

**I, Sabrina M. Oliver, Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached are true and correct copies of Resolution 2007-02-26/R-9a adopted by the Chapel Hill Town Council on February 26, 2007.**

**This the 9th day of May, 2007.**



**Sabrina M. Oliver  
Town Clerk**



**A RESOLUTION APPROVING A SPECIAL USE PERMIT MODIFICATION APPLICATION FOR THE EAST 54 MIXED USE DEVELOPMENT (aka UNIVERSITY VILLAGE) (FILE NO. 9798-34-3837) (2007-02-26/R-9a)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the East 54 Mixed Use Development (aka University Village) Special Use Permit Modification proposed by East West Partners, on property identified as Orange County Property Identifier Numbers 9798-34-3837, 9798-35-0079 and 9798-54-7612, if developed according to the Site Plan, dated November 1, 2006, and the conditions listed below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; and
2. Comply with all required regulations and standards of the Land Use Management Ordinance including all applicable provisions and with all other applicable regulations, with the modifications listed below; and
3. Be located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Section 5.6.2 to modify the minimum landscape bufferyards, as shown on approved Special Use Permit Site Plan, dated November 1, 2006.
2. Modification of Section 5.9.6 to modify parking lot screening standards, as shown on approved Special Use Permit Site Plan, dated November 1, 2006.
3. Modification of Section 5.9.6 to modify parking lot shading requirements, as shown on approved Special Use Permit Site Plan, dated November 1, 2006.
4. Modification of Table 3.8-1 to modify primary height requirements, as generally shown on the applicant's Building Envelope Exhibit a5.4, dated February 21, 2007.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree because the applicant is providing affordable housing, infill housing, sustainability, multi-modal transportation accessibility, structured and shared parking, public art, and pedestrian focus.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit Modification for East 54 Mixed Use Development (aka University Village) in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. Construction Deadline: That construction begin by February 26, 2009 and be completed by February 26, 2017.
2. Land Use Intensity: This Special Use Permit Modification authorizes residential, office type, and general business uses and land use intensities requirements as specified below:

Gross Land Area	11.22 Acres
Total Maximum Floor Area	511,985 sq ft
Office Type Business or Clinic Floor Area	120,214 sq ft
Convenience/Retail Type Business Use Floor Area	58,487 sq ft
Residential Floor Area	238,904 sq ft
Maximum Residential Units	203 units
Affordable Residential Units as a Percentage of Total Residential Units	30% Minimum (unless modified by the Town Manager)
Minimum Recreation Space	22,228 sq ft
Maximum Impervious Surface Area	342,120 sq ft
Maximum Vehicular Parking Spaces	784 spaces
Minimum Bicycle Accommodations	279

3. Avalon Building- Change in Use: That the use of the Avalon Medical building may be converted into a temporary real estate sales office for the East 54 Mixed Use Development (aka University Village) project.

Affordable Housing Stipulations

4. Provision of Affordable Housing: That the developer propose an Affordable Housing Plan that addresses the following items, for approval by the Town Manager prior to issuance of a Zoning Compliance Permit:
  - a) Unless modified otherwise by this permit the following shall apply:
    - i. Provision of 30% of the proposed dwelling units as affordable dwelling unit(s) available to low and moderate income households with annual income at or below 80 percent of the area median income;
    - ii. That an affordable housing component shall be provided for any phase of this development that includes residential units.
    - iii. That a minimum of 30 percent of units in each residential phase shall be affordable.
    - iv. That for each residential phase, affordable one- and two-bedroom units shall be provided at the same ratio of market rate one and two-bedroom units.

- b) That except for the first residential phase, upon approval by the Town Manager as a minor modification to the Special Use Permit, subsequent to presenting a report to Council describing proposed minor modification and receiving the Council's consent that it is a minor modification, the applicant may exercise the option to modify the conditions specified in a) above as outlined below:
  - i. That the applicant may increase the number of affordable two-bedroom units by decreasing the number of affordable one-bedroom units. That for every affordable two-bedroom unit added, two affordable one-bedroom units may be removed; and/or
  - ii. That the applicant may decrease the number of affordable one-bedroom units, without a corresponding increase in affordable two-bedroom units, by substituting a \$75,000 payment-in-lieu per one-bedroom unit decrease. The amount of the payment in lieu shall be determined by the Town Manager with assistance from Orange Community Housing and Land Trust (or its successor agency). The payment-in-lieu amount, which in April 2007 is \$75,000, will be the amount necessary to subsidize an affordable housing unit at the time a decision is made to make a payment-in-lieu. That prior to the issuance of a building permit for the applicable phase, the applicant shall provide any required payment-in-lieu into the Town's revolving acquisition fund.

