429				0.49	18,120	
RCD Streamside		0.01					
RCD Managed		0.019					
RCD Upland							

Section J: Utility Service

Check all that apply:

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



April 27, 2022

Mr. Chris Roberts, PE
Town of Chapel Hill
Public Works Department
6850 Millhouse Rd.
Chapel Hill, North Carolina 27516

Reference: Traffic Impact Analysis Exemption Letter
1800 Fordham Blvd – Special Use Permit

Dear Mr. Roberts;

We have submitted for a Special Use Permit for the redevelopment of the property located at 1800 Fordham Blvd. The existing use is a fast food with drive thru (Hardee's) on the property. We are proposing a financial services branch with one drive up teller lane and drive up ATM. A typical requirement for the Special Use Permit is the completion of a Traffic Impact Analysis; however, this may be waived if the following conditions are met:

- Daily trip generation is less than 500 (or, for a change to an existing property that does not requiring rezoning, difference in daily trip generation is less than 500); and
- No more than 250 vehicles per day (or, for a change to an existing property that does not requiring rezoning, no more than 250 vehicles per day in difference) access an existing collector or local road; and
- The total traffic, including background traffic and additional traffic from proposed new site or redeveloped property does not exceed an average of 150 vehicles per day on any unpaved road; and
- The applicant submits a written request for a Traffic Impact Analysis waiver with appropriate supporting documentation including pedestrian/bicycle analysis, if applicable; and
- The Town Manager concurs with the request

Attached is a letter from Jeffrey Moore, PE with Gannett Fleming providing the trip generation comparison of the existing use and proposed use. The total daily trips generated by the proposed use is 241. Furthermore, the proposed bank will reduce the number of trips compared to the existing use by the following:

Daily: 1297
AM: 123 (61 in, 62 out)
PM: 59 (32 in, 27 out)

Based on the trip generation calculations, we believe this project meets all conditions required for the TIA exemption. Should you need additional information, please do not hesitate to contact me at (704) 319-4921.

Sincerely,

ASTON PROPERTIES, INC

A handwritten signature in blue ink that reads "Bryan E. Smith".

Bryan E. Smith, PE

Aston Properties, Inc.

610 E. Morehead Street, Suite 100
Charlotte, NC 28202
704. 366. 7337
704. 365. 3215 Fax



GANNETT FLEMING

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27 April 2022

Ms. Bryan Smith
Senior Project Manager
Aston Properties Group
610 E. Morehead Street, Suite 100
Charlotte, NC 28202

SUBJECT: Trip Generation for 2,400 Square Foot Bank with Drive Thru/ATM

Dear Mr. Smith,

I am writing this letter to discuss the trip generation for a 2,400 square foot drive-in bank. The Institute of Transportation Engineers 11th Edition classifies this type of restaurant as Land Use Code 912 Drive-in Bank. As part of this trip generation, I have compared the expected traffic from the proposed bank to the traffic generated by the existing use, a 3,287 square foot fast food restaurant with a drive through window. According to the ITE description, "A drive-in bank provides banking services for a motorist through a teller station. A drive-in bank may also serve patrons who walk into the building. The drive-in lanes may or may not provide an automatic teller machine (ATM)."

The NCDOT Congestion Management Section has directed the use of the Peak Hour of the adjacent street traffic as the time period and ITE Rate as the trip generation method for both land uses compared in this exercise. The results of the trip generation exercise are shown in Table 1 below:

Table 1 - Fast Food Restaurant vs Drive-in Bank											
						AM			PM		
LUC	SF				Daily	In	Out	Total	In	Out	Total
934	3,287	FF w/Drive Thru	ITE Rate	ADJ	1538	75	72	147	57	52	109
912	2,400	Drive-in Bank	ITE Rate	ADJ	241	14	10	24	25	25	50
Net Difference					-1297	-61	-62	-123	-32	-27	-59

Thank you for the opportunity to provide you with this information. Please contact me if you have any questions or concerns.

Sincerely,

Jeffrey H. Moore, P. E.
Traffic Engineering Manager

Gannett Fleming, Inc.

