

10

ATTACHMENT 3

TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27516
Telephone (919) 968-2728

ORANGE COUNTY

NORTH CAROLINA

MODIFICATION OF SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner, J. R. Hendrick, III, having applied to the Town of Chapel Hill for modification of the Special Use Permit recorded in the Deed Book 705, Page 338 at the Office of the Register of Deeds, said modification was granted by the Town of Chapel Hill on November 13, 1997, the terms of which are as follows:

NAME OF PROJECT: Performance Motors
NAME OF DEVELOPER: Philip Post and Associates

DESCRIPTION OF PREMISE

LOCATION: U.S. 15-501 and Old Durham/Chapel Hill Road
TAX MAP REFERENCE : Chapel Hill Township Tax Map 27, Block C, Lot 3 and Tax Map 27A, Block C, Lot 10

DESCRIPTION OF DEVELOPMENT MODIFICATION
FOR SOUTH SIDE OF OLD DURHAM/CHAPEL HILL ROAD

GROSS LAND AREA: 40,497 sq. ft. OPEN SPACE: 40,497 sq. ft.
NUMBER OF EMPLOYEE PARKING SPACES: 78 LIVABILITY SPACE: 17,841 sq. ft.

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated October 17, 1997 on file in the Chapel Hill Planning Department, with the following modifications of regulations:

Modification to Section 12.3 of the Development Ordinance, Schedule of Use Regulations, which stipulates that off-street parking is allowed as an accessory use in the Neighborhood Commercial (NC) zoning district, to: permit off-street parking as a primary use for this lot on the south side of Old Durham/Chapel Hill Road, located in the Neighborhood Commercial (NC) zoning district.

Conditioned on the following:

Stipulations Specific to the Development

1. That construction begin by November 13, 1999 (two years from the date of Council approval) and be completed by November 13, 2000 (three years from the date of Council approval).
2. Land Use Intensity: This Special Use Permit Modification approves an expansion of the boundary of the Special Use Permit to allow a 78-car employee parking lot on a 40,497 square foot parcel of land, with Open Space of 40,497 square feet; and Livability Space of 17,841 square feet.
3. Use of Parking Lot: That the parking lot shall only be used as an employee parking lot. Any use of the parking lot other than employee parking shall be prohibited, including but not limited to the following uses: sale or storage of new cars, used cars, rental cars, body shop cars; or any repair or sales activities.
4. Site Access: That the applicant proposes to eliminate two existing gravel entrances to the site and provide a single improved entrance off of Cooper Street.
5. Stormwater Management: That the applicant shall be required to provide stormwater drainage from the site in accordance with the plans revised on October 17, 1997 (through the middle of the neighboring southern parcel) or through an alternative route along the western border of the neighboring southern parcel. The final route for stormwater drainage shall be approved by the Town Manager; and, the applicant shall be required to provide a copy of a recorded stormwater easement agreement for the selected stormwater drainage route.

In addition, under either stormwater drainage alternative, the applicant shall be required to (a) increase the size of the existing 18-inch reinforced concrete pipe under Legion Road to a size appropriate to handle the 10-year storm event, or (b) detain additional stormwater on the applicant's site in a manner approved by the Town Manager.

- 6. **Stormwater Management Plan:** That a Stormwater Management Plan, using the Town's HYDROS model, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Required Improvements

- 7. **Right-of-Way Improvement:** That the applicant dedicate 1/2 of a 90-foot right-of-way along the entire length of the southern parcel that fronts Old Durham/Chapel Hill Road prior to the issuance of a Zoning Compliance Permit.
- 8. **Road Improvements:** That the applicant shall improve Old Durham/Chapel Hill Road to 1/2 of a 51-foot cross-section, including a five-foot wide bike lane and curb and gutter along the southern parcel's frontage. In addition, the applicant shall provide curb and gutter along the property's Cooper Street frontage.
- 9. **Sidewalks:** That the applicant shall provide a five foot wide concrete sidewalk along both the parcel's Old Durham/Chapel Hill Road and Cooper Street frontage.

Stipulations Related to State and Federal Governments Approvals

- 10. **Approval of Encroachment Agreements:** That any required State permits or encroachment agreements 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.

Stipulations Related to Landscape Elements

- 11. **Landscape Plan Approval:** That a detailed Landscape Plan, Landscape Maintenance Plan, and Lighting Plan be approved by the Appearance Commission prior to issuance of a Zoning Compliance Permit.
- 12. **Landscape Protection Plan:** That a Landscape Protection Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit and that the Plan show the critical root zones of the significant trees on the site.
- 13. **Landscape Buffers:** That the following landscape buffers be provided:

Side of Lot	Required Buffer Type	Alternate Buffer Proposed
North	"A" Type	No
East	"C" Type	Yes
South	"C" Type	No
West	"C" Type	No

If alternative buffers are proposed along any property line, or portion thereof, the Appearance Commission must review and approve the alternative buffer plans prior to the issuance of a Zoning Compliance Permit.

- 14. **Buffer Plantings:** Existing vegetation may be used to wholly or partially fulfill the buffer planting requirements. The Town Manager shall determine the extent to which existing vegetation may count towards the requirements. All buffer plantings shall respect sight triangle easements.

Stipulations Related to Building Elevations

- 15. **Utility Lines:** That all overhead utility lines (except three-phase electric power distribution lines) shall be installed underground or the lines shall be abandoned and removed.
- 16. **Utility/Lighting Plan Approval:** That the final utility/lighting plan be approved by Orange Water and Sewer Authority, Duke Power and the Town Manager before issuance of a Zoning Compliance Permit.

Miscellaneous Stipulations

- 17. **Transportation Management Plan:** That a detailed transportation management plan be submitted for approval, prior to the issuance of a Zoning Compliance Permit.
- 18. **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 the issuance of a Zoning Compliance Permit.

- 19. **Detailed Plans:** That final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydraulic calculations), which shows the method(s) of conveying the storm water around the building site, and a landscape plan and landscape management plan be approved by the Town Manager before issuance of a Zoning Compliance Permit, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
- 20. **Erosion Control:** That a soil erosion and sedimentation control plan be approved by the Orange County Erosion Control Officer and the Town Manager before issuance of a Zoning Compliance Permit.
- 21. **Silt Control:** That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 22. **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.
- 23. **Continued Validity:** That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
- 24. **Non-severability:** If any of the above conditions is held to be invalid, approval in its entirety shall be void.
