

I, Sabrina M. Oliver, Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of Resolution 2006-01-09/R-14a adopted by the Chapel Hill Town Council on January 9, 2006.

This the 23rd day of January, 2006.



**Sabrina M. Oliver
Town Clerk**



A RESOLUTION APPROVING AN APPLICATION FOR A PRELIMINARY PLAT FOR BRADLEY GREEN SUBDIVISION (2006-01-09/R-14a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Bradley Green Subdivision, proposed by Kelvin Green, on the property identified as Chapel Hill Township Tax Map 17, Lot 21, if developed according to the preliminary site plan dated October 27, 2004, revised September 1, 2005, and the conditions listed below, would comply with the provisions of the Land Use Management Ordinance:

These findings are based on the following:

Stipulations Specific to the Development

1. Expiration of Preliminary Plat: That this Preliminary Plat approval shall be valid until January 9, 2007, one year from the date of approval subject to reapproval by the Town Manager in accordance with the provisions of the Land Use Management Ordinance.
2. Number of Lots: That this approval shall authorize the creation of 8 single-family lots on 7.0 acres.

Size Restricted/Affordable Housing:

3. Floor Area Restrictions: That the development complies with the floor area restrictions as required in Section 3.8.5 of the Land Use Management Ordinance. That the final plans and final plat identify the two lots on which the floor area restricted residences will be constructed with no more than 1,350 square feet of floor area for 30 months after issuance of Certificate of Occupancy.
4. Affordable Housing: Payment-In-Kind: That at such time that an amendment to the Land Use Management Ordinance allows an in-kind payment in-lieu of providing floor area restricted dwelling units or affordable housing units, the applicant may improve Ginger Road to include two 11-foot paved travel lanes, shoulders, ditch, and a sidewalk along one side between Amesbury Drive and Sunrise Road. Unless specifically prohibited by the enacted amendment to the Land Use Management Ordinance, this improvement, along with the installation of a gravity sanitary sewer line to the Habitat for Humanity property, may be used to satisfy all or some portion of the in-kind-payment alternative to the floor area restricted requirements for major subdivisions, as then authorized by the Land Use Management Ordinance.

The final design and construction standards for the improved roadway shall be reviewed and approved by the Town Manager. Prior to the issuance of a building permit for the seventh dwelling unit in Bradley Green, the improvement must be complete. Until such time as the area is annexed into the town limits, the Homeowners Association or the North Carolina Department of Transportation shall be responsible for the maintenance of the improved portion of Ginger Road. A copy of the maintenance agreement with NCDOT or the Homeowners Association document shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

Required Improvements

5. Sewer Infrastructure: That prior to the issuance of the first Certificate of Occupancy, the applicant shall construct a gravity sanitary sewer line to the adjacent property to the north. The design and construction of the sewer line shall eliminate the need for a sewer pump station or force main in order to provide sewer service to the adjacent northern property.
6. On-Site Road Improvements: That a 27-foot wide road, measured from back of curb to back of curb, with 30-inch wide curb and gutter within a 45-foot wide right-of-way shall be built to Town Standard. The final design and construction of the roadway will be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. If the proposed construction of this road encroaches onto adjoining private property, the applicant shall provide an off-site construction easement or a plat dedicating the necessary public right-of-way, prior to the issuance of a Zoning Compliance Permit.
7. Sidewalk Improvements: That a 5-foot wide sidewalk shall be built to Town Standard on one side of the new road and shall extend to the north property line. That if determined feasible by the Town Manager, the applicant shall redesign the proposed southern end of the new internal roadway near Ginger Road, in order to construct the sidewalk on the west side of the proposed internal street.
8. Crosswalk(s): That if the sidewalk is construction on the east side of the proposed internal street, the applicant shall install a crosswalk on Amesbury Drive and/or Ginger Drive. That the number and location of the crosswalks shall be determined by the Town Manager.
9. Sidewalk Ramps: That the applicant will install a handicap ramp at the north end of the existing Amesbury Drive sidewalk and at the south end of the proposed sidewalk.
10. Stub-out to Adjacent Property: That the applicant will construct a stub-out along the northern property line. In order to align with a proposed stub-out along the north property line, the stub-out location may be modified from the location shown on the approved Preliminary Plat. Prior to the issuance of a Zoning Compliance Permit, the final location for the road stub-out shall be reviewed and approved by the Town Manager.
11. Stub-out Signage and Notification: At such time as the applicant completes construction activity associated with the clearing and grading for the road bed, signage shall be located at each roadway stub-out. That the signage shall indicate that the roadway will be extended for future development. The size, text, and color of the signs shall be subject to the Town Manager's approval. That the final plat and final plans include a note stating that "Future development of the adjoining property may include the extension of the stub-out on the north property line".
12. Pavement Marking Plan: That the applicant submits a signage and pavement marking plan to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The signs and pavement markings shall be installed by the applicant prior to issuance of the first Certificate of Occupancy for a structure on the new lots.

