

(2)

306 NORTH COLUMBIA STREET  
CHAPEL HILL, NORTH CAROLINA 27516

Prepared by: Kendal Brown, Chapel Hill Planning Department Telephone (919) 968-2700  
Return: Roger M. Lewis, Crosland Properties, 135 Scaleybark Rd., P. O. Box 11797,  
Charlotte, N. C. 28220

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s) Orange Community Housing Corporation 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 May 24, 1993, the terms of which are as follows:

NAME OF PROJECT: Dobbins Hill Apartments  
NAME OF DEVELOPER: Orange Community Housing Corporation

9799-59-4073  
7.27.B.3m

DESCRIPTION OF PREMISE

LOCATION: Dobbins Road between Sage Road and Erwin Road  
TAX MAP REFERENCE : Chapel Hill Township Tax Map 27, Block B, part of Lot 3

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 323,000 square feet                      OPEN SPACE: 304,010 square feet  
NUMBER OF BUILDINGS: 5    LIVABILITY SPACE: 257,090 square feet  
NUMBER OF DWELLING UNITS: 55                                      RECREATION SPACE: 12,600 square feet  
FLOOR AREA: 55,690 square feet                                      NUMBER OF PARKING SPACES: 101

SPECIAL TERMS AND CONDITIONS

Development according to the Preliminary Site Plan dated March 19, 1993 (revised April 1993) on file in the Chapel Hill Planning Department and the conditions set forth below.

Stipulations Specific to the Development

1. Construction Deadline: That construction begin by May 24, 1994 and be completed by May 24, 1995.
2. Required Improvements:
  - a. That sidewalk be installed along the perimeter of the loop drive.
  - b. That play equipment and/or picnic shelters, including handicap accessible equipment, be provided in the tot lot(s) and playfield(s). The type, number, and location of these structures shall be subject to the Town Manager's approval.
  - c. That a pedestrian path be developed to connect this development with the adjacent Greenfields Apartments to facilitate pedestrian access to the existing transit stop.
  - d. That access be provided to the development in one of the following two ways:
    - i. Connection to Dobbins Drive
      - That a private drive be constructed from the internal loop south to connect with Dobbins Drive.
      - That the private drive be a 24 foot cross-section (back-of-curb to back-of-curb), with speed bumps or other traffic-slowing pavement textures, plus sidewalk.
      - That a Type B buffer (or alternate buffer), be installed along both sides of the private entrance drive.
      - That Dobbins Road be improved to one-half of a 27-foot roadway (back-of-curb to back-of-curb), with sidewalk, along the property frontage pertaining to the 7.3 acre parcel.
      - That a 50-foot right-of-way along the northern property line be dedicated prior to issuance of a Zoning Compliance Permit.

FILED  
1993, at 11:24:00AM  
1194, Page 113 - 117  
y June Hayes,  
ster of Deeds,  
ge County, N. C.

- The area off the northern end of the loop drive (indicated on the plans) be reserved for a road connection to the north, to connect the loop drive to the future McGregor Drive extension. If McGregor Drive is extended to connect to Sage Road or Erwin Road in the future, this future connection off the northern end of the loop shall be paved, and the private drive (shown on the plans off the southern end of the loop drive) shall be demolished. In addition, a Type B buffer would be required along both sides of the new drive.

- OR -

ii. Connection to Sage Road

- That a private drive be constructed from the internal loop north to connect with the new northern, public road.
- That the private drive be a 24 foot cross-section (back-of-curb to back-of-curb) with a sidewalk.
- That a 50 foot right-of-way be dedicated from the eastern edge of this property along the northern property line east to connect with Sage Road.
- That a 27 foot public street (measured back-of-curb to back-of-curb), plus 5 foot sidewalk, be constructed from Sage Road into the property, to connect to the internal private entry drive.

