

**MARK CHILTON
REGISTER OF DEEDS
ORANGE COUNTY, NC**

NORTH CAROLINA
ORANGE

I do hereby certify this to be a true copy of the attached document filed and recorded in the aforesaid county as evidence by Instrument Number 20160726000155960 in Book No. RB 6161 Page No. 557 and consists of 14 page/s.

Witness my hand and Official seal this 26 th day of July 2016.

Mark Chilton
Register of Deeds

By: Molly J. Baker Deputy

SEAL



Orange County Register Of Deeds
Mark Chilton
228 South Churton Street, PO Box 8181
Hillsborough NC 27278

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FILED Mark Chilton
Register of Deeds, Orange Co, NC
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Prepared by: Gene Poveromo, Chapel Hill Planning Department
Please Return to: 405 Martin Luther King Jr. Blvd.
Chapel Hill, NC. 27514

Please Index as Follows: NR Edge Property Owner LLC in the Grantor and Grantee Index
Town of Chapel Hill in the Grantor and Grantee Index



TOWN OF CHAPEL HILL
405 MARTIN LUTHER KING JR BLVD
CHAPEL HILL, NC 27514
(919) 968-2728

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT-PLANNED MIXED USE DEVELOPMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned applicant, Northwood Ravin, having applied to the Town of Chapel Hill for a Special Use Permit, said Special Use Permit approval was granted by the Town of Chapel Hill on February 23, 2015; if developed according to the Site Plan dated February 11, 2015 which includes the Eubanks Road improvements, the Design Guidelines dated February 10, 2015 and the Eubanks Road Park and Ride Exhibit Option 1 dated June 27, 2014, the terms of said approval being as follows:

NAME OF PROJECT: CARRAWAY VILLAGE (formerly known as THE EDGE) – PLANNED MIXED USE DEVELOPMENT

DESCRIPTION OF PREMISE

LOCATION: 1900, 2012, 2014, 2100 Eubanks Road

ORANGE COUNTY PARCEL IDENTIFIER NUMBER: 9870-98-7045, 9870-98-7294, 9870-99-0117, 9880-07-1883, 9880-07-6840, and 9880-08-4202

LKB

SPECIAL TERMS AND CONDITIONS

Developed according to the Site Plan dated February 11, 2015 which includes the Eubanks Road improvements, the Design Guidelines dated February 10, 2015 and the Eubanks Road Park and Ride Exhibit Option 1 dated June 27, 2014, (on file in the Chapel Hill Planning Department), with the following modifications of regulation:

1. Modification of Table 3.8-1 of the Land Use Management Ordinance to modify the intensity regulations as regards the primary building height along Public Streets 'A' & 'B' to allow a Primary Building Height of 59 feet instead of 44 feet. This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.
2. Modification of Section 3.5.1.e.3.G & I (MU-OI-1 Land Use Intensities) and 5.5.1.f.3.G & I (MU-R-1 Land Use Intensities) of the Land Use Management Ordinance to modify the 75-foot perimeter parking lot setbacks to zero and the 50-foot perimeter setback to 20-foot setbacks. This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.



3. Modification of Table 5.6.6-1 of the Land Use Management Ordinance to modify the landscape bufferyards as noted in the below table:

Location	Modified Buffer
Interstate 40	Reduce from 100' Type E to 50' landscape buffer
Eubanks Road	Reduce from 30' Type C to 10' Type C
Park & Ride Lot (north line)	Reduce from 20' Type C to zero
Erber (north property line)	Reduce from 20' Type C to 10' type C
Public Street 'A' & 'B'	Reduce from 20' Type C to 15' Type A

Eubanks Road Gateway Sign: That as recommended in the Northern Area Task Force Report, the Eubanks Road Gateway Sign may be located in the I-40 buffer area. This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

Interstate 40 Gateway Sign: That the Interstate 40 Gateway sign may be located within the Interstate 40 buffer. Land disturbance activity associated with this sign may not encroach into the Resource Conservation District. This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

4. Modification Section 5.14.11 (Sign in Mixed Use O-I and R-1 Districts) and Section 5.14.12 (Commercial Ground Sign) of the Land Use Management Ordinance to modify the sign regulations to clarify applicability as noted below:
- a. Section 5.14.11.(b).(1) Signs
 - Development identification signs: increase maximum number from 1 to 2 signs at each principal access point, and 1 at each right-in, right-out access point
 - Display areas square footage: increase from 20 sq. ft. to 40 sq. ft.

That that following modifications shall be approved with the submission of a Zoning Compliance Permit application(s) for the project with a cumulative total of 25,000 sq. ft. of commercial floor area:

- Anchor tenant, including office and residential use, names, increase maximum number from 1 to unlimited
- Letters, registered logo: increase percent of the size from 50% to 75%

- b. Section 5.14.11. (b) .2.

- Building identification signs: increase maximum display area from 5% of the building façade to 10% for buildings facing the I-40 ramp; and allow the sign height to increase from approximately 24-feet to the top level of the building for building facing the I-40 ramp.

- c. Section 5.14.11. (b). (3)

- Identification signs for individual establishments: increase maximum display area from 5% of the building façade to 10% for wall signs facing the I-40 ramp; and allow the sign to be located at the top level of the building for building facing the I-40 ramp

- d. Section 5.14.11. (b). (4).

That that following modifications shall be approved with the submission of a Zoning Compliance Permit application(s) for the project with a cumulative total of 25,000 sq. ft. of commercial floor area:

- Internally illuminated sign: maximum size shall be increased from one-half of the maximum to the same as the maximum allowable size

- e. Section 5.14.12. (a). (3).

