

REVISED RESOLUTION A
(Approving the Special Use Permit Modification Application)

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR ELEMENTARY SCHOOL #11 (FILE NO. 9788-18-1797) (2009-10-28/R-8a)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Elementary School #11 Special Use Permit Modification proposed by the Chapel Hill-Carrboro City School System, on property identified as Orange County Property Identifier Number 9788-18-1797, if developed according to the Site Plan dated June 3, 2009, 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;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property and that the use or development is a public necessity; 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 that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Appendix B, Neighborhood Conservation Districts, Division 1 - the Northside Neighborhood Conservation District, Section 1.1 of the Land Use Management Ordinance, to allow a maximum primary height of 28 feet at the 24-foot street setback along McMasters Street, and vertical 10 foot expansion of the building envelope, both at the northwest corner of the building. This finding is based on the determination that public purposes can be better achieved because the taller building allows for greater energy efficiency and for a smaller building footprint, resulting in more vehicular stacking, and greater outdoor vegetated and play areas.
2. Modification of Subsection 3.8.4 of the Land Use Management Ordinance, to allow a sidewalk canopy up to 16 feet in height to encroach by 12 feet into the street setback from McMasters Street. This finding is based on the determination that public purposes can be better achieved because the sidewalk canopy will provide rain shelter for schoolchildren.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit Modification for Elementary School #11 in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. Waive Right to Protest Future Rezoning: That the School Board, for itself and any successors in title to this property, waives any objection to a future rezoning of this property back to Residential-3 (R-3) and agrees not to file a protest petition to such a rezoning.
2. Construction Deadline: That construction begin by October 28, 2014 and be completed by October 28, 2016.
3. Land Use Intensity: This Special Use Permit Modification authorizes a public elementary school with:

Gross Land Area	376,881sq. ft. (7.98 acres)
Total Maximum Floor Area Allowed	100,000 sq. ft.
Maximum Impervious Surface Area	160,000 sq. ft.
Minimum Vehicular Parking Spaces	80 spaces
Minimum Handicapped Parking Spaces	4 spaces
Bicycle Parking Spaces	80-120 spaces

Transportation

3. McMasters Street Right-of-Way: That prior to issuance of a Zoning Compliance Permit, the property owner shall dedicate sufficient right-of-way along McMasters Street to accommodate the widening on the south side of McMasters Street for a 10-foot wide school bus drop-off lane, 30 inch curb and gutter, 8-foot sidewalk, and 3-foot utility strip, subject to Town Manager approval.
4. McMasters Street Improvements: That prior to the school’s opening, McMasters Street shall be widened to include a 10-foot wide school bus drop-off lane, a 30-inch curb and gutter. The McMasters Street widening shall be designed and constructed to withstand daily bus traffic, with pavement design calculations to be provided by an engineer licensed in North Carolina. The widening shall be of sufficient width to accommodate passenger cars parking on the north side of the street, bus parking on the south side, and 20-foot fire access in the travel lanes between.
5. Caldwell Street Extension Improvements: That Caldwell Street Extension be improved to withstand school bus traffic from the Caldwell Street/Church Street intersection to the school site’s westernmost property line. The developer shall, if the Town Manager deems it appropriate, install a speed table, crosswalk, and pedestrian signage on Caldwell Street Extension in the vicinity of the greenway trail entrance.
6. Repair of Damage Due to Construction or School Bus Traffic: For two years following the school’s opening, the developer shall be responsible for repairing any construction-related or school bus traffic related damage to McMasters Street between Carver Street and Church Street, including the intersections of McMasters Street with Church and Carver Streets; and for any construction-related or school bus traffic related damage to Caldwell Street

Extension, including the intersection of Caldwell Street Extension and Church Street. The repairs shall include asphalt overlay installed the full width of the affected sections of the streets.

