

(51)

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27516

BOOK 915 PAGE 466

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ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s) Chapel Hill North Partnership 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 April 22, 1991, the terms of which are as follows:

NAME OF PROJECT: Chapel Hill North Phase I

NAME OF DEVELOPER: Chapel Hill North Limited Partnership

DESCRIPTION OF PREMISE

LOCATION: East side of N.C. Hwy. 86 between Interstate 40 and Weaver Dairy Road

TAX MAP REFERENCE: Chapel Hill Township Tax Map 17, Lots 10, 4 3B

9880-26-7058
7.17.10

9880-27-8172
7.17.3B
A

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 1,371,223 sq. ft. OPEN SPACE: 1,192,098 sq. ft.

NUMBER OF BUILDINGS: 9

LIVABILITY SPACE: 462,898 sq. ft.

NUMBER OF DWELLING UNITS: n/a

RECREATION SPACE: n/a

FLOOR AREA: 250,520 sq. ft.

NUMBER OF PARKING SPACES: 1,016

SPECIAL TERMS AND CONDITIONS

Development according to the Overall Site Plan (Sheet SP-3), Site Circulation Plan (Sheet SP-4), Storm Drainage Plan (Sheets C2-A, B & C), Utility Plan (Sheets C3-A, B & C), Site Plan (Sheets C4-A, B & C), Tree Protection Plan (Sheet L-1), Overall Landscape Plan (Sheets L-2, 3 & 4), Detailed Landscape Plan (Sheets L-5 & 6), and Buffer Sections (Sheet L-7), all dated July 31, 1990 (Revised November 1, 1990), on file in the Chapel Hill Planning Department and the conditions set forth below:

1. That construction begin by April 22, 1993 (two years from the date of the Council approval) and be completed by April 22, 1999 (eight years from the date of the Council approval).
2. That the 12-inch ductile iron water line on NC 86 be extended across the entire NC 86 frontage. Final detailed plans for this and all utility extensions and improvements shall be submitted to Orange Water and Sewer Authority, the NC Department of Transportation, and the Town Manager for approval prior to issuance of a Zoning Compliance Permit.
3. That a Comprehensive Stormwater Management Plan for the entire 40-acre tract, based on the Town's Hydros computer model, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for Phase I.
4. That the stormwater detention/retention facilities be designed so that:
 - no encroachment into required landscape buffers is necessary
 - several smaller detention facilities will be located throughout the site
5. That Sheets SA-16, SP-2, and L-4 be revised to show only three points of access, two from NC 86 and one from Weaver Dairy Road. The "right-in/right-out only" access on NC 86 (shown directly across from Northwood Drive) should be deleted.

- That Perkins Drive and one of the access drives off NC 86 be redesigned as one curved continuous public street.
7. That the site design be adjusted to allow a transit route which extends up to the main buildings. The Town shall accept maintenance of the route through dedication or through maintenance agreements with access easements.
 8. That the right-of-way for Perkins Drive be dedicated before issuance of a Zoning Compliance Permit for the phase of development which includes that portion of the site. The right-of-way can be dedicated either along the existing Perkins Drive alignment, or entirely on Chapel Hill North property.
 9. That the southernmost entrance (right-in, right-out only) to the bank/office building off Perkins Drive be omitted from the plans unless a raised island is constructed in the exit to discourage left-turn movements.
 10. That Perkins Drive and one of the access drives from NC 86 be dedicated as public street(s), designed and constructed to Class C standards, to withstand transit service. These streets are to be accepted for maintenance by the Town. Pavement design should be based on California Bearing Ratio (CBR) tests, but must meet or exceed Town standards. The cross-sections are to include sidewalks. The Perkins Drive cross-section shall include sidewalk only on the west side of the drive.
 11. That one of the following options be used for the northernmost entrance off NC 86:
 - prohibit drive cuts less than 250 feet from the NC 86 right-of-way, or
 - install a raised median which would prohibit left-turn movements from the entrance drive for the same distance
 12. That one of the following options be used for the southern entrance from NC 86:
 - close the gas station access closest to NC 86, or
 - install a raised median which would prohibit left-turn movements from the entrance drive, or
 - provide four 12-foot lanes, one of which would be a left-turn lane into the gas station entrance
 13. That the entrances off NC 86 have a separation of at least 500 feet.
 14. That the northernmost entrance off NC 86 be at least 600 feet south of the Eubanks Road intersection.
 15. That main parking areas and drive aisles be constructed to Town standards. Designated overflow parking areas may be constructed of semipermeable materials such as turfstone.
 16. That the following roadway improvements be made:
 - a) NC 86
 1. That additional right-of-way to create a 100-foot right-of-way 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 (18 feet) and four feet of bike lane with 30" curb and gutter be constructed along this site's frontage.
 3. That a five-foot sidewalk be constructed along this site's frontage.
 4. The project developer shall provide a payment-in-lieu or letter of credit for the installation of traffic-actuated traffic signals at the intersections of the main road entrance or the northern entrance, and at the intersection of NC 86 and Eubanks Road. The letter of credit or payment-in-lieu will be held by the Town until a traffic signal(s) is warranted and installed or until three years after the project site is completely developed, whichever comes first. The traffic signal warrant study will be based on the actual traffic conditions at the site and not on projected estimates. The