That that following modifications shall be approved with the submission of a Zoning Compliance Permit application(s) for the project with a cumulative total of 50,000 sq. ft. of commercial floor area:

Specifically for the Gateway-sign feature to be located in the southeast corner of the property at the Eubanks Road and Martin Luther King Jr. Blvd. intersection and the sign facing I-40 in the northeast corner of the site:

- Height: increase the maximum height from 14 feet to 30 feet
- Illumination permitted during non-business hours

- f. Section 5.14.12.(a).(5)

That that following modifications shall be approved with the submission of a Zoning Compliance Permit application(s) for the project with a cumulative total of 50,000 sq. ft. of commercial floor area:

Specifically for the Gateway-sign feature to be located in the southeast corner of the property at the Eubanks Road and Martin Luther King Jr. Blvd. intersection and the sign facing I-40 in the northeast corner of the property:

- Overall sign area: overall dimensional square footage or sign structure proportions may be greater than the dimension limits for commercial center signage



Display area: increase the maximum display area from 75 to 200 sq. ft.; display area may include up to 5 tenants/use signs; project logo/icon excluded from the 200 sq. ft. display area limit

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

5. Modification of Section 3.5.1.e.2.C. (Permitted Uses and Development Intensities Mixed Use - OI-1); and Section 3.5.1.f.2.C (Permitted Uses and Development Intensities Mixed Use - R-1) of the Land Use Management Ordinance to modify the mixed of proposed land uses to allow:

- a. Minimum of 43% residential, 15% commercial* and 6% office/clinic; and
- b. Maximum of 75% residential, 44% commercial* and 29% office/clinic

*Commercial use includes hotel square footage

Note: Minimum and Maximum use percentages are based on 935,290 sq. ft. of total floor area, as more specifically noted in the Land Use Intensity Stipulation.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.

6. Modification of Section 5.7.2.a Table 1 (Tree Canopy Coverage) as allowed in Section 5.7.2.b of the Land Use Management Ordinance to modify the minimum tree canopy requirements to allow a reduction in overall tree canopy coverage to 25% once cumulative project floor area, from Zoning Compliance Permit applications, exceeds 600,000 square feet. This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.
7. Modification of Section 5.7.6.a.2.iii. (Rare and Specimen Tree Defined) to increase the diameter at breast height standard for tree survey requirements from 6 inches to 12 inches. This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community.
8. Modification of Section 5.12.2 (Other Utilities) to limit underground utility installation to the internal development site; work associated with Eubank Road is not required to locate utilities underground if the applicant can demonstrate that the burial would create economic hardship or a danger to public health or safety as it relates to the size, nature, timing, and scope of the proposed development. This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the proposal would generate increased economic development, expand the non-residential tax base and would increase the likelihood of further affordable housing being made available in the greater Chapel Hill community;

That the Council determines that the public purposes of economic development and affordable housing are both necessary in the judgment of the Council to warrant each of the modifications of regulations set forth above, and that in the absence of the affordable housing provisions described below, the Council would not find that there are sufficient public purposes satisfied to warrant any of these modifications.

Stipulations Specific to the Development

1. Construction Deadline: That construction begin by February 23, 2017 (2 years from the date of approval), to be completed by February 23, 2027 (12 years from the date of approval).
2. Detailed Plan Review and Approval: Town staff will review the individual building proposals for compliance with the Special Use Permit, including Resolution A, the Land Use Management Ordinance and the applicant's Design Guidelines. The Community Design Commission would then review and approve final building elevations and building lighting for each individual building, and the two Gateway Signs, before construction could begin.

Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved. Such plans shall conform to plans approved by the Council and demonstrate compliance with all applicable regulations and standards of the Land Use Management Ordinance and the Design Manual.

Plans, plats, and associated detailed requirements as set forth in the stipulations of this resolution and incorporated into the Special Use Permit shall be reviewed and approved by the Town Manager, or his designee, as well as outside agencies, such as NCDOT, OWASA and Duke Energy, where indicated.

3. Design Guidelines Certification: That the submission of each Final Plan includes a signed and sealed certification that the proposed plans comply with the approved Design Guidelines for The Edge project.
4. Petition for Voluntary Annexation: That prior to the issuance of a Zoning Compliance for a building, or prior to recording



a newly created subdivision lot, the applicant submit a valid and sufficient Petition for Voluntary Annexation for the entire site, which petition shall not be subsequently withdrawn prior to action by the Town Council on annexation of the property. The property may be recombined prior to the submission of the annexation petition.

5. **Subdivision of Lots:** That all proposed new lots shall front or have direct access to a public street right-of-way, or a public-street easement, or private street easement that is built to Town standards. New lots fronting a private street easement must provide documentation that the lot has direct access to public right of way or public street easement. That review and approval of new subdivision lots shall be processed as an administrative approval of a minor subdivision or commercial subdivision during Final Plan Review process.
6. **Substantial Changes in Vehicular Access or Circulation:** If, as determined by the Town Manager, the applicant submits a Final Plan application that proposes substantial changes to internal vehicular access or circulation, including substantial realignment or elimination of Street 1, 2, 3, 4, the Town Manager shall refer the applicant to the Council for a review of a modification of the Special Use Permit. The addition of streets within Blocks shall not be considered a substantial change.

Eubanks Road Park and Ride Lot

7. **Eubanks Road Park and Ride Lot Site Modifications:** That the applicant shall be responsible for all improvements and modification to the Eubanks Road Park and Ride Lot, as shown by site plan Option 1. In addition to the improvements identified by the site plan, the applicant shall also be responsible for the following:
 - Construct public Street ‘A’ including the traffic circle as shown on Option 1 or Option 2;
 - Signalize the intersection of Eubanks Road and Street ‘A’;
 - Relocate existing park and ride egress movements away from Eubanks Road;
 - Revise the park and ride westernmost entrance to allow only right-in turning movements;
 - Survey any required additional right-of-way along the park and ride Eubanks Road frontage and along the park and ride eastern property line.
8. **Construction Phasing Plan:** That the submission of the first Final Plan application shall include a construction phasing plan, demonstrating how the modifications to the park and ride lot, and other construction activities associated with the development of The Edge, will not impede or negatively impact the day to day operations of the park and ride lot. That a construction phasing plan shall be reviewed and approved by the Town Manager, prior to the issuance of the first Zoning Compliance Permit.
9. **Land Use Intensity:** This Special Use Permit authorizes the following:

Land Use Intensity		
Gross Land Area	53.75 acres	
Number of Buildings (Range)	10 to 35 buildings (excluding accessory buildings, garages, etc.)	
Height (Range)	25’ to 90’	
Floor Area (Range)	600,000 to 935,290 sq. ft.	
	Minimum	Maximum
Residential	400,000 sq. ft.	701,000 sq. ft.
Commercial	140,000 sq. ft.	416,000 sq. ft.
Office	60,000 sq. ft.	270,000 sq. ft.
Maximum # of uses with drive in windows	5 (max. 3 on Eubanks Rd.)	
Vehicular Parking Spaces (Range)	In accordance with LUMO	
Maximum Impervious Surface	37.63 acres	
Minimum Tree Canopy Coverage	25% based on floor area	

10. **Residential Floor Area in Block B:** That residential use shall be limited to the 2nd floor and above in the area labeled ‘Block B’ on the site plans.
11. **Permitted Uses:** The follow uses are permitted within The Edge development

USE and Type
Business, commercial, retail
ATM – drive up, bank, barber shop, business (convenience, general, wholesale) club, daycare, drive in window, funeral home, gasoline sales as an accessory use, hotel, place of assembly, publishing, printing, recreation facility, veterinary clinic
Institutional
Essential services, place of worship, public cultural facilities, public use & service facility, school, vocational school
Office
Business – office type, clinic
Residential
Duplex, group care, manufactured home park, multi-family, single-family, rooming house, tourist home



12. Uses requiring a Special Use Permit: The following uses are allowed with an approved Special Use Permit:
Telecommunication antenna and service stations.

