

Prepared by : J.B. Cult... , Chapel Hill Plannin

After recording, please return to: Ronald A. Stro  
111 Cloister Ct  
Chapel Hill, N

Attachment 7

**TOWN OF CHAPEL**

306 NORTH COLUMBIA STREET  
CHAPEL HILL, NORTH CAROLINA 27516

(47)

ORANGE COUNTY

BOOK 868 PAGE 411

Telephone (919) 968-2700

MASTER LAND USE PLAN

KNOW ALL MEN BY THESE PRESENT, that the undersigned property owner(s), Chapel Hill North Limited Partnership, having applied to the Town of Chapel Hill for Master Land Use Plan approval, said Master Land Use Plan approval was granted by the Town of Chapel Hill on January 23, 1990, the terms of said approval being as follows:

NAME OF PROJECT: Chapel Hill North

DESCRIPTION OF PREMISE

LOCATION: East side of NC Highway 86 between Weaver Dairy Road and Interstate 40.

TAX MAP REFERENCE: Chapel Hill Township Tax Map 17, Lots 10, 11, 38.

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 1,918,509 square feet

OFFICE-TYPE BUSINESS DEVELOPMENT: 374,200 square feet of floor area

RETAIL COMMERCIAL DEVELOPMENT: 259,200 square feet of floor area

9880-26-7058 7.17.10  
9880-36-2081 7.17.11  
9890-08-6937 7.17.38

SPECIAL TERMS AND CONDITIONS

Development according to the Master Land Use Plan - Conceptual Plan dated September 23, 1988 (revised May 1, 1989) with the following conditions:

1. That an application for a Special Use Permit for development of at least one phase be accepted by the Town Manager by January 23, 1992 (two years from date of approval) or the above Master Land Use Plan shall automatically expire.
2. That the Master Plan and development program be so modified so as to be consistent with the mixed-use threshold requirements of Section 4.3.2 of the Development Ordinance; and that the maximum floor area for the site not exceed 633,400 square feet.
3. That utility extension plans be approved by OWASA as part of the application for a Special Use Permit for Phase One.
4. That a Comprehensive Stormwater Management Plan for the entire 40 acre tract, using the Town's Hydros Model, be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit for Phase One.
5. That all primary driveways should be built so as to accommodate public transit vehicles.
6. That adequate transit stops, with shelters and/or benches, be provided as appropriate;
7. That the applicant, upon submittal of a Special Use Permit to construct any portion of the proposed office uses, prepare, for approval by the Town, a Transportation Management Plan for the office project. This Transportation Management Plan should include provisions to reduce automobile traffic and encourage the use of alternative modes of transportation. The exact scope of this plan will be agreed upon by the Town Manager and the applicant prior to its preparation.

8. That the applicant agrees to make available to the Town sufficient land within the site to enable the Town to develop a 200-space park and ride lot. Area sufficient to accommodate this proposed lot is designated on the applicant's site plan; however, the Town and the applicant may agree to relocate the site. Terms of this acquisition shall be as follows:
- a. Prior to January 23, 1991 (one year from approval of the Master Plan), the Town of Chapel Hill will decide whether or not to exercise an option to acquire the property, subject to approval of the Urban Mass Transit Administration.
  - b. The applicant will grant the Town a right of first refusal with respect to the proposed park and ride lot area. This right of first refusal must be converted to a purchase agreement within thirty days of written notice from UMTA as to whether or not the Town's application for funds to acquire such lot has been approved. Failure to convert to a contract within such period shall render the right of first refusal null and void.
  - c. Right of first refusal shall be terminated, unless renewed by applicant, within one year of Master Plan approval.
  - d. Once Master Plan has been approved, the Town will proceed at once to make application for UMTA funding for the park and ride lot. Applicant will cooperate with the Town in the various processes necessary prior to application, including providing information that would be needed for appraisal, surveys, and the creation of a shared countercyclical use agreement, access agreement, and maintenance agreement. The Town will bear any and all costs associated with its right of first refusal to acquire said park and ride lot.
  - e. If the Town decides to acquire the park and ride lot site, it shall pay to the applicant just compensation for the site as determined in accordance with applicable federal property acquisition procedures. If the applicant and the Town are unable to reach agreement on the amount of just compensation, then the Town and the applicant shall each designate an appraiser and the two appraisers shall select a third appraiser. The appraisers shall determine the amount of just compensation using the standards set forth in Chapter 40A of the North Carolina General Statutes. The Town and the applicant will then be bound by the amount of just compensation agreed to by at least two of the three appraisers if the Town decides to acquire the property. The Town and the applicant shall each bear the cost of the appraiser each has selected and shall jointly bear the cost of the third appraiser.
9. That a set of landscape and architectural performance standards be developed to assure general compliance with the Town's Master Landscape Plan for Entranceways Corridors along N.C. 86, with full compliance to the Class "D" buffer be demonstrated to the Town Manager and the Appearance Commission for each phase of development.
- These performance standards should address harmonious architectural standards for the whole project, and architectural criteria for buildings and out-parcels, and how adequate screening of parking and service areas from N.C. 86 can be achieved. The standards may include: terracing or lowering/raising of parking areas; specific earth berm designs; specified vegetation; utilization of over-sized vegetation when appropriate. Landscape plans should include retention of existing vegetation as buffer material, unless specifically modified under a Special Use Permit.
10. That any required State or Federal permits be approved and copies of the approved permits be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit for each phase of development, if applicable.
11. That the following roadway improvements be made, or that a payment-in-lieu be provided equivalent to the improvements, (including design of said improvements) and that these improvements be in place prior to issuance of a Certificate of Occupancy for any building in a phase for which improvements are required (to be determined by the Council on issuance of each Special Use Permit, in accordance with the guidelines contained in condition 12, below).

