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TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET
 CHAPEL HILL, NORTH CAROLINA 27516
 Telephone (919) 968-7228

BOOK 1882 PAGE 171

ORANGE COUNTY

NORTH CAROLINA

REVISED SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s) Kevin and Vicki Huggins, 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 June 24, 1998, the terms of which are as follows:

NAME OF PROJECT: Beechridge - Planned Development - Housing
 NAME OF DEVELOPER: J. Kevin Huggins

DESCRIPTION OF PREMISE

LOCATION: East side of Mt. Carmel Church Road, between the eastern and western ends of Bayberry Drive

TAX MAP REFERENCE : Chapel Hill Township Tax Map 126, Block D, Lot 14 9787-47-4700

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 1,657,385 sq. ft. (37 acres) OPEN SPACE: 1,500,676 sq. ft.
 NUMBER OF LOTS: 27 LIVABILITY SPACE: 1,322,082 sq. ft.
 NUMBER OF DWELLING UNITS: 27 RECREATION SPACE: 27,953 sq. ft.
 NUMBER OF PARKING SPACES: A minimum of 2 on-site spaces per lot (total of 54)

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated April 17, 1995 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. A. That construction begin by June 24, 1998 and be completed by June 24, 1999.
- B. That the approval allows 27 single-family dwelling units on individual lots, with at least two on-site parking places on each lot.
- C. That the developer shall post a construction sign listing the property owners' representative and phone number, the general contractor's representative's name and phone number, and the telephone numbers of the Town's Planning, Engineering, and Inspections Departments.
2. Required Improvements:
 - A. That Beechridge Court be extended to the south, to be stubbed-out to the Blackwood property, with a sign posted alerting residents about the possibility of future connection.
 - B. That the internal street(s) be constructed to public street standards, with a 27-foot back-to-back cross-section with curb and gutter, and with sidewalk on one side. A 50-foot right-of-way shall be dedicated.
 - C. The horizontal and vertical curves for Beechridge Court be revised to meet Town standards.
 - D. The street(s) is(are) to be maintained by the developer or Homeowners' Association until such time as the property is annexed into the Town or NCDOT accepts the streets for maintenance.

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- F. We recommend that the drainage pipe between Lots 25 & be extended to the rear of the lots within a drainage easement.
- F. The placement of the sewer line for the western side of the development shall be reviewed and approved by OWASA and the Town Manager.
- G. That the sewer line proposed in the vicinity of Lot 5 be relocated further east, along the property line separating lots 5 and 4, with the final location to be reviewed and approved by OWASA and the Town Manager.
- H. That the Town Manager request that, in considering final sewer plans OWASA strive to approve plans serving existing lots which minimize impacts on those lots.
3. Detention Pond Maintenance: That the detention pond, and vehicular access to it, be on land which is deeded to a homeowners' association, and that the final plat clearly indicate that the developer or homeowners' association would be responsible for maintenance.
4. Steep Slopes: That a more detailed Steep Slopes plan be submitted, showing the potential buildable areas on the house lots, and committing to certain types of building foundations and construction techniques for those lots and house sites with slopes of 15% and greater. These restrictions shall be referenced in the Homeowners' Association documents.
- Stipulations Related to the Resource Conservation District
5. Boundaries: That the boundaries of the Resource Conservation District be shown on the final plat and final plans with a note indicating that "Development shall be restricted within the Resource Conservation District in accordance with the Development Ordinance."
6. Variances: That all variances necessary for development with the Resource Conservation District be obtained before application for final plat or final plan approval.
7. Buildable Lots: That no lot be created that would require a Resource Conservation District variance in order to be built upon.
8. Street Crossing: Bayberry Drive extension must meet design and construction standards contained in the Development Ordinance.