13. Ginger Road: That Ginger Road is improved to a 12 foot wide gravel and tar surface, with shoulders and a ditch between Amesbury Drive and Sunrise Road. That in order to safely accommodate construction vehicle traffic, improvements shall include a minimum of three vehicular turn-outs on Ginger Road, at intervals to be determined by the Town Manager.

The final design and construction standards for the improved roadway, including the standard for the tar surface and the design and construction of the vehicular turn-outs and associated drainage improvements shall be reviewed and approved by the North Carolina Department of Transportation and the Town Manager prior to the issuance of a Zoning Compliance Permit.

14. Ginger Road Right-of-Way: That if the Ginger Road right-of-way to the east of Amesbury Road is not abandoned, that a stub-out be provided at the intersection of Ginger Road and Amesbury Drive.
15. Traffic Calming Plan: That if deemed necessary by the Town Manager, the applicant shall install traffic calming device(s) prior to the issuance of the first Certificate of Occupancy. That the location(s), design and construction standards for the traffic calming device, in the proposed subdivision, shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
16. Connection to Amesbury Drive: That the new internal subdivision street shall be constructed and connect to the north end of Amesbury Drive.
15. Road and Sidewalk Maintenance: Until such time as the area is annexed into the town limits, the Homeowners Association or the North Carolina Department of Transportation shall be responsible for the maintenance of the proposed internal subdivision road, adjacent sidewalk, and the improved portion of Ginger Road. A copy of the maintenance agreement with NCDOT or the Homeowners Association document shall be reviewed and approved by the Town Manager prior to the issuance of Zoning Compliance.

Stipulations Related to Recreation

16. Payment-in-Lieu for Minimum Recreation Requirements: That the applicant provide a payment-in-lieu of providing a minimum of 36,590 square feet of recreation area for this development. The payment amount shall be approved by the Town Manager in accordance with the Land Use Management Ordinance, Section 5.5.2. The recreation payment amount shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
17. Pedestrian Easement: That the pedestrian connections shall be provided as twenty-foot wide strips of land, deeded to the Homeowners' Association. The strips of land shall contain a public pedestrian and non-motorized vehicular easement. A sign shall be posted identifying the pedestrian easement. The sign detail/location and the pedestrian easement dedication document shall be approved by the Town Manager. A recorded copy of the pedestrian easement shall be provided prior to the issuance of the Zoning Compliance Permit.

Stipulation Related to Landscaping

18. Landscape Protection Plan: That a detailed Landscape Protection Plan, clearly indicating which rare and specimen trees will be removed and preserved, and indicating significant tree stands, and including Town standard landscaping protection notes, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
19. Tree Protection Fencing: That the limits of land disturbance with tree protection fencing shall be shown on the Landscape Protection Plan, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
20. Tree Protection Plan: That tree protection fencing is installed along the clearing limit lines along the proposed sanitary sewer easement.

