

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR RESIDENCES AT CHAPEL HILL NORTH SHOPPING CENTER (2007-03-26/R-13b)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Crosland, Inc. for The Residences at Chapel Hill North on property identified as Orange County Parcel Identifier Number (PIN 9880-36-1885) if developed according to the site plans dated April 19, 2006, and revised December 20, 2006, and the conditions listed below:

1. Would be consistent with the conceptual Master Land Use Plan; and
2. Would comply with all required regulations and standards of the Land Use Management Ordinance.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for Residences at Chapel Hill North Shopping Center in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. That construction begin by April 11, 2009 and be completed by April 11, 2010.
2. Land Use Intensity: This Special Use Permit authorizes a multi-family development and the land use intensity requirements and dimensional standards as specified below:

<b>Land Use Intensity</b>	
Net Land Area	513,442 s.f.
Maximum # of Dwelling Units	123
Maximum Residential Floor Area	200,880 s.f.
Maximum Impervious Surface Area	242,000 s.f.
Maximum # of Parking Spaces	238
Minimum # of Bicycle Spaces	144 (90% Class I and 10% Class II)

3. Mixed-Use Provisions: That the development shall comply with the Mixed Use Provisions in Section 3.5.1 of the Land Use Management Ordinance.
4. Timing of Design Approval and Construction of Improvements: Unless otherwise noted, the design of improvements shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit and improvements shall be constructed prior to issuance of the first Certificate of Occupancy, or as required by an approved Phasing Plan.
5. Affordable Housing Proposal: That the applicant shall comply with an affordable housing program as described below:

That the following variables and formulas shall be reference in calculating the requirements of the affordable housing program:

- A - ["Residential Units"] = Number of Residential Units Constructed by Applicant
- B - ["Affordable Housing Unit Obligation"] = 15% X A
- C - ["Net Present Value"] = \$22,000 per unit (rounded up from calculation provided by applicant- see Attachment 2).
- D - [Initial Payment in Lieu of Providing "B"] = B X C
- E - [Subsidy required by Affordable Housing Provider as determined by the Inclusionary Task Force] = \$75,000
- F - [Affordable Housing Unit Obligation with Condo Conversion] = B - (D ÷ E)
- G - [Payment-in-lieu obligation with Condo Conversion] = F X H
- H - [Subsidy required by Affordable Housing Provider] = amount to be determined by the Town Manager at time condo conversion occurs.

- Initial Payment-In-Lieu of Affordable Rental Units: That the applicant shall provide an initial payment-in-lieu to the Town Affordable Housing Fund equal to \$22,000 per affordable housing unit multiplied by the affordable housing unit requirement of the proposed development. The required number of affordable housing units is 15 percent of the total number of units to be developed according to building plans approved by the Inspections Department. The payment-in-lieu shall be a one-time payment prior to issuance of the first Certificate of Occupancy.

Required payment in lieu (D) = Affordable Housing Unit Obligation (B) multiplied by \$22,000 (C) [Formula: D = B X C]

- Conversion From Rental Residential Community to Ownership Condominium Community: If the rental development is converted to an ownership condominium development the developer/owner of The Residences as Chapel Hill North may choose to provide either: 1) for sale affordable housing units; or 2) a payment-in-lieu according to the following two options:

Option 1: *Permanently Affordable Condominium Units* – Affordable units for ownership shall be deeded to an affordable housing provider, according to Town Inclusionary Zoning and Affordable Housing standards and shall be approved by the Town Manager prior to recordation of the condominium plat. The required number of affordable units shall be based on a formula that credits the developer/owner for the initial payment-in-lieu.

