

TOWN OF CHAPEL HILL

65

306 NORTH COLUMBIA STREET
CHAPEL HILL, NORTH CAROLINA 27516
Telephone (919) 968-2700

ATTACHMENT 21

ORANGE COUNTY

NORTH CAROLINA

MODIFICATION OF SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), the Town of Chapel Hill, having applied to the Town of Chapel Hill for modification of the existing Special Use Permit recorded in the Book 1479, pages 274 - 276, at the Office of the Register of Deeds, said modification was granted by the Town of Chapel Hill on March 24, 1997, the terms of said modification being as follows:

NAME OF PROJECT: Northern Community Park

PURPOSE OF MODIFICATION: To reduce the boundary of the Special Use Permit.

NAME OF DEVELOPER: Town of Chapel Hill

DESCRIPTION OF PREMISE

LOCATION: North of Homestead Road and west of Highway 86

TAX MAP REFERENCE: Chapel Hill Township Tax Map 24, p/o Lot 19 P/O 9880-12-7274 n/s

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: Approx. 39 acres

OPEN SPACE: Approx. 38.4 acres

NUMBER OF BUILDINGS: 3 One storage building,
two picnic shelters

LIVABILITY SPACE: Approx. 36.8 acres

FLOOR AREA 1,800 sq. ft

NUMBER OF PARKING SPACES: 317

SPECIAL TERMS AND CONDITIONS

The development, as shown on the Site Plan dated August 15, 1995, revised November 17, 1995, on file in the Chapel Hill Planning Department, is reduced in accordance with the plan dated March 4, 1997, also on file in the Chapel Hill Planning Department; and according to the special terms and conditions set forth below:

Stipulation Specific to the Development

1. That construction begin by March 13, 1998 (two years from the date of Council approval) and be completed by March 13, 2011 (fifteen years from the date of Council approval).
2. Modification Required for Community Center Building: That the applicant obtain Council approval of a Special Use Permit Modification for construction of the Community Center Building.
3. Soccer Fields: This approval authorizes two soccer fields and requires that the loss of the wetlands area be mitigated on the park site.

Required Improvements

4. Off-Site Street Improvements:
 - a) That all off-site street improvements noted on the plans be built as a part of this Phase I project. The northern road providing access from NC Highway 86 shall be constructed with a thirty-three foot wide cross section, back of curb to back of curb, plus a five foot sidewalk. Construction of this street will include the realignment of Bright Sun Place to provide a "T" intersection with the new road.
 - b) That the entrance road from Homestead Road be constructed with a thirty-three foot wide cross section, with rolled curb added to the two ten foot wide travel lanes and two striped four foot bike lanes, plus a five foot sidewalk.
 - c) That one half of the NCDOT improvements planned for NC Highway 86 be completed by the Town unless they are completed by NCDOT first.

- 5. **Pedestrian Paths:** That when the property to the west is subdivided or developed, a pedestrian path be extended to that property.
- 6. **Gravel Parking Lot:** That the applicant provide a gravel parking lot except for the handicapped spaces which will be paved with concrete or asphalt. Subsequent paving of gravel surfaces is permitted.

Stipulations Related to the Resource Conservation District Wetlands

- 7. **Variances:** That all variances necessary for development within the Resource Conservation District be obtained before application for final plat or final plan approval.

Stipulations Related to State and Federal Government Approvals

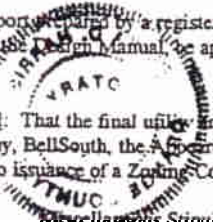
- 8. **Approval of Encroachment Agreements:** That any required State and federal permits or encroachment agreements be approved, and copies of the approved permits and agreements be submitted to the Town of Chapel Hill prior to the issuance of a Zoning Compliance Permit.

Stipulations Related to Landscape Elements

- 9. **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. The Landscape Plan should pay special attention to the buffer needs between the proposed ball fields and adjacent residentially zoned property.
- 10. **Landscape Protection Plan:** That a Landscape Protection Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Building Elevations

- 11. **Building Elevation Approval:** That detailed building elevations be approved by the Appearance Commission in consulting with the Citizen's Energy Task Force, prior to issuance of a Zoning Compliance Permit.
- 12. **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.



- 13. **Utility/Lighting Plan Approval:** That the final utility and lighting plan be approved by OWASA, Duke Power, Public Service Company, BellSouth, the Appearance Commission, Citizen's Energy Task Force, and the Town Manager prior to issuance of a Zoning Compliance Permit.

Miscellaneous Stipulations

- 14. **Solid Waste Management Plan:** That a detailed solid waste management plan be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
- 15. **Detailed Plans:** That final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydraulic calculations), and a landscape plan and landscape management plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. Furthermore, 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.
- 16. **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.
- 17. **Silt Control:** That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 18. **Continued Validity:** That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
- 19. **Non-severability:** If any of the above conditions is held to be invalid, approval in its entirety shall be void.

.....

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 Modification as covenant running with the

ATTEST

[Signature]
Town Clerk



The Town of Chapel Hill

BY W. Calvin Horton
Town Manager

ACCEPTED

Owner

Owner (Seal)

ATTEST

Secretary

W. Calvin Horton
Corporate Name
BY _____
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. J. Richardson, CMC, 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 Horton, Town Manager of said Town of Chapel Hill, and Peter M. J. 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 _____ of the Town of Chapel Hill.

IN WITNESS WHEREOF, I have hereunto set my hand and Notarial Seal this the 12 day of June, 1997



Diana D. Harris
Notary Public
Commission expires: 10-5-98

ORANGE COUNTY

NORTH CAROLINA

I, _____, a Notary Public in and for said State and County

NORTH CAROLINA - ORANGE COUNTY

The foregoing certificate(s) of Diana D. Harris,

A Notary (~~and~~) Public of the designated Governmental units is (~~are~~) certified to be correct. Filed for registration this the 13th day of August, 1997, at 2:17:45 o'clock, P.M. in Record Book 1619 Page 500.
Return: _____
By: Betty June Hayes
Register of Deeds

_____, a Notary Public of Orange County, North Carolina,
who being by me du
common seal of the _____,
_____, who is President
_____, who is Secretary

President sign the foregoing instrument and he, signed his name in attestation of the execution of said President of said corporation.

WITNESS my hand and Notarial Seal, this the _____ day of _____, 19____.

Notary Public
My commission expires:

FILED
13 AUG 1997, at 02:17:45pm
Book 1619, Page 500 - 502
Betty June Hayes,
Register of Deeds,
Orange County, N. C.