Stipulations Related to Recreation Space

9. Dedication of Recreation Space: That the final plat dedicate and deed the Recreation Space to the homeowners' association for Parks and Recreation purposes only. The developer remains responsible for the recreation area until the Town or a homeowners' association accepts the property.
10. Recreation Space Improvements:
- A. That three picnic tables and grills be provided in the flatter east-central portion of the recreation space; and that the type, design and location of recreation improvements be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- B. That a pedestrian corridor be provided as a continuous strip between Lots 24 and 25, continuing along the northern boundary of Lot 24, and continuing along the lot line separating Lots 15 and 16, so that residents west of the RCD can walk east to the proposed Beechridge Court; and that a clear pedestrian connection, as well as a vehicular maintenance access, be shown from Beechridge Court to the proposed recreation space between Lots 5 and 7. The vehicular access shall include a gravel access drive for maintenance vehicles.
- C. That the pedestrian easement proposed in the vicinity of Lot 5 be relocated to the lot line separating Lots 6 and 7.
- D. That the pedestrian corridors be located within land deeded to the homeowners' association, as opposed to within easements overlying individual private lots.
- E. That the pedestrian trails be constructed of natural material (e.g., mulch), with sections of stairs, erosion bars, or boardwalks as needed;
- F. That the pedestrian trails be signed at both Beechridge Court and Bayberry Court.
- G. That final plans for all the above mentioned improvements be reviewed for approval by the Town Manager prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Landscape Elements

- 11. Landscape Plan Approval: That a detailed landscape plan (including the buffer plantings) and landscape maintenance plan be approved by the Appearance Commission prior to the issuance of a Zoning Compliance Permit. The Landscape Plan shall include:

Type "B" landscape buffer along the northern, eastern, and western property lines.

Generally, the landscape buffer shall not be provided on individual lots but shall be provided on common area controlled by the Homeowners' Association. However, the Town Manager may approve buffers on individual lots on a case by case basis, prior to final review by the Appearance Commission, prior to issuance of Zoning Compliance Permit, and prior to recordation of the final plat.

Existing vegetation and/or fencing may be used, partially or wholly, to fulfill the buffer planting requirements, where deemed sufficient by the Town Manager.

- 12. Road Layout Relative to the Large White Oak: That the street layout for Beechridge Court be amended to avoid or minimize damage to the root zone of the 36" White Oak in the vicinity of Lot 7.
- 13. Tree Survey: That the landscape protection plan be revised to indicate the root zones of large existing trees, including the 36" White Oak (near Lot 7), near the proposed streets, stormwater and other utility lines, detention/retention facilities, and other areas likely to be cleared or graded.
- 14. Protection Fencing: The landscape protection plan shall also be revised to indicate that tree protection fencing will be erected between existing vegetation to be preserved near Lot 17 (400 Bayberry Drive) and the proposed construction activity associated with storm drainage pipe installation along Bayberry Drive.
- 15. Review of Revised Landscape Protection Plans: That a detailed revised tree survey, a detailed landscape plan, a revised landscape protection plan (with the grading plan), and landscape maintenance plan be reviewed and approved by the Appearance Commission and the Town Manager prior to issuance of a Zoning Compliance Permit.
- 16. Landscape Easement: That the landscape easement proposed along the northern boundary of Lot 6 be dedicated to the Homeowners' Association, for the purpose of planting and maintaining entrance plantings for the development.

Stipulations Related to Water, Sewer and Other Utilities

- 17. Fire Hydrants: That a hydrant plan for the site be submitted for approval by the Town Manager prior to issuance of a Zoning Compliance Permit.

Hydrants of sufficient number and appropriate location must be provided such that the Town standards of each building site being located within 500 feet of a hydrant.

- 18. Fire Flow: That a detailed fire flow report be prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, to be approved prior to issuance of a Zoning Compliance Permit.
- 19. OWASA Easements: That easement documents as required by OWASA and the Town Manager be recorded before final plat approval.
- 20. Utility Service Laterals: That prior to paving streets, utility service laterals (including cable and telephone) shall be stubbed out to the front property lines of each lot. For those lots within the Urban Services Boundary, sanitary sewer laterals shall be capped off above ground.
- 21. Utility/Lighting Plan Approval: That a water and sewer extension plan be submitted for approval by OWASA and the Town Manager prior to issuance of a Zoning Compliance Permit.

That the final detailed utility/lighting plan be approved by Orange Water and Sewer Authority (for those lots within the Urban Services Boundary), Duke Power, Southern Bell, Public Service Company, Time Warner Cable, and the Town Manager, before issuance of Zoning Compliance Permit. The property owner shall be responsible for assuring these utilities, including cable television, are extended to serve the development.

Miscellaneous Stipulations

- 22. Solid Waste Management Plan: That a solid waste management plan including a recycling plan and plan for management of construction debris, be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

Curbside collection may be required for steeper lots, a note to this effect shall be placed on the final plat.

- 23. Detailed Plans: That final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydrologic calculations), landscape plan and landscape maintenance 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 all applicable conditions and the design standards of the Development Ordinance and the Design Manual.

