

Amy Harvey

From: Roger Stancil
Sent: Tuesday, May 22, 2018 5:46 PM
To: Allen Buansi; Donna Bell; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Town Council; Michael Parker; Nancy Oates; Pam Hemminger; Rachel Schaevitz; Roger Stancil; Ross Tompkins
Cc: Amy Harvey; Beth Vazquez; Carolyn Worsley; Catherine Lazorko; Christina Strauch; Dwight Bassett; Flo Miller; Lindsey Bineau; Mary Jane Nirdlinger; Rae Buckley; Ralph Karpinos; Ran Northam; Roger Stancil; Sabrina Oliver
Subject: Council Questions: Item 9: Petitions
Attachments: CH Retirement Residence - 04-09-18 Petition - Staff Response to Question....pdf; CH Retirement Residence - 04-17-18 Petition Follow-Up Questions - Staffpdf; Landscape Plan - CH Retirement Residence.pdf; Special Use Permit - CH Retirement Residence - 2017-08-10.pdf

Council Question: May I see a copy of the answers staff provided to Elise Fradin's petition re: Chapel Hill Retirement Residence?

Staff Response: *The attachments are the staff responses to the questions posed by Ms. Fradin in the initial petition, as well as the responses to the follow-up questions submitted by Ms. Fradin about a week later. The Special Use Permit and Landscape Plan accompanied the responses to the first set of questions.*

A link to these questions and answers have been added to the [project page](#) on the Town web site.

1. We would like to know:

- Were you aware when you approved the special use permit that the construction company would be blasting extensive granite formations on this 7-acre piece of land that is so close to neighborhoods and schools?

As with many construction sites, blasting is required to remove rock on-site. When the Town became aware of the expected blasting earlier this spring, we contacted the nearby property owners to hold an information meeting.

- How will the Town staff ensure that the blasting company is adhering to the highest standards of safety?

As part of the blasting permit issued by the Town, the Fire Marshal's office issues blasting permits based on the National Fire Protection Association (NFPA) Explosive Materials Code 495 and North Carolina State Building Code: Fire Prevention Code 2012.

- Were any preliminary investigative ground studies done to ensure that this blasting would not damage existing homes in the area?

As you are aware, pre-blast surveying is occurring in homes within proximity of the proposed blast sites.

- Has similar blasting been done previously in such close proximity to other populated neighborhoods or schools in Chapel Hill?

Last week, blasting was conducted at the Chandler Woods development. Blasting has also been done on UNC campus near the law school and stadium drive. That blasting encountered utilities and other obstacles, but we are not aware of any damages.

- Who is legally responsible if there is any damage done to our homes as a result of the blasting? Mid-South Drilling? The developer? The Town of Chapel Hill? (We have learned that the ownership of the Retirement Residence is already changing hands and want to know who will be accountable if things go wrong.)

Should there be any structural/operational damage that has been caused by the blasting operation, there is a protocol in place, in which you would work with the contractor and their subcontractor to resolve any problems. The contractor does have insurance. The Developer and the Town would work with you to make sure that your concerns and/or claim was being addressed by the contractor and subcontractor.

- Were you aware that, although Vibra-Tech, Inc. has been allowed by other drilling companies to release the inspection films to the home owners, Mid-South Drilling has specifically prohibited release in this case?

As we understand it, the inspection films are done and held by a third-party independent company. For a fee, the third-party will release the information. Neither the contractor nor the subcontractor have ownership of the files.

2. Our second concern is that virtually all of the trees have been removed from the construction site. We thought that the town's tree ordinance mandated the protection of significant trees and tree canopy. It seems like the tree buffer sought by the neighborhood and approved by the developer was not kept in place.

- Will there be significant landscaping and plantings on the completed site that will buffer the residential neighborhood from the noise and lights of the Retirement Residence?
Please see the attached approved landscape plan. The development has a 30 percent tree canopy requirement.

3. Our next concern has to do with the increased traffic. With the large number of residents and support staff once this facility opens, the volume of traffic that comes in and out of Somerset Drive will increase dramatically. It is already difficult to turn left on to Estes Drive when leaving the neighborhood.

- Will anything be done to mitigate the effects of this dramatic increase in traffic volume?
- Will a stoplight or a roundabout be placed at the entrance of Somerset Drive to facilitate traffic flow?

The requirements of the plan are included in the attached Special Use Permit. A traffic impact exemption was granted for this project based on the information provided.

1. We remain concerned about the safety of our homes and the adjacent school given the extensive blasting planned on the 7-acre site of the Chapel Hill Retirement Residence.

- We were told by VibraTech, Inc. that there would be up to 30 days of blasting (1-3 times/day). Is there a *cumulative* risk of damage to our homes with repeated blasting?

To our knowledge we have not received any damage to homes that were in proximity to areas where blasting has taken place in the past.

The following developments had blasting permits (there may be others):

1. AC Hotel on W. Rosemary Street adjacent to Northside NCD;
2. 140 West, across from AC Hotel;
3. Carraway Village on Eubanks Road;
4. Shortbread Lofts, on W. Rosemary Street across from Breadman's;
5. Northside Elementary School;
6. Chandler Woods, subdivision on Homestead/Merin Road;
7. Chapel Hill High School (proposed); and
8. Rogers Road Sewer Project (proposed)

- When nearby blasting is done, we understand it can cause immediate damage, but is it possible that the damage would not become evident until weeks or months later?

Again we are not unaware of any damage to homes from the result of blasting.

- Were any preliminary investigative ground studies done to ensure that this blasting would not cause damage to the existing homes in the area or to the nearby Phillips Middle School? The Raleigh Fire Department requires a pre-blasting assessment of potential damage to nearby buildings (Please see email attachment). Has Chapel Hill done this?

Chapel Hill Fire Department issues Blasting Permits. You may find the permit here: <http://www.townofchapelhill.org/home/showdocument?id=28876> It is our understanding that the contractor has hired an independent third party to provide inspections to homes in the blast area. They also provide monitoring during the blast for any shock wave that resulted from the blast. We do not have access to these records.

