

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT MODIFICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner, VilCom Properties, LLC, having applied to the Town of Chapel Hill for modification of the existing Special Use Permit approved by the Town Council on October 3, 1993, said modification was granted by the Town of Chapel Hill on November 8, 1999, the terms of said modification being as follows:

NAME OF PROJECT: Campus at VilCom Center
 TYPE OF SPECIAL USE: Office Development
 NAME OF DEVELOPER: VilCom Properties, LLC

DESCRIPTION OF PREMISE

LOCATION: North side of Weaver Dairy Road, across from Kingston Drive
 TAX MAP REFERENCE: Chapel Hill Township Tax Map 17, Lots 14A and 41

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 917,337 sq. ft. (21.06 acres) OUTDOOR SPACE: 829,498 sq. ft.
 NUMBER OF BUILDINGS: 4 (Including one existing) LIVABILITY SPACE: 486,224 sq. ft.
 FLOOR AREA: 240,836 sq. ft. NUMBER OF PARKING SPACES: 714

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated February 15, 1999 (revised September 30, 1999) on file in the Chapel Hill Planning Department, and according to the special terms and conditions set forth below:

Specific Terms

1. Modification of Subsection 14.12.6 of the Development Ordinance to allow a landscape bufferyard less than the required 10 feet along the northern property line of the site.
2. Modification of Subsection 14.12.3 of the Development Ordinance to allow the landscape bufferyard along the northern property line to be located within an existing Duke Power easement.
3. Modification of Subsection 14.12.6 of the Development Ordinance to allow a minimum six-foot landscape bufferyard in the areas of the existing parking lot.

Stipulations Specific to the Development

1. That construction begin by November 8, 2001 (two years from the date of Council approval) and be completed by November 8, 2004 (five years from the date of Council approval).
2. Land Use Intensity: That this Special Use Permit Modification authorizes construction of three new office buildings (for a total of four buildings) and 521 new parking spaces (for a total of 714 spaces) on the site.
3. Permitted Land Uses: That this permit authorizes office and clinic land uses, as well as day care and restaurant auxiliary uses on the site. Any proposed clinic uses shall demonstrate compliance with the Development Ordinance's parking space regulations.
4. Recombination Plat: That the two lots associated with this development (Chapel Hill Township Tax Maps 17, Lots 14A and 41) be recombined to form one lot, and that the final plat be recorded at the Orange County Register of Deeds office, prior to issuance of a Zoning Compliance Permit.
5. Mobile Home Structures: That the mobile home structures which currently encroach upon the western property line of this site shall be relocated so as to satisfy the Development Ordinance's building setback regulations.

Property Taxes: That if the property is conveyed to the University or other entity exempt from property taxes, a covenant will be placed in the deed of conveyance requiring the tax exempt purchaser to make an annual payment to the Town in lieu of the amount that would be paid in annual property taxes.

Stipulations Related to Roadway Improvements

7. Weaver Dairy Road Right-of-Way: That an additional five feet of public right-of-way be dedicated along the Weaver Dairy Road frontage of the site. The final plat identifying this right-of-way shall be recorded at the Orange County Register of Deeds office prior to issuance of a Zoning Compliance Permit.
8. Weaver Dairy Road Improvements:
 - a. That the site's Weaver Dairy Road frontage be constructed to one-half of a 70-foot cross section, including curb and gutter, bicycle lane and concrete sidewalk (which may be a meandering sidewalk). The Town Manager shall approve the design of this cross section.
 - b. That the sidewalk along the VilCom Center site shall be extended to the west to connect with the existing sidewalk along the Chapel Hill North property, if adequate right-of-way exists or is obtained by the Town within five years of the date of this approval, along each of the properties between the VilCom and Chapel Hill North sites. The applicant shall be responsible for 50% of the cost of such extension, with the balance provided by the Town.

Payment-in-Lieu of Traffic Signal: That a payment-in-lieu of a traffic signal at the intersection of Weaver Dairy Road and Kingston Drive be provided prior to issuance of a Zoning Compliance Permit. The North Carolina Department of Transportation and Town Manager shall approve the amount of the payment. If traffic does not warrant the need for a signal within seven years of completion of the entire office development, the payment shall be reimbursed to the provider.

Internal Transit Service: That Chapel Hill Transit vehicles shall be authorized to enter the site, along a route to be approved by the Town Manager and the owner. The pavement design, and centerline and curb radii, of the route's drive aisles shall be designed to accommodate transit vehicles.

Stipulations Related to Pedestrian and Bicycle Facilities

11. Location of Meandering Sidewalk: That the exact location of the meandering sidewalk along Weaver Dairy Road shall be approved by the Town Manager so as to ensure minimal disturbance to the existing trees within the landscape bufferyard.
 12. Meandering Sidewalk Easement: That a public use easement shall be provided over the portion of the meandering sidewalk located outside of the Weaver Dairy Road public right-of-way, and that the Town shall not be responsible for maintenance of this portion of the sidewalk. This easement shall be identified on the final plat and recorded at the Orange County Register of Deeds office prior to issuance of a Zoning Compliance Permit.
- Sidewalks within "Tree Save Areas": That the Town Manager shall approve the locations of sidewalks within the "tree save areas," and that the Town's Urban Forester shall be consulted during construction of these sidewalks to ensure minimal disturbance to existing trees within these areas.
14. Greenway Trail Construction: That the greenway trail along the northern property line shall be constructed with the Town standard six inches of compacted base.
 15. Greenway Trail Easement: That a 16' wide deed of easement to the Town shall be provided over the greenway trail along the northern property line, providing public access for pedestrians, non-motorized vehicles, motorized wheelchairs, Town maintenance vehicles and other public purposes consistent with the Chapel Hill Greenways Comprehensive Master Plan. The easement documentation shall be approved by the Town Manager and recorded on the final plat prior to issuance of a Zoning Compliance Permit.
 16. Bicycle Parking: That secured, covered, illuminated bicycle parking areas shall be provided to accommodate a minimum of 80 bicycles using Wave-type racks. The racks shall be evenly distributed at each building on the site.
 17. Shower Facilities: That one shower facility with lockers shall be provided in each of the three new buildings.

