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Recording Fee: \$26.00  
NC Real Estate TX: \$.00



Prepared by: Gene Poveromo, Chapel Hill Planning Department

Return to: Leigh Vancil  
PO Box 51579  
Durham, NC 27717



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

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), Meadowmont Development Company, having applied to the Town of Chapel Hill for a Special Use Permit for the use and development of the property hereinafter described, was granted by the Town of Chapel Hill on April 26, 2010 the terms of which are as follows:

NAME OF PROJECT: Murray Hill at Meadowmont

NAME OF DEVELOPER: Meadowmont Development Company.

DESCRIPTION OF PREMISE

LOCATION: Northwest corner of Meadowmont Lane and Sprunt Street

ORANGE COUNTY PARCEL IDENTIFIER NUMBER: 9798-75-3407 *MW*

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan with cover sheet dated November 5, 2009, revised November 13, 2009 (on file in the Chapel Hill Planning Department), with the following modifications of regulations:

1. Modification of Subsection 5.9.6 to modify the parking lot screening requirements.

That public purposes would be satisfied to an equivalent or greater degree because 30 of the 34 parking spaces are underground and would not be visible from adjacent properties and streets.

2. Modification of Subsection 5.9.6 to reduce width of the landscape strip at the entry drives to as narrow as 3.5 feet.

That public purposes would be satisfied to an equivalent or greater degree because the buildings themselves partially screen the pavement. Further, the walkways from the public sidewalk to the building front entrances contribute to the overall function of the site more than having full width plantings in these particular locations.

3. Modification of Subsection 5.9.6 to modify the parking lot landscaping standards to reduce the planting strip width between the building and the parking lot to as narrow as 3.5 feet.

That public purposes would be satisfied to an equivalent or greater degree because the proposed walkways provide for pedestrian separation from traffic and a visual transition at the building edge for the subject 35-foot lengths along the buildings' internal edges.



Stipulations Specific to the Development

- 1. **Construction Deadline:** That construction begin by December 31, 2014\* and be completed by December 31, 2015.\*\*  
\*extended by the Permit Extension Act of 2009, and by section 4.5.5 of the Land Use Management Ordinance  
\*\*extended by the Permit Extension Act of 2009

- 2. **Land Use Intensity:** This Special Use Permit authorizes residential use with:

Gross Land Area	55,975 s.f. (1.17 acres)
Dwelling Units	15
Total Maximum Floor Area Allowed	66,000 sq. ft.
Maximum Impervious Surface Area	36,000 sq. ft.
Minimum Vehicular Parking Spaces	34 spaces
Minimum Handicapped Parking Spaces	2 spaces
Bicycle Parking Spaces	15-30 underground spaces and 2 above ground bicycle racks.