Affordable Housing

13. Affordable Housing, 5-year commitment: That the applicant shall allocate land within Block E or F block along Public Street 'A' of The Edge project to accommodate a minimum of 50 affordable rental housing units. That the applicant or its designee shall pursue the financing approval and development of an affordable rental community of no less than 50 units on the allocated land targeting renters at 80% or less of the area median income. The applicant or its designee shall pursue the financing approval for a period of no less than 5 years after final approval of the Special Use Permit.
- a. The proposed affordable housing project site shall be designated by the applicant and will be held as such while the applicant or its designee seeks financing approval. The internal location of the affordable site may be adjusted by the applicant as the mixture of uses at The Edge is determined, but land for the affordable project will be held during the financing period.
 - b. That starting in January 2016, the applicant will provide the town with a semi-annual report on the status of seeking and obtaining financial approval and development of the affordable housing community.
 - c. If financing is secured:
 - i. Units must be provided for households earning 80% or less of the area median income;
 - ii. Rents for the units shall not exceed the limits imposed by the approved financing, which are typically governed by the HUD Fair Market Rent for the Durham-Chapel Hill MSA;
 - iii. The affordable units shall remain affordable for a period of 15-30 years based on the requirements of the financing program; and
 - iv. Management/monitoring/reporting of the units shall be by a professional management team with the ability to manage affordable housing communities including those financed with Low Income Housing Tax Credits.
 - c. Upon a determination by the Town Manager that the applicant's affordable housing proposal meets the criteria set out herein, the applicant and the Town Manager, on behalf of the Town, shall execute an Affordable Housing Performance Agreement incorporating the terms of the proposal prior to issuance of a Zoning Compliance Permit, building permit, certificate of occupancy, or similar regulatory trigger for the affordable housing project, as determined reasonable by the Town Manager. That Agreement, as well as the Special Use Permit herein approved, shall be recorded at the Office of the Orange County Register of Deeds and shall be binding upon the applicant and its successors in interest.
 - d. If financing approval for an affordable housing development is not secured within 5 years of final approval of the Special Use Permit, the applicant will request that the Town Manager or his designee, extend the financing period; or the applicant will submit and commit to offer an alternative affordable housing proposal, acceptable to the Town Council, that supports the town affordable housing goals; or the applicant will offer to sell the Town the affordable housing site for the 2015 tax value.
14. Commitment not to Interfere with Town-Sponsored Projects: That the applicant will notify the Town Manager or his designee of the applicant's intent to submit an application for Low Income Housing Tax Credit financing to facilitate and complete the applicant's obligation under the Affordable Housing Performance Agreement. That, in order not to interfere with an application for Low Income Housing Tax Credit associated with a different application for such financing for a town-sponsored project, the applicant's submission for tax credit financing shall be delayed, upon request from by the Town Manager, to 2017.
15. Affordable Housing Management: That the affordable housing management service company for this project may not be WRH Realty, or any management company associated with this group.

Transportation

16. Subsequent Transportation Impact Analysis (TIA) Updates: The Edge project will track the number of trips generated by development proposed on each Final Plans (ZCP) submittal against the trip threshold in the approved traffic study dated August 26, 2013 by HNTB. If the number of proposed trips exceeds 500 daily vehicular trips above the maximum in the approved traffic impact study, an updated study may be required. The cost of preparation of the TIA shall be borne by the developer and shall be conducted by the Town's TIA consultant. The Edge project will only be required to address additional roadway mitigation measures found to be required by the increased trip generation from The Edge project and not for additional trips from other developments, increased background traffic or from the Town's facilities.
17. Eubanks Road Improvements: That the following improvements, along the Eubanks Road frontage, must be constructed within a publically dedicated right-of-way, prior to the issuance of the second Certificate of Occupancy:
- a. A 105-foot wide right-of-way, and 89-foot wide cross-section, (or greater to provide for wider bicycle lanes where necessary); if deemed applicable, the Town Manager may approve a variable width right-of-way
 - b. Through lanes, turn lanes, median, 5-foot wide bicycle lanes, standard curb & gutter and 5-foot wide concrete sidewalk;
 - c. A 5-foot wide concrete sidewalk, on the south side of Eubank Road, between the intersection of Martin Luther King Jr. Blvd and the easternmost edge of the existing sidewalk adjacent to the Chapel Watch Village development (sidewalk not required if adjacent to proposed Ramsley Subdivision, if Ramsley sidewalk is constructed prior to this development);
 - d. 5-foot bicycle lane adjacent to the Ramsley Subdivision;



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- e. A high visibility pedestrian crossing between the Eubanks Road south side sidewalk and the intersection of Street #2; and
- f. Medians wider than 4 feet shall either be planted or have pavers.

The design must be approved by the Town of Chapel Hill and the North Carolina Department of Transportation (NCDOT) prior to issuance of a Zoning Compliance Permit.

18. Eubank Road Traffic Signals: That prior to the issuance of the second certificate of occupancy, unless modified by an approved phasing plan, the applicant shall install traffic signals and provide traffic signal timing plans for the intersections of: a) Street #2 and Eubanks Road; and b) Eubanks Road and Public Street 'A.' The timing of the traffic signal installations is subject to approval of the NCDOT and the Town of Chapel Hill.
19. Martin Luther King Jr. Blvd. Improvements: That the applicant construct the following improvements at the Martin Luther King Jr. Blvd./Eubanks Rd. intersection within a dedicated public right-of-way, prior to the issuance of the second certificate of occupancy, unless modified by an approved phasing plan:
- Martin Luther King Jr. Blvd.
 - Dual northbound left-turn lanes with 300 feet of vehicle storage.
 - Southbound right-turn lane, including 4-foot wide shoulder, including maximum available storage, subject to NCDOT approval.
 - Eubanks Road
 - Eastbound left-turn lane with 500 feet of vehicle storage.
 - Delineate two eastbound lanes as separate left-turn and right-turn lanes only
 - Utilize right-turn overlap signal phasing for the southbound and eastbound turn lanes
 - All required traffic signal modifications, associated with the improvements to the intersection shall be installed by the applicant.

