

16

Refer to CERTIFIED COPY
WRM = Lamb
Eastowne Assoc
7200 Stone Ridge Dr.
Raleigh, NC
27613

ATTACHMENT 2

BOOK 2895
PAGE 294



TOWN OF CHAPEL HILL

NORTH CAROLINA

REVISED SPECIAL USE PERMIT

9890-71-5045

ORANGE COUNTY

This revised Special Use Permit corrects and supercedes that Special Use Permit recorded January 14, 2001 at 2:04:24 pm in Book 2482 Page 319-24 in the Register of Deeds of Orange County, North Carolina. The previously recorded instrument erroneously listed 501 Eastowne, LLC as the owner of the subject property.

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), Eastowne Association 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 issued by the Town of Chapel Hill on November 12, 2001, the terms of which are as follows:

NAME OF PROJECT: 501 Eastowne

NAME OF DEVELOPER: The Lundy Group, Inc.

DESCRIPTION OF PREMISE

LOCATION: The site is approximately located at 501 Eastowne Drive at the corner of Old Sterling Drive. The property also has frontage on Providence Road to the north. To the west of the property is the Notting Hill Apartments and to the south the Pinegate Apartments.

TAX MAP REFERENCE: The site is identified as Chapel Hill Township Tax Map 26, Lot 17M (PIN #9890715045).

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA:	165,353	LIVABILITY SPACE:	110,057 s.f.
NUMBER OF BUILDINGS:	1	NUMBER OF PARKING SPACES:	131
OUTDOOR SPACE:	147,499 s.f.	NUMBER OF BICYCLE SPACES:	14
FLOOR AREA:	36,709 s.f.		

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated November 1, 2000, revised April 19, 2001 (on file at the Chapel Hill Planning Department), and according to the special terms and conditions set forth below:

Stipulations Specific to the Development

- Construction Deadlines: That construction begin by November 12, 2003 (two years from the date of Council approval) and be completed by November 12, 2004 (three years from the date of Council approval).
- Land Use Intensity: This Special Use Permit authorizes the construction of a 2-story building with 36,709 square feet of floor area. Office-type business is permitted with up to 18,355 square feet of floor area authorized for clinic use.

Stipulations Specific to Transportation

- Parking: That up to 131 parking spaces shall be permitted on this site with standard parking dimensions, at least 18 of which are to be placed under the building.
- Bicycle Parking: That a minimum of 14 covered, illuminated and secure parking spaces shall be provided for bicycle parking spaces. Fourteen spaces are required on-site that are covered and lit. Proposed placement is for under the building adjacent to the vehicle parking.
- Shower and Locker Facilities: That shower and locker facilities shall be provided in the building.
- Town Standards: That all parking lots, drive aisles and sidewalks associated with this development shall be constructed to Town standards.

IRREGULAR FORM

Double Sided

7. Bus Stop: A bus stop be provided on Old Sterling Drive, just west of the proposed entrance on Providence Road at the northern property line of the site shall be improved with the addition of a standard shelter and concrete pad and seating.
8. Transportation Management Plan: That a Transportation Management Plan 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:
 - 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
9. Traffic Signal Payment-in-Lieu: That the applicant provide a proportional payment in-lieu for installation of a traffic signal at the Sage Road/Erwin Road intersection, not to exceed \$1,500. This payment amount is based on the proportional 2.5% traffic impact of the proposed development at the Sage Road / Erwin Road intersection at peak hour, as applied to the estimated cost of a traffic signal. The impact fee formula is as follows: proportion of traffic impact x estimated signal cost = impact fee (2.5% x \$60,000 = \$1,500). The payment shall be refunded, if unused, 5 years from the date of the last Certificate of Occupancy issuance, upon request.

Stipulations Related to Landscape and Architecture

10. Landscape Bufferyards: That the following landscape bufferyards shall be provided, and that if any existing vegetation is to be used to satisfy the buffer requirement, the vegetation shall be protected by fencing from adjacent construction:

Required Bufferyards

Bufferyard Location	Bufferyard Requirement
East - Providence Road	15' Type "B" External Buffer
East - Eastowne Drive	15' Type "A" External Buffer
North -Price Waterhouse Cooper	10' Type "B" Internal Buffer
West - Notting Hill Apts.	20' Type "C" Internal Buffer
South - Old Sterling Drive	15' Type "A" Internal Buffer

11. Landscape Plan: That a detailed Landscape Plan and Landscape Protection Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall indicate the location of the sewer line and be consistent with other sheets indicating the sewer location outside of the Resource Conservation District.
12. Planting Strips: That 5-foot wide landscaped planting strip shall be provided between parking areas and the building.
13. Fencing: That the silt/tree protection fence around the 50-inch poplar critical root zone be adjusted to permit construction of the masonry retaining wall and that the critical root zone be shown on the final plans. Similarly, the critical root zone, tree protection fencing, and grade revisions to reduce injury to the critical root zone of the 26-inch pine tree at the entrance on Old Sterling Drive shall be shown on the final plans.