28 Schenck Parkway Suite 200 • Asheville, NC 28803

t: 828-771-0870

www.gannettfleming.com



Project Narrative &
Statement of Justification
Fifth Third Bank
Special Use Permit Application
Chapel Hill, NC
S&ME Project No. 213004

PREPARED FOR:

Aston Properties, Inc.
610 E. Morehead St., Suite 100
Charlotte, NC 28202

PREPARED BY:

S&ME, Inc.
658 Grassmere Park Dr., Suite 100
Nashville, TN 37211



Project Narrative

There is an existing Hardee's fast-food restaurant located at 1800 Fordham Boulevard, which our applicant is proposing to re-develop into a contemporary Fifth Third Bank location. The applicant is proposing to demolish the dated Hardee's fast-food restaurant, and construct a contemporary Fifth Third Bank, providing financial services in both a relaxing, accommodating indoor environment and a drive-thru teller and ATM lane. The 0.97-acre parcel (# 9799-68-5750) is zoned Community Commercial (CC), which allows the proposed land use; however, it does not permit a drive-thru window. The existing Hardee's fast-food restaurant received a Special Use Permit on May 10, 1993, by the Town of Chapel Hill, allowing the drive-thru service. The inclusion of the drive-thru services at the new banking institution requires a Special Use Permit.

The existing Hardee's building is approximately 3,287 square feet with a total site impervious area of 31,583 square feet (75% of the site), while the proposed Fifth Third Bank building is approximately 2,400 square feet with a 49% (20,664 square feet) total site impervious area. The proposed site design effectively reduces the impervious area by 30%. This 30% reduction of impervious surface area is accomplished by removing excessive parking, auxiliary structures, and reducing the building footprint. The existing Hardee's parking lot consists of 35 parking spaces and no bicycle or motorcycle/moped parking. The new proposed site plan reduces the number of parking spaces to 10 while incorporating an additional 2 motorcycle/moped spaces and 4 bicycle parking spaces (via a bicycle rack), while still meeting Town standards. The proposed Fifth Third Bank is oriented with the building front facing south towards Old Durham Road with the drive-thru lanes situated on the east side of the building adjacent to Wegman's. The building rotation and drive-thru and parking configuration is oriented to maximize the space of the "peninsula" lot, while maximizing the drive-thru visibility for security purposes.

There are currently two access points for the Hardee's restaurant, one on Old Durham Road and the other on the Fordham Boulevard Service Road. The applicant is proposing to maintain the Old Durham Road access point and eliminate the Fordham Boulevard Service Road Access. The removed Service Road Access Point will be replaced with an access from the Wegman's parcel. The new proposed land use will generate fewer trips than the current Hardee's fast-food restaurant. Furthermore, the proposed site design will increase pedestrian connectivity by extending the existing Service Road sidewalk along the northern boundary of the parcel to the Old Durham Road Sidewalk. Pedestrian access to the site is from a sidewalk on the south side of the property along Old Durham Road.

The applicant seeks to modify the required landscape buffers as stated in section 5.6 of the Town of Chapel Hill's Land Use Manual Ordinance (LUMO). This includes a modification along the perimeter of the site to provide continuity with the streetscape design established by the Wegman's project and to increase transparency for public safety. The modification request will also include a modification to the required drive-through screening buffer height requirement and modification to the vehicle entrance buffers. It is essential for the proposed bank to be in clear sight from the public right-of-ways, so that law enforcement can see into the site and so employees and the public are provided security through visibility. A modification to the vehicle access buffers is needed to remain compliant with NCDOT requirements, which calls for no landscaping to be within the sight distance triangles.



Additionally, the applicant is requesting a modification to 5.3.f of the Town of Chapel Hill's Land Use Manual Ordinance (LUMO) in order to disturb more than 25% of slopes 4:1 or greater. The additional disturbance is needed to add the Fordham Boulevard Service Road sidewalk, Wegman's vehicle access, and to remove the existing Fordham Boulevard Service Road vehicle access, as requested by the Town of Chapel Hill.

In conclusion, the applicant is requesting the following additional modifications to the Town of Chapel Hill Land Use Manual Ordinance (LUMO), as described in this document and shown within the proposed Fifth Third Bank Plans.

1. Modification to Section 5.6 – Landscaping, Screening, and Buffering to allow provide continuity with the Wegman's property and provide enhanced visibility to the site from public right-of-ways for security purposes which are vital to the financial institution's operation.
2. Modification to Section 5.3.f – Disturbance Limitations, which allows for Fifth Third Bank to complete off-site improvements and pedestrian connectivity, as well as add the Wegman's vehicle access and the removal of the Fordham Boulevard Service Road vehicle access, all of which were at the Town of Chapel Hill's request.