7. Public Improvements Bond: That the performance and warranty bonds for improvements within the public right-of-way include an extended warranty period of two years after the school's opening, so that the traffic impact and possible damage on nearby streets can be determined for a period after the school has opened. The bonds shall cover the potential repair and/or reconstruction of:
 - Caldwell Street Extension between the westernmost property line and Church Street;
 - McMasters Street between Carver Street and Church Street;
 - Church Street between McMasters Street and Caldwell Street Extension.
8. Vehicular Access: That prior to occupancy, a median divided access drive/bus turnaround loop will be constructed at the new McMasters Street entrance, and two access drives will be constructed on the Caldwell Street Extension frontage. The designs are subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
9. Sufficient Stacking Room: That the site layout shall include at least 969 feet of on-site stacking room for student drop-off.
10. Sight Distance Triangles: That the final plans and plat identify the centerline driveway profiles and sight distance triangles for the proposed driveways prior to issuance of a Zoning Compliance Permit.
11. On-Site Traffic Controls: That prior to the school's opening, an on-site traffic control plan will be provided for Town Manager approval showing how pedestrian/vehicular conflicts will be minimized at the vehicular entrances, drop-off loop, and overflow stacking loop.
12. Payment-In-Lieu for Traffic Signal Timing: That prior to issuance of a Zoning Compliance Permit, the developer shall provide the Town a payment-in-lieu of \$2,000 for upgrading the traffic signal timing for the intersections of Church and Rosemary Streets and North Roberson and Rosemary Streets.
13. Accessibility Requirements: The developer shall provide at least the minimum required handicapped parking spaces and design all handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans With Disabilities Act standards, North Carolina Accessibility Code, and Town standard. Code requirements include standards for the number, size and spacing of handicapped spaces, travel distance from parking spaces to buildings, ramp and sidewalk slope, cross-walk striping and other considerations.

Handicap access will be provided near the main Caldwell Street Extension entrance drive if feasible, given the existing topographical conditions.

14. Pedestrian Access: Prior to the school's opening, the following pedestrian-related improvements shall be constructed:

A. Sidewalks:

- 1) A 5-foot sidewalk meeting Town standards shall be constructed along the entirety of the Caldwell Street Extension frontage and westward to Mitchell Lane;
- 2) A 8-foot sidewalk meeting Town standards shall be constructed along the entirety of the school bus drop-off lane on the south side of McMasters Street;
- 3) A 5-foot sidewalk meeting Town standards shall be constructed along the remainder of the McMasters Street frontage; and
- 4) A 5-foot sidewalk along the north side of Caldwell Street Extension from the school site to Church Street.

B. Crosswalks: Pedestrian crosswalks shall be located and designed in accordance with the NC Public Instruction guidelines and Town standards, and shall be located across all vehicular entrances to the site.

C. Greenway Bicycle/Pedestrian Path: A 10-foot wide paved greenway path shall be provided within the greenway easement from Caldwell Street Extension to McMasters Street, and from Caldwell Street Extension to Cotton Street in the location recommended in the Northside Mobility Report. The trail shall be built to AASHTO standards for mixed pedestrian/bicycle use.

15. Traffic Calming: Prior to the school's opening, the owner shall install the following traffic calming measures:

- Crosswalks at grade (7 total):
 - Church Street at Caldwell Street Extension (4);
 - Church Street at Lindsay Street (1);
 - Church Street at McDade Street (1); and
 - Church Street at West Rosemary Street (1).
- Raised crosswalk (1 total)
 - Caldwell Street Extension at the greenway trailhead.
- Speed cushions (4 total):
 - Caldwell Street midblock between North Columbia Street and Church Street;
 - Caldwell Street Extension at the main vehicular entrance to the school;
 - Church Street just south of the Brooks Street intersection; and
 - Church Street just north of the Short Street intersection.

If the speed cushions are determined by the Town Manager to detrimentally affect public safety response time or public safety vehicles, the Town may remove the speed cushions and replace with at-grade crosswalks.