- In the Staff Response about who is liable if homes are damaged, Mr. Stancil attached a document that the blasting company must have at least \$1,000,000 in insurance coverage. Is this the full extent of the coverage in the case that homes in the neighborhood are damaged? (This seems like an insufficient amount.)

The North Carolina Fire Code requires \$500,000 of coverage, however the town requires \$1,000,000. The blaster provides the Fire Marshal's Office with a certificate of insurance.

- Contrary to the Staff Response to our petition, homeowners were, in fact, told by Vibra-Tech, Inc. that we could *not* receive copies of the pre-inspection home photos/films that they took. Although Vibra-Tech has been allowed by other drilling companies to release

photos/films, Mid-South Drilling has specifically disallowed release of the photos/films to home-owners in our neighborhood.

That information would be left up to the company providing the reports. The code doesn't call for us to make these records public. We would assume this is the company's internal policy.

2. Article 5.7 ("Tree Protection") of the Town's Design and Development Standards states that the minimal tree canopy coverage for new construction be 30%. (https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALA_USMA_ART5DEDEST_5.7TRPR). Article 5.6 ("Landscaping, Screening and Buffering) of the Town's Design and Development Standards states that "Buffers shall be required to separate a proposed development from adjacent major streets and different adjacent land uses or zoning designations in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy. "

When one looks at the clear-cut construction site, it seems obvious that neither the Town's Tree Canopy nor Tree Buffer Ordinances were followed.

In the Central West Small Area Plan, the principles state that any new development should "conserve and protect the natural setting that is so characteristic of Chapel Hill," "not threaten the essential character of an established adjacent neighborhood," and "blend in with the surrounding neighborhood." The Huntington-Somerset neighborhood consists of homes built on ½ - 1 acre, treed lots. Removing nearly every tree on the 7-acre site and building a Retirement Residence with such a large foot print that it extends almost to the edges of Estes Drive and Somerset Drive cannot possibly be construed as "blending into" and "preserving the character" of the neighborhood that it so closely abuts.

- Why did the Town allow the tree buffer that had been agreed upon by the neighborhood and the developer to be reduced so dramatically? (from 30 to 0 feet on Estes Drive, from 20 feet to 15 feet on Somerset Drive, and to a small triangle of a tree buffer between the site and the existing homes behind it)

The applicant requested a modification to the Ordinance regulations. In this case, the Council approved the modifications to the landscape buffers for both Somerset Drive and Estes Drive. The developer cited reasons for the reduced buffer to accommodate the Central West Small Area Plan and encourage activity, walking, and biking near the street and the Council agreed and issued the modifications.

The most recent inspection of Tree Protection Fencing on the site was made on 4/18/2018 by the Town's Landscape Architect. Staff stated that the tree fencing was unchanged from initial inspection made on 3/22/18. All fencing at that time appeared to be installed according to the approved plans. Staff further stated that the contractor completed the Town's required Landscape Protection training on 3/20/18.

- Who made that decision and to whose benefit?

See response above.

- We are concerned that the Town will again issue special permits that allow a developer to build on the presently undeveloped, heavily treed land from Somerset Drive to MLK Blvd site without adhering to the principles that were established in the Central West Plan, or in the Town's tree buffer and canopy ordinances. What assurances do the residents of the Huntington-Somerset neighborhood have that future construction on this land *will* adhere to these ordinances?

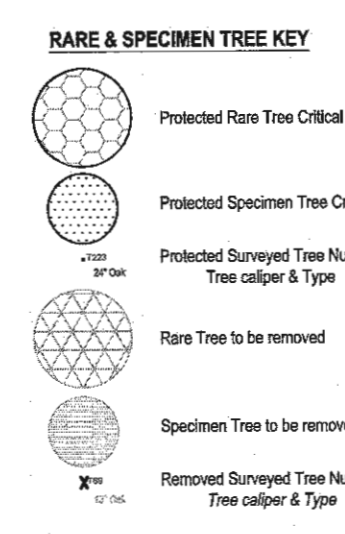
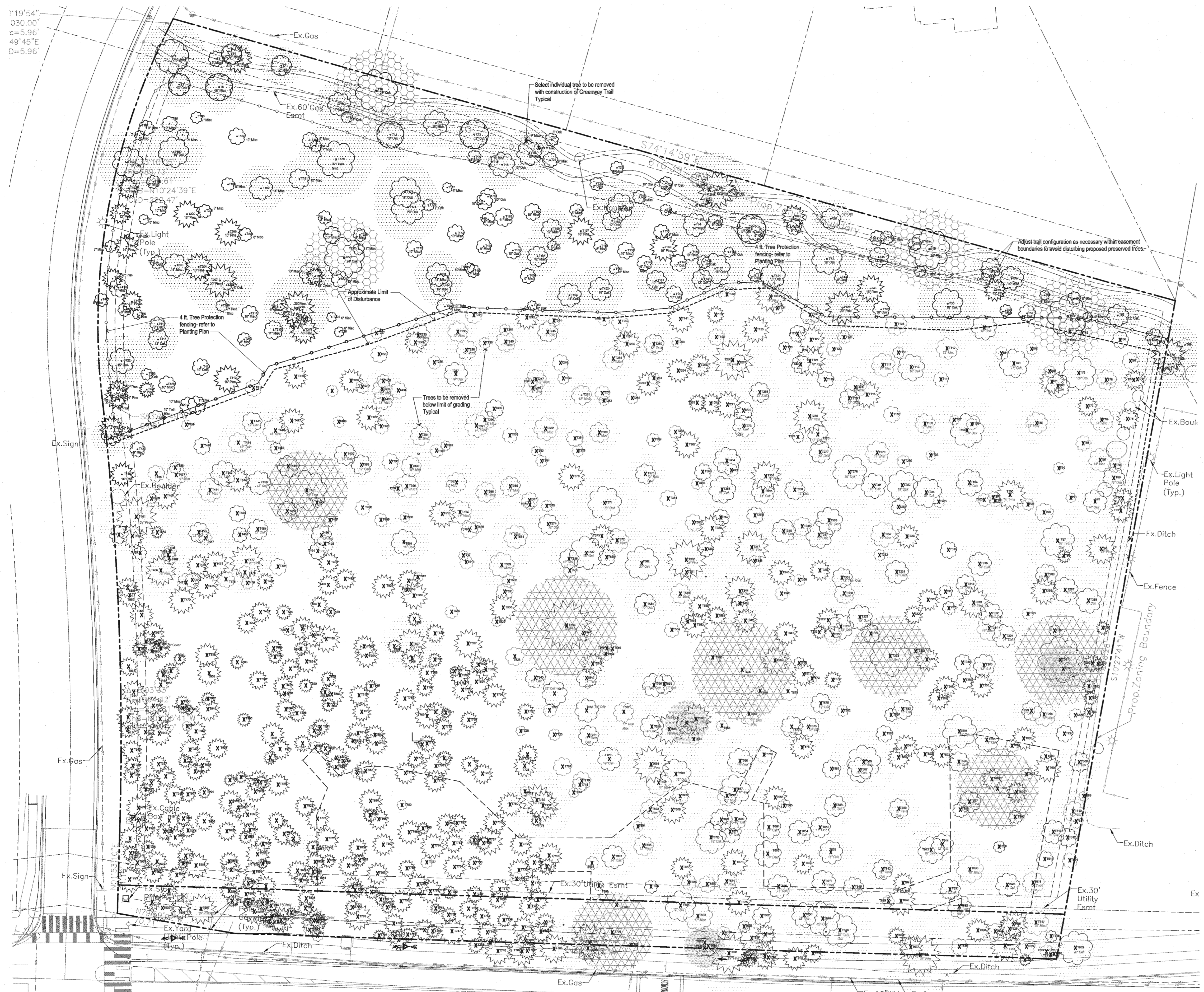
Developers must adhere to Ordinance requirements unless they received Council approval for any requests for modification to Ordinance requirements. If the Council approves modifications, then Town staff honors those modifications approvals as construction takes place.