Stipulations Related to Recreation Area

3. Recreation Space Requirements: That recreation space of sufficient area and type, according to Article 13 of the Development Ordinance, be provided. The plans for the recreation area(s) shall be reviewed for approval by the Town Manager, and shall indicate boundaries of the recreation area and existing and proposed vegetation. In addition, the plans shall be revised to reflect the following changes:

- Locate the play area(s) as far from the proposed right-of-way (along the northern property line) as possible
- Enlarge the total proposed recreation space, if practical.

Stipulations Related to State and Federal Government Approvals

4. State or Federal Approvals: That any required State or Federal 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 for the subject phase of development.
5. Encroachment Agreements: That any required State or local encroachment agreements (for landscaping, utility line extensions, and other required improvements) be approved prior to issuance of a Zoning Compliance Permit.
6. NCDOT Approvals: That plans for improvements to State-maintained roads be approved by NCDOT prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Landscape Elements

7. Landscape Protection Plan: That a detailed landscape protection plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

This plan shall include areas of vegetation to be preserved; the anticipated clearing limit lines; proposed grading; proposed utility lines; a detail of protective fencing; and construction parking and materials staging/storage areas.

The plan shall show the use of tree protection fencing between infrastructure construction and existing vegetation in:

- all required buffers
- all common areas and recreation space
- the central parking lot island in the loop drive.

8. Landscape Plan Approval: That a detailed landscape plan (including buffers), landscape maintenance plans, and lighting plans be reviewed by the Appearance Commission for approval prior to issuance of a Zoning Compliance Permit.

The following buffers shall be provided, and if any existing vegetation is to be used to satisfy the buffer requirements that this vegetation will be protected by fencing from adjacent construction:

- Type B buffers (minimum width 20' along all property lines;
- The buffer along the western property line may be on either or both sides of the existing Duke Power easement, as long as the cumulative width is at least 20 feet.

Supplemental planting may be necessary to fulfill the requirements for buffers and screening.

Alternate buffers may be installed, subject to Appearance Commission approval.

Stipulation Related to Building Elevations

- 9. Building Elevation Approval: That detailed building elevations be approved by the Appearance Commission prior to issuance of the Zoning Compliance Permit.

Stipulations Related to Water, Sewer and Other Utilities

- 10. Fireflow: A detailed hydrant plan, and fireflow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, shall be required prior to the issuance of a Zoning Compliance Permit.

In addition, the following changes shall be made to the plans:

- relocate two fire hydrants as follows: one to south end and one to north end and one to south end of island in center of loop drive. Both shall be placed close to the curb;
- increase the four inch line size to 8 inch line size for fire protection water supply line; and
- indicate location and nature of a second water source for fire protection water supply.

- 11. OWASA Easements: That easement documents as required by OWASA and the Town Manager be recorded before final plat or plan approval.

- 12. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority, Duke Power, Cable Vision, Public Service Company, Southern Bell, and the Town Manager, before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring these utilities, including cable television, are extended to serve the development.

Miscellaneous Stipulations

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

- 14. 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 Development Ordinance and the Design Manual.

- 15. Stormwater Management Plan: A detailed stormwater management plan, based on the Town's Hydros program, shall be reviewed for approval by the Town Manager prior to issuance of a Zoning Compliance Permit.

- 16. 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.

- 17. Sight Triangle Easements: That sight triangle easements be provided on the final plat.

- 18. New Streets - 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.

- 19. 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.

- 20. Erosion Control: That a soil erosion and sedimentation control plan be reviewed for approval by the Orange County Erosion Control Officer prior to 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. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.

- 23. 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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ORANGE COUNTY

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NORTH CAROLINA

IN WITNESS WHEREOF, the Town of Chapel Hill has caused this instrument to be executed in its name as evidence of the issuance of said permit, and the undersigned being all of the property owners of the property above described, have executed this instrument in evidence of their acceptance of said Special Use Permit as covenant running with the land.

