
From: Roger Stancil
Sent: Tuesday, April 10, 2018 6:18 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: Loryn Clark; Ben Hitchings; Judy Johnson; John Richardson; Tommy Gregory; Bergen Watterson; Emily Cameron; Kumar Neppalli; Lance Norris; Matt Sullivan; CHRIS BLUE; Amy Harvey; Beth Vazquez; Carolyn Worsley; Catherine Lazorko; Christina Strauch; Dwight Bassett; Flo Miller; Mary Jane Nirdlinger; Rae Buckley; Ralph Karpinos; Ran Northam; Roger Stancil; Sabrina Oliver
Subject: FW: Chapel Hill Retirement Residence - 700 N Estes Drive
Attachments: Blasting.docx; Landscape Plan.pdf; 2017-08-10 TOC Special Use Permit.pdf; Chapel Hill Retirement Residence TIA Exemption Request 2016.06.13.pdf

From: Judy Johnson
Sent: Tuesday, April 10, 2018 5:45 PM
To: Roger Stancil <rstancil@townofchapelhill.org>
Cc: John Richardson <jrichardson@townofchapelhill.org>; Ben Hitchings <bhitchings@townofchapelhill.org>; Bergen Watterson <bwatterson@townofchapelhill.org>; Tommy Gregory <tgregory@townofchapelhill.org>; Emily Cameron <ecameron@townofchapelhill.org>; Kumar Neppalli <kneppalli@townofchapelhill.org>
Subject: Chapel Hill Retirement Residence - 700 N Estes Drive

We have heard a number of questions about the construction associated with the Chapel Hill Retirement Residence. Staff have developed responses to each of those questions, as organized around the four main topic areas below.

Controlled Blasting:

1. Recently, we received a letter from Vibra-Tech, Inc. that they would begin blasting at the end of April. We were encouraged to have a “pre-blast inspection of our homes,” hired and paid for by Mid-South Drilling. The purpose is apparently to establish a baseline assessment in case there is any damage to our homes as a consequence of the nearby dynamiting.

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?
Staff Response: 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?
Staff Response: 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?

Staff Response: Pre-blast surveying is occurring in homes within proximity of the proposed blast sites. Blasting seismographs are placed near residences to monitor ground vibrations during all blasting operations. Crack monitoring will be done on existing nearby structures with existing cracks documented prior to blasting.

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

Staff Response: 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.)

Staff Response: 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 were 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?

Staff Response: 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.

Tree Removal:

2. 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?

Staff Response: Please see the attached approved landscape plan. The development has a 30 percent tree canopy requirement.

The developer was granted the following modification to regulations for reduced buffers on the southern bufferyard (adjoining Estes Drive) and on the western bufferyard (Somerset Drive):

Table 5.6.6-1: Reduced landscape bufferyard on southern bufferyard (adjoining North Estes Drive) from the required 30 feet to a range of 30 to 0 feet.

Table 5.6.6-1: Reduced landscape bufferyard plantings on the western bufferyard (adjoining Somerset Drive) from the required 20 feet to 15 feet.

See additional responses to question #3.

3. Our tree ordinance in Chapel Hill was designed to ensure an adequate tree canopy and hopefully prevent mass thoughtless clearing of trees in development, amongst other things. Many are shocked by the total clearing of trees along Estes/Somerset for the Retirement development.

Here is a link to our tree

ordinance. https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXAL_AUSMA_ART5DEDEST_5.7TRPR

According to section 5.7.1 (a): *Minimum canopy coverage standards*. The town desires to maintain the maximum practical tree canopy cover across all land uses within the town's jurisdiction.

In addition to the clearing of trees, I am not seeing the 1.4 acres of preserved natural land, but perhaps it does exist. Maybe there is some remediation plan?

Many citizens would like clarification of how this particular mass clearing of trees complies with our tree ordinance, and whether or not it complied with the SUP.