Stipulations Related to Landscape Elements

18. Landscape Plan Approval: That a detailed Landscape Plan, including landscape maintenance schedule, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
19. Landscape Protection Plan: That a detailed Landscape Protection Plan, clearly indicating which rare and specimen trees will be removed and preserved and including Town standard landscape protection notes, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

20. Landscape Bufferyards: That the following landscape bufferyards shall be provided, and that if any existing vegetation is to be used to satisfy the buffer requirements, the vegetation shall be protected by fencing from adjacent construction:
- ◆ **Western property line**: Type C landscape bufferyard, minimum width 20 feet except in locations where the existing parking lot encroaches upon this bufferyard. Additional plantings shall be required within the bufferyard if deemed necessary by the Town Manager.
 - ◆ **Northern property line**: Type B landscape bufferyard, minimum width 15 feet except in locations where the greenway trail results in reduced widths.
 - ◆ **Eastern property line**: Type C landscape bufferyard, minimum width 20 feet. No grading shall be permitted within this easement.
 - ◆ **Southern property line**: Type D landscape bufferyard, minimum width 30 feet.
21. Hackberry Tree: That no disturbance shall be permitted within the critical root zone of the 40-inch (+/-) hackberry tree near the existing outhouse on the property.
22. Parking Lot Shading: That the Development Ordinance requirement for 35 percent parking lot shading shall be satisfied.
23. Tree Save Areas: That no disturbance may occur with the "tree save areas" unless authorized by the Town Manager. The storm drainage pipes, silt fencing and diversion ditches within the eastern "tree save area" shall be relocated outside of this area if feasible.

Stipulations Related to Utilities

24. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority, Duke Power Company, Public Service Company, BellSouth, Time Warner Cable and the Town Manager before issuance of a Zoning Compliance Permit.
25. Utility Lines: That any utility lines on the site found not to be three-phase electric power distribution lines shall be placed underground, and that the Duke Power electrical lines in the rear of the site may remain overhead.
26. Fire Sprinkler System: That a fire sprinkler system shall be installed in the buildings, and that the Siamese connections to the systems shall be approved by the Fire Marshal prior to issuance of a Zoning Compliance Permit.
27. Fire Flow: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual and that the water system is looped if feasible, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
28. Fire Department Access: That no vegetation on the site shall impede access by fire apparatus or block the view of Fire Department connections.

Stipulations Related to Solid Waste Management

29. Solid Waste Management Plan: That a Solid Waste Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
30. Dumpster Pads: That the angles on the dumpster pads shall be adjusted to line up with the drive aisles used to access the containers.
31. Heavy-Duty Pavement: That all drive aisles necessary to access the proposed refuse/recycling facilities shall be constructed of all-weather, heavy-duty pavement.
32. Specialty Paving: That a note shall be included on the plans indicating that the Town will not be responsible for any damage to the proposed "specialty paving" that may be caused by service vehicles.
33. Recycling: That the Town Manager shall approve all plans for cardboard recycling, glass/cans recycling, grease rendering and segregated food waste prior to issuance of a Zoning Compliance Permit.

Miscellaneous Stipulations

34. Stormwater Management Plan: That a Stormwater Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. Based on a 25-year storm, the post-development stormwater run-off rate should not exceed the pre-development rate.
35. Storm Drainage Easement: That the 30-foot x 50-foot private storm drainage easement near the northeast corner of the site shall be identified on all plan sheets.

- 36. Stormwater Management and Erosion Control Measures: That the following facilities shall be provided on the site for purposes of stormwater management, and sedimentation and erosion control:
 - ◆ Basins to attenuate stormwater flow from a 25-year storm;
 - ◆ Bio-retention facilities to assist with removal of urban pollutants from stormwater run-off;
 - ◆ Skimmer outlet devices, level spreaders and larger basins to improve the level of sedimentation and erosion control.

- 37. Transportation Management Plan: That prior to issuance of a Certificate of Occupancy, the Town Manager shall approve a Transportation Management Plan for the development. The required components of the Transportation Management Plan shall include:
 - ◆ Provision for designation of a Transportation Coordinator;
 - ◆ Provisions for an annual Transportation Survey and Annual Report to the Town Manager;
 - ◆ Quantifiable traffic reduction goals and objectives;
 - ◆ Ridesharing incentives; and
 - ◆ Public transit incentives.

- 38. Building Elevations: That the Community Design Commission shall approve the building elevation and site lighting plans prior to issuance of a Zoning Compliance Permit.

- 39. Detailed Plans: That the final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydraulic calculations), and landscape plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans shall conform to the plans approved by this application and demonstrate compliance with all applicable conditions and standards of the Development Ordinance and Design Manual.

- 40. Erosion Control: That a soil erosion and sedimentation control plan, including provisions for maintenance of facilities and modifications of the plan if necessary, be approved by the Orange County Erosion Control Officer, and that a copy of the approval be provided to the Town Manager prior to issuance of a Zoning Compliance Permit.

- 41. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

- 42. Construction Sign Required: That the applicant post a construction sign that lists the property owner's representative, with a telephone number; the contractor's representative, with a telephone number; and a telephone number for regulatory information at the time of issuance of a Zoning Compliance Permit.

- 43. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.

- 44. Non-severability That if any of the above conditions is held to be invalid, approval in its entirety shall be void.