Statement of Justification

The modifications proposed by the applicant satisfy the required findings as prescribed by the Town of Chapel Hill's Land Use Manual Ordinance (LUMO) Section 4.5.2. The four required findings and respective justifications are listed below:

Finding #1: That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

The existing fast-food restaurant has a relatively high trip generation and is located at a busy intersection. The proposed improvements will reduce the number of trips entering and exiting the site, thus improving the traffic conditions. The proposed site will increase pedestrian connectivity by extending the Service Road sidewalk to the Old Durham Road Intersection. These improvements advance public health and safety. Additionally, the new proposed land use will reduce the water and sanitary sewer demand, as well as decrease the solid waste production.

Finding #2: That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of articles 3 and 5, the applicable specific standards contained in the supplemental use regulations (article 6), and with all other applicable regulations.



The proposed Fifth Third Bank is designed and will be operated to maintain compliance with all required regulations and standards, provided that the landscape buffer modifications are approved to ensure public and employee safety by providing adequate visibility to the site at all times.

Article 3 Compliance:

- The proposed bank land use is permitted within the CC zoning district.
- The proposed Fifth Third Bank Building meets the required building setbacks.
- The proposed modified landscape buffers are designed to complement the previously approved landscape buffers at the neighboring Wegman's.
- The proposed Fifth Third Bank Building complies with the allowable floor area and impervious surface area ratios.

Article 5 Compliance:

- The proposed site complies with site layout standards and regulations set forth in Article 5 of the Town of Chapel Hill LUMO.
- The proposed site design provides and maintains stormwater management in compliance with Section 5.4 of the LUMO.
- Vehicle, motorcycle/moped, and bicycle parking are provided in compliance with Town standards.
- Modified landscape buffers promote public and employee safety by maintaining proper visibility to the site.

Article 6 Compliance:

- The Special Use Permit will allow the site to include a drive-thru teller and ATM service lanes as allowed as an accessory structure to the principal use and in compliance with Section 6.14 of the LUMO. In the banking industry, drive-thru banking serves as a convenience to the banking public and provides increased accessibility of services to members of the public.

Finding #3: That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity.

The redevelopment of the existing Hardee's to the proposed Fifth Third Bank will enhance the value of the contiguous properties by providing more contemporary, state of the art, financial institution which offers increased pedestrian connectivity and green space creating an open and inviting atmosphere to the already busy intersection. The proposed Fifth Third Bank will be a drastic visual improvement both architecturally and with its landscaping. Banking use is contemplated and permitted in the CC zone.

Finding #4: That the use or development conforms with the general plans for the physical development of the town as embodied in this appendix and in the comprehensive plan.

The proposed Fifth Third Bank conforms with the general plans for the physical development of the Town as embodied by the LUMO, Town Guidelines, and Comprehensive Plan. The proposed development will enhance adjacent properties by providing a contemporary financial institution, greater pedestrian connectivity, more green space, less impervious area, and a reduction in the number of trips generated. With the impervious area



reduction, stormwater runoff volume and quality will be improved. Landscaping will be improved and modified to match the existing Wegman's streetscape.

In terms of the comprehensive plan and other documents, the proposed Fifth Third Bank advances the themes of the comprehensive plan. It provides a *Place for Everyone* by providing a state of the art, open and welcoming banking facility while increasing green open space and pedestrian connectivity. Contemporary and progressive financial institutions advance *Community Prosperity*. The improved walk and bike-ability within and around the site *Facilitate Getting Around*. The Fifth Third Bank is a *Good Place and New Space* which will be a vast visual improvement to the surrounding area, increasing its value. The Fifth Third Bank will provide financial and employment opportunities which will *Nurture the Community* and embrace the *Town and Gown Collaboration*. The project, as proposed, complies with the primary uses noted in the Future Land Use Map, advances the Town's mobility and connectivity plans, and provides a walkable, bikeable, transit-served banking service.



19930614000116950 PRMIT

Bk: 1119 Pg: 555

FILED

14 JUN 1993, at 04:04:31PM

Book 1119, Page 555 - 558

Betty June Hayes,

Register of Deeds,

Orange County, N. C.