This option may not be approved by the Town Manager if the total number of affordable units within the development are less than 20% during any phase.

- c) The determination of eligibility of the owners;
  - d) Marketing of the dwelling unit(s);
  - e) Setting the rates of the units;
  - f) Adequate assurances that the designated units will remain affordable in perpetuity;
  - g) Monthly condominium fees and utilities minimized by a transfer fee that requires a percentage of the sale of every unit (not to exceed 1%) to be put into a special fund for this purpose;
  - h) That pricing of the affordable units shall be subject to Town Manager approval prior to issuance of a Zoning Compliance Permit
5. Affordable Housing Transfer Fee: That monies collected from a transfer fee associated with the sale/resale of properties are to be placed in a fund for the specific purposes of first paying condominium and townhouse homeowners association dues for persons who acquire affordable housing, then with any excess funds to the Orange Community Land Trust or its successor for the maintenance of affordable dwellings in the development and for other uses in support of affordable housing. Details of the fund shall be approved by the Town Manager.

## Schools Adequate Public Facilities Ordinance

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

### Stipulations Related to Transportation

That unless determined otherwise, as shown on the phasing plan reviewed and approved by the Town Manager, the applicant shall construct the following improvements prior to the issuance of a Certificate of Occupancy. The design and construction plans must be approved by the Town Manager and N.C. Department of Transportation if applicable, prior to issuance of a Zoning Compliance Permit.

7. North Carolina Highway 54 Improvements

a) Finley Golf Course Road/Burning Tree intersection

- i. Lengthen the existing NC 54 left-turn lanes to provide 250 feet of vehicle queue length on the eastbound and westbound approaches of NC 54.
- ii. Upgrade the existing traffic signal with pedestrian amenities on all approaches of the intersection, bicycle-activated loops on side streets and left turn lanes on NC 54, stamped crosswalks, and signal phasing changes as required by the Town Manager and N.C. Department of Transportation.

b) Hamilton Road intersection

- i. Upgrade existing traffic signal with pedestrian amenities on all approaches of the intersection and re-install street imprint for all crosswalks, including pavement markings, bicycle-activated loops on side streets and left turn lanes on NC 54, and signal phasing changes as required by the Town Manager and N.C. Department of Transportation.

c) East 54 (aka University Village) main entrance intersection

- i. Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a payment-in-lieu to the Town of Chapel Hill for installation of a traffic signal. The payment-in-lieu shall be reviewed and approved by the Town Manager and must cover the cost of a signal warrant study, signal design services, and signal construction. The traffic signal must be constructed with crosswalks, pedestrian countdown heads, and audible pedestrian signals subject to the approval of N.C. Department of Transportation and the Town of Chapel Hill.
- ii. Design and re-construct the left-turn lane into the main entrance of the site to provide 200 feet of vehicle queue length and the appropriate taper on westbound NC 54.
- iii. Design and construct a “left-over” median overlap at the entrance driveway/NC 54 intersection. That the “left-over” median overlap improvement incorporate a stamped crosswalk and median refuge island. The improvements at this intersection will prohibit westbound u-turns and left turns out of the proposed East 54 (aka University

Village) driveway on NC 54. The improvements shall not change the existing traffic circulation on Rogerson Drive.

- iv. Design and re-construct the central driveway to restrict movements from/to eastbound NC 54 to right-in/right-out access. This design shall not prohibit left turns from westbound NC 54.
- v. Design and construct a 100-foot-long exclusive right-turn lane with the appropriate taper on NC 54 to provide for right turns into the main entrance of the site.

That the design of the improvements shall be reviewed and approved by the Town Manager and NCDOT prior to the issuance of a Zoning Compliance Permit.

8. Finley Golf Course Road Improvements

Construct Finley Golf Course Road to a three-lane cross-section, with one lane southbound and two lanes northbound between NC 54 and Prestwick Road.

9. Hamilton Road Improvements

Hamilton Road/Prestwick Road Intersection: That the applicant install high visibility crosswalk markings and all-way stop control.