3. We remain concerned about the volume of traffic that will come in and out of Somerset Drive when the Retirement Residence is completed. It is already difficult to make a left from Somerset Drive on to Estes Drive, especially during morning and afternoon "rush hours" when parents drop off and pick up their children from school, and between 4:30 to 6:30 p.m. when people are returning home from work.

- What steps is the Town taking to ensure appropriate access and traffic mitigation in and out of the Huntington-Somerset neighborhood as clearly stated in the Central West Plan (traffic turn lanes, traffic circle, pedestrian crossing, covered bus stops)?

Pedestrian crosswalks are proposed across Estes Drive and Somerset Drive at this intersection. Five foot sidewalks are proposed along the Somerset Drive frontage. A greenway is proposed between the site and the neighborhood connecting to school property. Along Estes Drive, a 10-foot multi-modal path and 5-foot bike lanes are part of the joint NCDOT and Town project to improve connectivity.

Town staff and NCDOT will continue to monitor traffic flow and vehicular movements along Estes Drive and will pursue a roundabout at the Somerset Drive/Estes Drive intersection if the need arises.



- NOTES**
- No Significant Tree Stands occur on site.
 - Tree information gathered from survey prepared by EPM&T, Inc. and assumes all trees are in a healthy condition and that trees identified as "Misc" are protected tree types.
 - Critical Root Zone (CRZ) radii are depicted by 1 ft. shown for each inch of trunk diameter (CRZ) measured at four and one-half feet above grade.
 - A pre-construction meeting with the town's urban forester shall be scheduled prior to start of work.
 - Any tree roots exposed by construction will be severed cleanly with an appropriate pruning tool.
 - The soil within the critical root zones of existing trees will not be driven on or otherwise disturbed during the installation of landscaping.
 - A Landscape Protection Supervisor who is registered with the Town of Chapel Hill will be present on site at all times when the following activities are being done: clearing, grubbing, excavation, grading, trenching, moving of soil, installation and removal of the protection fencing, and the delivery, transporting and placement of construction materials and equipment.
 - Landscaping activities taking place after the removal of protective fencing shall be accompanied with light machinery or manual labor and in accordance with the town's landscaping standards and specifications.
 - Tree Protection fencing shall be installed to protect no less than 75% of a tree's critical root zone.

PROTECTED TREE CANOPY CALCULATIONS

Size (caliper inches)	Quantity (ea.)	Canopy Area (s.f.)	Canopy Subtotal (s.f.)
6"	12	183 s.f.	189 s.f.
7"	12	154 s.f.	185 s.f.
8"	21	201 s.f.	421 s.f.
9"	14	254 s.f.	356 s.f.
10"	23	314 s.f.	722 s.f.
11"	4	300 s.f.	122 s.f.
12"	13	452 s.f.	587 s.f.
13"	4	531 s.f.	2124 s.f.
14"	10	616 s.f.	6160 s.f.
15"	3	707 s.f.	2121 s.f.
16"	11	804 s.f.	8844 s.f.
17"	1	908 s.f.	908 s.f.
18"	6	1018 s.f.	6108 s.f.
19"	-	-	-
20"	4	1287 s.f.	5098 s.f.
21"	-	-	-
22"	1	1500 s.f.	1500 s.f.
23"	-	-	-
24"	2	1810 s.f.	3620 s.f.
TOTAL			62,032 s.f.

TREE CANOPY CALCULATIONS:

SITE DATA:

SITE AREA: 280,439 SQ. FT.

R.O.W. dedication: 14,636 SQ. FT.

Stormwater Access Easement: 22,716 SQ. FT.

Gas Utility Easement: 3485 SQ. FT.