Return to: Philip Post + Associates, Inc.
401 Providence Dr. Suite 200
Chapel Hill, N.C. 27514

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27516

BOOK 1119 PAGE 555

Prepared by: Dan Moseley, Chapel Hill Planning Department

Telephone (919) 968-2700

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), Boddie-Noell Enterprises Co, Inc., having applied to the Town of Chapel Hill for a Special Use Permit for the use and development of the property hereinafter described, the same was granted by the Town of Chapel Hill on May 10, 1993, the terms of which are as follows:

NAME OF PROJECT: Hardee's Drive-through window

NAME OF DEVELOPER: Boddie-Noell Enterprises Co., Inc.

DESCRIPTION OF PREMISE

LOCATION: 1800 Durham-Chapel Hill Boulevard

TAX MAP REFERENCE : Chapel Hill Township Tax Map 27, Block C, Lot 1
9799-6B-4640ABG

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 46,530 sq. ft.

OPEN SPACE: 43,292 sq. ft.

NUMBER OF BUILDINGS: 2

LIVABILITY SPACE: 16,942 sq. ft.

NUMBER OF DWELLING UNITS: N/A

RECREATION SPACE: N/A

FLOOR AREA: 3,238 sq. ft.

NUMBER OF PARKING SPACES: 35

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan on file in the Chapel Hill Planning Department dated October 23, 1992 (revised January 29, 1993) with the following conditions:

Stipulations Specific to the Development

1. That construction begin by May 10, 1995 (two years from the date of approval) and be completed by May 10, 1996 (three years from the date of approval).
2. Required Improvements (specific to the proposed development):
 - a. That half of a 60 foot right-of-way be dedicated along the subject property's Old Durham Road frontage.
 - b. That Old Durham Road be improved to half of a 41 foot cross-section with curb and gutter and sidewalk and as much additional shoulder as possible within the new right-of-way (not to exceed 4 foot wide) for a bicycle lane.
 - c. That the Durham-Chapel Hill Boulevard service road be improved to half of a 27 foot cross-section with curb and gutter.
 - d. That a sidewalk be provided along the service road frontage from the entrance drive eastward to the existing bus stop, approximately 50 feet.
 - e. That, prior to issuance of a Zoning Compliance Permit, the developer demonstrate compliance with Section 14.6.6(d) of the Development Ordinance regarding shading of parking area surfaces.

Stipulations related to State and Federal Government Approvals

3. State or Federal approval(s): That any required State or Federal permits or encroachment agreements 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.
4. NCDOT approval: That plans for improvements to state-maintained roads be approved by NCDOT prior to issuance of a Zoning Compliance Permit. If NCDOT approval cannot be obtained for three-lane entrances, two-lane entrances may be substituted.

Stipulations related to Landscape Elements

5. Landscape Protection Plan: That a Landscape Protection Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

6. Landscape Plan Approval for Special Use Permit applications: That a detailed landscape plan, landscape maintenance schedule, and site lighting plan be approved by the Appearance Commission prior to the issuance of a Zoning Compliance Permit. The Landscape Plan shall conform to the Entranceways Master Landscape Plan and shall include the following buffers:
- minimum 30 foot wide Type D buffer along the Durham-Chapel Hill Boulevard frontage;
 - minimum 15 foot wide Type A buffer along the Old Durham road frontage; and
 - minimum 10 foot wide Type B buffer along the eastern property line adjacent to the Nations Bank property.

If the applicant proposes alternate buffers for the site, the proposed alternate buffers must be reviewed and approved by the Appearance Commission before issuance of a Zoning Compliance Permit.

Stipulation related to Building Elevations

7. Building Elevation Approval for Special Use Permit applications: That detailed building elevations be approved by the Appearance Commission prior to issuance of the Zoning Compliance Permit.

Stipulations related to Water, Sewer and other Utilities

8. Fire Flow: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.
9. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority, Duke Power, Public Service Company, Southern Bell, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring these utilities are extended to serve the development.

Miscellaneous Stipulations

10. Solid Waste Management Plan: That a detailed solid waste management plan, including a recycling plan and plan for management of construction debris, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
11. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager before issuance of Zoning Compliance Permit and that such plans conform to plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and with the Design Manual.
12. Certificates of Occupancy: That no Certificates of Occupancy be issued until all required public improvements are completed, and that a note to this effect shall be placed on the final plat.
- 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; 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 plat.
13. Sight Triangle Easements: That sight triangle easements be provided on the final plat.
14. Erosion Control: That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
15. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
16. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
17. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

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 and the covenant running with the land.