10. Prestwick Road Improvements

- a) Construct Prestwick Road to Town standard, 39-foot wide from back of curb to back of curb between Hamilton Road and Finley Golf Course Road, with two 11-foot wide travel lanes and eight-foot wide parking spaces on both sides of the street.
- b) Construct five-foot wide concrete sidewalks to Town standard on the north side of Prestwick Road, between Hamilton Road and the Prestwick Place development.
- c) Construct a five-foot wide concrete sidewalk, plus, if determined necessary by the Town Manager, a three-foot utility strip to Town standards on the south side of Prestwick Road, adjacent to the proposed parallel parking spaces. Where practicable, the sidewalk shall be seven feet in width. That the construction of the sidewalk and utility strip be subject to obtaining an off-site construction/public access/maintenance easement. That parallel parking on the south side of Prestwick Road be permitted only with the provision of a sidewalk along the frontage of the south side of Prestwick Road.
- d) Prior to the issuance of a Zoning Compliance Permit, provide a copy of a recorded off-site construction/access/maintenance easement for the sidewalk on the south side of Prestwick Road, adjacent to the parallel parking spaces. The easement shall be reviewed and approved by the Town Manager prior to recordation.
- e) Prior to the issuance of a Zoning Compliance Permit, dedicate right-of-way along the property frontage. The new right-of-way boundary would be located one foot behind the back of the sidewalks.
- f) Install traffic calming measures on Prestwick Road including a raised crosswalk. The

design and location of the raised crosswalk and other traffic calming devices shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

- g) Provide NCDOT sight triangles for all driveway connections to the public street and dedicate sight distance easements along Prestwick Road prior to the issuance of a Zoning Compliance Permit.

That the design of the above improvements shall be reviewed and approved by the Town Manager and NCDOT prior to the issuance of a Zoning Compliance Permit.

11. Traffic Signal Timing Plans: Prior to the issuance of a Zoning Compliance Permit that the applicant provide a payment-in-lieu of \$8,000 to revise the traffic signal timing plans for the NC 54 corridor between Barbee Chapel Road and Hamilton Road and for the US 15-501 corridor between Old Mason Farm Road and Manning Drive.

12. NC 54 Pedestrian/Bicycle Path: That the applicant construct an asphalt bicycle/pedestrian path along NC 54 between Finley Golf Course Road and Hamilton Road.

- a. That where feasible, as determined by the Town Manager, the path be located at least six to eight feet from the highway and if possible, be located within the public right-of-way. That the bicycle/pedestrian path be 10 feet wide along its entirety, unless otherwise determined by the Town Manager.
- b. That the design of the bicycle/pedestrian path minimize pedestrian/vehicular conflict at the entrance driveway and minimize grading and land disturbance near the critical root zones of several specimen trees. That the design should include a raised boardwalk in those areas near the critical root zones. That the boardwalk, or similar low impact path, should be designed so it may be located directly upon the ground without requiring a permanent fixed foundation. That the final design and location of the bicycle/pedestrian path be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
- c. That the bicycle/pedestrian path follow the North Carolina Department of Transportation's guidelines for design and signage and be constructed to the standards for off-road bicycle trails, as specified in either the American Association of State Highway and Transportation Officials (AASHTO) *Guide for the Development of Bicycle Facilities* document, or the *North Carolina Bicycle Facilities Planning and Design Guidelines* which are current at the time of construction.
- d. That the maintenance of the bicycle/pedestrian path be the responsibility of the property owner.
- e. That where feasible the path be provided within a 15-foot wide public greenway easement. That the easement be recorded at the Orange County Register of Deeds, and grant an easement in perpetuity to the Town of Chapel Hill. The recorded easement shall

include wording that guarantees public pedestrian, non-motorized vehicle, and motorized wheel chair access. The easement must also guarantee the Town of Chapel Hill's right to construct and maintain the trail, signage, or any other function necessary to guarantee public safety. The recorded easement shall also include sketch maps indicating the location of the trail within the easement and nearby points of reference, such as public streets.