Greenway Trail: 9583 SQ. FT.

Water Line Easement (Fire): 16,117 SQ. FT.

Active Recreation Areas: 5663 SQ. FT.

NET SITE AREA: 208,739 SQ. FT.

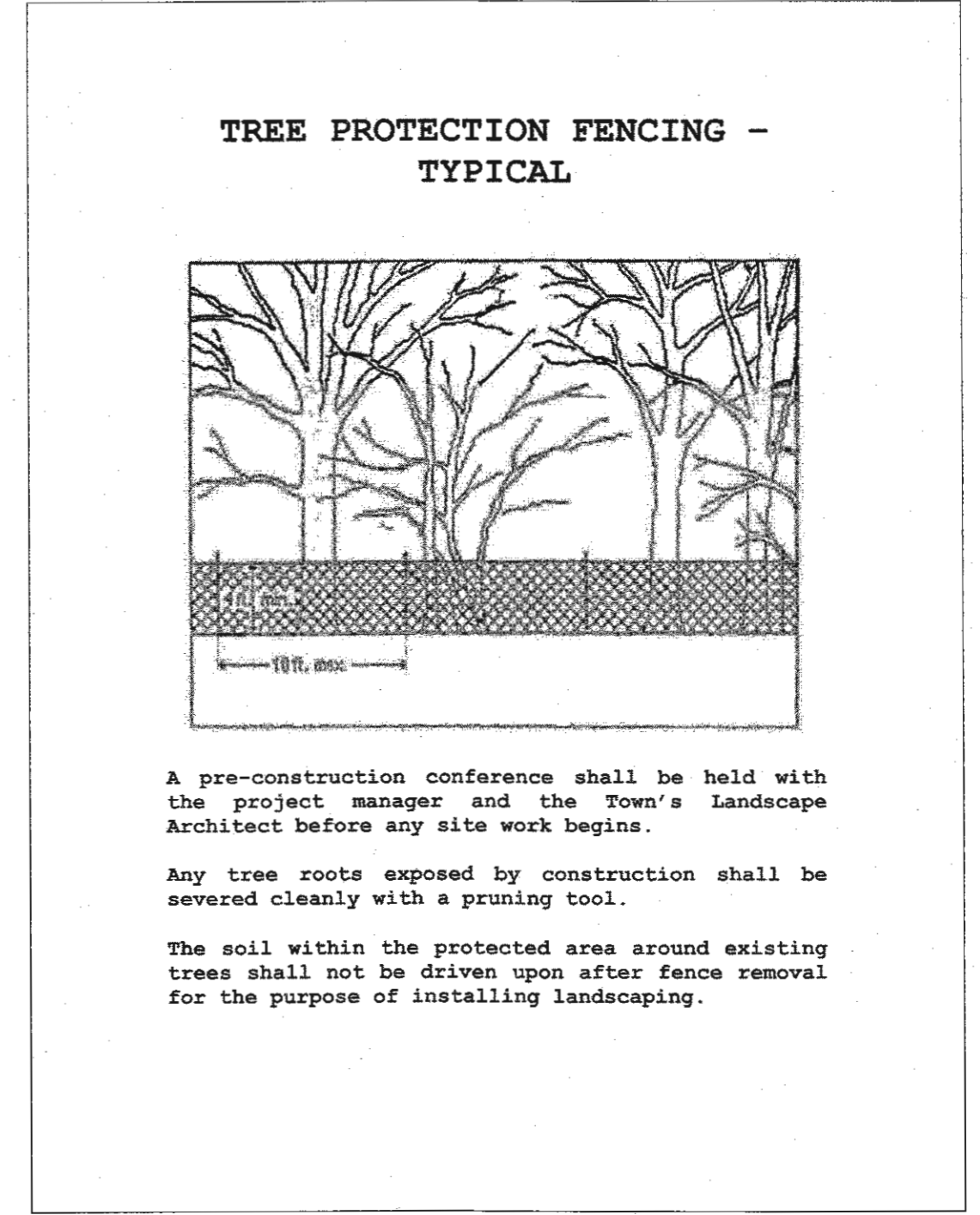
30% TREE CANOPY REQUIREMENT: 62,622 SQ. FT.

PROTECTED TREE CANOPY AREA: 62,032 SQ. FT. (areas beyond property lines and within existing utility easement not included)

REPLACEMENT TREE CANOPY AREA: 11,000 SQ. FT. (22-2.50" caliper trees @ 500 s.f.)

TOTAL TREE CANOPY AREA: 73,032 SQ. FT. (35%)

Note- Trees used to meet buffer and parking lot shade requirements and all trees within utility easements are not included in calculations.



Landscape Protection Plan

SCALE: 1" = 30' DATE: 09/12/2017

PARCEL #9789552904
HELEN G. & GEORGE E. TAUCHEN
DEED BOOK 734 PAGE 615

PARCEL #9789553920
JACQUELINE ANNE MACDONALD
DEED BOOK 4098 PAGE 313

PARCEL #9789554345
GOLD AVRAM TRUSTEE
DEED BOOK 5496 PAGE 175

PARCEL #9789551528
CHRISTOPH RUMMEL
DEED BOOK 1331 PAGE 63

20' ENHANCED TYPE "C" INTERNAL BUFFER- 618 LF
Requirements/ 100 LF:
4 Large Trees
8 Small Trees
30 Shrubs

4 x 6.16= 25 Large Trees Required
28 Large Trees Preserved
8 x 6.16= 48 Small Trees Required
29 Small Trees Preserved
24 Small Trees Proposed
30 x 6.16= 185 Shrubs Required
188 Shrubs Proposed

ENHANCED VEGETATIVE BUFFER- 301 LF
22 Large Trees Preserved
19 Small Trees Preserved
5 Small Trees Proposed
118 Shrubs Proposed

PROTECTED TREES TO REMAIN, REFER TO LANDSCAPE PROTECTION PLAN

ADJUST LOCATIONS OF BUFFER PLANTS ON SITE TO ACHIEVE OPTIMUM LEVEL OF SCREENING FOR NEIGHBORING PROPERTIES AND TO AVOID EXISTING PLANTS, ROCK OUTCROPPINGS ETC.