- 3. **Impervious Surface Calculations:** That the developer provides calculations confirming Meadowmont's overall compliance with land use intensity ratios and impervious surface limits, subject to Town Manager review and approval prior to issuance of a Zoning Compliance Permit.
- 4. **Subdivision Plat:** The developer shall submit a subdivision plat, showing the property being subdivided into four lots as proposed, for Town Manager approval and for recordation in the county register of deeds office. A copy of the recorded plat shall be provided prior to the issuance of a Zoning Compliance Permit.
- 5. **Schools Adequate Public Facilities Ordinance:** That the developer provides the necessary Certificate of Adequacy of Public Schools prior to the issuance of a Zoning Compliance Permit.
- 6. **Notification to Prospective Buyers:** That the developer shall: a) provide documents such as deeds or plats, to be recorded in the Orange/Durham County Register of Deeds Office, which, at the time of property sale for each dwelling unit, alert prospective buyers of the site's close proximity to the easement reserved as a future transit corridor; and b) include the proximity in unit pre-sales and sales discussions.
- 7. **Transit Corridor Signage:** The developer shall also install signage at the edge of the transit corridor easement stating the anticipated use of the corridor for transit. There shall be a minimum of at least three signs posted, one at each end of this property's corridor easement boundary and one at the midpoint. The signage plan must be reviewed for approval by the Town Manager prior to issuance of a Zoning Compliance Permit and the signs installed prior to pre-sales and sales of any residential unit and prior to issuance of a Certificate of Occupancy.
- 8. **Noise Mitigation Design/Construction:** That the proposed multi-family units shall be designed and constructed to mitigate noise levels associated with the future transit corridor.
- 9. **Public Art:** That the developer shall provide 2 art pieces which may also serve as seating, to be generally located in the landscaped area to the west of the buildings. A detailed plan, illustrating the proposed artwork and showing the locations, shall be coordinated with the Town's Office of Public Arts and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The artwork shall be installed prior to issuance of a Certificate of Occupancy.
- 10. **Affordable Housing/Performance Plan and Agreement:**  
That prior to issuance of a Zoning Compliance Permit, the applicant must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the developer and the Town Manager (or designee) will contain the following information.
  - A. General information about the nature and scope of the covered development.
    - (1) 15% the market rate units is 2.25 units (15 x 15%)
    - (2) The applicant will provide a payment of \$191,250 to fulfill the affordable housing requirement for 2.25 affordable units. ( $\$85,000 \times 2.25 = \$191,250$ )
      - a. The \$85,000 baseline shall be established on the SUP approval date, to be inflated by 3% per year until such time as payment is made to the Town.
      - b. The payment shall be made to the Town's Affordable Housing Fund.
      - c. Payment must be received prior to issuance of a Zoning Compliance Permit.
    - (3) The applicant will establish an Affordable Housing Transfer Fee.
      - (a) Funds collected from a transfer fee (not to exceed 1%) associated with the initial sale of market rate properties in Murray Hill are to be placed into a reserve fund to be administered by the Community Home Trust for affordable housing.
      - (b) Funds collected from a transfer fee (not to exceed 1%) associated with the second and all subsequent sales of market rate properties in Murray Hill are to be placed into a reserve fund to be administered to the Town for affordable housing.
      - (c) The Affordable Housing Performance Agreement will govern how the transfer fee mechanism and reserve funds will function, and require an annual report by June 30 be provided to the Town Manager detailing the use of the Transfer Fee Fund.
  - B. Any and all other information that the Town Manager may require that is needed to demonstrate compliance with the Council's Affordable Housing Policies.



11. Ownership and Responsibilities of Common Areas: All property owners owning land within the area of the Meadowmont Master Land Use Plan approval, excluding governmental bodies, shall be represented in the owners' association created for the maintenance and regulation of the private (residential, office, park, landscape, and commercial ) areas including privately maintained streets and alleys. This owners' association shall have maintenance responsibilities for commonly owned development elements which affect the entire development including the stormwater management facilities.

In addition, a separate owners' association shall be created for the maintenance and regulation of the Murray Hill development, including the vehicular access, parking, and circulation areas; landscaped areas; and private sidewalks. All property owners in this development, excluding governmental bodies, shall be represented in the owners' association. The responsibilities of this entity shall include the ownership and maintenance of private green spaces, private parks, and private stormwater retention and detention facilities. This owners' association may be required to participate in maintenance responsibilities for commonly owned development elements which affect the entire development, including the stormwater management facilities.

Owners' association documents must be reviewed and approved by the Town Manager, and the approved documents recorded in the county Register of Deeds Office, prior to issuance of a Zoning Compliance Permit. These documents must be cross-referenced on the final plat(s). Prior to issuance of a Zoning Compliance Permit, the developer must submit a copy of the recorded documents to the Town Manager.

These entities shall also be responsible for any "add-on fees" charged by Duke Energy for special street lighting. These entities shall have the ability to place a lien on property for nonpayment of dues or fees.

12. Declaration of Condominiums: That the Declaration of Condominium document shall be reviewed and approved by the Town Manager prior to recordation at the Register of Deeds Office. A recorded copy of the document shall be submitted to the Town prior to issuance of a Certificate of Occupancy for any unit.

