



**TOWN OF CHAPEL HILL**  
**Planning Department**  
 405 Martin Luther King Jr. Blvd.  
 Chapel Hill, NC 27514-5705  
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 www.townofchapelhill.org

**THIS CERTIFIES THAT A REVISED**  
**DEVELOPMENT AGREEMENT COMPLIANCE PERMIT**  
**HAS BEEN ISSUED TO**

**Name of Permittee:** George J. Retschle, Ballentine Associates on behalf of Glen Lennox Apartments, LLC

**Name of Development:** Glen Lennox – Block 9A Link Apartments Calyx (Project #21-017)

**Date:** June 18, 2021; Revised October 25, 2021; Revised February 10, 2022

**For:** **Modification of** Phase 1 of development of an apartment building on Block 9A of Glen Lennox Property, along Maxwell Road south of Lanark Road.

Additional Impervious Surface	<del>-32,125 SF</del> <del>-41,951 SF</del> <del>-48,955 SF</del>
Land Disturbance (including off-site)	<del>257,004 SF</del> <del>325,324 SF</del>

All work to be completed in accord with the approved plans approved on June 11, 2021 on file in the Chapel Hill Planning Department.

**Location:** 3-25 Lanark Road and 5-57 Maxwell Road, and identified as Orange County Property Identifier Number 9798-26-5134

**Zoning:** Residential-3 (R-3)/Glen Lennox Neighborhood Conservation District (NCD-CD-8C)/Glen Lennox Development Agreement

**NOTE:** **Keep this document onsite for the duration of construction. Convey this permit and conditions to appropriate members of the development and construction teams so that all required conditions are addressed at the appropriate time.**

**Expiration:** **Construction must begin within one year (June 18, 2022) and be completed within three years (June 18, 2024) of issuance of this permit.**

**Conditions:**

**Engineering/Public Improvements:**

1. Prior to approval of the final plat that dedicates and realigns the rights of way for Lanark and Maxwell Roads, the permittee shall receive Town Council approval of a partial abandonment of Lanark and Maxwell Roads. The abandonment shall be in accordance with the alignment approved by Development Agreement Compliance Permit.

2. A right-of-way plat to dedicate additional right-of-way for the alignments of Lanark and Maxwell Roads, and to dedicate right-of-way for these roads, shall be applied for and approved prior to the issuance of any Certificate of Occupancy.
3. No construction storage, staging or parking in the public right-of-way outside of the limits of disturbance.

**Stormwater:**

**Key Conditions**

4. Prior to initiating land disturbing activities outside of the previously approved Limits of Disturbance (LOD), the applicant shall obtain concurrence from Orange County Erosion Control for the revised plan.
5. No construction of drainage facilities that will discharge to Study Point 3 shall commence until the proposed design demonstrates compliance with LUMO 5.4 and is approved by the Town Stormwater Engineer. The Town Stormwater Engineer will notify the applicant and Planning Department when the plan is approved. After approval is issued the revised construction plans and Stormwater Impact Statement shall be submitted to Planning and Stormwater Management Division for stamping.  
[LUMO 5.4]

**General Conditions**

6. This permit limits the area of land disturbance to a maximum of 275,004 square feet and allows no increase in impervious area (reduction of 32,125 square feet impervious area) as shown in the calculations submitted for the Development Agreement Compliance Permit. Any increase of land disturbance or impervious area that occurs as a result of construction over the permitted amount shall require a revised stormwater management report and plan, signed and sealed by a North Carolina-registered Professional Engineer, which shall be submitted to the Town Stormwater Engineer for review and approval prior to the issuance of a Zoning Final Inspection. [LUMO 5.4]
7. Additional post-construction drainage controls may be required if the runoff from the site is not discharged in a non-erosive and diffuse manner. Additional post-construction drainage controls may be required if hazardous conditions are created by surcharge in the undersized pipes under the Glen Lennox Shopping Center. The owner may be liable if adjoining properties receive substantial damage due to discharge of runoff from the property. [LUMO 5.4]
8. Sediment Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry sediments on adjacent roadways. [Town Code 5-86]
9. Erosion Control Inspections: In addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. [Orange County Erosion Control]
10. 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. [Town Code 5-98]
11. Storm Drain Inlets: The developer shall provide pre-cast inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-4A, SD-5A, SD-5C include all applicable details\*, for all new inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
12. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as

specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [Town of Chapel Hill Design Manual

13. Stormwater Structure Locations: No stormwater structures are permitted in the building setbacks. Structures include pipe ends, flared end sections, underdrains, inlet structures, outlet structures, control structures, flow dissipation measures such as rip-rap aprons or stilling pools, rock splash pads, concrete splash blocks, and the downgradient toe of French drains. [LUMO 3.8]
14. The stormwater management facility(ies) shall be maintained by the property owner in accordance with the recorded Operations and Maintenance Plan. [LUMO 5.4]
15. Performance Guarantee: A performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirement of Section 4.9.3 of the Land Use Management Ordinance prior to the approval of final plat recordation. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping with size at least 12 inches and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The applicant shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the storm water control measures(s) and related stormwater improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125%) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall submitted by the developer prior to the issuance of Certificate of Occupancy. No sooner than one year after the recording date of the deed(s), easements and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the stormwater control measures and conveyance to determine that they are performing as required by this Ordinance. The Stormwater Management Division, upon determining that the storm water control measures(s) and conveyances are performing as required by this Ordinance, and after any repairs to the storm water infrastructures are made by the owner, shall release the remaining maintenance bond.