- f. That the bicycle/pedestrian path be completed prior to issuance of the first Certificate of Occupancy for this development, or as shown on a Phasing Plan, to be approved by the Town Manager.
  - g. That the portion of the trail along the UNC-Hospital property frontage on NC 54 be subject to the attainment of an easement from the property owner.
13. Bicycle Parking: That the applicant provide a minimum of 279 on-site bicycle parking spaces. The bicycle spaces shall comply with the Town's Class I and Class II Design Manual standards. That the Town Manager shall review and approve bicycle parking space design and location prior to the issuance of a Zoning Compliance Permit.
14. Mass Transit Improvements: That prior to the issuance of a Zoning Compliance Permit, the applicant provide a payment-in-lieu, not to exceed \$47,800, for mass transit improvements along NC 54 and Prestwick Road. That the final type and location of said improvements associated with the payment-in-lieu shall be determined by the Town Manager. That portions of the payment-in-lieu may be refunded to the applicant if the Town Manager determines that mass transit improvements will be installed by the applicant.
15. Transportation Management Plan: That a Transportation Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit for the proposed non-residential uses. This plan shall be updated and approved annually by the Town Manager. The required components of the Transportation Management Plan 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;
  - e. Public transit incentives;
  - f. Traffic demand strategies for employees and residents of the site including items such as car sharing vehicles or posted transit information; and
  - g. Other measures subject to approval by the Town Manager.
16. Pedestrian/Bicycle Directional Signage: That prior to issuance of the Zoning Compliance Permit, the applicant provide a detailed signage plan that includes pedestrian and bicycle directional signage. That the applicant shall be responsible for the installation and continued maintenance of such signage.



17. Parking Deck Entrance Design: That in order to safely accommodate pedestrian movements in the vicinity of the parking deck entrances, the applicant shall incorporate design elements that minimize conflicts between vehicles and pedestrians. Design elements may include the construction of a continuous sidewalk across the parking deck entrance, or similar hardscape features or details. That the final design and type of details for these areas shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
18. Pedestrian Connection to Aurora/McLean property: That if determined reasonable and necessary by the Town Manager, the applicant shall construct crosswalks and/or sidewalks between proposed Building 7 and the adjacent properties to the east. That the final design and location of these improvements shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
19. Cross Access Easement: That the applicant submit a recorded copy of a cross access easement for ingress and egress to and through the site from adjacent property to the east.

Stipulations Related to Landscaping and Architecture

20. Landscape Protection Plan: That 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 including Town standard landscaping protection notes, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. That the plan shall provide tree protection fencing for all land disturbance proposed off-site.
21. Landscape Planting and Maintenance Plan: That a detailed Landscape Plan (including all proposed landscaping in the NC 54 median, the UNC Golf Course and the Aurora Restaurant site) and 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.
22. Planting Areas: That the applicant shall provide the following planting areas:

<b>Planting Areas Proposed</b>	<b>Location</b>
10-150' "planting area"	NC 54/Raleigh Road
8' "planting area"	Internal Eastern Edge (Prestwick Place and Aurora)
0-10' "planting area"	Prestwick Road
8' "planting area"	Internal Western Edge (Fire Station)
8' "planting area"	Internal Southern Edge (Fire Station)

Planting Areas Proposed	Location
10' "planting area"	Hamilton Road

23. Perimeter Planting Areas: That prior to the issuance of a Zoning Compliance Permit, the applicant shall obtain approval of a planting plan from the Community Design Commission for landscape materials within all perimeter "Planting Areas" as identified on the approved Special Use Permit Modification site plan.
24. Chain-Link Tree Protection Fencing: That if determined necessary by the Town Manager, the applicant install a chain-link fence in lieu of standard tree protection fencing. That the final design and location of the chain link fence shall be reviewed and approved by the Town Manager.
25. Off-Site Landscape Easements: That prior to the issuance of a Zoning Compliance, the applicant provide a recorded copy of any necessary off-site easements authorizing the installation and maintenance of landscape materials off-site. That the easement shall be reviewed and approved by the Town Manager, and if applicable by NCDOT, prior to recordation.
26. Building Elevations/Site Lighting: 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. That the 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 the Environment

27. Leadership in Energy and Environmental Design Certification (LEED) Pilot Program That the applicant will apply for acceptance into the LEED-Neighborhood Development Pilot Program. The applicant will commit to meeting the minimum number of requirements necessary to achieve "Silver" certification in this pilot. If the development is not accepted into the LEED-ND pilot, the project will still commit to meeting the criteria set forth to obtain Silver Certification.
28. LEED Certification: The applicant will commit to reaching a level of "Certified" for each of the six buildings in the project. These certified achievements may come in any one of several LEED categories that have been set forth for individual buildings. This level of "certified" may come in any one of the following programs, LEED-NC, LEED-CS, or LEED-CI.
29. Stormwater Management Plan: That prior to the issuance of a Zoning Compliance Permit the applicant provide detailed stormwater plans and calculations to demonstrate the project will meet the stormwater management requirements of the Land Use Management Ordinance to provide for 85% total suspended solids removal, the retention of the stormwater run-off volume for the two-year storm, and control of the stormwater run-off rate for the one-year, two-year, and 25-year storms.