ATTEST
[Signature]
Town Clerk



[Signature]
Town Manager RDK

ACCEPTED
[Signature]
Owner

(Seal)

Owner (Seal)

ATTEST
[Signature]
Secretary

RODDIE NOELL ENTERPRISES, INC.
Corporate Name
BY *[Signature]*
Vice President Title

ORANGE COUNTY

NORTH CAROLINA

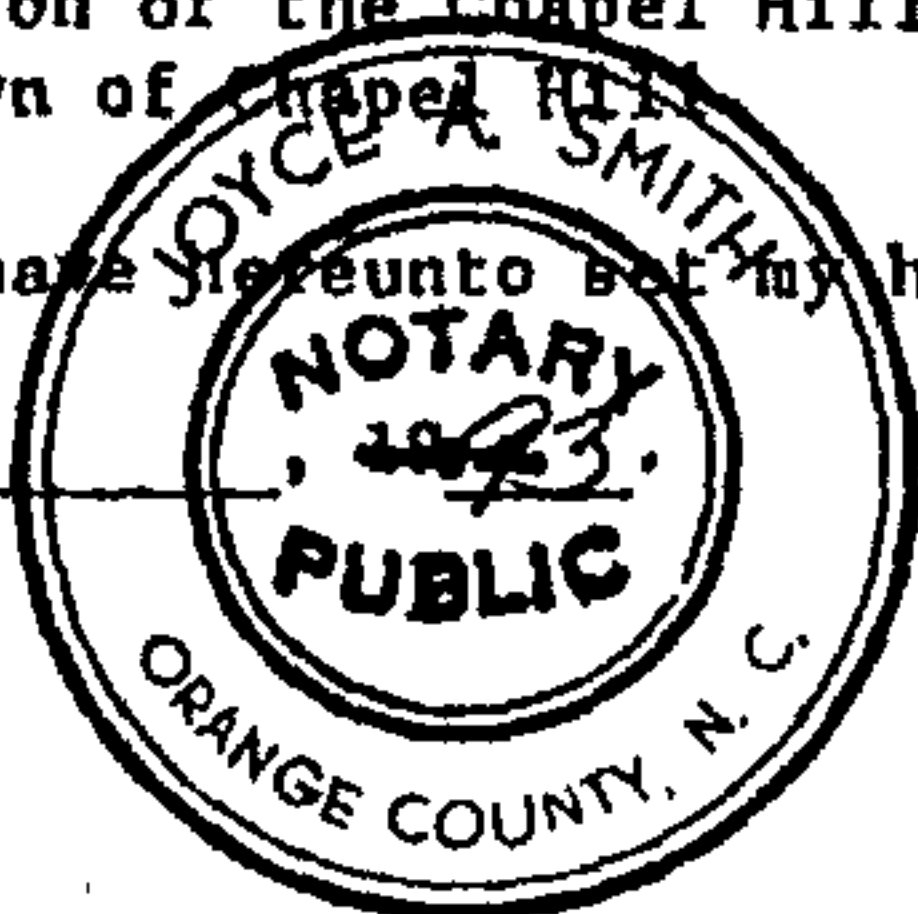
I, *[Signature]*, a Notary Public in and for said County and State do hereby certify that *[Signature]*, Town Manager of the Town of Chapel Hill,

and *[Signature]*, 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 *[Signature]*, Town Manager of said Town of Chapel Hill, and

[Signature], 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

[Signature] day of *[Signature]*



[Signature]
Notary Public
My commission expires: 5-25-98

[Signature]
ORANGE COUNTY

NORTH CAROLINA

I, Jerrie, a Notary Public in and for said State and County do hereby certify that _____ owners, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my Hand and Notarial Seal, this _____ day of _____, 19 _____

Notary Public
My commission expires: _____

Nash
ORANGE COUNTY

NORTH CAROLINA

BOOK 1119 PAGE 558

THIS 8th day of June, 1993, personally come before me,

Jerrie F. Webb, a Notary Public of Nash Orange County, North Carolina,

Douglas E. Anderson who being by me duly sworn, says that he knows the common seal of the Boddie-Noell Enterprises, Inc. and is acquainted with

Dennis R. Best, who is Vice President President of said corporation and he,

Douglas E. Anderson, who is Secretary of said corporation, and saw the Vice

President sign the foregoing instrument and he, the said Douglas E. Anderson signed his name in attestation of the execution of said instrument in the presence of Dennis R. Best President of said corporation.