Following the release of the maintenance bond, the developer and/or Homeowners Association shall continue to have a responsibility and obligation to inspect and maintain the stormwater infrastructure as required by the Town's Land Use Management Ordinance. [LUMO 4.9.3]

Prior to Land Disturbance Conditions

16. Erosion Control Bond: If one acre or more is to be uncovered by land-disturbing activities for the 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. [Town Code 5-98]
17. A preconstruction meeting shall be held with the Stormwater Management Division on-site prior to land disturbance. Please contact the Stormwater Management office at 919-969-7246 to schedule the meeting at least 10 days prior to initial land disturbance.

Prior to C/O Conditions

18. Prior to issuance of a Certificate of Occupancy (C/O) for any lot, all of the documents enumerated below must be submitted to the Town Stormwater Management Engineer and a final stormwater management inspection must be scheduled, at least 10 days in advance of requesting the C/O. After performing the final inspection and reviewing and approving the documents, the Town Stormwater Management Engineer or designee will issue an Approval Notification to the Town's Inspections Department. Please schedule the final stormwater management inspection with the Town Stormwater Management Engineer (919-969-7246).
- a. A copy of the final plat or easement exhibit, signed and sealed by a North Carolina-registered Land Surveyor and recorded by the County Register of Deeds, showing the "Stormwater Facility Easement(s)", the stormwater management facility(ies), the maintenance access locations, and cross-drainage easements. For purposes of maintenance, the maintenance access must be shown on the exhibit and extend from the "Stormwater Facility Easement" to the nearest public right-of-way (ROW). The following notes must be included on the recorded final plat(s) or easement exhibit:
    1. All engineered stormwater management control, treatment, and conveyance structures located on or below the ground shall be wholly contained within an easement entitled: "Reserved Stormwater Facility Easement Hereby Dedicated" and shall be reserved from any development which would obstruct or constrict the effective management, control, and conveyance of stormwater from or across the property, other than the approved design and operation functions.
    2. The Reserved Stormwater Facility Easement(s) and the facilities it/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.
    3. The Reserved Stormwater Facility Easement and the Operations and Maintenance Plan are binding on the owner, heirs, successors, and assigns.
  - b. Certified as-built plans showing building footprints, driveways, all other impervious surfaces, stormwater drainage/conveyance piping and stormwater management structures. One (1) hard copy and a PDF, signed and sealed by a North Carolina-registered Professional Land Surveyor, shall be provided along with a digital version of the as-built plans in DXF binary format or Shapefile format. The digital as-built shall be submitted per the following guidelines:
    1. The format shall be AutoCAD file readable in v.24 or a digital Geodatabase format;
    2. The horizontal datum shall be NAD 83(NSRS2011); the vertical datum shall be NAVD 88; the GEOID Model shall be GEOID09 or the current model as published by the National Geodetic Survey (NGS).
    3. The coordinate system shall be State Plane North Carolina 3200.
    4. The unit of measurement shall be the US Survey Foot.
    5. Each type of stormwater infrastructure shall be on its own layer in the AutoCAD drawing (e.g. pipes on one layer, inlet structures on one layer, pipe ends on one layer, and junction boxes on one layer) or comply with the geodatabase schema.
    6. Any new stormwater control measures shall be shown in AutoCAD using Mpolygons or closed polylines.

- 7. All Inlets, Pipe Ends & Junction Boxes shall be Autocad point objects or blocks. The rim and inverts shall be labeled on the as-built drawing and attached to the structure with object data.
- 8. Stormwater pipe sizes and materials shall be labeled on the as-built drawings and shall be attached to the line using object data.
- 9. The footprint for all impervious areas should be shown on a separate layer.
- c. A copy of the recorded maintenance covenant ("Operations and Maintenance Plan"), signed by the owner and recorded by the County Register of Deeds, for the stormwater management facility(ies). The Operations and Maintenance Plan shall be created using the Town of Chapel Hill standard template documents which can be found on the Town of Chapel Hill website or made available upon request to staff. The Operations and Maintenance Plan shall also include an as-built stormwater management facility exhibit and, if applicable, manufacturer's operations and maintenance plans for proprietary stormwater management facilities.
- d. Certification, signed and sealed by a North Carolina-registered Professional Engineer, that the stormwater management facility(ies) was/were constructed in accordance with the approved plans and specifications.
- e. Pictures of the outlet control structure.
- f. Sufficient documentation of inspections (CCTV or photos) demonstrating that all stormwater conveyances and structures within public right-of-way and any portions of off-site private systems affected are in acceptable condition and cleaned of sediment and debris.

Council Approval	April 21, 2021
Administrative – Development Agreement Compliance Permit	June 18, 2021
 Issued by: Anya Grahn, Senior Planner	

**Modification approved by Anya Grahn on 10/25/2021**