

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR WALGREENS (FILE NO. 9789-93-9143) (2010-03-08/R-9a)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Walgreens Special Use Permit Modification proposed by The Design Response, representing Walgreens, on property identified as Orange County Property Identifier Number 9789-93-9143, if developed according to the Site Plan, dated March 20, 2007, and revised December 19, 2008, March 9, 2009, and October 21, 2009, 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 Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Subsection 5.9.7 to modify the parking quantity standards to fall short of the minimum number of vehicles parking spaces required by 12.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree for the above requested modification to regulations because the proposed development is adjacent to two bus stops, a sidewalk system, and will have bicycle racks.

2. Modification of Subsection 3.8-1 to modify the minimum street setback to fall short of the minimum setback required by 2 feet for the South Estes Drive frontage.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree for the above requested modification to regulations because the proposed development is dedicating additional right-of-way to provide for future intersection improvements.

3. Modification of Subsection 3.8-1 to modify the minimum street setback to fall short of the minimum setback required by 2.4 feet for the corner property line at the intersection of East Franklin Street and South Estes Drive.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree for the above requested modification to regulations because the proposed

reduction will not significantly change the spatial relationship between the proposed building and the streets.

4. Modification of Subsection 3.8-1 to modify the minimum street setback to fall short of the minimum setback required to allow installation of bicycle parking racks within the East Franklin Street setback.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree for the above requested modification to regulations because the proposed reduction will enhance and promote alternate forms of transportation.

5. Modification of Subsection 3.8-1 to modify the minimum interior and solar setbacks at the northeast corner of the site to fall short of the minimum setbacks required to allow installation of required refuse screening.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree for the above requested modification to regulations because the proposed reduction will minimize the view of this collection area from East Franklin Street and South Estes Drive and by locating this facility in close proximity to a similar facility on the adjoining property.

6. Modification of Subsection 3.8.3 to modify the permissible exceptions to the setback requirements to allow the building to utilize architectural design elements including awnings, trellis, cantilevered overhangs, pilasters, or Greenscreen®-like product awnings and/or cantilevered overhangs not extending more than 36 inches into the setback, subject to the approval of the Community Design Commission.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree for the above requested modification to regulations because the Land Use Management Ordinance currently allows eaves to intrude up to 36" into the setback, and because the proposed development is to utilize architectural design elements to enhance the building's appearance and to promote energy efficiency.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit Modification for Walgreens in accordance with the plans listed above and with the conditions listed below:

#### Stipulations Specific to the Development

1. Construction Deadline: That construction begin by March 8, 2012 and be completed by March 8, 2014.
2. Land Use Intensity: This Special Use Permit Modification authorizes convenience or general business use, with the exception of eating and drinking establishments with:

Gross Land Area	36,102 sq. ft. (0.83 acres)
Total Maximum Floor Area Allowed	15,488 sq. ft.
Maximum Impervious Surface Area	25,271 sq. ft.
Vehicular Parking Spaces	24 spaces
Handicapped Parking Spaces	2 spaces
Bicycle Parking Spaces	7 spaces