#### Access and Transportation

13. Pedestrian Access: That the developer shall provide sidewalks in the following locations:

- retain public sidewalk along both street frontages; and
- install sidewalk from the public sidewalk to the buildings' front entrances and to the underground garage entrances.

The developer shall also provide:

- raised crosswalks, with contrasting materials and/or colors, across the two driveways entrances on Meadowmont Lane;
- advanced pedestrian warning signs on both sides of Meadowmont Lane at the Murray Hill entrance(s); and
- a pedestrian path through the landscaped area to the west of the buildings.

14. Vehicular Access: That two driveways onto Meadowmont Lane shall be provided, with the location and design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
15. Parking Lot and Drive Aisle Dimensions: Prior to issuance of a Certificate of Occupancy, the developer shall construct the parking lots and drive aisles to Town standards for dimensions and pavement design, except as modified with approval from the Town Manager.
16. Sight Distance Triangles: Prior to issuance of a Zoning Compliance Permit, the developer shall provide standard Town of Chapel Hill sight distance triangles, and provide easements if necessary, at the proposed driveway near the intersection of Sprunt Street and Meadowmont Lane.
17. Median Cut in Meadowmont Lane: That a left turn lane and median cut in Meadowmont Lane be provided, with the design to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
18. Street Repair and the Routing of New Sanitary Sewer Mains: Proposed water and sanitary sewer lines shall be installed along the route that would minimize the need for pavement repairs and work zone traffic control within the public streets. If water and sanitary sewer and/or other utilities are extended under Barbee Chapel Road and Meadowmont Lane, it will be necessary to repair the trench and to provide an asphalt overlay to either the crown of the street on Barbee Chapel Road or to the median on Meadowmont Lane.
19. Traffic Signage: It will be necessary to include the necessary traffic signage in the appropriate locations as part of the detailed construction plans to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
20. Payment-In-Lieu for Traffic Signal Timing Adjustment: That prior to issuance of a Zoning Compliance Permit, the applicant shall provide a payment-in-lieu of \$1,000 for adjusting the traffic signal timing for signals at the intersection of Meadowmont Lane and Sprunt Street.
21. Cross Access Easements: That the developer shall dedicate vehicular and pedestrian cross access easements between the four lots to allow for access to and between buildings, parking areas, driveways, and outdoor areas. The recorded documents shall be provided prior to issuance of a Zoning Compliance Permit.
22. Accessibility Requirements: The developer shall provide the minimum required handicapped parking spaces and design all handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans With Disabilities Act standards, North Carolina Accessibility Code, and Town standard. Code requirements include standards for the number, size and



spacing of handicapped spaces, travel distance from parking spaces to buildings, ramp and sidewalk slope, cross-walk striping and other considerations.

23. Vehicular Parking: That the developer shall provide a minimum of 34 parking spaces built to Town standard according to Town Design Manual guidelines, design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
24. Bicycle Parking: That the developer shall provide dimensioned details for 15-30 bicycle parking spaces, within the underground garages, that comply with Town parking standards in place at the time of approval, the spring 2002 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual. In addition, the developer shall provide two bicycle racks at ground level.

