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ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), Madison Partners, LLC, 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 October 11, 1999, the terms of which are as follows:

NAME OF PROJECT: 1609 East Franklin Street

NAME OF DEVELOPER: Richard Gurlitz Architects

DESCRIPTION OF PREMISE

LOCATION: North side of East Franklin Street, approximately 470 feet west of Elliott Road

TAX MAP REFERENCE : Chapel Hill Township Tax Map 46, Block A, Lots 4 and 5

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 82,900 sq. ft.

OPEN SPACE: 73,674 sq. ft.

NUMBER OF BUILDINGS: 1

LIVABILITY SPACE: 47,974 sq. ft.

FLOOR AREA: 18,301 sq. ft.

RECREATION SPACE: N/A

NUMBER OF PARKING SPACES: 59

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated June 18, 1998 (revised on April 5, 1999), on file in the Chapel Hill Planning Department, and according to the special terms and conditions set forth below:

Stipulations Specific to the Development

1. That construction begin by October 11, 2001 (two years from the date of Council approval) and be completed by October 11, 2002 (three years from the date of Council approval).
2. Land Use Intensity: That this Special Use Permit authorizes construction of an 18,301 square foot office building, including a maximum of 4,850 square feet of commercial space, and a 59-space parking lot.
3. Recombination Plat: That the two lots associated with this development (Chapel Hill Township Tax Maps 46.A.4 and 46.A.5) 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.
4. Stub-out: That a vehicular stub-out shall be constructed to the eastern property line of the site, in a location to be approved by the Town Manager.
5. Access Requirements: That access from the driveway off East Franklin Street to the vehicular stub out to the eastern property line and to a future vehicular connection to the west be identified on the final plat along with the location of a future vehicular access easement to each stub. Each of these two vehicular access easements shall be recorded and become available for use at such time as the Town of Chapel Hill has required of the appropriate adjacent property owner, the dedication of a reciprocal vehicular access easement. Upon notification by the Town Manager of maturation of this condition for either/both of these adjacent properties, an easement(s) describing the property identified on the plat shall be recorded with the Orange County Register of Deeds. Failure to deliver such easement(s) to the Register of Deeds upon request of the Town Manager shall be a violation of this Special Use Permit. If this condition has not matured with 99 years of the date of approval of this permit for an adjacent property, the property owner's obligation to record such easement for that adjacent property shall expire.
6. NCDOT Approval: That the North Carolina Department of Transportation shall approve the plans and encroachment agreements for all work within the East Franklin Street right-of-way.
7. Velma Road: That the existing curb cut on Velma Road be replaced with Town standard curb and gutter.

8. Handicapped Parking Spaces: That the handicapped parking spaces located in the center island of the parking area shall be moved to a location closer to the building.

Stipulations Related to Landscape Elements

9. Landscape Plan Approval: That a detailed Landscape Plan, including landscape maintenance schedule, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
10. Landscape Protection Plan: That a detailed Landscape Protection Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall include a note indicating that tree protection fencing will be installed prior to demolition of the existing buildings on the site.
11. 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:
- ◆ Type B landscape bufferyard along the northern portion of the western property line. The plantings within the existing bufferyard on the adjacent property may be included to achieve the planting requirement.
  - ◆ Type C landscape bufferyard (minimum width 20 feet) along the southern portion of the western property line;
  - ◆ Type D landscape bufferyard (minimum width 65 feet) along the East Franklin Street frontage of the site;
  - ◆ Type B landscape bufferyard (minimum width 10 feet) along the eastern property line;
  - ◆ Type C landscape bufferyard (minimum width 30 feet) along the northeastern property line; and
  - ◆ Type C landscape bufferyard (minimum width 30 feet) along the northern property line.
12. Clump Magnolia: That efforts shall be made to preserve the existing clump magnolia near East Franklin Street.
13. Tree Installation: That several trees shall be installed near the East Franklin Street sidewalk in locations to be approved by the Town Manager.

Stipulations Related to Utilities

14. Utility/Lighting Plan Approval: That the final utility/lighting plans 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.
15. Fire Sprinkler System: That a fire sprinkler system shall be installed in the building, and that the Siamese connections to the sprinkler system be approved by the Fire Marshal prior to issuance of a Zoning Compliance Permit.
16. Fire Flow: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Miscellaneous Stipulations

17. 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.
18. 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.
19. Heavy-Duty Pavement: That all drive aisles accessing the proposed refuse/recycling area shall be constructed of heavy-duty pavement.
20. Building Elevations and Site Lighting: That the Community Design Commission shall approve building elevations and site lighting plans prior to issuance of a Zoning Compliance Permit.
21. 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 design standards of the Development Ordinance and Design Manual, and that the plans shall demonstrate the provision of safe and secure bicycle storage facilities, and that a sidewalk be extended from the building to the eastern property line at a location to be approved by the Town Manager.

- 22. 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.
- 23. Transportation Management Plan: That prior to issuance of a Zoning Compliance Permit, the applicant shall prepare a Transportation Management Plan for approval by the Town Manager. 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.
- 24. Plan Revisions: That each of the plan sheets, submitted for final plan review, shall identify the location of the Residential-1 zoning district line in the northern portion of the site.
- 25. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 26. 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.
- 27. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
- 28. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

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