### Transportation

3. South Estes Drive Right-of-Way: That prior to issuance of a Zoning Compliance Permit, the applicant shall dedicate an additional two feet of right-of-way along the South Estes Drive property frontage.
4. Restricted Vehicular Access: That prior to occupancy, the applicant shall close the two existing driveways closest to the intersection of East Franklin Street and South Estes Drive intersection and construct two vehicular driveway configured to prohibit left-in/left-out movements. Left turn movements along East Franklin Street shall be restricted by a three-foot wide concrete median along the East Franklin Street frontage. Left turn movement along South Estes Drive shall be restricted by the installation of a pork-chop island in the access driveway. The design is subject to Town Manager and NCDOT approval prior to issuance of a Zoning Compliance Permit.
5. East Franklin Street Cross Section: That prior to occupancy, construct a three-foot wide median with no change to the existing travel lanes and relocate the sidewalk. The design is subject to Town Manager and NCDOT approval prior to issuance of a Zoning Compliance Permit.
6. South Estes Drive Cross Section: That prior to occupancy, construct a 14 foot wide travel lane in the western direction. As part of this improvement, the applicant shall dedicate an additional two feet of right-of-way, increasing the right-of-way to 102 feet. The sidewalk shall be relocated. The design is subject to Town Manager and NCDOT approval prior to issuance of a Zoning Compliance Permit.
7. North Carolina Department of Transportation: That prior to issuance of a Zoning Compliance Permit, it will be necessary to obtain NCDOT driveway and encroachment permits authorizing work in the public rights-of-ways.
8. Traffic Signage: That prior to the issuance of a Zoning Compliance Permit, the applicant provide the necessary signage to prevent left turns in the appropriate locations as part of the detailed construction plans to be approved by the Town Manager.
9. Pavement Marking Plan: That prior to issuance of a Zoning Compliance Permit the applicant provide a pavement marking plan for the intersection of East Franklin Street and Estes Drive. The plan is subject to the review and approval of the North Carolina Department of

Transportation (NCDOT) and Town Manager. That prior to occupancy, the restriping improvements shall be completed.

10. Curb Cuts: That prior to occupancy, that the proposed driveway cuts and sidewalk be constructed level where aligned with the crosswalk and clearly delineated as pedestrian areas. The curb cuts should have the radius reduced as much as possible to slow turning cars. The design is subject to Town Manager and NCDOT review and approval prior to issuance of a Zoning Compliance Permit.
11. Payment-In-Lieu for Additional Traffic Studies, Pedestrian Crosswalk, & Traffic Signal Timing: That prior to issuance of a Zoning Compliance Permit, the applicant shall provide a payment-in-lieu of \$10,500 for additional traffic studies (\$4,000), the installation of the crosswalk striping and a pedestrian-activated signal for the southern leg of the East Franklin Street/South Estes Drive intersection (\$3,500), and to revise the traffic signal timing for three signalized intersections along East Franklin Street (\$3,000).
12. Future Cross Access Easement: That the applicant shall dedicate a vehicular and pedestrian cross access easement and pedestrian construction easement complying with ADA standards between this site and the Chapel Hill Center, at a location to be approved by the Town Manager. The recorded document shall be provided prior to issuance of a Zoning Compliance Permit.
13. Accessibility Requirements: That prior to occupancy, the applicant shall provide the minimum required handicapped parking spaces and design all handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans With Disabilities Act standards, North Carolina Accessibility Code, and Town standard. 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.
14. Sidewalks: It will be necessary to locate the proposed sidewalks along the East Franklin Street and South Estes Drive frontages within the right-of-way lines.
15. Pedestrian Access Path to Chapel Hill Center: That prior to occupancy, the applicant provided a low-impact (mulch) pedestrian pathway through the landscape buffer to access the property to the east. The design and location of the path to be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
16. Striped Pedestrian Cross-Walk: That prior to occupancy, a striped pedestrian cross-walk is provided between the internal sidewalk and the mulch path to the Chapel Hill Center development. A “Watch for Pedestrians” sign shall also be installed near the intersection of the cross-walk and driveway.
17. Vehicular Parking: That the applicant shall provide a minimum of 24 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.

18. Bicycle Parking: That the applicant shall provide dimensioned details for 7 bicycle parking spaces 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.
19. Payment-In-Lieu of Transit Improvements: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a \$10,500 payment-in-lieu for the bus stop on the northwest side of East Franklin Street, in front of the Prudential Office Building, to provide lighting and Advance Passenger Information screen. In the event that the improvements have not been installed within three years following issuance of a Certificate of Occupancy, the applicant may request the return of the payment-in-lieu.
20. Transportation Management Plan: A Transportation Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall be updated and approved annually by the Town Manager. The required components of the Transportation Management Plan shall include:
- a) A Transportation Coordinator at each site to communicate and promote alternate modes of transportation.
  - b) Submission of an Occupancy Survey due 90 days after issuance of Certificate of Occupancy.
  - c) Submission of an updated annual Transportation Management Plan Report.
  - d) Submission of Go Chapel Hill Mobility Business and Employee Surveys during survey years.
  - e) Trip reduction measures implemented to gradually attain the goals of the program.

