

Attachment 3 2005 Revised Special Use Permit



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FILED Joyce H. Pearson
Register of Deeds Orange COUNTY, NC
BY:

Deputy *Linda Roberts*

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Prepared by: Kay Pearlstein, Chapel Hill Planning Department



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

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT MODIFICATION

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), Orange County, having applied to the Town of Chapel Hill for a Special Use Permit Modification for the use and development of the property hereinafter described, the same was issued by the Town of Chapel Hill on November 13, 1995, recorded in Book 1437, Page 33 at the Orange County Register of Deeds Office was granted by the Town of Chapel Hill on June 27, 2005 the terms of which are as follows:

NAME OF PROJECT: Southern Orange County Senior Center

NAME OF DEVELOPER: Orange County

DESCRIPTION OF PREMISE

LOCATION: 2501 Homestead Road at the Southern Orange County Human Services Center site.

ORANGE COUNTY
PARCEL IDENTIFIER NUMBER:

9880-00-8527 *W*

DESCRIPTION OF DEVELOPMENT

Total # of Buildings: 1 Maximum # of Parking Spaces: 103

Maximum Floor Area Total: 25,000 s.f. Minimum # of Bicycle Spaces: 7

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated December 14, 2004, revised December 22, 2005 (on file in the Chapel Hill Planning Department), and according to the special terms and conditions set forth below:

Stipulation Specific to the Development

1. Relationship to the 1994 Special Use Permit and November 13, 1995 Special Use Permit Modification: That this approval authorizes the use of the approximately 34.5 acre Orange County Southern Human Services Center site. This authorization is intended to be in addition to the terms of the November 13, 1995 Special Use Permit Modification document recorded in Deed Book 1437, Page 33 and the July 5, 1994 Special Use Permit document recorded in Deed Book 1283, Page 256 of the Orange County Register of Deeds Office.
2. That construction begin by June 27, 2007 and be completed by June 27, 2008.
3. Land Use Intensity: This Special Use Permit Modification authorizes a public use facility and land use intensity requirements and dimensional standards as specified below:

Land Use Intensity	
Net Land Area	1,327,713 s.f.
Total # of Buildings	1
Maximum Floor Area	25,000 s.f.
Maximum Impervious Surface Area	82,542 s.f.
Maximum # of Vehicular Parking Spaces	103
Minimum # of Bicycle Parking Spaces	7

Stipulations Related to Transportation Issues

4. Homestead Road Curb and Gutter: That the applicant provide curb and gutter to Town standards along the Homestead Road frontage of the site to tie into existing curb and gutter on the east side of the frontage. The final plans for the construction shall be approved by NCDOT and the Town Manager prior to issuance of a Zoning Compliance Permit.
5. Homestead Road Sidewalk: That the applicant provide a 5-foot concrete sidewalk along the entire Homestead Road frontage to Town standards. The final plans for the construction shall be approved by NCDOT and the Town Manager prior to issuance of a Zoning Compliance Permit.
6. Homestead Road Crosswalk: That the applicant construct an off-site high visibility crosswalk across Homestead Road at the driveway to Homestead Park to include: advanced warning pedestrian signs, an overhead flashing signal, and a pedestrian refuge, if final plans for construction are approved by the North Carolina Department of Transportation and the Town Manager; provided that if the NCDOT does not approve the plans in time to allow construction of these improvements by the time of completion, the applicant shall provide a payment in lieu for such improvements of \$10,000.
7. Homestead Road and Martin Luther King Jr. Boulevard Intersection Traffic Signal Modifications: That the developer provide a payment-in-lieu of \$2,000 to the Town of Chapel Hill for traffic signal improvements requiring modifications to the existing traffic signal design at the Homestead Road and Martin Luther King Jr. Boulevard intersection prior to issuance of a Zoning Compliance Permit. These signal timing adjustments may also include the PM peak hour signal system plans.
8. Homestead Road Turn Lane: That the applicant provide a right turn lane on Homestead Road at the existing site entrance to provide for right turns into the site. The final plans for the construction shall be approved by NCDOT and the Town Manager prior to issuance of a Zoning Compliance Permit.
9. Removed
10. Parking Lot Standards: That all parking lots, drive aisles and parking spaces shall be constructed to Town standards.
11. Bicycle Parking: That a minimum of seven bicycle parking spaces be provided at the plaza at the northern entrance of the facility with one Class I bicycle space and six Class II parking spaces, subject to Town Manager approval, prior to issuance of a Zoning Compliance Permit.
12. Transportation Management Plan: That a Transportation Management Plan shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. The required components of the Transportation Management Plan shall include:
 - a. Provision for designation of a Transportation Coordinator;
 - b. Provisions for an annual Transportation Survey and Annual Report to the Town Manager;
 - c. Quantifiable traffic reduction goals and objectives;
 - d. Ridesharing incentives;
 - e. Public transit incentives;
 - f. Provision of a minimum of 7 on-site bicycle parking spaces;
 - g. Encouragement of alternative modes of transportation;
 - h. Provision of a shower in this building; and
 - i. Other measures subject to approval by the Town Manager.