Staff Response: The attached Landscape Plan indicates the clearing limits of the property and provides the calculation for meeting the tree canopy coverage. A total of 22 replacement canopy trees will be planted as part of the development in order to be in compliance with the standards. See additional responses under question #2.

Traffic:

4. 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?

Staff Response: 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.

- Will a stoplight or a roundabout be placed at the entrance of Somerset Drive to facilitate traffic flow?

Staff Response: The Special Use Permit for the Chapel Hill Retirement Apartments does not require the developer to construct the roundabout, and that has not changed. Additionally, the roundabout is not part of the current Estes Drive Bike-Ped Improvement project, and NCDOT does not have existing plans to construct one. However, during conversations with the developer during the application process, the Town Engineer asked that they show a roundabout in their plans so that the building footprints would not conflict with a future roundabout. Town staff and NCDOT will continue to monitor traffic flow and vehicular movements along Estes Drive and will pursue a roundabout at that location if the need arises.

Independent Senior Living Facility:

5. So even if the new owner were to build full apartments, rather than the communal living planned by Hawthorne, all apartments would be age-restricted to the 55+ demographic?

Staff Response: The attached Special Use Permit limits the use to Independent Senior Living Facility. The use is limited to those over 55 years of age as per the definition in the Land Use Management Ordinance:

Independent senior living facility: A commercial facility made up of senior units, in which the residents are limited in occupancy to persons at least fifty-five (55) years or older, such that no more than half of individuals in a unit of the facility requires living assistance. The age restriction is excluded for rooms occupied by resident staff personnel performing duties directly related to the operation of the facility. The facility shall consist of a single building or a group of buildings with one (1) ownership and management. The facility shall maintain a common dining room and common kitchen. The facility may provide senior units with or without independent kitchen facilities. The ownership and management may also provide other services, all of which must be exclusive to the residents, guests, and facility personnel, as a part of the fees associated with residency. Examples of these services include personal services, such as transportation, banking, and/or a barber shop/hair salon; recreation activities and amenities; concierge services; and housekeeping. The facility owners or management cannot provide health maintenance services and/or treatment.

6. If they are now to be full apartments, does that change the parking requirements? And does it strengthen our argument for a roundabout?

Staff Response: The Land Use Management Ordinance has parking requirements based on the proposed use, Independent Senior Living Facility. The parking requirements range from a minimum of 0.5 spaces per unit to a

maximum 0.7 spaces per unit. In this case, 152 units are proposed with a minimum of 76 parking spaces and a maximum of 99 parking spaces (the Ordinance would allow up to 106 parking spaces) .

7. A constituent asked me, now that the Chapel Hill Retirement Apartments on Estes Drive are being sold, whether the new owner could build full apartment units there. Hawthorne's plan was for the units not to have kitchens, but a special zoning was created for the project, and I recall losing the argument that the new zoning not allow full kitchens. I can't tell from the Special Use Permit whether the new owner would have to honor Hawthorne's concept, that the project be for seniors only and have a community dining room rather than kitchens in the individual apartment units. What's your understanding?

Staff Response: The SUP defines the use as independent senior living facility. The Land Use Management Ordinance definition (as noted above) states that the facility may provide senior units with or without independent kitchen facilities. The Special Use Permit does not limit the inclusion of kitchen facilities in each unit.



Judy Johnson
Operations Manager

Planning and Development Services
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This is the Town's Requirement for obtaining a blasting permit:

Blasting

- Blasting schedule and detailed site plan (all relevant details indicating full compliance with requisite code, standard and referenced requirements)
- Information on type and quantity of explosive to be used
- Copy of licensing as an explosive blasting operator
- Proof of \$1,000,000 general liability insurance listing Town of Chapel Hill Fire Department as additionally insured
- Verification that blast mats and seismic monitoring are utilized on every blast/shot
- Permit Fee (In accordance with new fee schedule effective July 1st, 2015)*

The following are excerpts from the NCFC 2012:

3301.2.4 Financial responsibility. Before a permit is issued, as required by Section 3301.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$500,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to *persons* or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The *fire code official* is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

BLAST AREA. The area including the blast site and the immediate adjacent area within the influence of flying rock, missiles and concussion.