ADJUST LOCATIONS OF BUFFER PLANTS ON SITE TO AVOID EXISTING PLANTS, ROCK OUTCROPPINGS ETC.

3 Story

4 Story

151 SUITE RETIREMENT RESIDENCE

4 Story

ZERO SETBACK AT BUILDING PRECLUDES ADHERENCE TO TYPE B EXTERIOR BUFFER REQUIREMENTS

Parking Lot Landscaping
Paved area- 39,857 s.f.
1 Large tree required / 2000 s.f. of paved area
39,857 / 2000= 20 Large trees required
21 Large trees specified

10' TYPE B INTERNAL BUFFER- 343 LF
Requirements/ 100 LF:
4 Large Trees
7 Small Trees
12 Shrubs

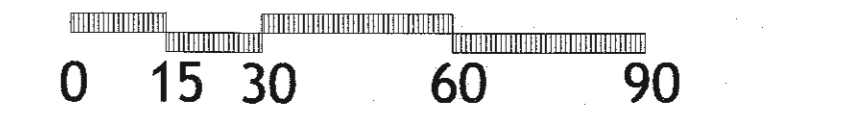
4 x 3.43= 14 Large Trees Required
14 Large Trees Proposed
7 x 3.43= 24 Small Trees Required
24 Small Trees Proposed
12 x 3.43= 41 Shrubs Required
41+ Shrubs Proposed

Symbol	Botanical Name / Common Name	Quantity	Size / Comments
○	Boulevard Trees: (some symbols reduced in scale in Legend)		
○	Ginkgo biloba 'Princeton Sentry' / Princeton Sentry Maidenhair Tree	7	2.50" caliper x 12 ft. B&B Standard-limbed at 7 ft.
○	Ostrya virginiana	5	2.50" caliper x 12 ft. B&B Standard-limbed at 7 ft.
○	Eastern Hop Hornbeam		
○	Trees: (some symbols reduced in scale in Legend)		
○	Fraxino	19	1.50" caliper x 10 ft. B&B Standard-small tree
○	Eastern Redbud	37	1.50" caliper x 10 ft. B&B Standard-small tree
○	Chionanthus virginicus	13	7.5 ft. B&B or container-low branching- large tree
○	Japanese Cryptomeria	33	5 ft. B&B or container Fully branched-small tree
○	Ilex x 'Nellie R. Stevens' / Nellie Stevens Holly	22	30 gal. container x 8 ft. Multiple-trunk-small tree
○	Lagerstroemia 'Muskoogee' / Muskoogee Crape Myrtle	4	45 gal. container x 10 ft. Low-branched-small tree
○	Magnolia grandiflora 'Little Gem' / Little Gem Magnolia	35	7.5 ft. B&B or container large tree
○	Pinus taeda		
○	Loblolly Pine	21	2.50" caliper x 12 ft. B&B Standard-large tree
○	Quercus laurifolia	10	2.50" caliper x 12 ft. B&B Standard-limbed at 7 ft.-large tree
○	Quercus shumardii / Shumard Oak	7	2.50" caliper x 12 ft. B&B Standard-limbed at 7 ft.-large tree
○	Zelkova serrata 'Green Vase' / Green Vase Sawleaf Zelkova		
○	Shrubs/Vines:		
○	Abelia x grandiflora 'Kaleidoscope' / Kaleidoscope Abelia	140	3 gal. container 18" min. height
○	Buxus microphylla 'Winter Gem' / Winter Gem Boxwood	165	12-15" B&B formal low hedge
○	Buxus microphylla 'Winter Gem' / Winter Gem Boxwood	2	21-24" B&B Topiary-globe form
○	Camellia sasanqua 'Hana Jirani' / Hana Jirani Camellia	3	3 gal. container 24" min. height
○	Chaenomeles spp. / Flowering Quince (5 assorted medium size vars.)	154	3 gal. container 18" min. height
○	Cleyera japonica	19	7 gal. container 36" min. height
○	Cleyera	62	3 gal. container 24" min. height
○	Cornus sericea baileyi / Redwing Dogwood	344	3 gal. container 18" min. height
○	Diervilla sessilifolia / Southern Bush-honeysuckle	21	3 gal. container 18" min. height
○	Gardenia japonica 'Klein's Hardy' / Gardenia	6	3 gal. container 24" min. height
○	Hydrangas quercifolia / Oakleaf Hydrangea	7	7 gal. container 42" min. height
○	Ilex crenata 'Sky Pencil' / Sky Pencil Holly	117	3 gal. container 18" min. height
○	Ilex crenata 'Soft Touch' / Soft Touch Holly	134	B&B or container 24" min. height
○	Ilex glabra 'Compacta' / Compact Inkberry Holly	116	3 gal. container 24" min. height
○	Ilex virginica 'Henry's Game' / Sweetpire	55	3 gal. container 18" min. height
○	Juniperus chinensis 'Nedyselo' / Nedyselo Juniper	126	3 gal. container ground cover
○	Juniperus procumbens / Ground Juniper	67	3 gal. container 18" min. height
○	Loropetalum chinense 'Chang's Ruby' / Chang's Ruby Loropetalum	17	3 gal. container 18" min. height
○	Mahonia eurybracteata 'Soft Caress' / Soft Caress Mahonia	56	7 gal. container 36" min. height
○	Myrica cerifera / Southern Wax Myrtle	2	36" B&B Full & Symmetrical
○	Picea glauca albertana 'Conica' / Dwarf White Spruce (native)	204	B&B or container 24" min. height
○	Rhododendron indica 'Georgia Petite' / Georgia Petite India Hawthorn	52	3 gal. container 18" min. height
○	Rhododendron satsuki 'Osakazuki' / Osakazuki Azalea	214	3 gal. container 18" min. height
○	Rosa 'Meijocosa' / Pink Drift Rose	78	3 gal. container 12" min. height
○	Sarcococca humilis 'Sardis' / Fragrant Valley Sweetbox		
○	Grasses / Perennials:		
○	Coreopsis grandiflora 'Sunnay' / Sunray Coreopsis	62	1 gal. container
○	Cyrtanthium falcatum / Holly Fern	39	1 gal. container
○	Liriope muscari / Blue Lily Turf	494	1 gal. container
○	Heuchera 'Plum Pudding' / Plum Pudding Alum Root	71	1 gal. container
○	Iberis sempervirens / Evergreen Candytuft	403	1 gal. container
○	Panicum virgatum 'RR1' / Red Switch Grass	55	1 gal. container
○	Pennisetum alopecuroides 'Little Bunny' / Little Bunny Fountain Grass	76	1 gal. container
○	Ground Covers:		
○	Trachelospermum asiaticum / Asian Jasmine	1 gal. @ 36" o.c.	triangularly spaced
○	Detention Basin Native Seed Mix / Hydroseed		
○	Annual Flowers by season / Spring-Summer-Fall rotations	4" Pots @ 9" o.c.	triangularly spaced
○	Lawn Areas- Geo Zoysia Grass / Sod or Seed		areas to be determined
P	Indicates Parking Lot large shade tree		
○	Indicates 4 ft. Tree Protection Fence, See Detail 1 on Landscape Protection Plan		