Stipulations Related to Homeowners' Association

21. Homeowners' Association: That a Homeowners' Association be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross-referenced on the final plat. The Homeowners' Association documents shall comply with Section 4.6.7 of the Land Use Management Ordinance.
22. Dedication of Recreation Areas: That the applicant provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common, open space and recreation areas. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross-referenced on the final plat.

Stipulations Related to Resource Conservation District

23. Boundaries: That the boundaries of the Resource Conservation District be indicated on the final plat and plan. A note shall be added to all final plats and final plans, indicating, "Development shall be restricted within the Resource Conservation District in accordance with the Chapel Hill Land Use Management Ordinance."
24. Variances: That all variances necessary for development within the Resource Conservation District are obtained before application for final plat or final plan approval for the subject phase(s) of development.
25. Buildable Lots: That no lot be created that would require a Resource Conservation District Variance in order to be built upon. That all residential construction, including clearing, grading and construction shall be located entirely outside of the Resource Conservation District.

That prior to the issuance of a Zoning Compliance Permit, it must be demonstrated, for each lot, that there is sufficient buildable area outside: the Resource Conservation District; slopes of 25% or greater; easements; and any applicable building setback limits.

26. Construction Standards: That for encroachment(s) into the Resource Conservation District the requirements and standards of Section 3.6.3(g) of the Land Use Management Ordinance and all other applicable Resource Conservation District regulations must be adhered to, unless the application is granted administrative exemptions from Section 3.6.3(h).

27.

All required erosion control sediment basins and stormwater improvements, outside the public right-of-way, including associated clearing and grading shall be located entirely outside of the Resource Conservation District where practicable to minimize land disturbance.

Stipulations Related To Steep Slopes

28. Steep Slopes: That each submittal for Final Plan approval shall include a plan showing lots and street segments on slopes of 10% or more, and indicating how the development and construction will comply with the steep slopes regulations in the Land Use Management Ordinance:

- for slopes of 10 - 15%, site preparation techniques shall be used which minimize grading and site disturbance;
- for slopes of 15 - 25%, demonstrate specialized site design techniques and approaches for building and site preparation; and
- for slopes of 25% or greater, provide a detailed site analysis of soil conditions, hydrology, bedrock conditions, and other engineering or environmental aspects of the site.

Each Final Plan application shall demonstrate compliance with the steep slopes regulations in the Land Use Management Ordinance. That prior to the issuance of a Zoning Compliance Permit the Town Manager shall decide if the proposed building and site engineering techniques are appropriate. These restrictions shall be referenced in the Homeowners' Association documents.

Stipulations Related to Water, Sewer, and Other Utilities

29. Utility/Lighting Plan Approval: That the final Utility/Lighting Plan be approved by Duke Power Company, Orange Water and Sewer Authority, BellSouth, Public Service Company, Time Warner Cable, and the Town Manager and recorded prior to issuance of a Zoning Compliance Permit.

30. OWASA Easements: That easement documents as required by OWASA and the Town Manager be recorded concurrently with the final plat. That the final plat shall be reviewed and approved by OWASA and the Town Manager prior to the issuance of a Zoning Compliance Permit.

31. Placement of Utility Lines Underground: That all new utility lines shall be placed underground.

32. Fire Flow: That a fire flow report, shall be prepared and sealed by a registered professional engineer, and showing that flows meet the minimum requirements of the Town Design

Manual, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

33. Fire Hydrant Spacing: That maximum spacing between fire hydrants shall not exceed 400 feet, subject to approval by the Town Manager.