WITNESS my hand and Notarial Seal, this the 8th day of June, 1993

Jerrie F. Webb
Notary Public
My commission expires: 3/27/96

NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of _____

Joyce A. Smith and Jerrie F. Webb

Notary (or Notaries) Public of the designated Governmental units (are) certified to be correct. Filed for registra-

tion this the 14th day of June 19 93, at 4:04:31 o'clock, P.M.

in Record Book 1119 Page 555

Betty June Hayes, Register of Deeds

Return: _____

By: Delmar B. Brown
Assistant/Deputy
Register of Deeds



19930614000116950 PRMIT

Bk: 1119 Pg: 555

FILED

14 JUN 1993, at 04:04:31PM

Book 1119, Page 555 - 558

Betty June Hayes,

Register of Deeds,

Orange County, N. C.

Return to: Philip Post + Associates, Inc.
401 Providence Dr. Suite 200
Chapel Hill, N.C. 27514

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27516

BOOK 1119 PAGE 555

Prepared by: Dan Moseley, Chapel Hill Planning Department

Telephone (919) 968-2700

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), Boddie-Noell Enterprises Co, Inc., having applied to the Town of Chapel Hill for a Special Use Permit for the use and development of the property hereinafter described, the same was granted by the Town of Chapel Hill on May 10, 1993, the terms of which are as follows:

NAME OF PROJECT: Hardee's Drive-through window

NAME OF DEVELOPER: Boddie-Noell Enterprises Co., Inc.

DESCRIPTION OF PREMISE

LOCATION: 1800 Durham-Chapel Hill Boulevard

TAX MAP REFERENCE : Chapel Hill Township Tax Map 27, Block C, Lot 1
9799-6B-4640ABG

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 46,530 sq. ft.

OPEN SPACE: 43,292 sq. ft.

NUMBER OF BUILDINGS: 2

LIVABILITY SPACE: 16,942 sq. ft.

NUMBER OF DWELLING UNITS: N/A

RECREATION SPACE: N/A

FLOOR AREA: 3,238 sq. ft.

NUMBER OF PARKING SPACES: 35

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan on file in the Chapel Hill Planning Department dated October 23, 1992 (revised January 29, 1993) with the following conditions:

Stipulations Specific to the Development

1. That construction begin by May 10, 1995 (two years from the date of approval) and be completed by May 10, 1996 (three years from the date of approval).
2. Required Improvements (specific to the proposed development):
 - a. That half of a 60 foot right-of-way be dedicated along the subject property's Old Durham Road frontage.
 - b. That Old Durham Road be improved to half of a 41 foot cross-section with curb and gutter and sidewalk and as much additional shoulder as possible within the new right-of-way (not to exceed 4 foot wide) for a bicycle lane.
 - c. That the Durham-Chapel Hill Boulevard service road be improved to half of a 27 foot cross-section with curb and gutter.
 - d. That a sidewalk be provided along the service road frontage from the entrance drive eastward to the existing bus stop, approximately 50 feet.
 - e. That, prior to issuance of a Zoning Compliance Permit, the developer demonstrate compliance with Section 14.6.6(d) of the Development Ordinance regarding shading of parking area surfaces.

Stipulations related to State and Federal Government Approvals

3. State or Federal approval(s): That any required State or Federal permits or encroachment agreements 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.
4. NCDOT approval: That plans for improvements to state-maintained roads be approved by NCDOT prior to issuance of a Zoning Compliance Permit. If NCDOT approval cannot be obtained for three-lane entrances, two-lane entrances may be substituted.

Stipulations related to Landscape Elements

5. Landscape Protection Plan: That a Landscape Protection Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

6. Landscape Plan Approval for Special Use Permit applications: That a detailed landscape plan, landscape maintenance schedule, and site lighting plan be approved by the Appearance Commission prior to the issuance of a Zoning Compliance Permit. The Landscape Plan shall conform to the Entranceways Master Landscape Plan and shall include the following buffers:

- minimum 30 foot wide Type D buffer along the Durham-Chapel Hill Boulevard frontage;
- minimum 15 foot wide Type A buffer along the Old Durham road frontage; and
- minimum 10 foot wide Type B buffer along the eastern property line adjacent to the Nations Bank property.