- Notes-
- An automated permanent irrigation system shall be installed using SMART Technology, providing 100% coverage to all landscaped areas.
 - Provide 4 ft. high Tree Protection fencing around Critical Root Zones of all trees or tree groups to be preserved. Tree Protection fencing to be installed and inspected prior to any land disturbance and to remain in place throughout entire construction activity period.
 - All shrub/ground cover beds to receive a 3" layer of aged shredded hardwood mulch.

Planting Plan

SCALE: 1" = 30' DATE: 09/12/2017



HAWTHORN
RETIREMENT GROUP

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Vancouver, WA 98662-8210
(360) 213-1550 Fax (360) 213-1540

L1.1

lenity
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com

Chapel Hill Retirement Residence

Chapel Hill, NC

EX
JAA



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FILED Mark Chilton
Register of Deeds, Orange Co, NC
Recording Fee: \$26.00
NC Real Estate TX: \$.00

aw

Prepared by: Eric Feld, Chapel Hill Department of Planning and Development Services; and
Please return to: 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) 968-2743

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS that the undersigned property owner(s), Chapel Hill Retirement Residence LLC, having applied to the Town of Chapel Hill for a Special Use Permit, was granted by the Town of Chapel Hill on March 20, 2017, the terms of which are as follows:

DESCRIPTION OF PREMISE

LOCATION: 700 North Estes Drive

ORANGE COUNTY PARCEL
IDENTIFIER NUMBER: 9789-55-1528 *DB*

SPECIAL TERMS AND CONDITIONS

This Special Use Permit allows development according to the Site Plan dated September 28, 2016 (on file in the Chapel Hill Department of Planning and Development Services), with the following modifications of regulations:

- Modification of Table 3.8-1 of the Land Use Management Ordinance to allow a reduced minimum street setback (North Estes Drive) from the required 20 feet to 10 feet;
- Modification of Table 5.6.6-1 of the Land Use Management Ordinance to allow a reduced western landscape bufferyard (Somerset Drive) from the required 20 feet to 15 feet, as well as reducing the planting requirements;
- Modification of Table 5.6.6-1 of the Land Use Management Ordinance to allow a reduced southern landscape bufferyard (North Estes Drive) from the required 30 feet to 0 feet, as well as reducing the planting requirements; and
- Modification of Section 5.9.7 of the Land Use Management Ordinance to allow reduced minimum bicycle parking requirements from the required 152 bicycle parking spaces to 30 bicycle parking spaces.

These findings are based on a determination that the public purposes are satisfied to an equivalent or greater degree as all of the proposed modifications will have not negatively impacted the environment or aesthetics. The reduced setback and plantings along North Estes Drive and Somerset Drive accommodate the intent of the Central West Small Area Plan to encourage activity, walking, and biking near the street.



STIPULATIONS SPECIFIC TO THE DEVELOPMENT

1. Construction Deadline: That construction begin by March 20, 2019, to be completed by March 20, 2021.
2. Land Use Intensity: This Special Use Permit authorizes the following:

Land Use: Independent Senior Living Facility	
Gross Land Area	308,482 s.f.
Floor Area	138,673 s.f.
Senior Units	152
Maximum Vehicular Parking Spaces	99
Minimum Vehicular Parking Spaces	76
Minimum Bicycle Parking Spaces	10 exterior; 20 interior
Impervious Surface	104,544 s.f.

Access and Transportation

3. Sidewalk: Prior to issuance of a Certificate of Occupancy, the developer shall construct a 5-foot wide concrete sidewalk located at least 3 feet behind the curb to Town of Chapel Hill standard with street lighting along the Somerset Drive site frontage from Estes Drive to the northern greenway.
4. Payment-in-Lieu for Estes Drive Roadway Improvements: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a payment-in-lieu of \$107,237.27 for roadway, bicycle, and pedestrian improvements (NCDOT TIP: C-5179) along the frontage of the property along Estes Drive.
5. Northern Greenway: That the width of the northern greenway is increased from 8-feet to 10-feet.
6. Construction of Northern Greenway: If the Chapel Hill-Carrboro City Schools authorizes construction of a pathway extension at Phillips Middle School, the property owner shall construct the future greenway near the northern property line prior to a Certificate of Occupancy.
7. Public Easement: Prior to issuance of a Zoning Compliance Permit, the applicant shall provide a public easement in perpetuity that will allow public access for pedestrians, bicycles, and personal motorized vehicles for those with disabilities. A deed of easement must be recorded prior to issuance of a Zoning Compliance Permit. By adoption of this resolution, the Council affirmatively accepts the easement.
8. Coordination with Chapel Hill-Carrboro City Schools: That the Town work with the Chapel Hill-Carrboro City Schools to address potential safety concerns and practicability of connecting the proposed northern greenway to school property.
9. Sidewalk and Street Lighting along Somerset Drive: Upon construction of the northern greenway, the property owner shall extend the sidewalk and street lighting along the Somerset Drive street frontage to the path and provide detailed construction plans for approval by the Town of Chapel Hill.
10. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. 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. Construction operations shall only occur from 7:00 a.m. to 9:00 p.m. on weekdays and 8:00 a.m. to 9:00 p.m. on weekends.
11. Low Vision Design Features: Pedestrian facilities should incorporate low vision design features as feasible.