BLASTSITE. The area in which *explosive materials* are being or have been loaded and which includes all holes loaded or to be loaded for the same blast and a distance of 50 feet (15 240 mm) in all directions.

BLASTER. A *person* qualified in accordance with Section 3301.4 to be in charge of and responsible for the loading and firing of a blast.

DETONATING CORD. A flexible cord containing a center core of high *explosive* used to initiate other *explosives*.

DETONATION. An exothermic reaction characterized by the presence of a shock wave in the material which establishes and maintains the reaction. The reaction zone progresses through the material at a rate greater than the velocity of sound. The principal heating mechanism is one of shock compression. *Detonations* have an *explosive* effect.

DETONATOR. A device containing any initiating or primary *explosive* that is used for initiating *detonation*. A detonator shall not contain more than 154.32 grains (10 grams) of total *explosives* by weight, excluding ignition or delay charges. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and noninstantaneous and delay blasting caps which use detonating cord, shock tube or any other replacement for electric leg wires. All types of detonators in strengths through No. 8 cap should be rated at 1 1/2 pounds (0.68 kg) of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

SECTION 3307 BLASTING

3307.1 General. Blasting operations shall be conducted only by *approved*, competent operators familiar with the required safety precautions and the hazards involved and in accordance with the provisions of NFPA 495.

3307.2 Manufacturer's instructions. Blasting operations shall be performed in accordance with the instructions of the manufacturer of the *explosive materials* being used.

3307.3 Blasting in congested areas. When blasting is done in a congested area or in close proximity to a structure, railway or highway, or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.

3307.4 Restricted hours. Surface-blasting operations shall only be conducted during daylight hours between sunrise and sunset. Other blasting shall be performed during daylight hours unless otherwise *approved* by the *fire code official*.

3307.5 Utility notification. Whenever blasting is being conducted in the vicinity of utility lines or rights-of-way, the blaster shall notify the appropriate representatives of the utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notices shall be confirmed with written notice.

Exception: In an emergency situation, the time limit shall not apply when *approved*.

3307.6 Electric detonator precautions. Precautions shall be taken to prevent accidental discharge of electric detonators from currents induced by radar and radio transmitters, lightning, adjacent power lines, dust and snow storms, or other sources of extraneous electricity.

3307.7 Nonelectric detonator precautions. Precautions shall be taken to prevent accidental initiation of nonelectric detonators from stray currents induced by lightning or static electricity.

3307.8 Blasting area security. During the time that holes are being loaded or are loaded with *explosive materials*, blasting agents or detonators, only authorized *persons* engaged in drilling and loading operations or otherwise authorized to enter the site shall be allowed at the blast site. The blast site shall be guarded or barricaded and posted. Blast site security shall be maintained until after the post-blast inspection has been completed.

3307.9 Drill holes. Holes drilled for the loading of *explosive* charges shall be made and loaded in accordance with NFPA 495.

3307.10 Removal of excess explosive materials. After loading for a blast is completed and before firing, excess *explosive materials* shall be removed from the area and returned to the proper storage facilities.