Stipulations Related to Landscaping and Architectural Issues

13. Required Buffers: That the following landscape buffer be provided; and if any existing vegetation is to be used to satisfy the buffer requirements, the vegetation will be protected by fencing from adjacent construction:

Location	Required Buffers
Southern Property Line (adjacent to R-2)	20 ft. Type 'C'
Eastern Property Line (Adjacent to R-4)	20' Type 'B' Internal Buffer
Northern Property Line (Homestead Road)	30' Type 'D' External Buffer
Western Property Line (Adjacent to R-2)	20' Type 'B' Internal Buffer

14. Parking Lot Shading Plan: That prior to issuance of a Zoning Compliance Permit, a Shading Plan must be submitted and approved by the Town Manager, demonstrating compliance with Town regulations.
15. Adjustment of Eastern Parking Area: That the parking lot plans shall be evaluated and adjusted to retain specimen trees located in the proposed eastern parking area, subject to the Town Manager approval prior to the issuance of a Zoning Compliance Permit.

16. Retention of the 35-inch White Oak Tree in the Southwest Parking Lot: That the 35-inch white oak tree at the southwest corner of the parking lot be preserved and that the Grading Plan be adjusted to better preserve the critical root zone of the tree. The Grading Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
17. Retention of the 21-inch White Oak Tree at the Southern Parking Entrance: Tree protection fencing shall be provided at the southern parking lot entrance to better protect the 21-inch white oak tree. The fencing shall be approved on the final plans by the Town Manager prior to issuance of a Zoning Compliance Permit.
18. Tree Protection Plan: That a detailed Landscape Protection Plan, clearly indicating which rare and specimen trees shall be removed and preserved, critical root zones of all rare and specimen trees, significant tree stands, detail of protective fencing and construction parking and materials staging/storage areas, and including Town standard landscaping protection notes, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
19. Landscape Plan and Landscape Maintenance Plan: That a detailed Landscape Plan including a Landscape Maintenance Plan, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The landscape plan shall indicate the size, type, and location of all proposed plantings as well as the limits of land disturbance and tree protection fencing.
20. Stormwater Pond Screening: Landscape screening for the stormwater ponds shall be provided and the plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
21. Parking Lot Landscape Screening: That all parking areas shall be screened from view in accordance with the provisions of Article 5.6 of the Land Use Management Ordinance. The landscape screening plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
22. Building Elevations: That the Community Design Commission approve building elevations including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit.
23. Lighting Plan: That the Community Design Commission approve a lighting plan for this project prior to issuance of a Zoning Compliance Permit. The Community Design Commission shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) offsite spillage of light.

Stipulations Related to Environmental Issues

24. Resource Conservation District: That no land disturbance associated with the construction of the building may occur in the Resource Conservation District. That the Resource Conservation District boundaries be shown on the Final Plat and the Final Plans.
25. Stormwater Management Plan: That prior to the issuance of a Zoning Compliance Permit the applicant shall submit a Stormwater Management Plan for review and approval by the Town Manager. The plan shall include low-impact stormwater management solutions and best management practices, such as bio-retention, pervious pavements, underground storage, infiltration trenches, vegetative swales and similar techniques.