#### Landscaping and Elevations

25. Landscape Protection: That a detailed Landscape Protection Plan, clearly indicating which significant tree stands, rare and specimen trees shall be removed and which shall be preserved. The plan shall include critical root zones of all rare and specimen trees, and clearly delineate significant tree stands. The plan shall also include detail of tree protection fencing, including woven wire fencing of at least 6 feet in height between the tree preservation areas and construction areas, construction parking, and materials staging/storage areas. The Plan shall also include Town standard landscaping protection notes, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
26. Landscape Screening and Shading: That the landscaping shall adhere to the standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance, except as modified by the Town Council in the approval of this Special Use Permit.
27. Landscape Plan and Landscape Maintenance Plan: That the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, and a Landscape Maintenance Plan, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all proposed plantings as well as the limits of land disturbance and tree protection fencing. The Plan shall include evergreen trees between the residential units and the transit corridor.
28. Canopy Tree Planting Plan: That the developer provide a tree canopy replacement plan, with the tree type and number to provide, at trees' maturity, the equivalent of 25,000 square feet of canopy coverage. Of the agreed upon number of trees to be planted, if re-planting entirely on-site is not practicable, some of the trees shall be planted on nearby Meadowmont common area or public property. Replacement tree locations, species, size, and spacing shall be provided on a detailed planting plan to be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
29. Street Tree Replacement: That if any street trees are damaged during construction and/or sanitary sewer installation, they will be replaced in accordance with the street tree planting plan standards for Meadowmont prior to issuance of a Certificate of Occupancy.
30. Building Elevation Approval: That the Community Design Commission shall approve building elevations including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit.
31. Lighting Plan Approval: That the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) offsite spillage of light, prior to issuance of a Zoning Compliance Permit.

#### Environment

32. Stormwater Outlet Improvements: That the developer shall improve the stormwater outlet structures at Meadowmont Stormwater Pond 5, with detailed final plans to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
33. Stormwater Runoff: This project must comply with the stormwater management requirements of the Land Use Management Ordinance to provide for 85 percent total suspended solids removal from the increased impervious area, retention for 2-5 days of the increased volume of stormwater runoff from the 2-year, 24-hour storm, and control of the stormwater runoff rate for the 1-year, 2-year, and 25-year storms.
34. Stormwater Easements: All stormwater detention, treatment and conveyance facilities located on and below the ground shall be wholly contained within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions. A copy of the final plat or easement exhibit, signed and sealed by a North Carolina-registered Land Surveyor and recorded at the County Register of Deeds Office, and containing the following notes shall be submitted prior to issuance of the Certificate of Occupancy.
  - All engineered stormwater management control, treatment, and conveyance structures on and below the ground shall be wholly located within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions. A suitable maintenance access (minimum 20' wide) to accommodate heavy equipment from the nearest public right-of-way to the Reserved Stormwater Facility Easement must be provided and shown on the plans.
  - The "Reserved Stormwater Facility Easement(s)" and the facilities it/they protect are considered to be private, with the sole responsibility of the owner to provide for all required maintenance and operations as approved by the Town Manager.
  - The Reserved Stormwater Facility Easement and the Operations and Maintenance Plan are binding on the owner, heirs, successors, and assigns.



35. **Stormwater Performance Bond:** If one (1) acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. This financial guarantee is intended to cover the costs of restoration of failed or failing soil erosion and sedimentation controls, and/or to remedy damages resulting from land-disturbing activities, should the responsible party or parties fail to provide prompt and effective remedies acceptable to the Town.
36. **Curb Inlet Marking:** In lieu of stenciling, all new Town and State right-of-way and private curb inlet hoods/covers installed within the Chapel Hill Planning Jurisdiction shall be pre-cast stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A.
37. **Stormwater Maintenance Plan:** Prior to issuance of a Certificate of Occupancy (CO), a Stormwater Operations and Maintenance Plan, signed by the owner(s) and recorded at the County Register of Deeds Office, shall be provided for the proposed stormwater management facilities and submitted to the Stormwater Management Engineer for approval. A schedule of inspection and maintenance tasks shall be included. The plan and schedule shall be detailed, clear, and concise such that property owners/occupants fully understand these requirements (what, when, where, and how).
38. **As-Built Plans:** That prior to the issuance of the first Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, stormwater drainage/conveyance systems and stormwater management structures, and all other impervious surfaces. The as-built plans shall be in DXF binary format using State plane coordinates and NAVD 88.
39. **Stormwater Management Structures Location:** No stormwater management structures are permitted in the rights-of-way or building setbacks.
40. **Stormwater Management Facility Certification:** A certification, signed and sealed by a North Carolina-licensed Professional Engineer, that the stormwater management facility(ies) is (are) constructed in accordance with the approved plans and specifications shall be provided prior to a Certificate of Occupancy.
41. **Soil Stabilization:** All disturbed areas shall be stabilized with vegetation or permanent ground cover within 21 calendar days of completion of any grading work.
42. **Silt Control:** That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.  
  