Affordable Housing Units Required with Condo Conversion (F) = Affordable Housing Obligation (B) less the initial payment in lieu (D) divided by required subsidy of the \$75,000 (E) [Formula: F = B - (D ÷ E)]

Option 2: *Payment-In-Lieu with Condo Conversion* - If a payment-in-lieu of affordable ownership units is proposed, in addition to the initial payment-in-lieu of affordable rental units, the payment shall be calculated at such time the development converts to condominium ownership. The additional payment-in-lieu shall be provided to the Town's Revolving Acquisition Fund prior to recordation of the condominium plat. The total payment amount shall be based on the funding (subsidy) necessary, as determined by the Town Manager, for a local non-profit housing organization to make a dwelling unit affordable (At the time of this approval, April 2007, an affordable housing subsidy was calculated as \$75,000 per dwelling unit.). The total payment shall be equal to the funding (subsidy) multiplied by the number of required affordable units, according to the following formula:

Payment-in-lieu of condo conversion (G) = Affordable Housing Units Required with Condo Conversion (F) multiplied by a to be determined subsidy required by Affordable Housing Provider (H) [Formula:  $G = F \times H$ ]

6. Schools Adequate Public Facilities Ordinance: That the applicant shall provide the necessary Certificates of Adequacy of Public Schools, prior to the issuance of a Zoning Compliance Permit.

Stipulations Related to Transportation

7. Old University Station Road/Perkins Drive Public Road Connection: The applicant shall provide for a public roadway connection to Perkins Drive and design a public roadway connection to Old University Station Road according to the attached Exhibit: The Residences at Chapel Hill North Public Roadways.
- a. The applicant shall dedicate a 30-foot wide public right-of way, in the southern portion of the site, connecting Perkins Drive to the property immediately to the east (Orange Co. PIN 9880-56-2680). Prior to a Certificate of Occupancy this roadway, "Public Street A," shall be built to Town construction standards including 30-inch "valley" gutter where appropriate. Final construction plans, including the location and design of the intersection with Perkins Drive shall be reviewed and approved by the Town Manager and Duke Energy prior to issuance of a Zoning Compliance Permit.
  - b. The applicant shall dedicate a 45-foot wide right-of-way on its property and within the Duke Power easement, for the construction of a public road extending Old University Station Road to "Public Street A." The applicant shall design this extension, subject to approval by the Town Manager and Duke Energy, prior to the issuance of a Zoning Compliance Permit and provide a payment-in-lieu for construction of the roadway with sidewalk, and curb and gutter, on The Residences at Chapel Hill North site prior to the issuance of a Zoning Compliance Permit for any building in The Residences at Chapel Hill North. The payment-in-lieu will be used only for the connection of the road to Old University Station Road and will be constructed by the Town once appropriate right-of-way and final access points are determined and approved. If this future roadway connection

requires additional right-of-way from properties abutting or adjacent to the site of The Residences at Chapel Hill North, the Town will be responsible for acquiring that right-of-way.

8. Maintenance of Parking Spaces and Sidewalks: That the applicant shall be responsible for maintenance of sidewalks and parking spaces located outside of the dedicated public right-of-way.
9. Traffic Calming Devices: That the applicant shall provide one or more traffic calming devices, such as speed tables, particularly at cross-walks on the proposed public roadway through the site and on Perkins Drive, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
10. Vehicular Parking: That the applicant shall provide a maximum of 238 vehicular parking spaces, including 11 handicapped parking spaces, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
11. Bicycle Parking: That the applicant shall provide 144 bicycle parking spaces with the appropriate ratio of Class I (90 percent) and Class II (10 percent) bicycle parking spaces, as required by Section 4.11 of the Chapel Hill Design Manual. Garages and secure indoor areas can be substituted for Class I bicycle parking spaces. The applicant shall provide inverted-U-type bicycle racks, or appropriate alternative, for the Class II bicycle parking, covered and well-lighted, in several locations on the site. Bicycle parking facilities design is subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
12. Reconfiguration of travel lanes on Perkins Drive at Martin Luther King Jr Boulevard: That the applicant shall reconfigure the exclusive right-lane turn lane on Perkins Drive at Martin Luther King Jr Boulevard to provide a right/left turn combination lane. The design details including any applicable traffic signal revisions are subject to N.C. Department of Transportation and the Town Manager approval, prior to issuance of a Zoning Compliance Permit. The construction must be completed prior to the Certificate of Occupancy.
13. Thermoplastic Pavement Markings: That the applicant shall provide pavement markings, including arrows and pedestrian crossings, composed of thermoplastic material, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
14. Pedestrian Crosswalk on Perkins Drive at Martin Luther King Jr. Boulevard: That the applicant shall provide a cross-walk, on Perkins Drive at the intersection of Martin Luther King, Jr. Boulevard, with design subject to N.C. Department of Transportation and Town Manager approval prior to issuance of a Zoning Compliance Permit.
15. Pedestrian Crosswalk on Martin Luther King Jr. Boulevard at Perkins Drive: That the applicant shall provide a cross-walk, with pedestrian signals, on Martin Luther King, Jr. Boulevard at the intersection of Perkins Drive, design subject to N.C. Department of Transportation and Town Manager approval prior to issuance of a Zoning Compliance Permit.