determination will be based on the guidelines of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration. If a traffic signal(s) is not warranted, the payment-in-lieu or the letter of credit will be returned to the project developer. If the actual cost of an installed traffic signal(s) is less than that amount of payment-in-lieu provided for the installation of that signal(s), the surplus will be refunded to the project developer.

The payment-in-lieu or letter of credit shall be in the amount of 100% of the estimated cost of the proposed traffic signal(s).

(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 (back-of-curb to back-of-curb), plus a 4-foot bike lane and 30" curb and gutter, be installed.
3. A 5-foot sidewalk provided along the north side.
4. Design and improvements to the traffic signal at the intersection of NC 86 to provide a minimum of an 8-phase operation.

. That public improvements that are a part of any phase be completed prior to issuance of any Certificate of Occupancy for that phase.

~~. That pedestrian-actuated traffic signals and painted cross-walks be provided on NC 86 and Weaver Dairy Road if approved by the North Carolina Department of Transportation.~~

. 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.

. That if the park-ride lot is not a component of the development, the area formerly reserved for a park-ride be accommodated in one of the following ways:

~~-keep the 195 parking spaces~~ on the site plan and add a corresponding 30,000 square feet of office space to the proposed main office building; or
~~-use the 195 spaces to serve some of the parking requirements for proposed buildings, and reduce parking elsewhere on the site. In this case, a direct 1:1 replacement/reduction would not be expected, since the park-ride spaces were expected to serve double-duty for counter-cyclical uses. Land not used for parking as a result of this reduction would be reserved for future development in a subsequent phase of this project.~~

. That the gas station building, canopy, and site be designed so that tractor-trailer trucks cannot approach and use the fuel pumps, but so that access is provided for service vehicles, and that hours of operation for the gas station and convenience store be limited to daily operation between 6:00 a.m. and 11:00 p.m.

. That the underground storage tanks for fuel at the gas station be double-walled and equipped for interstitial monitoring with an automatic alarm system; or that they be designed, constructed, and monitored to meet a greater safety rating. The gas station owner shall register all underground storage tanks and pay annual tank fees in conformance with State regulations.

. That piping from the underground storage tanks be double-walled. Underground piping that conveys fuel under pressure must be equipped with an automatic line leak detector.

. That a monitoring well be drilled on the gas station site. Final plans showing the location and depth of the test well are to be submitted to the Town Manager and the North Carolina Department of Environment, Health, and Natural Resources, Division of Environmental Management/Groundwater Section for approval. Testing shall be conducted at time intervals approved by the State and the Town Manager, and reports shall be submitted to the State.

. That final plans demonstrate that the development meets or exceeds all applicable local, State, and federal regulations regarding underground fuel tanks and groundwater protection.

That surface runoff from the gas station be routed to an oil-sand separator for liquid waste collection, and that the filtered water drain into the sanitary sewer system for treatment downstream. The liquid waste must be disposed of in a manner deemed appropriate by local, State, and federal agencies.

27. That the site plan be adjusted in the southwest corner of the site to preserve at least one of the two stands of significant trees, identified as "Stand #1" and "Stand #2" on the overall landscape protection plan sheet L-1.