If the applicant proposes alternate buffers for the site, the proposed alternate buffers must be reviewed and approved by the Appearance Commission before issuance of a Zoning Compliance Permit.

Stipulation related to Building Elevations

7. Building Elevation Approval for Special Use Permit applications: That detailed building elevations be approved by the Appearance Commission prior to issuance of the Zoning Compliance Permit.

Stipulations related to Water, Sewer and other Utilities

8. Fire Flow: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.

9. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority, Duke Power, Public Service Company, Southern Bell, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring these utilities are extended to serve the development.

Miscellaneous Stipulations

10. Solid Waste Management Plan: That a detailed solid waste management plan, including a recycling plan and plan for management of construction debris, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

11. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager before issuance of Zoning Compliance Permit and that such plans conform to plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and with the Design Manual.

12. Certificates of Occupancy: That no Certificates of Occupancy be issued until all required public improvements are completed, and that a note to this effect shall be placed on the final plat.

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; 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 plat.

13. Sight Triangle Easements: That sight triangle easements be provided on the final plat.

14. Erosion Control: That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.

15. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

16. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.

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

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 and the covenant running with the land.

ATTEST
[Signature]
Town Clerk



[Signature]
Town Manager RDK

ACCEPTED
[Signature]
Owner

(Seal)

Owner (Seal)

ATTEST
[Signature]
Secretary

RODDIE NOELL ENTERPRISES, INC.
BY *[Signature]*
Vice President Title

ORANGE COUNTY

NORTH CAROLINA

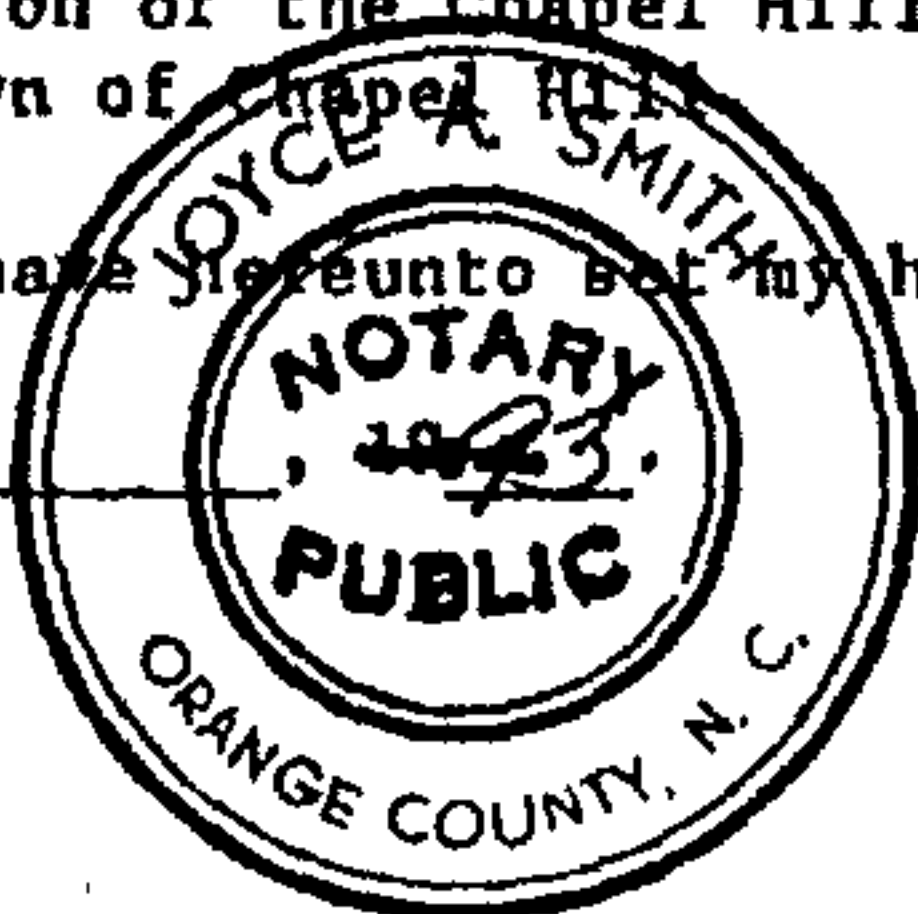
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