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NH

Prepared by: Kay Pearlstein, Chapel Hill Planning Department

Returns:  
Town of Chapel Hill  
Planning Dept.  
405 Martin Luther King Jr. Blvd  
Chapel Hill, NC 27514



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 applicant, Ballentine Associates for Signature Health Care of Chapel Hill, having applied to the Town of Chapel Hill for a Special Use Permit Modification of the existing Special Use Permit approved by the Chapel Hill Town Council on November 17, 1978 (recorded in Deed Book 307 Page 553 at the Orange County Register of Deeds office) said Special Use Permit Modification approval was granted by the Town of Chapel Hill on October 25, 2017; if developed according to the Site Plan dated May 17, 2017, and the terms of said approval being as follows:

NAME OF PROJECT: Signature Health Care

DESCRIPTION OF PREMISE

LOCATION: 1602 East Franklin Street

ORANGE COUNTY PARCEL IDENTIFIER NUMBER: 9799-14-1643 *NH*

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 244,251 square feet

MAXIMUM FLOOR AREA: 49,646 square feet

NUMBER OF BEDROOMS: 108 beds

IMPERVIOUS SURFACE: 113,336 square feet

SPECIAL TERMS AND CONDITIONS

Approves the application for Signature Health Care Development according to the Site Plan dated May 17, 2017 (on file in the Chapel Hill Planning Department), with the following modification of regulations:

- Modification of Section 5.9.7 of the Land Use Management Ordinance to increase Off-Street Parking space requirements by 28 spaces to allow a maximum of 82 vehicular parking spaces.

This finding is based on the determination that not all of the 104 parking spaces allowed by the original 1978 Special Use Permit were constructed (25 spaces left unconstructed), and the proposed building addition for expanded rehabilitation services will require additional employee and visitor parking. The community will be better served with the expansion of medical services at this location. Three additional spaces are proposed with the expansion of facilities. The Land Use Management Ordinance allows a maximum of one vehicle parking space per two beds for a Group Care Home or a maximum of 54 spaces.



- Modification of Section 5.9.7 of the Land Use Management Ordinance to decrease the bicycle parking space requirement to allow a minimum of 11 bicycle spaces.

This finding is based on the determination that the facility offers recovery-care and rehabilitation services. The reduction in spaces would provide bicycle parking for approximately 25 percent of the 43 employees. Two Class I spaces would be required and nine spaces as Class II. An interior shower is available to cyclists at the facility. The LUMO allows a minimum of four bicycle parking spaces or one space per four beds.

Stipulations Specific to the Signature Health Care of Chapel Hill Expansion

1. Construction Deadline: That construction begin by October 25, 2019 (two years from the date of approval) to be completed by October 25, 2021 (four years from the date of approval).
2. Land Use Intensity: This Special Use Permit Modification authorizes the following:

Use: Group Care Facility	
Gross Land Area	244,251 square feet
Total Floor Area Allowed	49,646 square feet
Maximum Vehicular Parking Spaces	82 spaces
Minimum Bicycle Parking Spaces	11 Spaces: 20% Class I and 80% Class II
Total Impervious Surface Area Allowed	113,336 square feet
Total number beds	108 beds
Land Disturbance	85,000 square feet

Access

3. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped infrastructure according to Americans with Disabilities Act and associated codes and standards.
4. Performance Bond: Prior to beginning construction, the developer shall submit a performance bond to the Town to cover 125 percent of the cost of the infrastructure improvements in the public right-of-way.
5. Driveway Sidewalk: A five-foot wide concrete sidewalk shall be constructed along the east side of the driveway and along the southern property line connecting the new sidewalk with the existing sidewalk. If space allows, the sidewalk shall be constructed around the five parking spaces adjacent to the building to prevent walking behind vehicles.
6. Driveway Permit: Prior to beginning work on the North Carolina Department of Transportation (NCDOT) right-of-way, the developer shall obtain an approved driveway permit and/or encroachment agreement(s). As a condition of the permit, the permittee shall be responsible for the design and construction of the stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.
7. Three Party Encroachment Agreement: Prior to work within the East Franklin Street right-of-way, including the sidewalk connection to the existing public sidewalk and the proposed landscaping within the East Franklin Street right-of-way, a three-party encroachment agreement will need to be submitted for approval to NCDOT. The Town of Chapel Hill will be the third party.
8. Future Pedestrian Connection: The property owner shall consider a pedestrian connection between Couch Road and through the Signature Health Care property once adjacent redevelopment begins on Couch Road.

Architecture

9. Storage Trailers: Two existing 40-foot by 8-foot trailers on the western edge of the existing parking lot shall be removed from the site prior to issuance of a Certificate of Occupancy.
10. Storage Sheds: Two storage 12-foot by 36-foot sheds shall be installed behind the six-space parking bay at the southern end of the site with sidewalks to access the sheds and subject to Community Design Commission approval.