16. Bicycle Safety Improvements on Perkins Drive at Martin Luther King Jr. Boulevard: That the applicant shall provide bicycle activated traffic signal loops on Perkins Drive, with design subject to N.C. Department of Transportation and Town Manager approval prior to issuance of a Zoning Compliance Permit.
17. Sidewalk on East Side of Perkins Drive: That the applicant shall provide a five-foot-wide sidewalk, along the eastern side of Perkins Drive, from the entranceway to the site to the southern boundary of the site, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
18. Pedestrian Crosswalk on Weaver Dairy Road at Perkins Drive: That the applicant shall construct a striped crosswalk with pedestrian median refuge island on Weaver Dairy Road, immediately east of the intersection of Perkins Drive, with design subject to NCDOT and Town Manager approval prior to issuance of a Zoning Compliance Permit.
19. Pedestrian Crosswalk on Perkins Drive at Weaver Dairy Road: That the applicant shall provide a striped pedestrian crossing across Perkins Drive, at the intersection of Weaver Dairy Road, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
20. Pedestrian Sidewalk Segment at the Corner of Perkins Drive and Weaver Dairy Road: That the applicant shall provide a short sidewalk segment, wrapping around the corner of the northeast quadrant of the intersection of the Perkins Drive/Weaver Dairy Road intersection, right-of-way permitting. That the sidewalk segment shall provide pedestrian refuge and bridge the adjacent pedestrian crossings on Perkins Drive and Weaver Dairy Road, with design subject to NCDOT and Town Manager approval prior to issuance of a Zoning Compliance Permit.
21. Southern Pedestrian Trail: That the applicant shall construct two 5-foot wide pedestrian trails, separated by a vegetated median, connecting Old University Station Road and Perkins Drive, according to Duke Energy standards, in the Duke Energy easement designed to American Association of State Highway and Transportation Officials (AASHTO), American Disability Act (ADA), and Town standards, with grades no greater than five percent and designed to support the weight of a vehicle, subject to the location and design being reviewed and approved by Duke Energy and Town Manager prior to the issuance of a Zoning Compliance Permit.
22. Northern Pedestrian Trail: That the applicant shall design a 10-foot-wide pedestrian trail traversing the site, in the 100-foot northern buffer area, designed to American Association of State Highway and Transportation Officials (AASHTO), American Disability Act (ADA), and Town standards, with grades no greater than five percent and designed to support the weight of a vehicle. The applicant shall provide a payment-in-lieu of the pedestrian trail, in an amount approved by the Town Manager, and the trail location and design shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. If any portion of the trail is not built, 3 years from the issuance of the first Certificate

of Occupancy, the remaining funds can be used on other comparable pedestrian oriented projects.

23. Recordation of Northern and Southern Pedestrian Easements: That the applicant shall deed a 30-foot-wide public access easement to the Town, to accommodate the recommended greenway trails, that traverse the northern and southern portions of the site and provide public access to build and maintain trails, as needed, and that the following users be entitled to use the public recreation areas: pedestrians, users of non-motorized vehicles, and motorized wheelchairs. That the property owner shall provide regular trail maintenance. That the northern easement shall be approved by the Town Manager and recorded prior to issuance of a Certificate of Occupancy. That the southern easement shall be approved by Duke Energy and the Town Manager and recorded prior to issuance of a Certificate of Occupancy.
24. Parking Lot Standards: That all parking lots, drive aisles and parking spaces shall be designed to Town construction standards, subject to Town Manager approval prior to the issuance of a Zoning Compliance Permit.
25. Bus Stop Improvements: That the applicant shall construct a bus shelter and associated improvements on the southbound (western) side of Martin Luther King, Jr. Boulevard, including a concrete pad, shelter, transit information system, bench, trash can, and extending the existing bus pull off approximately 30 feet southward towards the Martin Luther King, Jr. Boulevard and Perkins Drive intersection. Design of bus stop improvements shall be approved by N.C. Department of Transportation and the Town Manager prior to issuance of a Zoning Compliance Permit. Bus stop improvements shall be constructed prior to issuance of the first Certificate of Occupancy.
26. NCDOT Encroachment Agreement Approval: That the applicant shall provide an encroachment agreement, approved by the N.C. Department of Transportation (NCDOT), for any work proposed in the NCDOT right-of-way, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
27. Town of Chapel Hill Approval: That the applicant shall obtain Town approval for any work proposed in the Town right-of-way prior to issuance of a Zoning Compliance Permit.
28. Recreational Space Requirements: That the applicant shall provide approximately 31,100 square feet of recreation space, including a swimming pool, clubhouse, greenway trail, basketball court, tot lot, and courtyard play areas, design subject to Town Manager approval, prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Landscaping and Architectural

