



**TOWN OF CHAPEL HILL**  
**Planning Department**  
 405 Martin Luther King Jr. Blvd.  
 Chapel Hill, NC 27514-5705  
*phone (919) 968-2728*  
 www.townofchapelhill.org

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

**Name of Permittee:** Dillon Smith, Ballentine Associates on behalf of Glen Lennox Apartments South, LLC

**Name of Development:** Link Apartments Calyx II – Glen Lennox Block 4 (Project #22-007)

**Date:** November 21, 2022

**For:** Phase 2 of development of an apartment building on Block 4 of Glen Lennox Property, between Maxwell Road and Hamilton Road, south of Berkley Road Extension

Additional Impervious Surface	+ 0 SF (Total 20,867 SF post-construction)
Land Disturbance (including off-site)	309,000 SF (Approved in Phase 1)

All work to be completed in accord with the approved plans approved on November 11, 2022 on file in the Chapel Hill Planning Department.

**Location:** Glen Lennox Blocks 4 (Orange County Property Identifier Number 9798268298)

**Zoning:** Residential-3 (R-3)

**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 (November 21, 2023).**

**CONDITIONS:**

**Planning:**

1. Prior to the commencement of any land disturbing activities, the applicant shall post a construction sign that lists the property owner’s representative and telephone number, the contractor’s representative and telephone number, and a telephone number for regulatory information. The sign shall state that noise issues can be reported by calling a posted, specified

telephone number. The construction sign design may not exceed 32 square feet in area or 8 feet in height.

2. Prior to any site disturbance, contact the Planning Department at (919) 968-2728 for a pre-construction conference and an inspection once the tree protection fencing is installed.
3. Prior to Zoning Final Inspection, the applicant shall demonstrate that the project is in compliance with the required number of parking spaces. The applicant shall either:
  - a. Receive approval from the Town on their proposed minor modification to the Development Agreement (DA) to reduce the number of parking spaces required, submitted on July 29, 2022; *or*
  - b. Demonstrate that the required number of parking spaces is supplied off-site, but within the boundaries of the Development Agreement (i.e. the new office parking garage).
4. Prior to the issuance of the Certificate of Occupancy (CO), the applicant shall provide a copy of the Certified as-built plans, signed and sealed by a North Carolina-registered Professional Land Surveyor, showing building footprints, driveways, all other impervious surfaces, stormwater drainage/conveyance piping, and storm water management structures and contact Planning at (919) 968-2728 to schedule a final zoning inspection at least ten (10) days in advance of requesting the CO.

**Engineering/Public Improvements:**

5. In compliance with the Noise Ordinance, Town Code Section 11-40, construction operations for which building permits have been issued, be limited to 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends.
6. Prior to installing permeable pavement, the Town's right-of-way, an encroachment agreement application form should be submitted to the Engineering Division for review and approval. The weblink for the encroachment form is (<https://www.townofchapelhill.org/home/showpublisheddocument/34494/636215518238430000>).
7. Prior to any traffic lane/sidewalk closures, it will be necessary to contact the Chapel Hill Traffic Engineering Division at 919-969-5093, at least 5 working days before the proposed work to apply for a lane and/or sidewalk closure permit.
8. Sight Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. The property owner shall dedicate Sight line easements and the easements recorded with the Orange County Register of Deeds. [Town Design Manual].
9. Prior to commencing site work, an Engineering Construction Permit shall be obtained, and all bonds approved by the Town of Chapel Hill Public Works Department. Please contact James Huggins at 919-969-5088 for the Engineering Construction Permit and bond approval.
10. An Orange County erosion control permit shall be obtained. Best practices for erosion control must be used. Silt Fencing and construction drive shall be inspected prior to land disturbing activity. Call the Stormwater Management Division at 919-969-7246 for a preconstruction meeting on-site.
11. A preconstruction meeting shall be held with the Stormwater Management and Engineering Division on-site after perimeter erosion control measures are installed and prior to land disturbance. Please contact the Stormwater Management office at 919-969-7246 to schedule the meeting at least 10 days in advance.

12. Prior to the final overlay of asphalt, the developer shall contact the program supervisors from Streets, Construction, Stormwater, Engineering and Traffic Divisions to perform an inspection. If landscape improvements are made within the right-of-way please include the appropriate staff member in Parks Maintenance.

**Stormwater:**

**General Conditions**

13. 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 Certificate of Occupancy. [LUMO 5.4]
14. Additional post-construction drainage controls may be required if the runoff from the site is not discharged in a non-erosive and diffuse manner. The owner may be liable if adjoining properties receive substantial damage due to discharge of runoff from the property. [LUMO 5.4]
15. 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]
16. 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]
17. 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]
18. 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]
19. 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]
20. 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]
21. The stormwater management facility(ies) shall be maintained by the property owner in accordance with the recorded Operations and Maintenance Plan. [LUMO 5.4]
22. 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 be 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

23. 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]
24. 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.

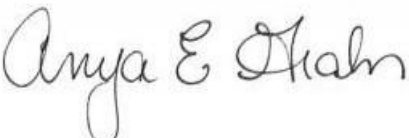
Prior to C/O Conditions

25. 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(s), and the Operations and Maintenance Plan are binding on the owner, heirs, successors, and assigns.
  4. Modification to the approved Grading and Stormwater Management Plan shall be submitted for approval to the Town Stormwater Management Engineer.
- 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 Operation 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 Plan shall also include an as-built stormwater management facility exhibit showing drawdown orifice locations, and 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 following Stormwater Facility and permeable pavement components:
  - 1. Permeable pavement underdrains prior to installation of aggregate
  - 2. Installed StormFilter cartridges
  - 3. Underground detention system inlet pipes, outlet pipes, and control structure orifices and weirs
- f. Results of permeable pavement infiltration test, conducted and certified on the pavement after site stabilization, per NCDEQ Permeable Pavement Minimum Design Criteria 13.
- g. 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.
- h. Revised Stormwater Impact Statement based on as-built conditions as determined by the Town Stormwater Management Engineer.
- i. 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.
- j. Revised Stormwater Impact Statement based on as-built conditions as determined by the Town Stormwater Management Engineer.

Council Approval	April 21, 2021
Administrative – Development Agreement Compliance Permit	November 21, 2022
 Issued by: Anya Grahn, Principal Planner	