The design, including traffic signal timing, shall be submitted for approval by the NCDOT and the Town prior to issuance of a Zoning Compliance Permit.

20. Construction of Public Street 'A':

- a. That prior to receiving the first Certificate of Occupancy for any structure located within Blocks 'E' or 'F', that the applicant construct, within a publically dedicated right-of-way, Public Street 'A,' from Eubanks Road to the intersection with Public Street 'B.' Public Street 'A' shall have a minimum of:
 - i. Standard curb & gutter,
 - ii. Street tree plantings within a minimum 6-foot wide planting zone with structural soil and supplemental drainage or a minimum 8-foot wide planting zone with native soil,
 - iii. Two 11-foot wide travel lanes,
 - iv. Two 5-foot wide bicycle lanes measured from the curb,
 - v. 5-foot wide concrete sidewalk on the east side,
 - vi. Pedestrian crosswalks,
 - vii. 10-foot wide multi-use path on the west side, with the dedication of a 76 foot wide public right-of-way; if deemed applicable, the Town Manager may approve a variable width right-of-way.

A temporary turnaround at the western end shall be constructed and may be removed when the street is extended.

- b. That prior to receiving the first Certificate of Occupancy for any structure located within Block 'G', that the applicant construct, within a publically dedicated right-of-way, Public Street 'A,' from its intersection with Public Street 'B' to the western property boundary. Public Street 'A' shall have a minimum of:
 - i. Standard curb & gutter,
 - ii. Street tree plantings within a minimum 6-foot wide planting zone with structural soil and supplemental drainage or a minimum 8-foot wide planting zone with native soil,
 - iii. Two 11-foot wide travel lanes,
 - iv. Two 5foot wide bicycle lanes measured from the curb,
 - v. 5-foot wide concrete sidewalk on the east side,
 - vi. Pedestrian cross-walks;
 - vii. 10-foot wide multi-use path on the west side, with the dedication of a variable width (approximately 76 feet wide) public right-of-way; if deemed applicable, the Town Manager may approve a variable width right-of-way

21. Eubanks Road/Public Street 'A' Intersection: At the intersection of Public Street 'A' and Eubanks Road, within a 79-foot wide publically dedicated right-of-way, Public Street 'A' shall have:
- a. One 11-foot wide lane for ingress; and
 - b. Two 11-foot wide lanes for egress.

If deemed applicable, the Town Manager may approve a variable width right-of-way.

22. Eubanks Road Park and Ride Lot and Public Street 'A': That if deemed necessary by the Town Manager, in order to coordinate the redesign of the Eubanks Road Park and Ride Lot ingress and egress lanes, the construction of the portion of Public Street 'A' to its intersection with Public Street 'B' may occur prior to the issuance of the first Certificate of Occupancy for Blocks 'E', 'F' or 'G.'



23. Maintaining Access During Construction: The applicant shall maintain transit vehicular and park and ride access to the Eubanks Road Park and Ride Lot during construction activity on The Edge site at all times.
24. Construction of Public Street 'B': That prior to a first Certificate of Occupancy for Block 'G' unless modified by an approved phasing plan, and within a 60-foot wide publically dedicated right-of-way, construct Public Street 'B' from the intersection of Public Street 'A' to the eastern property line as shown on the proposed plans. Public Street 'B' shall be:
 - a. 27 feet wide from back of curb to back of curb;
 - b. Standard curb and gutter, 5-foot wide sidewalk on the south side;
 - c. 10-foot wide multi-use path, on the north side; and
 - d. Street tree plantings within a minimum 6-foot wide planting zone with structural soil with supplemental drainage or a minimum 8-foot wide planting zone with native soil.
25. Performance Bond: Prior to commencing construction activity for required improvements in the public right-of-way, a performance bond shall be provided to the Town to ensure that improvements are in accordance with Town standards.
26. Public Right-of-Way Dedication Plat: That prior to the issuance of a Certificate of Occupancy, the applicant submit a recorded right-of-way dedicated plat for all required public roadway improvements associated with that phase of the development. That the plat shall be reviewed and approved by the Town Manager and NCDOT prior to recordation.
27. Internal Street- Public Access, Private Maintenance: Excluding Public Streets 'A' and 'B', all streets within the development will be privately maintained. Public access easements, providing public ingress and egress, to and connecting all development Blocks, providing access to Streets 'A', 'B' and Eubanks Road, must be recorded prior to the issuance of Certificate of Occupancy for the Block or phase being developed.
28. Internal Street Design and Standards: That the design of all internal streets, including Streets 1, 2, 3, and 4, and any streets within Block D or F, shall be consistent with complete streets concepts and constructed to Town standard or greater for safety, geometrics, drainage, and pavement design. Angle parking on streets shall have maximum angle of 45 degrees and shall be designed so vehicles will not back across two lanes of traffic or into pedestrian crossings. That the striping of Streets 2 and 4 will incorporate sharrow lane marking to provide bicycle connection between the Eubanks Road bike lanes, the eastern multi-modal path in Block 'D' and the path along Public Street 'A.'
29. Internal Sidewalk Widths: Internal streets 1, 2, 3 & 4 fronting commercial space shall have minimum sidewalk widths of 8 feet and minimum planting zone widths of 6 feet between the curb and sidewalk. Sidewalks not fronting commercial space shall have a minimum width of 5 feet. In locations not fronting commercial space, where the adjacent planting width is less than 8 feet, trees shall be installed and backfilled with structural soil and supplemental drainage.
30. Internal Parking Lots: All parking lots shall be constructed to Town standard for dimensions and pavement design. Pavement designs may be subject to recommendations provided in a geotechnical report provided by the applicant, if site conditions in the opinion of the applicant's engineer and Town staff warrant further analysis to ensure adequate pavement design.
31. Parking Space Tally: That the submission of each Final Plan application shall include a cumulative tally of proposed and existing parking spaces verifying that the existing land use and proposed land uses are in compliance with parking regulations in the Land Use Management Ordinance.
32. Street Lighting Plan: Prior to the issuance of a Zoning Compliance Permit it will be necessary to submit a street lighting plan meeting Town standard for approval by the Town and Duke Energy.
33. Encroachment Agreement – Driveway Improvements / NCDOT Right-Of-Way: Prior to the issuance of a Zoning Compliance Permit, an encroachment agreement between the applicant and Town shall be executed for improvements in the NCDOT right-of-way.
34. Signal Timing: Prior to the issuance of a Zoning Compliance Permit the applicant shall provide a signal timing fee of \$4,000 to the Town for signals in proximity to the development site.
35. Work Zone Traffic Control Plan: Prior to the issuance of a Zoning Compliance Permit for individual buildings, it may be necessary to provide an internal work Zone Traffic Control Plan and a Construction Management Plan for approval. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices.
36. Road Stub-Outs: That any proposed road stub-out to a subsequent phase or adjoining property be cleared, graded and constructed. Signage shall be located at each roadway stub-out that indicates the roadway will be extended for future development. The size, text, and color of the signs shall be subject to the Town Manager's approval.
37. Vehicle Parking: That for each new building, associated vehicle parking must comply with the Land Use Management Ordinance Section 5.9.
38. Bicycle Parking: That for each new building, associated bicycle parking must comply with the Land Use Management Ordinance Section 5.9, the bicycle rack and spacing guidelines in the spring 2010 Association of Pedestrian and Bicycle Professional Guidelines, and the Class I and Class II bicycle parking standards required by the Town Design Manual. Prior to the issuance of a Certificate of Occupancy, the applicant shall provide a description identifying the location, number, and dimensioned details of bicycle parking spaces in compliance with Section 5.9.