29. Required Buffers: That the following landscape buffer be provided; and if any existing vegetation is to be used to satisfy the buffer requirements, the vegetation will be protected by fencing from adjacent construction:

Landscape Location	Required Buffers
Northern Boundary (Adjacent to I-40 corridor)	100' Type 'E' External Buffer
Eastern Boundary	20' Type 'C' External Buffer
Southern Boundary (Duke Energy Easement)	Alternative 20' Type 'C' Internal Buffer
Western Boundary (Adjacent to Chapel Hill North Shopping Ctr.)	Alternative Variable Width (5'-20') Type 'C' Internal Buffer

- 30. Northern Boundary Landscape Buffer: That the applicant shall provide a 100-foot-wide type "E" external landscape buffer along the northern property line, design subject to approval by the Town Manager, prior to issuance of a Zoning Compliance Permit.
- 31. Eastern Boundary Landscape Buffer: That the applicant shall provide a 20-foot wide type "C" internal landscape buffer along the eastern property line, design subject to Town Manager approval, prior to issuance of a Zoning Compliance Permit.
- 32. Southern Boundary Landscape Buffer: That the applicant shall provide an alternative, 20-foot wide type "C" internal landscape buffer along the southern side of the proposed public roadway, with design subject to alternative landscape buffer approval by the Community Design Commission prior to issuance of a Zoning Compliance Permit. That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide an approved landscape easement document from Duke Energy for the portion of the buffer located within the Duke Energy easement.
- 33. Western Boundary Landscape Buffer: That the applicant provide an alternative, variable width, five to 20-foot-wide type "C" internal landscape buffer along the western property line, with design subject to alternative landscape buffer approval by the Community Design Commission prior to issuance of a Zoning Compliance Permit.
- 34. Landscape Protection Plan: That the applicant shall provide a detailed Landscape Protection Plan, clearly indicating which rare and specimen trees shall be removed and preserved, critical root zones of all rare and specimen trees, significant tree stands, detail of protective fencing and construction parking and materials staging/storage areas, and Town standard landscaping protection notes, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
- 35. Building Planting Strips: That the applicant provide a five-foot-wide planting strip around the buildings, according to Section 5.9.6(a) of the Land Use Management Ordinance, with design subject to Town Manager approval, prior to issuance of a Zoning Compliance Permit.
- 36. Parking Lot Landscape Screening: That all parking areas shall be screened from view in

accordance with the provisions of Section 5.6 of the Land Use Management Ordinance. The landscape screening plans, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

37. Parking Lot Shading Plan: That the applicant shall provide a parking lot shading plan in accordance with Section 5.9.6(d) of the Land Use Management Ordinance, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
38. Landscape Plan and Landscape Maintenance Plan: That a detailed Landscape Plan including 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.
39. Building Elevations: That the Community Design Commission shall approve building elevations, lighting, including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit.
40. 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.

#### Stipulations Related to Environmental

41. 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 include low-impact stormwater management solutions and best management practices, such as bio-retention, pervious pavements, underground storage, infiltration trenches, vegetative swales and similar techniques.