These traffic calming measures shall be in accordance with the Northside Pedestrian Mobility Plan or as approved by the Town Manager.

16. Greenway Easement: That if the existing greenway easement is determined by the Town Manager to be of insufficient width to accommodate any portion of the new paved greenway path, the owner shall dedicate to the Town the necessary easement expansion to include the new path, including the extension of the greenway southward to Cotton Street.
17. On-Site Vehicular Parking: That the applicant shall provide a minimum of 84 parking spaces, including 4 handicap spaces, and 4 regular spaces designated for drivers for pre-kindergarten students. All parking spaces shall be built to Town standard according to Town Design Manual guidelines, with the design subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.
18. Bicycle Parking: That the site plan shall include adequate area to accommodate a maximum of 120 bicycle spaces that comply with Town bicycle parking standards in place at the time of approval, the Spring 2002 Association of Pedestrian and Bicycle Professionals Guidelines, and the Class I bicycle parking standards within the Town's Design Manual. The bicycle racks shall be installed at such spacing and orientation as to maximize access for bicycle parking.

Improvements for 80 bicycle spaces shall be constructed prior to the school's opening. Up to 40 additional spaces may be constructed as determined by the Town Manager to be necessary upon review of each annual Transportation Management Plan Report submitted by the school district to the Town Manager.
19. Payment-In-Lieu of Transit Improvements: That prior to the issuance of a Zoning Compliance Permit, the developer shall provide the Town a \$10,000 payment-in-lieu for improving the bus stop across Caldwell Street Extension, or relocating the bus stop.
20. Transportation Management Plan: That a Transportation Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall be updated and approved annually by the Town Manager. The required components of the Transportation Management Plan shall include:
 - a) A Transportation Coordinator to communicate and promote alternate modes of transportation.
 - b) Submission of an Occupancy Survey due 90 days after the school's opening.
 - c) Submission of an updated annual Transportation Management Plan Report. The annual Report shall include bicycle parking needs assessment for determining adequacy of existing bike racks or need for additional bicycle racks.
 - d) Submission of Business and Employee Surveys during survey years.
 - e) Trip reduction measures implemented to gradually attain the goals of the program.

Landscaping and Elevations

21. Landscape Buffers: That the developer shall provide the following landscape buffers:

Location	Approved Bufferyard
Most of Northern Property Line (McMaster Street)	7.5- 15 ft. Type C Alternative
Western 20% of the Northern Property Line	20 ft. Type C
Eastern Property Line (Residential)	20 ft. Type C
Most of Southern Property Line (Caldwell Street)	15 ft. Type C Alternative
Western 25% of the Southern Property Line (Caldwell Street)	20 ft. Type C
Western Property Line (Greenway and Residential)	20 ft. Type C

22. Alternative Buffer Approval: That the developer shall obtain Community Design Commission approval for the Alternative Buffers prior to the issuance of a Zoning Compliance Permit.

23. Landscape Protection: That a detailed Landscape Protection Plan, clearly indicating which significant tree stands, and rare and specimen trees shall be removed and which shall be preserved. The plan shall include critical root zones of all rare and specimen trees, and clearly delineate significant tree stands. Tree protection fencing or silt fencing shall be located on both sides of the proposed greenway construction and on both sides of the proposed storm sewer to be located under the entrance to the lower parking lot from Caldwell Street Extension.

The plan shall also include detail of metal tree protection fencing around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

24. Landscape Planting Plan: That the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval prior to issuance of a Zoning Compliance Permit.

25. Tree Protection Fencing Prior to Demolition: That the developer will provide a note on the Final Plans indicating that metal tree protection fencing will be installed prior to demolition of the existing buildings on the site, prior to issuance of a Zoning Compliance Permit.

26. Landscape Screening and Shading: That the landscaping standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance shall be provided.