28. That the following features be included in the physical design of the commercial and/or office areas:

- significant landscaped pedestrian ways;
- architectural design on the commercial area to be as pedestrian-oriented as possible, including building offsets, main entry courts, pedestrian amenities and appropriate foundation landscaping; and
- appropriate size, architectural and landscape criteria for any outparcels to achieve overall consistency and harmony with the overall development.

29. That landscape islands/medians be at least 8 feet wide for plantings of small trees; 10 feet wide for plantings of large trees; and 12 feet wide if they include pedestrian paths.

30. That a bus pull-off area be added at each of the two proposed bus shelters.

31. That a 30-foot corridor be reserved within the 100-foot Interstate 40 buffer for greenway purposes, in a location identified as part of final plan preparation, and that the area be labeled on all plans, plats, deeds, and other official documents, in one of the following ways: "Dedicated to the Town of Chapel Hill for Parks and Recreation Purposes Only" or "Public Pedestrian and Non-motorized Vehicle Easement". A final plat shall be recorded prior to issuance of a Zoning Compliance Permit.

32. 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 NC 86, and full compliance to the Type D buffer, and that the compliance be demonstrated to the Town Manager and the Appearance Commission for Phase I.

These performance standards should address harmonious architectural standards for the entire project, and architectural criteria for buildings and outparcels, and how adequate screening of parking and service areas from NC 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 where possible. Where existing vegetation cannot be preserved, detailed plans for new plantings should be submitted and approved by the Town Manager and the Appearance Commission.

33. That the following buffers be installed:

- Type D buffer of at least 30 feet in width along Highway 86 and Weaver Dairy Road, with the section of buffer in front of the gas station expanded to 50 feet in width;
- Type E buffer of at least 100 feet in width along Interstate 40;
- Alternative Type C buffers for the south and east sides of the park-ride lot, if a park-ride lot is developed;
- Type C buffer of at least 20 feet in width along the other Chapel Hill North boundaries.

34. That a Landscape Protection Plan, including a tree survey for the NC 86 buffer, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan must conform with the Entranceways Master Plan along the NC 86 frontage.

35. That the detailed building elevations, lighting plan, landscape maintenance plan and landscape plan, including the buffer plans, be approved by the Appearance Commission and the Design Review Board prior to issuance of the Zoning Compliance Permit.

That the conceptual sign plan be deleted from this application.

- 37. That the outparcels be restricted to prohibit fast-food type commercial use, and any non-banking retail use requiring a drive-through window facility.
- 38. That a solid waste management plan, including a recycling plan, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 39. That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer before issuance of a Zoning Compliance Permit.
- 40. That the final utility/lighting plan be approved by Orange Water and Sewer Authority, Duke Power, Carolina Cable, Public Service Company, Southern Bell, and the Town Manager, before issuance of a Zoning Compliance Permit. The developer shall be responsible for assuring that these utilities, including cable television, are extended to serve the development.
- 41. 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.
- 42. That right-of-way for the transit route be dedicated to the Town, with the dedication plat recorded prior to issuance of a Zoning Compliance Permit; or that appropriate access easements and maintenance agreements be approved and recorded prior to issuance of a Zoning Compliance Permit.
- 43. That final plans to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit (detailed site plan, utility plan/lighting plan, grading and stormwater management plan with hydrologic calculations, fire flow report) conform to the approved preliminary plans and demonstrate compliance with the above conditions and the design standards of the Development Ordinance and the Design Manual.
- 44. That the fire protection water supply be upgraded in the following ways:
 - all water lines serving hydrants be at least 8-inch diameter, with a residual pressure of 20 pounds per square inch and a flow rate of 2,500 gallons per minute;
 - that a loop system be designed to serve the entire site;
 - installation of automatic sprinkler systems in buildings over fifty feet in height. (Automatic sprinkler systems are suggested for all other buildings.)
- 45. That a Transportation Management Plan be prepared and submitted along with final plans for any phase involving office uses, and approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The Management Plan shall follow the general guidelines as presented by the applicant as part of this Special Use Permit application, and shall include:
 - a. Provision for designation of a Transportation Coordinator;
 - b. Provisions for an annual Transportation Survey and Annual Report to the Town Manager;
 - c. Quantifiable traffic reduction goals and objectives;
 - d. Ridesharing incentives; and
 - e. Public Transit incentives.
- 46. That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 47. That the continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
- 48. That if any of the above conditions is held invalid, approval shall be void.

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