The plan shall be based on the one-year, two-year, and 25-year frequency, 24-hour duration storms, where the post-development stormwater run-off rate shall not exceed the pre-development rate and the post-development stormwater runoff volume shall not exceed the pre-development volume for the local two-year frequency, 24-hour duration storm event. Engineered stormwater facilities shall also remove 85 percent total suspended solids and treat the first inch of precipitation utilizing NC Division of Water Quality design standards.

42. Storm Drainageway Easement: That all stormwater management improvements, outside public right-of-way, shall be located inside reserved storm drainageway easements, per Town guidelines, to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
43. Stormwater Operations and Maintenance Plan: That the applicant shall provide a Stormwater Operations and Maintenance Plan for all engineered stormwater facilities. We recommend that the plan 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.

44. Wetlands Location: That the applicant shall submit Final Plans that show the location of State or federally regulated wetlands on the site. That any proposed disturbance of wetlands shall demonstrate compliance with applicable State and federal regulations, subject to Town Manager approval prior to the issuance of a Zoning Compliance Permit.
45. State or Federal Approvals: That any required State or Federal permits or encroachment agreements 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.
46. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for monitoring and maintenance of facilities and modifications of the plan if necessary, be approved by the County Erosion Control Officer and the Town Manager prior to issuance of a Zoning Compliance Permit. That a performance guarantee shall be provided, if more than one acre of land is disturbed, in accordance with Section 5-97.1 of the Town Code of Ordinances prior to issuance of any permit to begin land-disturbing activity.
47. Silt Control: That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

Stipulations Related to Utility and Service

48. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for private waste and recycling collection, and for managing and minimizing construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
49. Solid Waste Final Plan Details: That final plans shall include dimensioned details as well as appropriate signage and lighting for the refuse area, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit. That final plans shall also include the following notes:
  - a. Prior to any demolition or construction activity on 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.
  - b. Any gate design shall include gate retainers;
  - c. By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, shall be recycled; and
  - d. By Orange County Ordinance, all haulers of construction waste shall be properly licensed.

50. Recycling Containers: That the applicant shall provide 27 rolling recycling roll-carts (nine carts per every 40 residential units), or provide comparable private service to that provided by Orange County Solid Waste, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
51. Utility/Lighting Plan Approval: That the final Utility/Lighting Plan shall be approved by Duke Energy, Orange Water and Sewer Authority, BellSouth, Public Service Company, Time Warner Cable, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
52. Utility Line Placement: That all new or relocated utility lines shall be placed underground except for 3-phase distribution lines. The applicant shall indicate proposed off-site utility line routing and upgrades required to service the site on Final Plans, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
53. Automatic Sprinkler System: That the applicant shall comply with automatic sprinkler system requirements in Section 7-50 of the Town Code of Ordinances, with design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
54. Fire Flow: That a fire flow report for all new development, shall be prepared and sealed by a registered professional engineer, which demonstrates that flows meet the minimum requirements of the Town Design Manual, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

#### Stipulations Related to Miscellaneous Items

55. Recordation of Plat: Prior to issuance of a Zoning Compliance Permit, the applicant shall record a plat with the Orange County Register of Deeds, after the partial revocation of the parcel identified as Orange County Parcel Identifier Number (PIN 9880-36-1885) from the Chapel Hill North Phase I Special Use Permit, indicating the areas encumbered by the Phase I and Phase II Special Use Permits.
56. Construction Management Plan: That a Construction Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. We recommend that the construction management plan: 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; and 4) identify construction trailers and other associated temporary construction management structures.
57. Traffic and Pedestrian Control Plan: That a Traffic Management and Pedestrian Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction, including detour information and a pedestrian management plan indicating how pedestrian movements will be safely maintained shall be approved, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

58. Open Burning: That the open burning of trees, limbs, stumps and construction debris association with this development is prohibited.
59. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), 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.
60. As-Built Plans: That as-built plans in DWF 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.
61. 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 an individual 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 if applicable a note to this effect shall be placed on the final plan and/or plat.

62. 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 issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign design shall be in accordance with Section 5.14.3(g) of the Land Use Management Ordinance. The sign design is subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
63. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
64. 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 the Special Use Permit application for The Residences at Chapel Hill North, as proposed by Crosland, Inc., in accordance with the plans and conditions listed above.

This the 11<sup>th</sup> day of April, 2007.