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Fee Amt: \$26.00 Page 1 of 6
Excise Tax: \$0.00
Orange County North Carolina
Mark Chilton, Register of Deeds
BK 6706 PG 1679 - 1684 (6)

Melissa Kump

Prepared by: Tom King, AICP, CZO, Senior Planner, Town of Hillsborough Planning Department
Return to: Habitat for Humanity, Orange County, N.C., Inc. c/o Jennifer Player, President and CEO – 88 Vilcom Center Drive, Suite L110, Chapel Hill, NC 27514

ORANGE COUNTY **TOWN OF HILLSBOROUGH** **NORTH CAROLINA**
SPECIAL USE PERMIT #2020-01

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned property owner, Habitat for Humanity, Orange County, N.C., Inc., acknowledges the receipt of this Special Use Permit for the use and development of the property hereinafter described; and that the same was granted by the Town of Hillsborough on December 14, 2020, the terms of which are as follows:

NAME OF PROJECT: East Village at Meadowlands
NAME OF PROPERTY OWNER: Habitat for Humanity, Orange County, N.C., Inc., a North Carolina Corporation - 88 Vilcom Center Drive, Suite L110, Chapel Hill, NC 27514
TYPE OF SPECIAL USE: Dwelling: Attached (20+ Units)

DESCRIPTION OF PREMISES

PROPERTY ADDRESS: 1317 US-70A East, Hillsborough, NC 27278

PARCEL IDENTIFICATION NUMBERS: 9874-81-6134, 9874-81-8049 and 9874-80-9603 *JRC*

DESCRIPTION OF PROPERTY: All the 10.895 acres on the plat and survey by Summit Design and Engineering Services entitled "Final Plat for Contiguous Annexation Plat of Future Development of East Village at Meadowlands for Highway 70A, LLC" recorded in Plat Book 122, Page 189 of the Orange County Registry.

ZONING OF PROPERTY: RSU (Residential Special Use)

DESCRIPTION OF DEVELOPMENT: Seventy-six-unit townhome development with related off-street parking and site amenities

SPECIAL TERMS AND CONDITIONS

Having heard all the evidence and argument presented at the public hearing held on October 19, 2020, the Board finds that the application is complete, that the application complies with all the applicable requirements of the Town of Hillsborough Unified Development Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to any and all applicable provisions of the Town of Hillsborough Unified Development Ordinance and the following waivers and approval conditions:

Waivers Granted from Section 6 (Development Standards) of the Unified Development Ordinance

1. Subsection 6.10 (Landscaping (Parking Lot)), Paragraph 6.10.3 (Landscaping Requirements), Sub-paragraph 6.10.3.4: "All planting medians or islands in parking lots shall be at least 10 feet X 10 feet measured from back of curb to back of curb (or pavement edge if the island is not curbed for stormwater purposes). When an island contains one or more shade trees, the island must have at least 300 square feet of unpaved space per shade tree."

Waiver Granted: The plans are approved with 11 of the 13 parking lot planting islands containing shade trees being less than 300 square feet of unpaved space.

2. Subsection 6.11 (Lighting), Paragraph 6.11.3 (Lighting Requirements): "Lighting plans shall include a layout of proposed fixture locations (including wall mounted lights, ground mounted lights, and illuminated signs), foot candle data that demonstrate conforming intensities and uniformities; and a description of the equipment (catalog cuts), glare control devices, lamps, mounting heights and means, hours of operation, and maintenance methods proposed. Illumination intensities (lighting contours) may be shown on an independent plan or integrated with other required plans."

Waiver Granted: The plans are approved without required information relative to building, wall-mounted and entrance monument sign lighting.

3. Subsection 6.17 (Sidewalks and Walkways), Paragraph 6.17.3 (General Provisions), Sub-paragraph 6.17.3.2 (New Public Streets): "Sidewalks will be provided along both sides of all proposed and existing public streets within development."