The plan shall be based on the 1-year, 2-year, and 25-year frequency, 24-hour duration storms, where the post-development stormwater run-off rate shall not exceed the pre-development rate and the post-development stormwater runoff volume shall not exceed the pre-development volume for the local 2-year frequency, 24-hour duration storm event. Engineered stormwater facilities shall also remove 85% total suspended solids and treat the first inch of precipitation utilizing NC Division of Water Quality design standards.
26. Storm Drainageway Easement: That all stormwater management improvements, outside public right-of-way, shall be located inside reserved storm drainageway easements, per Town guidelines, to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
27. Stormwater Operations and Maintenance Plan: That the applicant shall provide a Stormwater Operations and Maintenance Plan for all engineered stormwater facilities. We recommend that the plan include the owner's financial responsibility and include the maintenance schedule of the facilities to ensure that it continues to function as originally intended and shall be approved by the Town Manager, prior to the issuance of a Zoning Compliance Permit.
28. Westernmost Stormwater Pond Outside the Duke Power Company Easement: That Duke Power Company provide confirmation that the location of grading associated with the stormwater pond labeled as #1 shown on sheet SUP 3 is authorized in the easement, prior to issuance of a Zoning Compliance Permit.
29. State or Federal Approvals: That any required State or Federal permits or encroachment agreements must be approved by the appropriate agencies and copies of the approved permits be submitted to the Town Manager prior to the issuance of a Zoning Compliance Permit.
30. Erosion Control: That a detailed soil erosion and sedimentation control plan, including provision for monitoring and maintenance of facilities and modifications of the plan if necessary, be approved by the State of North Carolina and that a copy of the approval be provided to the Town Manager prior to issuance of a Zoning Compliance Permit. That a performance guarantee shall be provided, if more than one acre of land is disturbed, in accordance with Section 5-97.1 of the Town Code of Ordinances prior to issuance of any permit to begin land-disturbing activity.
31. Silt Control: That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.

Stipulations Related to Utility and Service Issues

32. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling, and for managing and minimizing construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

33. **Service Access Redesign:** That the refuse and recycling facilities be provided in an area determined to be accessible by the Town Manager. The revised plans shall be approved by the Town Manager and may include the provision of vertical curve information for the service drive serving the refuse area to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
34. **Solid Waste Details:** That the final plans include dimensioned details as well as appropriate signage and lighting for the refuse area, subject to Town Manager approval, prior to issuance of a Zoning Compliance Permit. Details must include:
- pad length, width, and depth;
 - associated screening;
 - clearances;
 - protective bollards (Bollards must be 6" CID steel, with two bollards centered behind each bulk waste container and placed 1' off the back wall of the enclosure);
 - fence height must be 7' or at least 1' above the height of the containers
 - dumpster details should be provided to scale;
 - clarify how personnel will access the dumpsters and recycling containers for refuse disposal; and
 - label each bulk waste container for type of material to be collected.
35. **Dumpster Area Gates:** The following notes shall be placed on the plans if gates are used for the dumpster area:
1. Any gate design will include gate retainers;
 2. The user will be responsible for opening gates to the dumpster area on collection days of any material(s) to be collected from this location.
36. **Heavy Duty Pavement:** That the applicant shall provide heavy-duty pavement in the required emergency and service vehicle access easement, and the pathway to refuse container(s), subject to Town Manager approval.
37. **Pavement Damage:** That final plans include the following note, prior to issuance of a Zoning Compliance Permit, "The Town of Chapel Hill, its' assigns or the County shall not be responsible for any pavement damage that may result from service vehicles."
38. **Final Plan Notes:** It will be necessary to place the following notes on the Final Plans:
- By Orange County Ordinance, clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled.
 - By Orange County Ordinance, all haulers of construction waste must be properly licensed.
 - Prior to any demolition or construction activity on the site the applicant will hold a pre-demolition/pre-construction conference with the County's Solid Waste staff. This may be the same meeting held with other development officials.
39. **Overhead Obstruction/Utility Lines:** That the final plans included details verifying that no overhead obstruction or utility wires will interfere with service vehicle access or operation.
40. **Utility/Lighting Plan Approval:** That the final Utility/Lighting Plan be approved by Duke Power Company, Orange Water and Sewer Authority, BellSouth, Public Service Company, Time Warner Cable, and the Town Manager prior to issuance of a Zoning Compliance Permit.
41. **Utility Line Placement:** That all new utility lines shall be placed underground. The applicant shall indicate proposed off-site utility line routing and upgrades required to service the site on Final Plans, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
42. **Sewer Line Profiles:** That all necessary sewer line profiles be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
43. **Fire Apparatus Turning Radii:** That all turning radii proposed for fire apparatus be approved by the Town Manger prior to issuance of a Zoning Compliance Permit.
44. **Fire Flow:** That a fire flow report for all new construction, shall be prepared and sealed by a registered professional engineer, which demonstrates that flows meet the minimum requirements of the Town Design Manual, to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
45. **Additional Fire Hydrant:** If sufficient water pressure is not available with the existing fire hydrant as determined by a Fire Flow Report, installation of an additional fire hydrant may be necessary. Fire hydrant locations must be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Miscellaneous Issues