Landscaping and Elevations

12. Landscape Buffers: The following landscape bufferyards shall be provided:

Location	Buffer
Eastern Property Line (Phillips Middle School)	10-foot Type 'B'
Northern Property Line (Coker Woods Subdivision)	20-foot Type 'C'
Western Property Line (Somerset Drive)	15-foot Type 'B'*
Southern Property Line (North Estes Drive)	0 to 30 feet*

*Modified buffer

13. Tree Canopy: That a minimum 30% canopy coverage be provided through a combination of retained and replanted trees. Calculations for the required shrubs, small trees, and canopy trees shall be included.
14. Undisturbed Natural Vegetation: A change to the area labeled "undisturbed natural vegetation" shall require a modification of the Special Use Permit.

Environment

15. Energy Management Plan: That prior to issuance of a Zoning Compliance Permit, the developer shall provide an Energy Management Plan (EMP) 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. The property owner shall provide, by the Certificate of Occupancy date, a letter sealed by a licensed professional engineer showing the anticipated energy performance of the buildings, as designed and built, satisfies the "20 percent more energy efficient" expectation. As part of the Energy Management Plan, the property owner shall:

- a. Consider additional LED interior lighting,
- b. Explore the feasibility of achieving the American Institute of Architects 2030 Challenge targets, and
- c. Consider solar photovoltaics and solar thermal for hot water.

Housing

16. Affordable Housing Payment-in-Lieu: Prior to the issuance of a Zoning Compliance Permit, the applicant shall provide a \$100,000 payment-in-lieu to the Town's Affordable Housing Fund.
17. Conversion of Residential Rental Units: Conversion of Residential Rental Units to Ownership Condominium Units: That if the rental development is converted to an ownership condominium development, the current or future developer/owner of Chapel Hill Retirement Residences, 700 Estes Drive, affordable units for ownership shall be provided according to the Inclusionary Zoning Ordinance or other affordable housing policy in place at the time of conversion. An Affordable Housing Plan shall be approved by the Town Manager prior to recordation of the condominium plat.

State and Federal Approvals

18. Federal Aviation Administration: As defined by 14 Code of Federal Regulations Part 77 (as amended or replaced), any plan to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), within the airport hazard districts, shall first notify the Federal Aviation Administration (FAA) to obtain an obstruction review of the proposal at least forty-five (45) days before the start date of the proposed construction or alteration. If the FAA determines that the proposed development poses a hazard to air navigation, no Zoning Compliance Permit shall be issued until the property owner demonstrates that the potential hazard has been mitigated.
19. Air Navigation Safety: During construction and occupancy, the Chapel Hill Retirement Residence shall not partake in any activities that will create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise endanger or interfere with the landing, takeoff, or maneuvering of aircraft utilizing the airport.

Miscellaneous

20. 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, 5) indicate how the project construction will comply with the Town's Noise Ordinance, and 6) include telephone and email contact information for the construction superintendent. The Town staff will mail an impending development activity postcard to surrounding neighbors that includes contact information for concerns regarding construction management. No construction traffic and/or lane closures shall be allowed on weekdays from 7:25 a.m. to 8:50 a.m. and 4:00 p.m. to 6:00 p.m. No construction traffic and/or lane closures shall be allowed from 1:45 p.m. to 3:25 p.m. on days when classes are held at Phillips Middle School.

STANDARD STIPULATIONS

Access and Transportation

21. Off-site Construction Easements: Prior to any land disturbance on abutting properties the developer shall provide documentation of approval from the affected property owner(s).
22. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped parking spaces and design all required handicapped parking spaces, ramps, and crosswalks, and associated infrastructure according to Americans with Disabilities Act standards, North Carolina Building Code, American National Standards Institute (ANSI) Code, and Town standard.
23. 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 an issuance of a Zoning Compliance Permit.
24. Street Closure Plan: Prior to the issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closures.
25. Site Distance Triangles: Prior to issuance of a Certificate of Occupancy, the property owner shall provide Town of Chapel Hill with standard sight distance triangles at the proposed driveway.
26. Parking Lot: The parking lot shall be constructed to Town standards for dimensions and pavement design.
27. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details for the bicycle parking spaces that comply with Town parking standards. The spaces shall be located near the front door of the facility. 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.



Landscaping and Elevations

28. Landscape Protection: Prior to issuance of a Zoning Compliance Permit a detailed Landscape Protection Plan shall be approved by the Town. 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.
29. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval from the Community Design Commission shall be required for any proposed alternate buffer.
30. 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 and include Town standard landscaping protection notes. Tree protection fencing shall be provided around construction limits and indicated construction parking and materials staging/storage areas, and, subject to Town Manager approval.
31. 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 to shade any surface parking areas.
32. 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) offsite spillage of light.
33. Community Design Commission Approval: The developer shall obtain Community Design Commission approval of building elevations and lighting, including the location and screening of all HVAC/Air Handling Units for this project, prior to issuance of a Zoning Compliance Permit.

Public Art

34. Public Art: The developer is encouraged to work with the Town of Chapel Hill Public Arts Officer to develop a public arts plan.