39. **Transportation Management Plan:** A Transportation Management Plan, for any non-residential development, shall be approved prior to the issuance of the Zoning Compliance Permit for said development. The required components of the Transportation Management Plan shall include:
- Designation of a Transportation Coordinator to communicate and promote alternate modes of transportation.
 - Submission of an Occupancy Survey due 90 days after issuance of the final Certificate of Occupancy.
 - Submission of an updated annual Transportation Management Plan Report and Resident and Employee Surveys during survey years.
 - Measures to gradually attain the goals of the program.
 - Annual survey of employees for any increase demand for additional bicycle parking.

Landscaping and Elevations

40. **Landscape Buffers:** The following landscape bufferyards shall be provided:

Location	Modified Buffer
Interstate 40	Reduce from 100' Type E to 50' landscape buffer
Eubanks Road	Reduce from 30' Type C to 10' Type C
Park & Ride Lot (north line)	Reduce from 20' Type C to zero
Erber (north property line)	Reduce from 20' Type C to 10' type C
Public Street 'A' & 'B'	Reduce from 20' Type C to 15' Type A

41. **I-40 Landscape Buffer:** That the applicant may clear and re-grade the proposed 50-foot buffer area. That a landscaping plan, as illustratively portrayed in the Design Guidelines, shall be reviewed and approved by the Community Design Commission prior to the issuance of a building permit for any proposed building located in Block A.
42. **Design Guidelines, Community Design Commission Courtesy Review:** That prior to the issuance of a Zoning Compliance Permit for clearing and grading, the applicant shall submit an approved copy of the Design Guidelines to the Community Design Commission seeking courtesy review comments and recommendations. Any courtesy review comments or recommendations, that the applicant decides to incorporate into the Design Guidelines, shall be reviewed and approved by the Town Manager.
43. **Land disturbance in landscape buffers:** That land disturbance associated with reducing the buffer width, as approved by modifications to the regulations, may not occur prior to the issuance of a Zoning Compliance Permit for a building foot print, adjacent to the bufferyard area.
44. **Parking Landscaping and Shading Standards:** Prior to the issuance of a Zoning Compliance Permit, a Parking Lot Landscape, Screening and Shading Plan, in compliance with Section 5.9.6, shall be approved by the Town.
45. **Landscape Protection:** Prior to the issuance of a Zoning Compliance Permit for each phase, a Landscape Protection Plan shall be approved by the Town with details including trees to be removed and preserved, critical root zones of all rare and specimen trees, with names and species.
46. **Tree Protection Fencing:** Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide Town standard landscaping protection notes on Final Plans, including that tree protection fencing will be installed and inspected prior to land-disturbing activity. Tree protection fencing shall be provided around construction limits, parking, and staging/storage areas for approval.
47. **Landscape Planting Plan:** Prior to the issuance of a Zoning Compliance Permit for each phase, the applicant shall provide a detailed Landscape Planting Plan for each phase with a detailed planting list, for approval by the Town. The Plan shall show how the tree canopy provided in the particular block or phase fits within the minimum 30% (or 25% if Zoning Compliance Permit applications for more than 600,000 sq. ft. or floor area are submitted) tree canopy coverage requirement of the entire site. The Plan will adhere to screening and shading standards for Section 5.9.6 (a-d) of the Land Use Management Ordinance.
48. **Tree Canopy Coverage:** That 30% (or 25% if Zoning Compliance Permit applications for more than 600,000 sq. ft. or floor area are submitted) tree canopy coverage will be met by a combination of retained trees, the installation of new canopy trees or a payment-in-lieu. That the project will meet the minimum parking lot landscape requirements per the Land Use Management Ordinance and Design Manual. That each Final Plan application will identify the minimum amount of tree canopy being provided with that phase at the time of ZCP application as well as a tally of cumulative canopy coverage. In the event that by the last phase of development's Final Plan application, the 30% (or 25% if reduced) tree canopy has not been met for the overall development, the developer may provide a payment-in-lieu or set aside preserved trees to meet the remainder of the required tree canopy requirement.
49. **Tree, Landscape Plantings in right-of-way or utility easements:** That the applicant provides authorization letters or similar documentations from NCDOT, Duke Energy or Piedmont Electric for any landscaping proposed within a right-of-way or utility easement.
50. **Community Design Commission Approval:** That the Community Design Commission shall review and approve building elevations and building lighting. The review shall include special consideration of the location and screening of HVAC. The applicant shall describe how the proposed elevations include opportunities for gateway architectural features for buildings located along the I-40 buffer area.