46. **Construction Management Plan:** That a Construction Management Plan, indicating how construction vehicle traffic will be managed, shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
47. **Traffic and Pedestrian Control Plan:** That a Traffic Management Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction, including detour information and a pedestrian management plan indicating how pedestrian movements will be safely maintained, shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
48. **Open Burning:** That the open burning of trees, limbs, stumps and construction debris association with this development is prohibited.
49. **Detailed Plans:** That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager prior to issuance of a

Zoning Compliance Permit, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Land Use Management Ordinance and the Design Manual.

50. As-Built Plans: That as-built plans in DXF binary format using State plane coordinates, shall be provided for street improvements and all other existing or proposed impervious surfaces prior to issuance of the first Certificate of Occupancy.

51. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plat.

That if the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase, and if applicable a note to this effect shall be placed on the final plan and/or plat.

52. Construction Sign: That 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 at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 16 square feet of display area and may not exceed 6 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background.

53. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.

54. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

ORANGE COUNTY

NORTH CAROLINA

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 Robert and Pearl Seymour Center as the Southern Orange Human Services Campus Special Use Permit as covenant running with the land.

TOWN OF CHAPEL HILL

BY: [Signature]
Roger L. Stancil, Town Manager KP PK

ATTEST:

[Signature]
Sabrina Oliver, Town Clerk

NORTH CAROLINA
ORANGE COUNTY

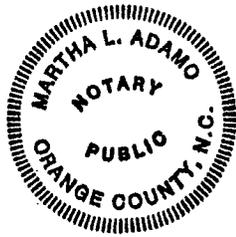
I, Martha L. Adamo, a Notary Public in and for said County and State do hereby certify that Roger L. Stancil, Town Manager of the Town of Chapel Hill, and Sabrina M. Oliver, Town Clerk, duly sworn says each for himself that he knows the corporate seal of the Town of Chapel Hill and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Chapel Hill, that Roger L. Stancil, Town Manager 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

29th day of May, 2007.

Martha L. Adamo
Notary Public

My commission expires: 12-20-09



ACCEPTED:

Orange County, North Carolina a body
Politie and corporate

By: [Signature]
Moses Carey, Jr., Chair

ORANGE COUNTY

NORTH CAROLINA

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document, on behalf of the Orange County, North Carolina, a body politic and corporate: Moses Carey, Jr., as Chair to the Orange county Board of Commissioners.

Evelyn M Cecil
Official Signature of Notary Public

Date: 08-09-07

Evelyn M Cecil
Notary's Printed or Typed Name, Notary Public

(Official Seal)



my
Commission expires
10-13-09