## a) N.C. 86:

1. That additional right-of-way to create a 100' ROW to accommodate four through travel-ways, curb and gutter, left turn lanes, bike lanes, and sidewalk be dedicated along this site's frontage.
2. That 1.5 lanes of additional travel-way and four feet of bike lane with curb and gutter be constructed along this site's frontage.
3. That a five-foot sidewalk be constructed along this site's frontage.
4. That a payment-in-lieu be made for the design and installation of traffic signals at the intersection of the main road entrance or the northern entrance. At such time as the warrants for a traffic signal can be met, the Town of Chapel Hill will request installation of such signals by the State Department of Transportation.

## b) Weaver Dairy Road:

1. Dedication of one-half of a 90-foot right-of-way.
  2. One-half of a 65-foot cross-section, with curb and gutter, be installed.
  3. A sidewalk provided along the north side.
  4. Design and improvements to the traffic signal at the intersection of N.C. 86 to provide a minimum of an 8-phase operation.
12. That all road improvements to N.C. 86 and/or Weaver Dairy Road deemed necessary to mitigate traffic impacts on these roads connected with each Phase be in place and accepted for maintenance prior to any Certificates of Occupancy being issued for that specific phase.

As a general guide, the level of road improvements required to accompany any phase shall be determined by the following formula: % of total road improvements required = % of total peak hour trips generated x 1.5.

## Provided that:

- Highest priority is assigned to the improvements involving widening of N.C. 86.
- All improvements are completed by the time the first half of the project (in terms of square feet of floor area) is issued a Certificate of Occupancy;
- If a particular phase, along with road improvements, represents development that would cause impacts sufficient to force Level of Service on impacted roads and intersections to drop below Level of Service D at peak hour, such impacts would be grounds for denial of a Special Use Permit for that phase;
- If Level of Service on nearby roads and intersections is already below Level of Service D at peak hour, then if a phase, along with road improvements, represents development that would worsen Level of Service, such impacts would be grounds for denial of a Special Use Permit for that phase;
- Provided, however, that the total package of road improvements required of this development to mitigate traffic impacts will not exceed the requirements specified by Master Plan approval.

- ②
13. That the applicant's plans for the Special Use Permit incorporate the following into the physical design of the commercial and/or office areas:
    - . significant landscaped pedestrian-ways;
    - . architectural design of the commercial area to be as pedestrian-oriented as possible, including building offsets, main entry courts, pedestrian amenities and appropriate foundation landscaping; and
    - . appropriate site, architectural and landscape criteria for any out-parcels to achieve overall consistency and harmony with the overall development.
  14. That the "north entrance" be shifted so as to be a minimum of 600 feet south of the intersection of Eubanks Road; and, that the "main entrance" be a minimum of 500 feet south of the "north entrance".
  15. That the "right-in/right-out only" access on N.C. 86 directly across from Northwood Drive be deleted.
  16. That the site's access from Weaver Dairy Road along the eastern property line be a public street, and provide access to the Cheek property to the east, and be designed so as to provide for a Class "C" buffer between the road and the Cheek property.
  17. That no vehicular driveway or street connection be made to Sedgewood Drive and Old University Station Road until Sedgewood Drive and Old University Station Road are built to Town standards and accepted by the Town for maintenance.
  18. That the applicant consider a dedication to the Town's Greenway system for a pedestrian, non-motorized vehicle easement along the site's frontage with Interstate 40 and within the Duke Power Company transmission line easement.
  19. That the outparcels so designated on the Master Land Use Plan - Conceptual Plan be restricted to prohibit fast food type commercial use, and any non-banking retail use requiring a drive-thru window facility.

\* \* \* \* \*