#### Landscaping and Elevations

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

<b>Location</b>	<b>Bufferyard Required</b>	<b>Buffer Reduction 5.6.6 of LUMO</b>	<b>Required Bufferyard</b>
Southern Property Line (South Estes Drive)	30 ft Type D	20 ft Type C	20 ft Type C Alternate
Western Property Line (East Franklin Street)	30 ft Type D	20 ft Type C	20 ft Type C Alternate
Southwestern Property Line	30 ft Type D	20 ft Type C	19.6 ft Type C Alternate
Eastern Property Line (Chapel Hill Center)	10 ft Type B	n/a	5 ft Type B Shared
Northern Property Line	10 ft Type B	n/a	5 ft Type B Shared

22. 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 (chain link fencing, where necessary) around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

23. Tree Protection Fencing Prior to Demolition: That the applicant provide a Final Plan note indicating that tree protection fencing will be installed prior to demolition of the existing buildings on the site, prior to issuance of a Zoning Compliance Permit.
24. Landscape Screening and Shading: That the landscaping standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance shall be provided.
25. Landscape Plan and Landscape Maintenance Plan: That a detailed Landscape Plan with a detailed planting list and a Landscape Maintenance Plan, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all proposed plantings as well as the limits of land disturbance and tree protection fencing.
26. Alternative Buffer Approval: That the applicant shall provide Alternative Buffer approval for the authorized Alternative Buffers, by the Community Design Commission, prior to the issuance of a Zoning Compliance Permit.
27. 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.
28. Setback Exceptions: That the Community Design Commission shall approve exceptions to setbacks including the use of architectural elements such as awnings, trellis, or cantilevered overhangs, prior to issuance of a Zoning Compliance Permit.

#### Environment

29. Stormwater Management Plan: This project must demonstrate compliance with the stormwater management requirements of the Land Use Management Ordinance to provide for 85 percent total suspended solids removal for any additional suspended solids that are the result of the new development, the retention of any increase in stormwater runoff volume for the 2-year storm for a period of 2-5 days, and the control of any increase in the stormwater runoff rate for the 1-year, 2-year, and 25-year storms prior to the issuance of a Zoning Compliance Permit.
30. Stormwater Facilities and Operations and Maintenance Plans: All stormwater management, 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 by the County Register of Deeds, and containing the following notes shall be submitted prior to issuance of the Certificate of Occupancy:

- All engineered stormwater management control, treatment, and conveyance structures on and below the ground shall be wholly located within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions.
- Unless specifically designated as being "Public" and accepted by the Town of Chapel Hill, 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.

31. Stormceptor Maintenance: That prior to issuance of a Zoning Compliance Permit, a detailed maintenance plan for the proposed stormceptor shall be submitted for review and approval by the Town Manager.
32. Cistern Management: That prior to issuance of a Zoning Compliance Permit, a maintenance plan for the proposed stormwater cistern shall be submitted for review and approval by the Town Manager.
33. Stormwater Operations and Maintenance Plan Recordation: Prior to occupancy, a Stormwater Operations and Maintenance Plan, signed by the owner, 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.
34. Approved Water Quality Devices: The location of Town-approved water quality structures shall be clearly identified on final plans and in the Stormwater Management Plan, prior to issuance of a Zoning Compliance Permit.
35. Reserved Stormwater Facility Easement: For maintenance purposes, suitable access to the Reserved Stormwater Facility Easement must be provided and shown on the plans.
36. Stormwater Management Structures: No stormwater management structures are permitted in the rights-of-ways or building setbacks.
37. 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.