Additionally, Tree Protection fencing and/or silt fencing shall be identified between the bio-retention drainage area that flows into the Resource Conservation District and the existing vegetation that is to remain.

14. Parking Lot Shading: That a Shading Plan be submitted and approved by the Town Manager for the parking areas. The plan shall demonstrate compliance with the Development Ordinance 35% parking lot shading requirement.
15. Invasive Species: The landscape design shall not use any plant materials that are considered invasive species, i.e. Ailanthus altissima and Eleagnus pungens.
16. Retaining Wall: That the design of the keystone, masonry retaining wall shall be adjusted to minimize negative impact to the critical root zone of the 50-inch poplar tree by extending the west side of the proposed wall parallel with the edge of the dumpster pad rather than continuing the arc.
17. Building Elevations: Detailed Building Elevations shall be approved by the Community Design Commission prior to the issuance of a Zoning Compliance Permit.
18. Lighting Plan: We recommend that a detailed Lighting Plan be approved by the Community Design Commission prior to the issuance of a Zoning Compliance Permit

Stipulations Related to Environment

19. Stormwater Management: Maintenance access for the underground stormwater detention structure shall be shown on the plans prior to the issuance of Zoning Compliance Permit.
20. Stormwater Drainage Easement: All engineered stormwater detention and treatment structures shall be located within an easement entitled: "Reserved Storm Drainageway Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective conveyance and control of stormwater from or across the property, other than the approved design and operation functions.

Unless specifically designated as being "Public" the "Reserved Storm Drainageway Easement" and the facilities 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.

21. Performance Guarantee: If more than one acre of land is disturbed, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. This financial guarantee is intended to cover the costs of restoration of failed or failing soil erosion and sedimentation controls, and/or to remedy damages resulting from land-disturbing activities, should the responsible party or parties fail to provide prompt and effective remedies acceptable to the Town.
22. Operations and Maintenance Plans: Operations and Maintenance Plan shall be provided for all engineered structures and all said structures shall be located within a "reserved storm drainage way easement" as located on a plat and recorded at the Orange County Register of Deeds.
23. Stormwater Management Plan: That a Stormwater Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. Based on 2 and 50-year storms, the post-development stormwater run-off rate shall not exceed the pre-development rate.
24. Bio-Retention: The proposed bio-retention area shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit

A Planting Plan shall be submitted for the bio-retention area and approved by the Town Manager prior to issuance of Zoning Compliance Permit.

25. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for a maintenance of facilities and modification 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.

Stipulations Related to Utility and Service

26. Utility Plan Approval: That the final utility plan be approved by Orange Water and Sewer Authority (OWASA), Duke Power Company, BellSouth, Public Service Company, and the Town Manager before issuance of a Zoning Compliance Permit.
27. Underground Utilities: That all utility lines, other than 3-phase electric power distribution lines, shall be placed underground.
28. Fire Flow: That a fire flow report prepared by a registered professional engineer be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

That the fire hydrant proposed in the planting island in the upper parking lot be provided within 50 feet of the Fire Department sprinkler system connection.
29. Sprinkler System: That the building shall have a sprinkler system in accordance with Town code, which shall be approved by the Town Manager.
30. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling and for the management and minimizing of construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
31. Heavy-Duty Paving: That all drive aisles that provide access to the compactors, dumpsters or recycling facilities, be constructed with heavy-duty pavement.

Other Stipulations

32. Open Burning: That no open burning shall be permitted during construction of this development.
33. Plant Rescue: That the applicant is encouraged to conduct a "plant rescue" for this site, after the issuance of a Zoning compliance Permit and prior to the start of construction.

- 34. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are complete, and that a note to this effect shall be placed on the final plat.
- 35. 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 Certificate, 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.
- 36. Silt Control: That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 37. 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 Building Permit. The construction sign may have a maximum of 32 square feet of display area and may not exceed 8 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.
- 38. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
- 39. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the application for a Special Use Permit for the 501 Eastowne.