The stormwater management plans shall include demonstration that stormwater runoff from impervious surfaces on Lots 6-10 will be diverted as much as possible away from the Traut property.

- 24. Homeowners' Association: That a Homeowners' Association be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager, recorded at the Orange County Register of Deeds Office and cross referenced on the final plat.
- 25. 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 plat.

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; 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 plat.

- 26. Sight Triangle Easements: That sight triangle easements be provided on the final plat.
- 27. Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory traffic signs including street name signs before issuance of any Certificate of Occupancy until such time that the street system is accepted for maintenance by the Town.
- 28. Street Names and Addresses: That the name of the development and its streets and house numbers be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- 29. Erosion Control: That a detailed 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.
- 30. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 31. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
- 32. Non-severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

ATTEST
[Signature]
Town Clerk

The Town of Chapel Hill
BY W. Calvin Horton
Town Manager

ACCEPTED
[Signature] (Seal)
Owner
[Signature] (Seal)
Owner

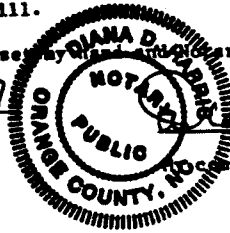
ATTEST
[Signature]
Secretary

BEACHRIDGE DEVELOPMENT COMPANY, INC.
Corporate Name
BY [Signature]
Title

ORANGE COUNTY NORTH CAROLINA

I, Diana D. Harris, a Notary Public in and for said County and State do hereby certify that W. Calvin Horton, Town Manager of the Town of Chapel Hill, and Peter M. T. Richardson, CMC, Town Clerk, ~~of the Town of Chapel Hill, duly sworn says each for himself that he knows the corporate seal of the Town of Chapel Hill and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Chapel Hill, that W. Calvin Horton, Town Manager of said Town of Chapel Hill, and Peter M. T. Richardson, CMC, Town Clerk for the Town of Chapel Hill, subscribed their names thereto, that the corporate seal of the Town of Chapel Hill was affixed thereto, all by virtue of a resolution of the Chapel Hill Town Council, and that said instrument is the act and deed of the Town of Chapel Hill.~~

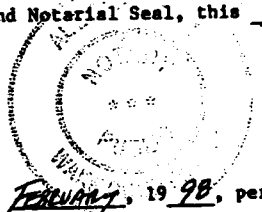
IN WITNESS WHEREOF, I have hereunto set my Notarial Seal this the 15th day of December, 1997
Diana D. Harris
Notary Public
My commission expires: 10-5-98



WAKE COUNTY NORTH CAROLINA

I, AL BOWERS, a Notary Public in and for said State and County do hereby certify that J. KEVIN HIGGINS + VICKI D. HIGGINS owners, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

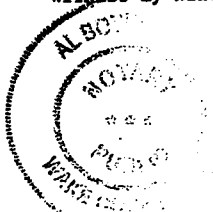
WITNESS my Hand and Notarial Seal, this 10th day of FEBRUARY, 1998
[Signature]
Notary Public
My commission expires: July 22, 2001



WAKE COUNTY NORTH CAROLINA

THIS 10th day of FEBRUARY, 1998, personally come before me, AL BOWERS, a Notary Public of WAKE County, North Carolina, VICKI D. HIGGINS who being by me duly sworn, says that she knows the common seal of the ~~Beachridge Development Company, Inc.~~ and is acquainted with J. KEVIN HIGGINS, who is President of Beachridge Development Company, Inc. and VICKI D. HIGGINS, who is Secretary of said corporation, and saw the President sign the foregoing instrument and she, the said SECRETARY, signed his name in attestation of the execution of said instrument in the presence of said President of said corporation.

WITNESS my hand and Notarial Seal, this the 10th day of February, 1998.
[Signature]
Notary Public
My commission expires: July 22, 2001



NORTH CAROLINA - ORANGE COUNTY

The foregoing certifi (s) of Diana D Harris and Al Rowel III

~~Notary (or Notaries) Public of the designated Governmental units~~ (are) certified to be correct. Filed for registration

this the 1st day of Mar. 19 99, at 2:12:22 o'clock, P.M.

in Record Book 1882 Page 171

Return: _____

Joyce H. Pearson, Register of Deeds
By: [Signature]
Assistant Deputy
Register of Deeds

FILED
01 MAR 1999, at 02:12:22pm
Book 1882, Page 171 - 176
Joyce H. Pearson
Register of Deeds,
Orange County, N. C.