38. 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 a copy of the approval be submitted to the Town Manager prior to issuance of a Zoning Compliance Permit.
39. Curb Inlets and Manholes: The applicant shall provide pre-cast hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Details SD-4A, SD-4B, SD-4C, and SD-5A, for all new curb inlets and manholes on private property, and Town and State rights-of-way.
40. Energy Efficiency: That the final plan application include an Energy Management Plan 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 that the property owner reports to the Town of Chapel Hill the actual energy efficiency achieved with their plan, as implemented, during the period ending one year after occupancy; d) shall discuss the feasibility and practical use of interior and exterior LED lighting.
41. LEED Certifiable Construction: The applicant shall provide evidence from a LEED certified consultant that they have provided a minimum of 33 LEED standard performance credits, at a level comparable to the Silver LEED standard, to be reviewed by the Town Manager, within a reasonable period after substantial completion of construction.
42. Underground Fuel Tanks: That the applicant shall meet all State of North Carolina requirements and obtain any necessary approvals for removal of the underground fuel tanks and any associated site remediation actions prior to issuance of a Zoning Compliance Permit.
43. Underground Fuel Tank Removal: That the applicant shall remove the underground fuel tanks prior to removal/demolition of the existing gas station building unless the required soil clean-up requires additional mitigation efforts that necessitate the removal of the existing gas station building in order to properly complete such mitigation efforts.

#### Stipulations Related to Water, Sewer, and Other Utilities

44. Lighting Plan: 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. 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.

45. 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.
46. Sewer Line Construction: That all plans be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. Final plans shall be approved by OWASA and the Town Manager prior to issuance of a Zoning Compliance Permit.
47. Overhead Power Lines: That all proposed or relocated utility lines other than 3-phase electric power distribution lines shall be located underground prior to occupancy.
48. 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

49. 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.
50. NCDOT Approvals: That plans for improvements to State-maintained roads shall be approved by NCDOT prior to issuance of a Zoning Compliance Permit.

#### Fire Safety

51. 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.
52. 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.

53. Fire Hydrant and FDC Locations: That Final Plans indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
54. 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.
55. Firefighting Equipment Access During Construction: That Final Plans shall include the following note, “During construction, firefighting vehicle access shall be provided. Temporary street signs shall be installed at each street intersection when construction allows the passage of vehicles. Signs shall be of an approved size, weather resistant and maintained until replaced by permanent signs.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
56. Fire Prevention During Demolition and Construction: That Final Plans shall include the following note, “During demolition and/or construction, all aspects of Chapter 14 of the NC Fire Prevention shall be followed. The owner/applicant shall designate one person to be the Fire Prevention Program Superintendent who shall be responsible for enforcing Chapter 14 of the NCFPC and the on-site fire prevention program and ensure that it is carried out through completion of the project.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
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 the applicant shall install automatic sprinkler systems in accordance with Town Code 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 solid waste collection is proposed to be privately collected and 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. That the approved Final Plans shall include the following:
- a. That the collection vehicle access route to any area containing recyclable material collection containers be paved with all-weather, heavy-duty pavement OR the following note be included on the plans: "Orange County will not be responsible for any pavement damage that may result from service vehicles."
  - b. That the refuse plans show lighting details that adequately illuminate the recycling and refuse site.
  - c. That the applicant label each bulk waste container for type of material to be collected.
  - d. Note: "If the recyclables collection vehicle access area is blocked by parked vehicles, the containers will not receive service until the next scheduled collection day."
  - e. The intended path of service to/from the recycling carts must be provided and a handicapped service door and ramp be provided for cart access.
61. Cardboard Dumpster: It will be necessary to identify a future cardboard dumpster site outside the building prior to issuance of a Zoning Compliance Permit.
62. 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

- 64. Construction Management Plan: That a Construction Management Plan, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance.
- 65. 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.
- 66. 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.
- 67. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
- 68. 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.
- 69. 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.

70. 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.
71. Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs prior to occupancy.
72. 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 160-185.1 and Appendix A of the Chapel Hill Land Use Management Ordinance.
73. 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.
74. 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 Special Use Permit Modification for Walgreens.

This the 8th day of March, 2010.

*Amended 3-8-2010 sjk*