That Community Design Commission approval may occur after the issuance of a Zoning Compliance Permit; however, the submittal of each building permit application shall include a copy of the building and building light plan approval from the Community Design Commission.

51. Eubanks Road and I-40 Gateway Signs: That prior to the issuance of a building permit for the Eubanks Road or the I-40 Gateway signs, the Community Design Commission shall review and approved the sign design.
52. Design Guidelines Amendments: That any proposed amendment to the Design Guidelines, in the opinion of the Town Manager constitutes a significant change, shall be reviewed and approved by the Community Design Commission.

Energy Management

53. Energy Management Plan: Prior to the issuance of any and all Zoning Compliance Permits within the project area that include buildings, the applicant shall provide an Energy Management Plan (EMP) for Town approval. The plan shall incorporate the goal of achieving a "more energy efficient" feature to outperform the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) energy efficiency standard in place at the time of Special Use Permit approval. The plan shall also consider the following: a) utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; and c) provide for the goal of more efficiency relative to ASHRAE (see above) that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project. Each project that includes buildings will obtain a nationally recognized "green" certification (examples include, but are not limited to: LEED, NAHB, Green Globes, etc.). The certification will be obtained within one-year of the final certificate of occupancy for the respective project.

Stormwater Management

54. Stormwater Management Plan: This project shall comply with the *Section 5.4 Stormwater Management* of the Land Use Management Ordinance.
55. Green Roofs: That the review and approval of building elevations shall not restrict the application from incorporating green roof stormwater features into the project or building design.
56. Resource Conservation District: Significant revisions to the stormwater management plan, requiring additional land disturbance in the Resource Conservation District, may as determined by the Town Manager, require Council approval.
57. Jordan Stormwater Management for New Development: That if the total disturbed area exceeds 0.5 acres, this project must comply with *Section 5.19 Jordan Watershed Stormwater Management for New Development* of the Land Use Management Ordinance to provide the required reductions in nitrogen and phosphorus loads for new development and redevelopment projects.
58. Jordan Surety: That if the total disturbed area exceeds 0.5 acres, prior to the issuance of a Certificate of Occupancy, the owner shall post a maintenance bond or other surety instrument satisfactory to the Town Manager, in an amount equal to one hundred twenty-five (125) percent of the construction cost of each stormwater management facility to assure maintenance, repair, or reconstruction necessary for adequate performance of the stormwater management facility, or establish a stormwater maintenance (sinking fund) budget and escrow account in accordance with the requirements of Section 5.19 of the Land Use Management Ordinance.
59. Erosion Control Bond: If one acre or more is uncovered by land-disturbing activities for this project, 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.
60. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the applicant shall inspect the erosion and sediment control devices and offsite roadways daily, make any necessary repairs or adjustments to the devices, remove deposition of wet or dry silt on adjacent roadways and maintain inspection logs documenting the daily inspections and any necessary repairs.
61. Erosion Control: That during the construction phase, additional erosion and sediment controls may be required if the proposed measures do not contain the sediment. Sediment leaving the property is a violation of the Town's Erosion and Sediment Control Ordinance. The applicant shall inspect erosion and sediment control devices daily, make necessary adjustments to the devices and maintain inspection logs documenting inspections and repairs.
62. Stormwater Phasing Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall obtain approval of a Phasing Plan for stormwater that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats.

Recreation

63. Open Public Space: That the project shall provide a minimum of 10,000 square feet of passive recreation, open space, common public squares or green areas. These areas shall not be counted toward meeting Recreation Space requirements. The submission of each Final Plan application shall include a cumulative tally of proposed and existing open public space.



64. Recreation Space and Payment-In-Lieu: That prior to the issuance of final Certificates of Occupancy for a residential phase, the applicant shall provide Recreation Space, or a payment in lieu thereof, in the amounts required for that phase as defined in Section 5.5 of the Land Use Management Ordinance. The formula for determining the amount of Recreation Space for each residential use shall be calculated by using the formula for Recreation Space found in Section 5.5 of the Land Use Management Ordinance. For buildings in which there are both residential and nonresidential components the standard formula shall be modified by multiplying the required Recreation Space, determined by the formula, by the percentage of the building that will be used for residential purposes.
65. Active Public and Private Recreation Tally: That the submission of each Final Plan application proposing a residential component, shall include a cumulative tally of proposed and existing residential floor area, and a tally of existing and proposed private and public active recreation improvements or payments-in-lieu that will count toward meeting the active Recreation Space requirement of Section 5.5 of the Land Use Management Ordinance for the site. The tally shall also calculate the square footage of any existing or proposed public passive recreation, open space, common public squares or green areas that will not be counted toward meeting Recreation Space requirements.
66. Eastern Multi-Modal Path: That a minimum 10-foot wide paved multi-modal path be constructed in the eastern portion of the property through Block D to the northern property line. The path shall be built to AASHTO standards. The path location shall be reviewed and approved by the Town Manager or his designee. The path shall be owned and maintained by the Owners Association. A public access easement over the path shall be deeded to the Town prior to issuance of a final certificate of occupancy for Block D. That the phased construction of this path shall be reviewed and approved as part of a phasing plan, associated with a Zoning Compliance Permit for Block D.
67. Multi-Modal Path along Street B: That a minimum 10-foot wide paved multi-modal path along the north side of Public Street 'B' be constructed in the western portion of the property from Public Street 'A' to the property line. The western end of the path shall intersect with the multi-modal path along Public Street 'A'. The path shall be built to AASHTO standards. The path location shall be reviewed and approved by the Town Manager or his designee. That the path shall be constructed in conjunction with the construction of Public Street 'B.'
68. Western Multi-Modal Path: That a minimum 10-foot wide paved multi-modal path along Public Street 'A' be constructed in the western portion of the property from Eubanks Road to the western property line. The southern end of the path shall align with the northern end of the existing Horace Williams Trail within Chapel Watch Village. The path shall be built to AASHTO standards. The path location shall be reviewed and approved by the Town Manager or his designee. That the path shall be constructed in conjunction with the construction with the related sections of Public Street 'A'; the portion from Eubanks Road to its intersection with Public Street 'B' will be built prior to the first certificate of occupancy for a building on Blocks E or F, and the portion from the intersection of Public Street 'B' to the western property line prior to the first certificate of occupancy for a building on Block G.
69. Multi-Modal Path Easements: Multi-modal path easements shall be recorded as noted specifically in these sections, at the Orange County Register of Deeds, and shall grant easements in perpetuity to the Town of Chapel Hill. The recorded easements shall include wording that guarantees public pedestrian, non-motorized vehicle, and motorized wheel chair access consistent with the Town's Greenways Master Plan. The easements must also guarantee the Town of Chapel Hill's right to construct and maintain the path, allow for access of emergency vehicles, signage, removal of dangerous or diseased vegetation, or any other function necessary to guarantee public safety. The recorded easements shall also include sketch maps indicating the location of the path within the easements and nearby points of reference, such as public streets.
70. Future Multi-Modal Path Easement: That prior the issuance of the final Certificate of Occupancy the applicant provide a public multi-modal easement, deeded to the Town, within Block G that connects Public Street 'A' with the Town owned property to the north and the privately owned property to the east. The final size and location of the easement shall be approved by the Town Manager or his designee. Any path within this easement will be constructed and maintained by the Town.