During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance.
43. **Erosion Control:** That a detailed soil erosion and sedimentation control plan for the site and the off-site utility work, including provision for monitoring and maintenance of facilities and modifications of the plan if necessary, be approved by the Orange County Erosion Control Division and its counterpart division in Durham County, if appropriate, and documentation of the approval(s) be submitted to the Town Manager prior to issuance of a Zoning Compliance Permit.
44. **Energy Management Plan:** That the final plan application include an Energy Management Plan (EMP) to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. 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; and (d) that the property owner reports to the Town of Chapel Hill the actual energy efficiency achieved with the plan, as implemented, during the period ending one year after occupancy.  
  
The EMP shall also be formatted to Town standards, shall include the USGBC credit checklist, and shall include pre-construction energy models to demonstrate the anticipated energy efficiency as compared to base building.
45. **Energy Efficiency:** That the final plans shall incorporate a "20 percent more energy efficient" feature relative to the 2004 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "so percent more energy efficient" feature into the final plans.
46. **LEED Certifiable Construction:** The developer shall provide evidence from a USGBC LEED for Homes certified consultant that the developer has provided a minimum of 60 LEED for Homes Final Rating credits, to be reviewed by the Town Manager after the project is certified under the LEED for Homes rating system.

Stipulations Related to Water, Sewer, and Other Utilities

47. **Utility/Lighting Plan Approval:** That the final utility/lighting plan shall be approved by Orange Water and Sewer Authority, Duke Energy Company, Time Warner Cable, Public Service Company, AT & T, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities are extended to serve the development.
48. **Lighting Plan:** That prior to issuance of a Zoning Compliance Permit, the applicant shall submit site plans and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including submission of a lighting plan, demonstrating compliance with Town standards, sealed by a Professional Engineer.



49. Sewer Line Construction: That sanitary sewer shall be extended to this site. That all plans be approved by OWASA and constructed according to its standards. Where sewer lines are located beneath streets, drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. Final plans shall be approved by OWASA and the Town Manager prior to issuance of a Zoning Compliance Permit.
50. Power Lines: That the two electrical transformers be approved by Duke Power and that the power lines be buried at the closest proximity possible to the transformers. All proposed or relocated utility lines other than 3-phase electric power distribution lines shall be located underground.
51. OWASA Approval: That documentation, as required by OWASA and the Town Manager, shall be recorded prior to issuance of a Zoning Compliance Permit.

#### State and Federal Approvals

52. State or Federal Approvals: That any required State or federal permits or encroachment agreements shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.

#### Fire Safety

53. Firefighting Equipment Access: That Final Plans shall clearly indicate emergency fire access for the Town's firefighting equipment to within 150 feet of all exterior points of the proposed buildings. This access shall be unobstructed, constructed of an all-weather surface, and shall be designed to carry the imposed load of the Town's firefighting equipment (75,000 lbs). Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
54. Fire Apparatus Access and Road Design: That Final Plans shall include the following note, "Any and all roads, driveways or dedicated fire lanes used for fire department access shall be all-weather and designed to support to carry the imposed load of fire apparatus weighing 75,000 lbs. Fire access roads shall have a minimum width of 20 feet with overhead clearance of 13 ft. 6 in." Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