Solid Waste and Recycling

11. Dumpster Capacity: That the developer monitor existing solid waste facilities for adequate capacity post construction and if additional facilities are needed, that new concrete dumpster pads and refuse/recycling enclosure shall be outside the critical root zone of rare and specimen trees.

Environment

12. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide an Energy Management Plan for Town approval. The plan shall incorporate a "20 percent 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 approval.

In addition, we recommend that the Developer consider the use of the following:

- Graywater use from stormwater retention system;
- Existing pond for additional stormwater detention and/or increase capacity of new underground storm filter detention system to handle some of the existing stormwater runoff; and
- Solar Power Voltaics for the addition so that it might meet the AIA 2030 Challenge carbon reduction target.

**STANDARD STIPULATIONS**

Transportation

13. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design must be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
14. Street Closure Plan: Prior to the issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager approval, for any work requiring street, sidewalk, or lane closures.
15. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer must provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction.
16. Bicycle Parking: Prior to the issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details for the bicycle parking spaces that comply with Town parking standards. The bicycle parking design must comply with the spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines, and the Class I and Class II bicycle parking standards required by the Town Design Manual.
17. Parking Lot Standards: Prior to issuance of a Certificate of Occupancy, the developer shall construct the parking lot and drive aisles to Town standards for pavement design and dimensions.
18. Vehicular Charging Stations: Prior to issuance of a Certificate of Occupancy the Developer shall dedicate two electric car charging spaces and lay the conduit for future electric car station expansion during the parking lot reconfiguration.
19. Sight Distance Triangles: The developer must provide sight distance triangles that meet AASHTO standards on the landscape plan prior to issuance of a Zoning Compliance Permit. Landscaping must be removed within the sight distance triangle for clear and unobstructed line of sight for vehicles.

Transportation Management Plan

20. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, we recommend the developer submits an updated Transportation Management Plan subject to Town Manager approval, including conducting an initial survey of employees' interest for purchasing electric vehicles.

Landscape and Architecture

21. Invasive Exotic Vegetation: Prior to the issuance of a Zoning Compliance Permit, the developer shall identify on the planting plan, known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC)<sup>1</sup>, and provide notes indicating removal of any identified exotic species from the landscape buffer areas, prior to planting.
22. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include which trees will be removed and which will be preserved, critical root zones of all rare and specimen trees, and clearly indicate names and species.

<sup>1</sup><http://www.se-eppc.org/weeds.cfm>



23. Tree Protection Fencing Prior to Construction: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. Tree protection fencing shall be provided around construction limits, construction parking and materials staging/storage areas. Town standard landscaping protection notes, shall be included on the plans, subject to Town Manager approval.
24. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. The Plan shall include canopy trees that are proposed to shade any surface parking areas.
25. Tree Canopy: That the final plans shall exhibit 40 percent canopy coverage through a combination of retained and replanted trees.
26. Demolition Plan: Prior to beginning building demolition, the developer must submit a Demolition Plan showing how materials will be recycled.
27. Steep Slopes: Prior to issuance of a Zoning Compliance Permit, the Developer shall include a map indicating how development and construction will comply with the steep slopes regulations in the Land Use Management Ordinance, subject to Town Manager review and approval.
28. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan for this site and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution and 2) off-site spillage of light.
29. Community Design Commission Approval: The Developer shall obtain Community Design Commission approval of building elevations prior to issuance of a Zoning Compliance Permit.
30. Alternative Buffer: The Developer shall obtain Community Design Commission approval of Alternative Buffers prior to issuance of a Zoning Compliance Permit.

#### Stormwater Management

31. Stormwater Management Plan: This project must comply with the Section 5.4 Stormwater Management of the Land Use Management Ordinance.
32. 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 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.
33. Phasing Plan: Prior to issuance of a Zoning Compliance Permit, the developer 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.
34. 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.
35. Silt Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
36. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way.
37. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.
38. On-Site/Adjacent Stormwater Features: Prior to issuance of a Zoning Compliance Permit the final plans shall locate and identify existing site conditions including all on-site and adjacent stormwater drainage features on the plans. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris.





39. 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.

Water, Sewer, and Other Utilities

40. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority, Duke Energy, other local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit.
41. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit for Town Manager review and approval site plans and other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including submission of a lighting plan; providing for adequate lighting on public sidewalks, including driveway crossings and beneath awnings; demonstrating compliance with Town standards; and sealed by a Professional Engineer.
42. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, the developer shall provide for the underground installation of all public utilities as specified by Section 5.12.2 in the Land Use Management Ordinance.
43. Water/Sewer Line Construction: All public water and sewer plans shall be approved by OWASA and constructed according to their standards. Where sewer lines are located beneath drive aisles and parking areas, construction methods approved by OWASA shall be employed to ensure that sewer lines will not be damaged by heavy service vehicles. Final plans shall be approved by OWASA and the Town Manager prior to issuance of a Zoning Compliance Permit.
44. Recordation of Documents: Prior to issuance of a Zoning Compliance Permit, easement plats and documentation as required by OWASA and the Town Manager shall be recorded if necessary.

