

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s) Courtyard Trust 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 July 25, 1979, the terms of which are as follows:

NAME OF PROJECT: The Courtyard

TYPE OF SPECIAL USE: Unified Business Development

NAME OF DEVELOPER: Courtyard Associates

DESCRIPTION OF PREMISES

LOCATION: 429 and 431 West Franklin Street

TAX MAP REFERENCE: Chapel Hill Township Tax Map 92, Block G, Lots 1, 8, 18 & 19

AREA OF PROPERTY: approximately 66,800 square feet

DESCRIPTION OF DEVELOPMENT

NUMBER OF BUILDINGS: 3 NUMBER OF DWELLING UNITS: N/A

FLOOR AREA: 29,088 square feet NUMBER OF PARKING SPACES: 79

SPECIAL TERMS AND CONDITIONS

Refer to plans dated April 6, 1979; April 30, 1979 and July 20, 1979 and approved by the Council on July 25, 1979 subject to the following:

WITH REGARD TO SAFETY AND HEALTH

1. That Lot 17 of Block G, Tax Map 92 be removed from the application. That a revised parking layout reflecting the above change shall be shown on the required landscape plan and shall be approved by the Appearance Commission prior to issuance of a grading permit for activity outside the CDD and/or a certificate of occupancy for any building.
2. That a drainage plan be submitted to and approved by the Town Manager prior to issuance of a grading permit or building permit. Improvements included in the drainage plan shall be completed prior to issuance of a certificate of occupancy.
3. That the southernmost exit/entrance to the parking lot from Roberson Street be eliminated. That all abandoned curb cuts be replaced by curbs and gutters to Town standards. The design of all new sidewalks along public streets shall be approved by the Town Manager prior to construction.
4. That the off-street parking area be paved.
5. That lighting be provided within the parking lot using the locational recommendations of the Chapel Hill Police Department. The design, location, and specifications for such lighting shall be shown on the required landscape plan.
6. That pedestrian access to the parking lot from Roberson Street and McDade Street be limited only to the principal vehicular access-egress points.
7. That provided the applicant obtains a variance from the Board of Adjustment the required height of the screening along Roberson Street may be reduced to a minimum of three (3) feet in order to permit surveillance of the lot from Roberson Street.

(continued)

...and the undersigned being all of the property owners of the property above described, have executed this instrument in evidence of their acceptance of said Special Use Permit as a covenant running with the land.

ATTEST

David B. Roberts
Town Clerk

The Town of Chapel Hill

BY [Signature]

ACCEPTED The Commercial Trust

[Signature] (Seal)
Owner

[Signature] (Seal)
Owner

ATTEST

Secretary

Corporate Name
BY _____
Title

NORTH CAROLINA
ORANGE COUNTY

I, Marie Langford, a Notary Public in and for said County and State do hereby certify that Raymond A. Hines, Town Manager of the Town of Chapel Hill, and David B. Roberts, Town Clerk, duly sworn says each for himself that he knows the corporate seal of the Town of Chapel Hill and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Chapel Hill, that Raymond A. Hines, Town Manager of said Town of Chapel Hill, and David B. Roberts, Town Clerk for the Town of Chapel Hill, subscribed their names thereto; that the corporate seal of the Town of Chapel Hill was affixed thereto, all by virtue of a resolution of the Board of Trustees, and that said instrument is the act and deed of the Town of Chapel Hill.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the 14th day of August, 1977.

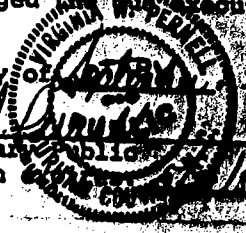
Marie Langford
Notary Public
My commission expires: 2-16-80

NORTH CAROLINA
ORANGE COUNTY

I, Virginia W. Pernell, a Notary Public in and for said State and County do hereby certify that Marie Langford + Joseph J. Moore Co-Trustees, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

WITNESS my Hand and Notarial Seal, this the 27th day of September, 1977.

Virginia W. Pernell
Notary Public
My commission expires: 10-1-79



STATE OF NORTH CAROLINA - ORANGE COUNTY

THE FOREGOING CERTIFICATE IS OF Marie Langford + Virginia W. Pernell

AND SAID NOTARIAL PUBLIC OF THE DESIGNATED GOVERNMENTAL UNITS IS/ARE CERTIFIED TO BE

THIS THE 28th DAY OF September, A.D. 1977

BETTY JUNE HAYES, REGISTER OF DEEDS

BY: 151 Robin McPherson

CLERK/DEPUTY REGISTER OF DEEDS

FILED
BOOK/PAGE 52 PAGE 21

SEP 28 2 42 PM '79

BETTY JUNE HAYES
REGISTER OF DEEDS
ORANGE COUNTY, N. C.

Notary Public
My commission expires: _____

(Not valid until fully executed and recorded)

WITH REGARD TO APPEARANCE

8. That detailed architectural elevations, and a site plan showing the location of landscaped areas, signage, lighting and other site elements be submitted to and approved by the Appearance Commission prior to issuance of a building permit.
9. That a detailed landscape/planting plan including detailed sign and lighting plans be submitted to and approved by the Appearance Commission prior to issuance of a certificate of occupancy. Such plan shall show adequate mechanical means for watering landscape areas.
10. That any and all planting which dies during the life of the special use permit be replaced with planting of the same species and approximately the same size by the end of the next planting season.
11. That the off-street parking area be screened from the abutting residentially zoned property to the south and east by a solid six-foot high screen consisting of vegetation and/or a fence. The detailed design of such screen shall be shown on the landscape plan.
12. That as much significant planting as possible be retained and that such planting be shown on the landscape plan. Existing planting shall be protected during construction by appropriate fencing or barriers. Provisions for such protection shall be shown on the landscape plan.
13. That paved areas be set back as far as possible from trees to be retained.
14. That the applicant identify on the landscape plan those trees which require a tree feeder system to ensure the continued provision of proper tree nourishment, including adequate water, air, and nutrients to the root system of said trees. The design specifications for such a tree feeder system and the proposed specifications for its installation shall be shown on the landscape plan, and shall be reviewed and approved as part of the landscape plan.
15. That the applicant enlarge the proposed planting strip along Roberson Street to comply with the minimum required width of ten (10) feet.

OTHER STIPULATIONS

16. That provisions for garbage collection be approved by the Town Manager. Pads for bulk trash containers shall be constructed to Town standards.
17. That at such time as any part of the residentially zoned portion of the parking lot no longer serves the subject development, as identified in this application, all rights to use such land for parking shall immediately terminate and the applicant shall apply to the Town of Chapel Hill for a modification of the Special Use

(continued)

Permit to recognize such change and to incorporate any additional requirements necessary to continue to meet the required positive findings. That no parking on the residentially zoned portions of the parking lot shall be used for any commercial or office use apart from those covered by the present special use permit.

18. That the applicant develop a management plan for the parking lot and make compliance with such plan a requirement of the lease of all tenants. Such plan shall specify the location of tenant parking on the McCabe Street lot and on the portion of the Roberson Street lot furthest from Franklin Street. The objective of the management plan shall be to minimize any adverse effects of the lot on adjoining residential properties and the plan shall discourage parking by users of off-site establishments. A copy of such plan shall be submitted to and approved by the Town Manager prior to issuance of a certificate of occupancy.
19. That the restricted use of the parking lot be posted at each entrance to the lot as recommended by the Chapel Hill Police Department in the pre-construction security survey dated May 15, 1979.
20. That construction begin by July 31, 1981 and be completed by July 31, 1982.