Common Areas and Owners' Association

71. Ownership and Responsibilities of Common Areas: That an owners' association(s) be created for the maintenance and regulation of the private (residential, office, park, landscape, and commercial) areas including privately maintained streets and alleys.
 - a. All property owners owning land within the area of the development, excluding governmental bodies, shall be represented in the owners' association.
 - b. This owners' association shall have maintenance responsibilities for commonly owned development elements which affect the entire development, including the stormwater management facilities.
 - c. The document creating this entity shall be reviewed for approval by the Town Manager, and shall be recorded in the Orange County Register of Deeds Office prior to the issuance of a Zoning Compliance Permit.
 - d. The responsibilities of these entities shall include the ownership and maintenance of the private alleys, private green spaces, private parks and recreation space, private retention basins, and the landscape buffers.
 - e. These entities shall also be responsible for any "add-on fees" charged by Duke Power for special street lighting.
 - f. These entities shall have the ability to place a lien on property for nonpayment of dues or fees.

Water, Sewer, and Other Utilities

72. Utility/Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the final utility/lighting plan shall be approved by the Town, Orange Water and Sewer Authority, Duke Energy Company, and other local utility service providers.



73. Lighting Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall submit a lighting plan, sealed by a Professional Engineer, demonstrating compliance with Section 5.11 of the Land Use Management Ordinance and Town standards, for approval.
74. Utilities Located Underground: As required by Section 5.12.2 of the Land Use Management Ordinance all utilities, and where applicable three phase electrical lines, shall be located underground.
75. Eubanks Road Utilities: Utilities located along Eubanks Road may be located above ground, if the applicant can demonstrate that the burial would create economic hardship or a danger to public health or safety as it relates to the size, nature, timing, and scope of the proposed development.
76. Utility Easement Plats: Prior to the issuance of a Certificate of Occupancy, easement plats and associated documentation, for the applicable project or Block, shall be approved by the Town and OWASA and recorded by the applicant.

Fire Safety, Fire Code

77. North Carolina Fire Protection Code 2012: That the proposed development shall comply with North Carolina Fire Protection Code 2012 including all applicable, amended or update fire code requirements.
78. Automatic Fire Sprinkler System Required: Town Ordinance 7 - 56. An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 is required to be installed in non-residential construction.
79. Emergency Communications System: That the developer shall provide building design features which enable public safety responders' radios to penetrate and provide reliable radio transmissions within the buildings.
80. Overhead Power and Utility Line Prohibited: Where a proposed building exceeds 30' in height or 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26' exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15' and maximum of 30' from one complete side of the building. NC FPC 2012 D105.1, D105.2, D105.3
81. Fire Hydrants: The addition of any required hydrants to serve the submitted building must flow a minimum of 2500 gpm per Town Engineering Standards unless approved by the fire code official. The farthest hydrant serving a proposed structure must be no more than 500' distant. A maximum distance of 500' spacing between hydrants must be maintained unless otherwise approved by the fire code official. Lesser spacing distances may be required. A minimum working space of 3' must be maintained around all hydrants. Where hydrants are subject to physical impact, physical protection may be required, NC FPC 2012, 507.5.6. The minimum number of required hydrants and their spacing must meet NC FPC 2012, Appendix C, table C105.1.
82. Fire Flow Report: Fire protection water supplies shall be in accordance with section 507 AND Appendix 'C' of the 2012 North Carolina Fire Code. Prior to the issuance of a Zoning Compliance Permit, the applicant shall include a fire flow report, with an OWASA flow test that meets Town Design Manual standards, sealed by an Engineer registered in the State of North Carolina for approval.
83. Fire Hydrant and FDC Locations: Prior to the issuance of a Zoning Compliance Permit, the locations of existing and proposed fire hydrants and Fire Department Connections (FDC) shall be approved. Fire Department Connections shall be located on the street side of the building within 100 feet of a hydrant. Hydrant spacing shall comply with the Town Design Manual. Design shall be approved prior to issuance of a Zoning Compliance Permit.
84. Fire Watch: During construction and demolition where hot work, materials subject to spontaneous combustion, or other hazardous construction or demolition is occurring, the owner or their designee shall be responsible for maintaining a fire watch. The fire watch shall consist of at least one person with a means of communicating an alarm to 911, including posting a written address in a conspicuous location and shall maintain constant patrols. NC FPC 2012 Section 1404.
85. Hydrants Active: All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. That fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13.
86. Firefighting Access during Construction: Prior to the issuance of a Certificate of Occupancy, NC Fire Code (Section 1410.1 Required Access), vehicle access for firefighting shall be provided to all construction or demolition sites including vehicle access to within 100 feet of temporary or permanent fire department connections and hydrants. Vehicle access shall be provided by either temporary or permanent roads capable of supporting vehicle loading under all weather conditions.
87. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20', be of swinging or sliding type, have an emergency means of operation, shall be operable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. NC FPC 2012, 503.5, 503.6, D103.5



88. Construction/Demolition: All construction and demolition conducted shall be in compliance of the current edition of Chapter 14 of the NC FPC.
89. Open Burning: That the open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.