27. Landscape Plan and Landscape Maintenance Plan: That a detailed Landscape Plan 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. The 13-inch Beech tree listed on Sheet C-4 as “T-44” shall be indicated as a rare tree in accordance with the Land Use Management Ordinance. The Planting Plan shall include either a key of symbols with general description or specific plant names and shall provide for shading the play areas.
28. Building Elevation Approval: That the Community Design Commission shall approve building elevations including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit.
29. Lighting Plan Approval: 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.

Recreation Facilities

30. Recreation Improvements: That the following features will be provided:
- a. Basketball court;
 - b. In the pre-kindergarten play area, a mix of surfaces will be provided, including poured-in-place surface, if the budget allows; and
 - c. Protective fencing around the outdoor play areas.

Environment

31. Resource Conservation District: That the approximately 12,500 square feet of land disturbance, within the RCD, is authorized for the following activities: retaining wall for the western edge of the staff parking lot a paved 10-foot, and disturbance anticipated for upgrading the stormwater outfalls.
32. Steep Slopes Plan: That prior to the issuance of a Zoning Compliance Permit, the developer will obtain approval of a Steep Slopes Plan, as specified by Section 5.3.2 of the Land Use Management Ordinance.
33. Stormwater Management Plan: That the developer shall demonstrate compliance with the stormwater management requirements of the Land Use Management Ordinance to provide for 85 percent total suspended solids removal for any additional suspended solids that are the result of the new development, the retention of any increase in stormwater runoff volume for the 2-year storm for a period of 2-5 days, and the control of any increase in the stormwater runoff rate for the 1-year, 2-year, and 25-year storms prior to the issuance of a Zoning Compliance Permit.

34. Stormwater Facilities and Operations and Maintenance Plans: That all stormwater management, treatment and conveyance facilities located on and below the ground shall be wholly contained within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions. A copy of the final plat or easement exhibit, signed and sealed by a North Carolina-registered Land Surveyor and recorded by the County Register of Deeds, and containing the following notes shall be submitted prior to the school's opening:
- All engineered stormwater management control, treatment, and conveyance structures on and below the ground shall be wholly located within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions.
 - Unless specifically designated as being "Public" and accepted by the Town of Chapel Hill, the "Reserved Stormwater Facility Easement(s)" and the facilities it/they protect are considered to be private, with the sole responsibility of the owner to provide for all required maintenance and operations as approved by the Town Manager.
 - The Reserved Stormwater Facility Easement and the Operations and Maintenance Plan are binding on the owner, heirs, successors, and assigns.
35. Stormwater Operations and Maintenance Plan Recordation: Prior to the school's opening, a Stormwater Operations and Maintenance Plan, signed by the owner, shall be provided for the proposed stormwater management facilities and submitted to the Stormwater Management Engineer for approval. This Plan shall include all stormwater systems components. A schedule of inspection and maintenance tasks shall be included.
36. Approved Water Quality Devices: That the location of Town-approved water quality structures shall be clearly identified on final plans and in the Stormwater Management Plan, prior to issuance of a Zoning Compliance Permit. The proposed cistern shall be included as contributing to water quality.
37. Reserved Stormwater Facility Easement: That, for maintenance purposes, suitable access to the Reserved Stormwater Facility Easement must be provided and shown on the plans.
38. Stormwater Management Structures: That stormwater management structures shall not be located in the rights-of-ways or building setbacks.
39. Silt Control: That the developer takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

During the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance.