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

55. Fire Hydrant and FDC Locations: That 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 Meadowmont Lane 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.
56. Fire Apparatus Access and Service During Construction: That Final Plans shall include the following note, "When fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction, except when approved alternate means of fire protection are provided." Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
57. Fire Flow Report: That the Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. Fire flow shall meet the required flow set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
58. Automatic Sprinkler System: That prior to issuance of Certificate of Occupancy, the applicant shall install automatic fire sprinkler systems in each building and parking garage area in accordance with NC Building and Fire Codes and Town Code, with plans subject to Town Manager review and approval prior to issuance of a Zoning Compliance Permit.
59. Fire Hydrant Accessibility: That all structures must be located within 500 feet of a fire hydrant. That the applicant shall maintain a 100-foot maximum distance between fire hydrants and fire department connections, in a clearly visible and accessible location on the street side of buildings, subject to Town Manager review and approval prior to issuance of a Zoning Compliance Permit.

#### Solid Waste Management and Recycling

60. Solid Waste Management Plan: That a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The Plan shall also specify public pickup of solid waste and recyclable materials other than cardboard.
61. Final Plan Notes: That the applicant shall place the following notes on Final Plans prior to issuance of a Zoning Compliance Permit:
  - a. That the applicant hold demolition and pre-construction conferences with Orange County Solid Waste staff.
  - b. Any gate design shall include gate retainers.
  - c. The user shall be responsible for opening gates to the dumpster area on collection days of any material(s) to be collected from this location.
  - d. By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled.
  - e. By Orange County Ordinance, all haulers of construction waste shall be properly licensed.
  - f. Prior to any construction activity on the site the applicant shall hold a pre-demolition/pre-construction conference with the County's Solid Waste staff. This may be the same meeting held with other development officials.



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

Miscellaneous

- 62. Name and Addressing: Prior to issuance of a Zoning Compliance Permit the name of the development and the building numbers shall be reviewed for approval by the Engineering Design and Services Division.
- 63. 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) list hours of construction activities and indicate how the project construction will comply with the Town's Noise Ordinance.
- 64. Traffic and Pedestrian Control Plan: That the applicant shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least 5 working days prior to any proposed lane or street closure the applicant must apply to the Town Manager for a lane or street closure permit.
- 65. Construction Sign Required: That the applicant shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. (§5.14.3(g) of LUMO). The sign shall be non-illuminated, and shall consist of light letters on a dark background. A detail of the sign shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
- 66. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
- 67. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager before issuance of a Zoning Compliance Permit, and that such plans conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Land Use Management Ordinance and the Design Manual.
- 68. Certificate of Occupancy: That a Certificate of Occupancy shall not be issued until all required public improvements are complete; and that a note to this effect shall be placed on the final plats. If the Town Manager approves a phasing plan, occupancy shall not occur for a phase until all required public improvements for that phase are complete; and no construction for any phase shall begin until all public improvements required in previous phases are completed to a point adjacent to the new phase; and that a note to this effect shall be placed on the final plats.
- 69. As-Built Plans: That prior to occupancy, the applicant shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.
- 70. Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs prior to occupancy.
- 71. Vested Right: This Special Use Permit constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and Appendix A of the Chapel Hill Land Use Management Ordinance.
- 72. 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.
- 73. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

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

ATTEST

Amy T. Harvey, Acting  
Town Clerk



The Town of Chapel Hill  
BY Mary Jane Nirdlinger  
Executive Director of Planning and Sustainability PDK

ACCEPTED

MEADOWMONT DEVELOPMENT COMPANY, a North Carolina Joint Venture

By: East West Meadowmont Venture L.L.C.,  
a North Carolina limited liability company, Joint Venturer

By: East West Partners Management Company, Inc.,  
a North Carolina corporation, Manager

By: [Signature]  
Name: ROBERT PERRY  
Title: PRESIDENT

By: PMF PROPERTIES, LLC,  
a North Carolina limited liability company, Joint Venturer

By: [Signature]  
J. McNeely DuBose, Manager

ORANGE COUNTY

NORTH CAROLINA

I, Christina M. Strauch, a Notary Public in and for said County and State do hereby certify that

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

Amy T. Harvey, Acting Town Clerk, duly sworn says each for himself that he knows the corporate seal of the Town of Chapel Hill and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Chapel Hill, that