Waiver Granted: The plans are approved with no sidewalk provided along the west side of Hartland Circle beginning at the US 70-A East entrance and extending south to the parking pull-off area for the mail kiosk to the north of Lot #76.

4. Subsection 6.21 (Streets), Paragraph 6.21.3 (Design Standards - Public Streets), Sub-paragraph 6.21.3.1: "New public streets in the city limits must meet the Town of Hillsborough's *Standard Specifications for Street Construction* and Acceptance Procedures in the *Checklist and Approval Requirements for Utility Projects*."

Waiver Granted: The plans are approved:

- a. with all streets in the project having 50 instead of 60-foot wide public rights-of-way (see Waiver #5 below); and
- b. without having six-foot wide planting, maintenance and utility strips, and sidewalk along both sides of the streets (see Waiver #3 above).

5. Subsection 6.21 (Streets), Paragraph 6.21.3 (Design Standards - Public Streets), Sub-paragraph 6.21.3.3: “Minimum right of way widths by public street type:
- i. Arterial Streets shall provide 100 feet of public right of way
 - ii. Collector Streets shall provide 70 feet of public right of way
 - iii. Local Streets shall provide 60 feet of public right of way
 - iv. Cul de sacs shall provide 50 feet of public right of way”

Waiver Granted: The plans are approved with Hartland Circle (considered a “Local Street”) is approved with a 50-foot, instead of 60-foot, wide right-of-way.

Approval Conditions

Conditions Related to the Development

1. Approved Plans and Application Materials: The application materials including, but not limited to, the site plan, building elevations and narrative presented at the October 19, 2020 public hearing, plus the revised site plan sheets discussed at the November 19, 2020 Planning Board meeting, are those approved with this Permit.
2. Waivers from Unified Development Ordinance Provisions Granted: The five waivers requested in the application are granted.
3. Recreation Requirements: The construction drawings submitted for the project will comply to the Ordinance requirements related to recreation requirements for attached dwellings in terms of both points and age appropriate options. The applicant may meet these requirements with a combination of land, improvements and fees in-lieu.

Conditions Related to Additional Permits and Approvals

4. Certificate of Adequate Public Schools: A CAPS (Certificate of Adequate Public Schools) issued by the Orange County School System Superintendent must be provided to the Town prior to the approval of a final plat for the development or each phase within the development.

Additional Stipulations

The following additional stipulations shall apply to this Permit:

Permit Recordation Requirement: Pursuant to Section 3 (Administrative Procedures), Subsection 3.8 (Special Use Permit), Paragraph 3.8.16 (Formalizing the Outcome) of the Unified Development Ordinance, this Permit shall be recorded in the Orange County Register of Deeds Office within 10 days of its receipt. The Permit will not be effective, and no further permits or approvals for the development issued, until the Permit has been recorded. In addition, nothing authorized by this Permit may be done until the property owner properly executes and returns to the Town a copy of the recorded Permit with the recording information attached thereto by the Orange County Register of Deeds.

Vested Right Established: A two-year vested right pursuant to G.S. 160A-385.1 and Section 1 (General Provisions), Subsection 1.8 (Vested Rights), Paragraph 1.8.4 (Duration and Termination of Statutory Vested Rights), Sub-paragraph 1.8.4.1 of the Unified Development Ordinance is established as of the date hereof. Under the Statute and Ordinance provisions, unless terminated at an earlier date, the Permit is vested until **December 14, 2022**. Requests for an extension of this Permit’s vested rights beyond the stated expiration date must be made to the Town in writing before the vested right expiration date is reached.

Permit Expiration: As provided in Section 3, Subsection 3.8, Paragraph 3.8.26 (Expiration) of the Unified Development Ordinance, this Permit shall expire 24-months from its date of approval if a Zoning Compliance Permit has not been issued for the project. Thus, the Permit will expire on **December 14, 2022** if a Zoning Compliance Permit has not been issued for the project. The Board may consider re-application for the permit on a property on which a previous permit has expired provided that all the standards which are set forth in the Unified Development Ordinance are met, or if a request for an extension is made in writing before the expiration of the standard 24 months.