40. Erosion Control: That a detailed soil erosion and sedimentation control plan for the site and the off-site utility work, including provision for monitoring and maintenance of facilities and modifications of the plan if necessary, be approved by the State, and a copy of the approval be submitted to the Town Manager prior to issuance of a Zoning Compliance Permit.
41. Curb Inlets: That the applicant shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way.
42. On-Site/Adjacent Stormwater Features: That the final plans locate and identify existing site conditions including all on-site and adjacent stormwater drainage features on the plans prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris.
43. Energy Management Plan: That the final plan application include an Energy Management Plan to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, biofuels, and hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide an indoor air quality management plan during construction and design spaces to allow users adequate access to natural lighting and views to the outside; and (d) that the property owner reports to the Town of Chapel Hill the actual energy efficiency achieved with the plan, as implemented, during the period ending one year after occupancy.
44. Energy Efficiency: That the final plans shall incorporate a "20 percent more energy efficient" feature relative to the 2004 energy efficacy standard of the ASHRAE, as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "20 percent more energy efficient" feature into the final plans.
45. LEED Certifiable Construction: The developer shall provide evidence from a LEED certified consultant that the developer has provided a minimum of 37 LEED standard performance credits, to be reviewed by the Town Manager, within a reasonable period after substantial completion of construction.

Stipulations Related to Water, Sewer, and Other Utilities

46. Utility/Lighting Plan Approval: That the final utility/lighting plan shall be approved by Orange Water and Sewer Authority, Duke Energy Company, Time Warner Cable, Public Service Company, AT & T, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities are extended to serve the development. The underground fiber optic line indicated along Caldwell Street

Extension shall be located and shown on the Final Plans prior to issuance of a Zoning Compliance Permit.

47. Lighting Plan: That prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including submission of a lighting plan, demonstrating compliance with Town standards, sealed by a Professional Engineer, for Town Manager approval. That the developer consult with the Town's Police Department on lighting for safety and provide a copy of the results of that consultation with the final plan application.
48. Sewer Line Construction: That all public water and sewer plans be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. Final plans shall be approved by OWASA and the Town Manager prior to issuance of a Zoning Compliance Permit.
49. Overhead Power Lines: That all proposed or relocated utility lines other than 3-phase electric power distribution lines shall be located underground. Prior to application for a Zoning Compliance Permit, the relocation of overhead power lines to underground service adjacent to Caldwell Street Extension must be confirmed with Duke Energy. If these powerlines are to remain underground, any easements required by Duke Energy shall be recorded prior to issuance of a Zoning Compliance Permit.
50. OWASA Approval: That easement plats and documentation, as required by OWASA and the Town Manager, shall be recorded prior to issuance of a Zoning Compliance Permit.

State and Federal Approvals

51. State or Federal Approvals: That any required State or federal permits or encroachment agreements shall be approved and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.

Fire Safety

52. Firefighting Equipment Access: That the Final Plans shall clearly indicate emergency fire access for the Town's firefighting equipment to within 150 feet of all exterior points of the proposed buildings. This access shall be unobstructed, constructed of an all-weather surface, and shall be designed to carry the imposed load of the Town's firefighting equipment (75,000 lbs). Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
53. Fire Apparatus Access and Road Design: That the Final Plans shall include the following note: "Any and all roads, driveways or dedicated fire lanes used for fire department access shall be all-weather and designed to support to carry the imposed load of fire apparatus

weighing 75,000 lbs. Fire access roads shall have a minimum width of 20 feet with overhead clearance of 13 ft. 6 in.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

That the Final Plan application shall include designs of all turn radii, bridges, and depressions within roadways to be accessible by the largest fire apparatus operated by the Town of Chapel Hill. That Final Plans shall also include details for signage, bollards, and/or pavement markings used to prevent parking that would hinder fire apparatus access. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

54. Fire Hydrant and FDC Locations: That the Final Plans indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
55. Fire Apparatus Access and Service During Construction: That the Final Plans shall include the following note: “When fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction, except when approved alternate means of fire protection are provided.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
56. Firefighting Equipment Access During Construction: That the Final Plans shall include the following note: “During construction, firefighting vehicle access shall be provided. Temporary street signs shall be installed at each street intersection when construction allows the passage of vehicles. Signs shall be of an approved size, weather resistant and maintained until replaced by permanent signs.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
57. Fire Prevention During Demolition and Construction: That the Final Plans shall include the following note: “During demolition and/or construction, all aspects of Chapter 14 of the NC Fire Prevention shall be followed. The owner/applicant shall designate one person to be the Fire Prevention Program Superintendent who shall be responsible for enforcing Chapter 14 of the NCFPC and the on-site fire prevention program and ensure that it is carried out through completion of the project.” Design shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
58. Fire Flow Report: That the Final Plan application shall include a fire flow report sealed by an Engineer registered in the State of North Carolina. Fire flow shall meet the required flow set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