Environment

35. Stormwater Management Plan: This project must comply with the *Section 5.4 Stormwater Management* of the Land Use Management Ordinance.
36. Erosion Control Inspections: That, in addition to the requirement during construction for inspection after every rainfall, the property owner 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.
37. Phasing Plan: Prior to issuance of a Zoning Compliance Permit, the property owner 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.
38. 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.

Water, Sewer, and Other Utilities

39. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, and 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.
40. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit 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, demonstrating compliance with Town standards, sealed by a Professional Engineer, for Town Manager approval.
41. Relocation of Overhead Utilities Underground: Prior to a Certificate of Occupancy the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines.
42. Water/Sewer Line Construction: All public water and sewer plans 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. Prior to issuance of a Zoning Compliance Permit, final plans shall be approved by OWASA and the Town Manager.
43. OWASA Approval: 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

44. Fire Access from Estes Drive: Prior to issuance of a Zoning Compliance Permit, the design and locations of the proposed fire access from Estes Drive is subject to the approval of the Town and the North Carolina Department of Transportation.
45. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Code prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems.
46. 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. Fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13.
47. 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.
48. 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.
49. Fire Flow Report: 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.
50. Heavy-Duty Paving: Prior to issuance of a Certificate of Occupancy, the developer shall, in designated areas, provide heavy duty paving designed and built to withstand fire apparatus weighing at least 75,000 pounds.
51. Fire Lane: Prior to issuance of a Certificate of Occupancy, the fire lane shall be marked and signed in accordance with Town standards, with the associated plans approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Solid Waste Management and Recycling

52. 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. Prior to issuance of a Zoning Compliance Permit, the developer shall provide documentation of an agreement for solid waste collection by a private provider.
53. 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.

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. Public Safety Survey: Prior to issuance of the first Certificate of Occupancy, the developer shall hold a security survey with the Police Department to identify and consider opportunities for public safety improvements.
57. 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.
58. Schools Adequate Public Facilities Ordinance: The developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit.
59. Traffic and Pedestrian Control Plan: 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 5 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.



- 60. Construction Sign Required: 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, prior to the commencement of any land disturbing activities. 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. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager.
- 61. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with this development is prohibited.
- 62. Detailed Plans: Prior to the 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 by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Land Use Management Ordinance and the Design Manual.
- 63. As-Built Plans: Prior to issuance of 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 senior unit.
- 64. Vested Right: This Special Use Permit constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance.
- 65. Continued Validity: That 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: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

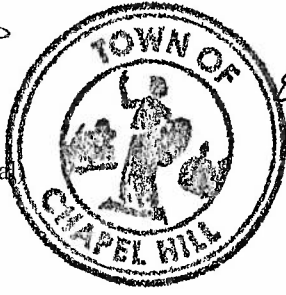
IN WITNESS WHEREOF, the Town of Chapel Hill has caused this instrument to be executed in its name as evidence of the issuance of said permit, and the undersigned Chapel Hill Retirement Residence LLC being the property owner of the property above described, has executed this instrument in evidence of their acceptance of said Special Use Permit as covenant running with the land.

ATTEST

[Signature]
Town Clerk

The Town of Chapel Hill

BY Benjamin S. Hitchings
Director of Planning and Development Services



ACCEPTED

[Signature]
Designee for Corporate President

ATTEST Witness

Jill Henry
Jill Henry

CHAPEL HILL RETIREMENT RESIDENCE LLC
By Hawthorn Management Services Corp.
Corporate Name
BY [Signature]
Barton G. Colson, President

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

Benjamin Hitchings, Director of Planning and Development Services of the Town of Chapel Hill, and

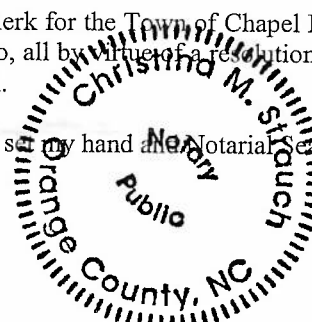
Sabrina M. Oliver, Town Clerk, duly sworn says each for himself that he knows the corporate seal of the Town of Chapel Hill and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Chapel Hill, that

Benjamin Hitchings, Director of Planning and Development Services 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

12th day of June, 2017.



Christina M. Strauch
Notary Public Christina M. Strauch

My commission expires: April 16, 2018

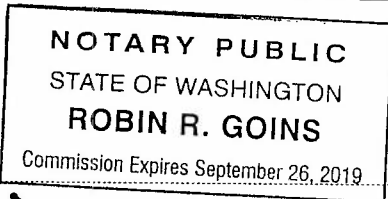
CLARK

ORANGE COUNTY

WASHINGTON
NORTH CAROLINA

I, Robin R. Goins, a Notary Public in and for said State and County do hereby certify that Barton G. Colson, President of Hawthorn Management Services Corp., the Manager of Chapel Hill Retirement Residence LLC owners, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my Hand and Notarial Seal, this 4th day of August, 2017



Robin R. Goins
Notary Public

My commission expires: September 26, 2019

~~CLARK
ORANGE COUNTY~~

~~WASHINGTON
NORTH CAROLINA~~

~~THIS 4th day of August, 2017, personally come before me, Robin R. Goins, a Notary Public of Orange~~

~~County, Washington North Carolina, Barton G. Colson who being by me duly sworn, says that he knows the common seal of the~~

~~President Barton G. Colson, and is acquainted with Barton G. Colson, who is President of said corporation and~~

~~he, Barton G. Colson, who is Secretary of said corporation, and saw the President sign the foregoing instrument and~~

~~he, the said _____, signed his name in attestation of the execution of said instrument in the presence of said
President of said corporation.~~

~~WITNESS my hand and Notarial Seal, this the _____ day of _____, 20____.~~

~~Notary Public~~

~~My commission expires: _____~~

(Not valid until fully executed and recorded)