Stipulations Related To Stormwater Management

34. Stormwater Management Plan: That prior to the issuance of a Zoning Compliance Permit the applicant shall submit a Stormwater Management Plan for review and approval by the Town Manager. The plan shall be based on the 1-year, 2-year, and 25-year frequency, 24-hour duration storms, where the post-development stormwater run-off rate shall not exceed the pre-development rate. The plan shall provide for the retention of stormwater run-off volume for the 2-year storm. Engineered stormwater facilities shall also remove 85% total suspended solids and treat the first inch of precipitation utilizing NC Division of Water Quality design standards.
35. Best Management Practices: That the applicant shall employ Best Management Practices, such as drainage swales and level spreaders, to manage the rate and quality of runoff, based on best available information from the NC State University Cooperative Extension. Final design and locations shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
36. Storm Drainageway Easement: That all stormwater management improvements, outside public right-of-way, shall be located inside reserved storm drainageway easements and shown on the final plat and final plans, per Town guidelines, to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
37. Stormwater Operations and Maintenance Plan: That the applicant shall provide a Stormwater Operations and Maintenance Plan for all engineered stormwater facilities. The plan shall include the owner's financial responsibility and include the maintenance schedule of the facilities to ensure that it continues to function as originally intended and shall be approved by the Town Manager, prior to the issuance of a Zoning Compliance Permit. The Stormwater Operations and Maintenance Plan shall be referenced in the Homeowners' Association documents.
38. Residential Stormwater Impact Statement: That for each lot, a stormwater impact statement addressing stormwater management on a lot by lot basis, must be reviewed and approved by the Town Manager prior to the issuance of a building permit for said lot. The stormwater facilities must be within a stormwater drainage easement and covenants provided for the maintenance of the facilities. A note to this effect shall be placed on the final plat and final plans.

Miscellaneous Stipulations

39. State or Federal Approvals: That any required State or federal permits or any required encroachment agreements for development in areas such as wetlands must be approved by

the appropriate agencies and copies of the approved permits be submitted to the Town Manager prior to the issuance of a Zoning Compliance Permit.

40. Encroachment on Private Property: That the proposed roadway to be constructed entirely on the applicant's property unless an off-site construction easement or plat dedicating the necessary public right-of-way is submitted prior to issuance of a Zoning Compliance Permit.
41. Street Names and Addresses: That the name of the development and its streets and house numbers be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
42. Construction Management Plan: That the Construction Management Plan, indicating how construction vehicle and pedestrian traffic will be managed, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

That infrastructure construction vehicle access to the site shall be on Ginger Road. Infrastructure construction traffic is prohibited from using Sweeten Creek Road when Ginger Road is available.

43. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling, for managing and minimizing construction debris, and a pre-demolition and pre-construction meeting, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
44. Open Burning: That the open burning of trees, limbs, stumps and construction debris association with this development is prohibited.
45. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Land Use Management Ordinance and the Design Manual.
46. As-Built Plans: That as-built plans in DXF binary format using State plane coordinates, shall be provided for street improvements and all other existing or proposed impervious surfaces prior to issuance of the first Certificate of Occupancy.
47. Plant Rescue: That the applicant consider conducting plant rescue activities on the site prior to initiation of development activity.
48. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plat.

That if the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; no Building Permits for any phase shall be issued until all public improvements required in

previous phases are completed to a point adjacent to the new phase, and that a note to this effect shall be placed on the final plat.

49. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for maintenance of facilities and modifications of the plan if necessary, be approved by the Orange County Erosion Control Officer and the Town Manager prior to issuance of a Zoning Compliance Permit.
50. That a performance guarantee be provided in accordance with Section 5-97.1 of the Town Code of Ordinances prior to issuance of any permit to begin land-disturbing activity.
51. Silt Control: That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
52. Construction Sign: That the applicant shall post a construction sign 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 the commencement of any land disturbing activities. The construction sign may have a maximum of 4 square feet of display area and may not exceed 6 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.
53. Schools Adequate Public Facilities Ordinance: That the applicant provides the necessary Certificates of Adequacy of Public Schools prior to recordation of the final plat.
54. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
55. 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 by the Council of the Town of Chapel Hill that the Council hereby approves the application for a Preliminary Plat for the Bradley Green Subdivision in accordance with the plans and conditions listed above.

This the 9th day of January, 2006.