59. Automatic Sprinkler System: That the developer shall install automatic sprinkler systems in accordance with Town Code subject to Town Manager review and approval prior to issuance of a Zoning Compliance Permit.
60. Fire Hydrant Location and Accessibility: That all structures must be located within 500 feet of a fire hydrant. That the owner shall maintain a 100-foot maximum distance between fire hydrants and fire department connections, in a clearly visible and accessible location on the street side of buildings, subject to Town Manager review and approval prior to issuance of a Zoning Compliance Permit. The fire hydrant in the northeast section of the site shall be relocated as necessary to accommodate installation of the bus lane on McMasters Street.

Solid Waste Management and Recycling

61. Solid Waste Management Plan: That a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. That the approved Final Plans shall include the following:
- a. That the collection vehicle access route to any area containing recyclable material collection containers be paved with all-weather, heavy-duty pavement OR the following note be included on the plans: "Orange County will not be responsible for any pavement damage that may result from service vehicles."
 - b. That the refuse plans show lighting details that adequately illuminate the recycling and refuse site.
 - c. That the applicant label each bulk waste container for type of material to be collected.
 - d. Note: "If the recyclables collection vehicle access area is blocked by parked vehicles, the containers will not receive service until the next scheduled collection day."
 - e. The intended path of service to/from the recycling carts must be provided and a handicapped service door and ramp be provided for cart access.
62. Final Plan Notes: That the applicant shall place the following notes on Final Plans prior to issuance of a Zoning Compliance Permit:
- a. Any gate design shall include gate retainers.
 - b. The user shall be responsible for opening gates to the dumpster area on collection days of any material(s) to be collected from this location.
 - c. By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled.
 - d. By Orange County Ordinance, all haulers of construction waste shall be properly licensed.
 - e. Prior to any construction activity on the site the applicant shall hold a pre-deconstruction/demolition/pre-construction conference with the County's Solid Waste staff. This may be the same meeting held with other development officials.
 - f. If any vehicles are parked in the refuse or recyclables collection vehicle access area, the containers will not receive service until the next scheduled collection day.

Miscellaneous

63. Construction Management Plan: That a Construction Management Plan, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 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, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance.
64. Traffic and Pedestrian Control Plan: That the developer 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 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 5 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.
65. Construction Sign Required: That the developer shall post a construction sign at the development site 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 may have a maximum of 32 square feet of display area and maximum height of 8 feet. (§5.14.3(g) of LUMO). The sign shall be non-illuminated, and shall consist of light letters on a dark background. A detail of the sign shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
66. Encroachment Agreement and Construction Details: That prior to issuance of a Zoning Compliance Permit, an encroachment agreement be recorded and construction details be provided and approved by the Town Manager for the retaining walls proposed in the Caldwell Street Extension right-of-way and a short section in the McMasters Street right-of-way.
67. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
68. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall 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. The school walk zone shall be included as part of final plans.

69. Occupancy: That occupancy shall not occur 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, occupancy shall not occur for a phase until all required public improvements for that phase are complete; and no construction for any phase shall begin 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.
70. As-Built Plans: That prior to occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.
71. Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs prior to building occupancy.
72. Vested Right: This Special Use Permit Modification constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160-185.1 and Appendix A of the Chapel Hill Land Use Management Ordinance.
73. Continued Validity: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
74. 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 Elementary School #11.

This the 28th day of October, 2009.

Amended 10-28-09 SJK