30. Reserved Storm Drainageway: 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.
31. 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.
32. Impervious Surface Tally: We recommend that the applicant provide a continuous tally of all built-upon areas of this project to ensure that they do not exceed the 70% maximum built-upon area for the high density option. We recommend that with the submission of each final plan application and building permit the applicant provide an impervious surface worksheet to clearly identify existing impervious and proposed impervious surfaces.
33. Stormwater Management Surety: That prior to the issuance of a Zoning Compliance Permit the applicant provide a perpetual surety instrument, satisfactory to the Town Manager, to assure maintenance, repair, or reconstruction necessary for adequate performance of the engineered stormwater controls.
4. 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.

If one (1) acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. This financial guarantee is intended to cover the costs of restoration of failed or failing soil erosion and sedimentation controls, and/or to remedy damages resulting from land-disturbing activities, should the responsible party or parties fail to provide prompt and effective remedies acceptable to the Town.

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

#### Refuse and Recycling

36. Solid Waste Management Plan: That a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

### Stipulations Related to Utilities and Services

37. Overhead Power Lines: That except for utilities along Prestwick Road, all proposed or relocated utility lines, excluding three-phase electrical distribution lines, shall be located underground. That existing and proposed utilities along Prestwick Road, including three-phase electrical distribution lines along the property frontage, shall be relocated underground. All utility plans must be approved by the Duke Energy Company prior to the issuance of a Zoning Compliance Permit.
38. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority, Duke Energy Company, TimeWarner Cable, Public Service Company, BellSouth or GTE, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities, including cable television, are extended to serve the development.
39. OWASA Easements: That easement documents as required by OWASA and the Town Manager be recorded before final plat approval.
40. Fire Flow Report: That a fire flow report, sealed by an engineer registered in the State of North Carolina, be provided for review and approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
41. Automatic Sprinkler System: That the applicant install an automatic sprinkler system.
42. Fire Hydrant Accessibility: That all structures must be located within 500 feet of a fire hydrant. That the applicant maintain a 50-foot maximum distance between fire hydrants and fire department connections, in a clearly visible and accessible location on the street side of buildings.

### Miscellaneous Stipulations

43. Taxation: That during any time this property is exempt from ad valorem property taxes, the owner shall make annual payments-in-lieu of property taxes, the amount to be determined based on a valuation determined by the Orange County tax supervisor and the applicable year's established city and county tax rate.
44. Off-Site Construction Easements: That prior to the issuance of a Zoning Compliance Permit, the applicant provide a recorded copy of any necessary off-site construction easements. That the easements shall be reviewed and approved by the Town Manager, and if applicable by NCDOT, prior to recordation.
45. 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.

46. Traffic and Pedestrian Control Plan: That the applicant provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements, including pedestrians using the existing transit system, will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least five working days prior to any proposed lane or street closure the applicant must apply to the Town Manager for a lane or street closure permit.
47. 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 prior to issuance of a Zoning Compliance Permit. That a detail of the sign must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
48. 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 before issuance of a Zoning Compliance Permit, and that such plans conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Land Use Management Ordinance and the Design Manual.
49. Phasing Plan: That prior to the issuance of a Zoning Compliance Permit the applicant provide a Phasing Plan that meets Section 3.5.1(d)(2) of the Land Use Management Ordinance.
50. Certificates of Occupancy: That no Certificates of Occupancy be issued until all required public improvements are complete; and that a note to this effect shall be placed on the final plats.

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; and 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 plats.

51. New Streets - Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs, including street name signs, before issuance of any Certificates of Occupancy until such time that the street system is accepted for maintenance by the Town.
52. New Street Names and Numbers: That the name of the development and its streets and house/building numbers be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

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

54. 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 that the Council hereby approves the Special Use Permit Modification for the East 54 Mixed Use Development (aka University Village).

This the 26<sup>th</sup> day of February, 2007.