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

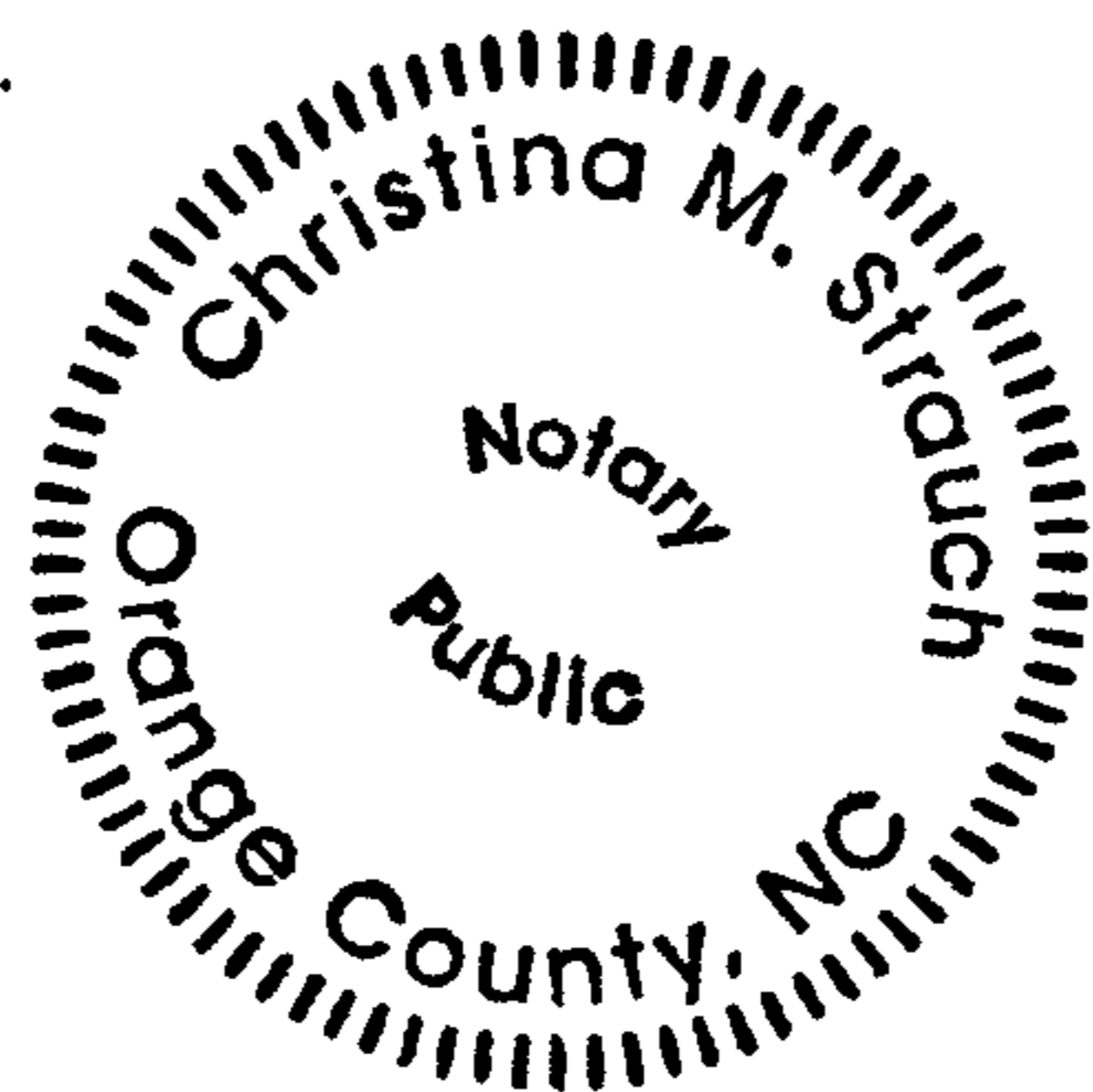
Amy T. Harvey, Acting Town Clerk for the Town of Chapel Hill, subscribed their names thereto, that the corporate seal of the Town of Chapel Hill was affixed thereto, all by virtue of a resolution of the Chapel Hill Town Council, and that said instrument is the act and deed of the Town of Chapel Hill.