ATTEST

*Edwin P. Phelps*  
Town Clerk

ACCEPTED  
Dobbing Hill Apartments Limited Partnership  
By: DHA, Inc. General Partner

By: Justin F. Winkler President  
*Justin F. Winkler*  
Owner



*KB*  
Town Manager

ATTEST  
*Leann M. Stearns*  
ABS Secretary

By \_\_\_\_\_  
Corporate Name  
Title

ORANGE COUNTY

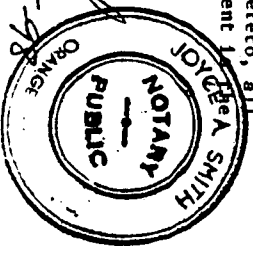
NORTH CAROLINA

I, *Jose L. Smith*, a Notary Public in and for said County and State do hereby certify that *W. Calvin Storton*, Town Manager of the Town of Chapel Hill, and *Peter M. Richardson*, Town Clerk, 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 Storton*, Town Manager of said Town of Chapel Hill, and *Peter M. Richardson*, 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 a true and correct copy of the original as the same appears in the records of the Town of Chapel Hill.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the

*15<sup>th</sup>* day of *June*, 19*93*.

*Jose L. Smith*  
Notary Public  
My commission expires: *5-25-98*



ORANGE COUNTY

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ORANGE COUNTY

\*\*\*\*\* REGISTER OF DEEDS REVENUE COLLECTION \*\*\*\*\*  
DATE: 15 DEC 1993 CLERK: LEC REC NO: R948120

CUSTOMER: ROGER M LEWIS PAGE 1 OF 1

LN CODE	PARTY	PAGES	FEE
1 DP	CHAPEL HILL/DOBBINS HILL APTS	5	16.00

PAID IN CASH: 16.00  
 TOTAL PAYMENT: 16.00 TOTAL CHARGES: 16.00  
 VOID PAPERS: 0.00  
 COLLECTED BY: \_\_\_\_\_ TRANSACTION DATE: 15 DEC 1993

BK 1194  
 PG 113  
 TIME 11:24:00

ORANGE COUNTY

\*\*\*\*\* REGISTER OF DEEDS REVENUE COLLECTION \*\*\*\*\*  
DATE: 15 DEC 1993 CLERK: LEC REC NO: R948121

CUSTOMER: ROGER LEWIS PAGE 1 OF 1

LN CODE	PARTY	PAGES	FEE
1 CN	COPYWORK	1	2.50

PAID IN CASH: 3.00  
 TOTAL PAYMENT: 3.00 TOTAL CHARGES:  
 VOID PAPERS: 0.00 CHANGE:  
 COLLECTED BY: \_\_\_\_\_ TRANSACTION DATE: 15 DEC 199

(67)

I, \_\_\_\_\_, a Notary Public in and for said State and County do hereby certify that \_\_\_\_\_ owners, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. WITNESS my hand and Notarial Seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

*McKlenburg*  
ORANGE COUNTY

Notary Public  
My commission expires: \_\_\_\_\_

NORTH CAROLINA

This 13th day of Dec, 1993 personally come before me, Conce F. Jansen a Notary Public of Orange County, North Carolina,

Justin F. Jille who being by me duly sworn, says that he knows the common seal of the ATF, Inc. General Partner of Dobbins Hill Apartments Limited Partnership, and is acquainted with Roger M. Javis, who is President of said corporation and he,

President signs the foregoing instrument and he, the said Roger M. Javis 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 13th day of Dec, 1993.

*Conce F. Jansen*  
Notary Public  
My commission expires: 8/17/94

NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of \_\_\_\_\_

A Notary (or Notaries) Public of the designated Governmental units is (are) certified to be correct. Filed for registration this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock, in Record Book \_\_\_\_\_ Page \_\_\_\_\_

Return: \_\_\_\_\_  
By: Betty June Hayes, Register of Deeds  
Wendell R. Matthews, Assistant/Deputy Register of Deeds