Solid Waste Management and Recycling

90. Solid Waste Management Plan: Prior to the issuance of a Zoning Compliance Permit, a detailed Solid Waste Management Plan, including a recycling plan and a plan for managing and minimizing construction debris, shall be approved. Each bulk waste container shall be labeled as to type of material to be collected. Prior to the issuance of a Zoning Compliance Permit, the developer shall provide documentation of its intention for solid waste collection by a private provider, where necessary.
91. Construction Waste: By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled, and haulers of construction waste must be properly licensed. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered.
92. Deconstruction/Demolition: The applicant shall hold a deconstruction assessment meeting with Orange County Solid Waste Management staff (919-968-2800) concerning the buildings to be removed from this site, with the following note on plans: "Prior to any demolition or construction activity on the site the applicant will hold a deconstruction assessment conference with the County's Solid Waste staff concerning buildings to be removed from this site. Prior to the issuance of a Demolition Permit, the developer shall provide a demolition waste management plan.
93. Refuse Collection Service: That prior to the issuance of any Zoning Compliance Permit involving a land use that generates refuse or solid waste, it will be necessary to verify that refuse collection service is to be contracted privately, unless the applicant demonstrates that all requirements for public refuse collection have been met in the design and construction of one or more sections of the project.

State and Federal Approvals

94. State or Federal Approvals: Prior to the issuance of a Zoning Compliance Permit, any required State or federal permits or encroachment agreements (e.g., 401 water quality certification, 404 permit) shall be provided to the Town of Chapel Hill.
95. North Carolina Department of Transportation Approvals: Prior to the issuance of a Zoning Compliance Permit, plans for any improvements to State-maintained roads or in associated rights-of-way shall be approved by the Town and NCDOT.

Miscellaneous

96. Phasing Plan: Prior to issuance of a Zoning Compliance Permit, the applicant shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail public improvements and stormwater management structures will be completed in each phase prior to requesting a Certificate of Occupancy. Construction for any phase may not begin until all public improvements in previous phases are complete, with a note to this effect on the final plans and plats. The applicant may submit at any time for Town review and approval, an application for a revised Phasing Plan
97. Schools Adequate Public Facilities Ordinance: That the applicant provides the necessary Certificate of Adequacy of Public Schools prior to the issuance of a Zoning Compliance Permit for any phase proposing residential dwelling units.
98. Recombination Plat: Prior to the start of any on-site construction activity, a recombination plat application combining the development site lots shall be approved by the Town and recorded at the County Register of Deeds.
99. Temporary Construction Access Agreements: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide construction agreements with adjacent property owners, where necessary, for approval.
100. Construction Management Plan: Prior to the issuance of a Zoning Compliance Permit, a Construction Management Plan, that includes the following details, shall be approved: 1) construction vehicle traffic management, 2) on-site construction parking areas including plans to prohibit parking in residential neighborhoods, 3) construction staging and material storage areas, 4) construction trailers and associated temporary structures, and 5) proposed Town Noise Ordinance compliance.
101. Street Closure Plan: That prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a street closure plan, subject to Town Manager approval, for any work requiring street, sidewalk, or lane closures.
102. Heavy Duty Structural Support: Prior to the issuance of a Zoning Compliance Permit, the developer shall provide documentation that, if underground stormwater detention is proposed beneath parking areas or drive aisles, the pavement is designed to structurally support the live loads of fire trucks and garbage trucks.
103. Traffic and Pedestrian Control Plan: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a Work Zone Traffic Control Plan for Town approval, for vehicular movement on any public street that will be disrupted during construction, including safe pedestrian circulation. At least 5 working days prior to any proposed lane or street closure the applicant must apply for a lane or street closure permit.
104. Addressing: Prior to the issuance of a Zoning Compliance Permit, the Town shall assign address where applicable.



- 105. Construction Sign Required: Prior to the issuance of a Zoning Compliance Permit, a sign detail shall be approved. Prior to the start of land disturbing activities when the Building Permit has been issued, the applicant shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information. Non-illuminated signs with a maximum area of 32 square feet and height of 8 feet are allowed by LUMO Section 5.14.3(g).
- 106. As-Built Plans: Prior to issuance of the first Certificate of Occupancy, the applicant shall provide to the Town certified as-built plans, for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, applicable to the Certificate of Occupancy.
- 107. Vested Right: This Special Use Permit constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and Appendix A of the Town Code.
- 108. Continued Validity: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
- 109. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

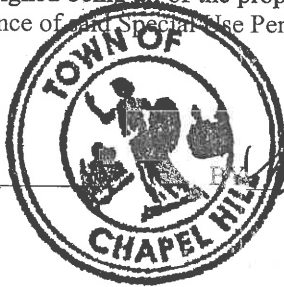


IN WITNESS WHEREOF, the Town of Chapel Hill has caused this instrument to be executed in its name as evidence of the issuance of said permit, and the undersigned being all of the property owners of the property above described, have executed this instrument in evidence of their acceptance of said Special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

ATTEST

Town of Chapel Hill

[Signature]
Town Clerk



[Signature]
Executive Director, Planning and Sustainability
RDK

ACCEPTED

NR Edge Property Owner LLC

[Signature]
Adam Golden, Vice President (Seal)

ORANGE COUNTY

NORTH CAROLINA

I, Christina M. Strauch, a Notary Public in and for said County and State do hereby certify that

Mary Jane Nirdlinger, Executive Director, Planning and Sustainability, of the Town of Chapel Hill, and

SABRINA M. OLIVER, Town Clerk, duly sworn says each for herself that she 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,

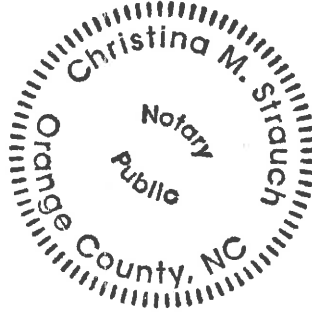
that Mary Jane Nirdlinger Executive Director, Planning and Sustainability of said Town of Chapel Hill,

and SABRINA M. OLIVER, 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 hand and Notarial Seal this the

11th day of July, 2016.

Christina M. Strauch
Notary Public Christina M. Strauch



My commission expires: April 16, 2018

~~ORANGE COUNTY~~
WAKE

NORTH CAROLINA

I, Pearl M. McAdaragh, a Notary Public in and for said State and County do hereby certify that

Adam Golden Vice President of NR Edge Property Owner LLC, personally appeared before me this day and
Adam Golden

acknowledge the due execution of the foregoing instrument.

WITNESS my Hand and Notarial Seal, this 20th day of July, 2016

Pearl M. McAdaragh
Notary Public
Pearl M. McAdaragh

My commission expires: 8/17/2016