Changes and Modifications: As provided in Section 3, Subsection 3.8, Paragraphs 3.8.20 (Deviations) through 3.8.24 (Action Required on Proposed Modifications) of the Unified Development Ordinance, minor changes to this Permit may be approved by the Planning Director so long as they are in harmony with the action of the Town Board of Commissioners, and provided such changes are not determined to be modifications as defined in the Unified Development Ordinance. Modifications will require approval from the Town Board of Commissioners. Prior to commencement of any change in the approved plans, the Planning Director shall be consulted to determine whether the proposed change is considered a minor change or a modification.

Revocation: Pursuant to Section 3, Subsection 3.8, Paragraph 3.8.25 (Revocation) of the Unified Development Ordinance, the Town Board of Commissioners may revoke this Permit after a finding of the existence of any one of the following conditions:

- (a) That any governmental license or permit required for the activity authorized by the Permit have not been obtained or have been terminated; or
- (b) That any of the applicable requirements of the Unified Development Ordinance or any conditions attached to the Permit, or subsequent modification thereof, have been violated.

The Board may consider re-application for the permit on a property on which a previous permit has been revoked, provided that all the standards which are set forth in the Unified Development Ordinance are met.

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

Non-severability: If any part of this Permit, or any of the conditions affixed hereto shall be held invalid or void, then this Permit shall be void in its entirety, and of no effect.

Permit Runs with the Land: The terms herein contained are binding on the present owners and their successors in title and interest, and shall henceforth be appurtenant to, and shall run with the title to said real property unless the conditions herein are otherwise vacated or changed by governmental action, the expiration of this Permit (including any approved extensions to its expiration date), the expiration of the Permit's vested right status (including any approved extensions), or vacated or modified by action of a Court of competent jurisdiction.

IN WITNESS WHEREOF, the Town has caused this Permit to be issued in its name, and the undersigned, being all the property owners of the property above described, do hereby accept this Special Use Permit, together with all its conditions, as binding on them and their successors in interest.

TOWN OF HILLSBOROUGH

Attest:



Sarah Kimrey
Sarah Kimrey
Interim Town Clerk/Human Resources Technician

By Margaret A. Hauth
Margaret A. Hauth, AICP
Assistant Town Manager/Planning Director

ACCEPTED BY:

I, the undersigned property owner of the above identified property, do hereby acknowledge receipt of this Special Use Permit. The undersigned owner does further acknowledge that no work may be done pursuant to this Permit except in accordance with all its conditions and requirements, that failure to comply with the approved terms and conditions stated herein will result in forfeiture of this Permit, and that these restrictions shall be binding on them and their successors in interest.

Habitat for Humanity, Orange County, N.C., a North Carolina Corporation

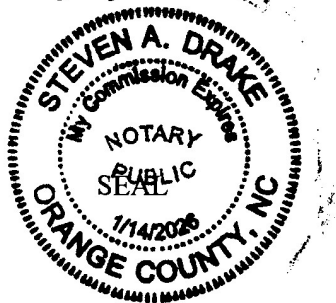
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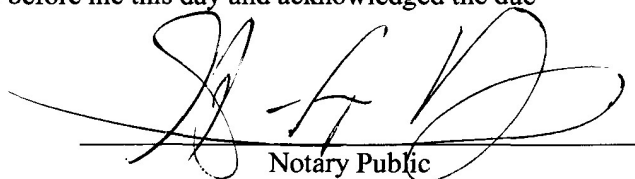
Jennifer Player
Jennifer Player, President and CEO
Property Owner

NORTH CAROLINA

ORANGE COUNTY

I, STEVEN A. DRAKE, a Notary Public, certify that Jennifer Player, President and CEO of Habitat for Humanity, Orange County, N.C., Inc., personally came before me this day and acknowledged the due execution of the foregoing instrument.




Notary Public

My commission expires: 1/14, 20 26.

(Not valid until fully executed and recorded)