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

14<sup>th</sup> day of October, 2014.

Christina M. Strauch  
Notary Public

My commission expires: April 16, 2018







STATE OF NORTH CAROLINA

COUNTY OF ~~ORANGE~~ Durham

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: Dogal V. Perry

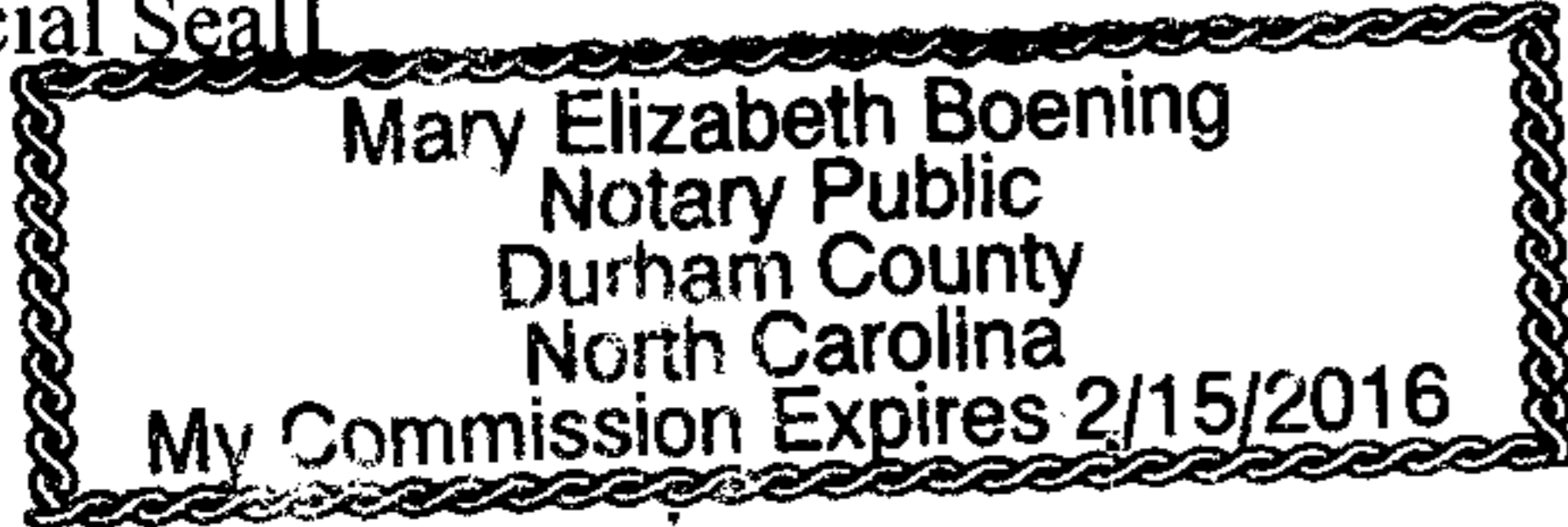
Date: 12/22/14

*Mary Elizabeth Boening*  
Notary Public

Print Name: Mary Elizabeth Boening

My commission expires: 2/15/16

[Official Seal]



STATE OF NORTH CAROLINA

COUNTY OF Durham

I certify that the following person personally appeared before me this day, acknowledging to me that he or she signed the foregoing document for the purpose stated therein and in the capacity indicated: J. McNeely DuBose

Date: 12/24/14

*Mary Elizabeth Boening*  
Notary Public

Print Name: Mary Elizabeth Boening

My commission expires: 2/15/16

[Official Seal]