Fire Safety

45. Firefighting Access during Construction: As required by 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.
46. Fire Flow Report: That the Final Plan application shall include a Fire Flow Report sealed by an Engineer registered in the State of North Carolina. An OWASA flow test must be provided with the report. Fire flow shall meet the 20 psi or exceed the requirements set forth in the Town Design Manual. The Fire Flow Report shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
47. Automatic Sprinkler System: The developer shall install automatic sprinkler systems in accordance with Town Code and NC Fire Code.
48. Hydrants Active: The developer shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. 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.
49. Fire Hydrant and FDC Locations: The Final Plans shall indicate the locations of existing and proposed fire hydrants and Fire Department Connections (FDC). 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 reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
50. Fire Hydrant Accessibility: All structures must be located within 500 feet of a fire hydrant. The developer must maintain a 50-foot maximum distance between fire hydrants and Fire Department Connections, in a clearly visible and accessible location on the street side of buildings.

Solid Waste Management and Recycling

51. Solid Waste Management Plan: Prior to 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 by the Town Manager. The plan shall include dimensioned, scaled details of any proposed refuse/recycling collection areas, associated screening, and protective bollards, if applicable. Each bulk waste container shall be labeled as to type of material to be collected.



52. Construction Waste: Clean wood waste, scrap metal and corrugated cardboard, all present in construction waste, must be recycled. All 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.
53. Recycling Service: The developer shall contact Orange County Solid Waste Management to establish commercial recycling and cardboard collection services.

State and Federal Approvals

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

Miscellaneous

56. Temporary Construction Access Agreements: Prior to issuance of a Zoning Compliance Permit, the developer shall provide construction agreements with adjacent property owners where necessary, subject to Town Manager approval. If the abutting property is to be used as part of construction access, the developer shall provide documentation of permission from the owner of said property.
57. Construction Management Plan: A Construction Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance.
58. Traffic and Pedestrian Control Plan: That the developer shall provide a Work Zone Traffic Control Plan for movement of motorized and non-motorized vehicles on any public street that will be disrupted during construction. The plan must include a pedestrian management plan indicating how pedestrian movements will be safely maintained. The plan must be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. At least five working days prior to any proposed lane or street closure, the developer must apply to the Town Manager for a lane or street closure permit.
59. Construction Sign Required: Prior to the commencement of any land disturbing activities, the developer 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 at the time of issuance of a Building Permit. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. (§5.14.3(g) of Land Use Management Ordinance). The sign shall be non-illuminated, and shall consist of light letters on a dark background. That prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager.
60. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
61. Detailed Plan Review and Approval: Prior to 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 Design Manual.
62. Town Manager Review and Approval: 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.
63. As-Built Plans: Prior to issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. The developer shall also contact the Town's Engineering and Design Services Division for address assignment of each unit.
64. Vested Right: This Special Use Modification Permit constitutes a site specific development plan establishing a vested right as provided by North Carolina General Statutes Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance.
65. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.



66. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

67. Relationship to Existing Special Use Permit: Except as modified herein, the provisions of the original Special Use Permit, recorded in book 307, page 553, shall remain in effect.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit Modification for Signature Health Care of Chapel Hill Expansion at 1602 East Franklin Street.

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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

*[Signature]*

Town Clerk

Town of Chapel Hill

BY

*Benjamin G. Hitchings*  
Ben Hitchings, Director  
Planning and Development Services  
*Benjamin G.*



ACCEPTED BY OWNER:

CCP CHAPEL HILL 0806 LP,  
a Delaware limited partnership

By: CCP Holdings GP1 LLC,  
a Delaware limited liability company  
its general partner

By:

*[Signature]*

Name:

**Michael L. Costa**  
~~Executive Vice President, Finance~~

Its:

Attest:

*[Signature]*  
Jon Eckhardt

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

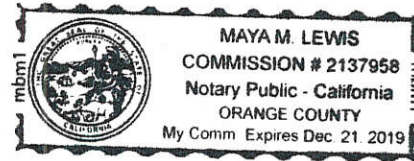
COUNTY OF ORANGE

STATE OF CALIFORNIA

On 5/29/18, 2018, Michael L. Costa personally appeared before me, Notary Public, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

my hand and official seal.

*M. M.*  
Signature



(Seal)

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS  
ORANGE COUNTY

NORTH CAROLINA

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

*Benjamin G.*

Ben Hitchings, Director, Planning and Development Services, of the Town of Chapel Hill, and SABRINA M. OLIVER, Deputy 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, *Benjamin G.* Ben Hitchings, Director, Planning and Development Services of said Town of Chapel Hill,

and SABRINA M. OLIVER, Deputy 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 26<sup>th</sup> day of March, 20 18.

Christine M. Strauch

Notary Public

*Christina M. Strauch*

My commission expires: 4/16/18