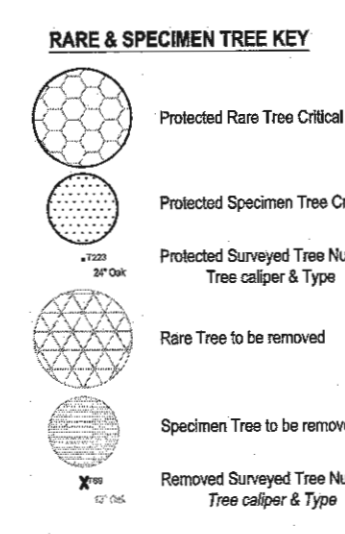
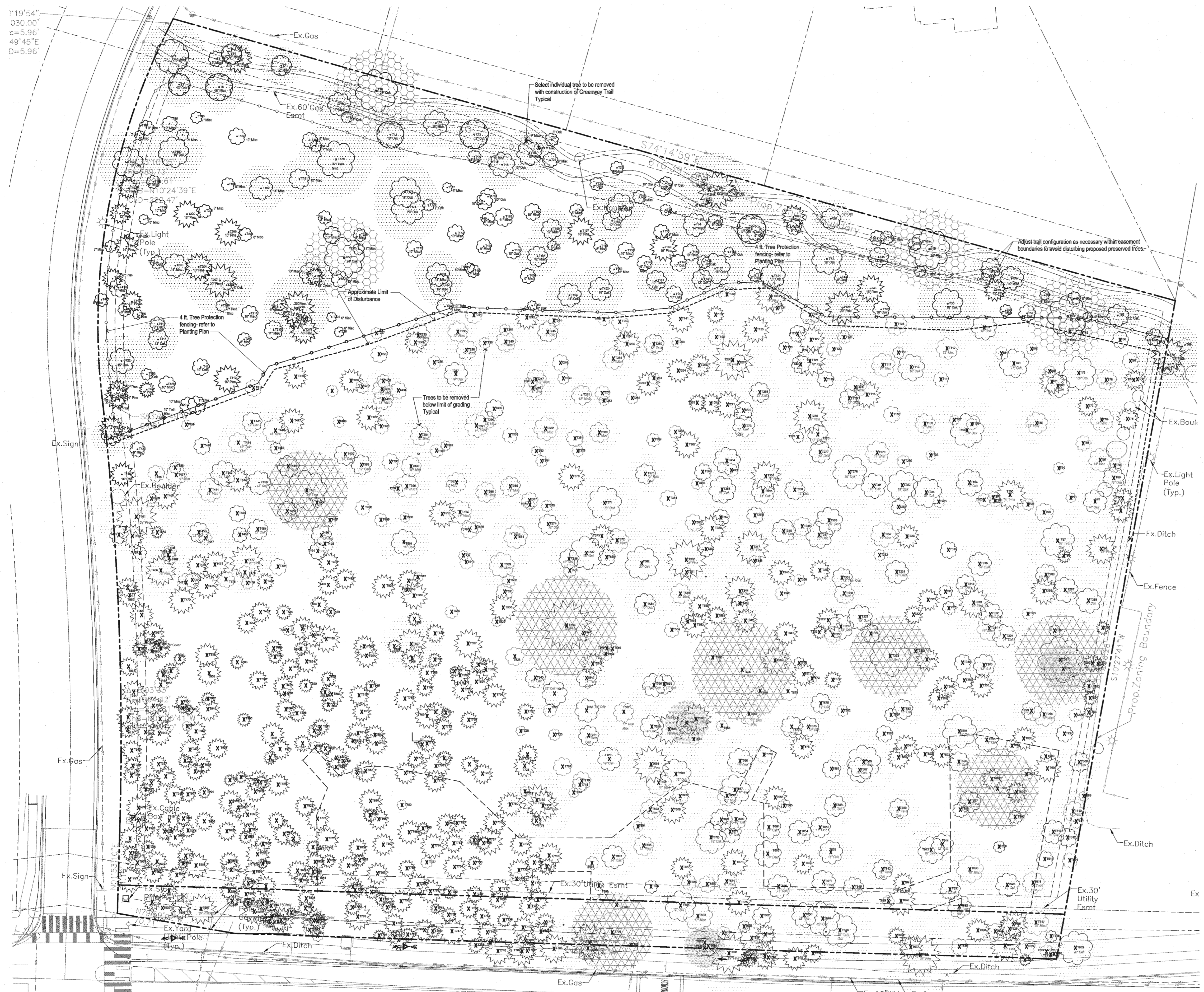
3307.11 Initiation means. The initiation of blasts shall be by means conforming to the provisions of NFPA 495.

3307.12 Connections. The blaster shall supervise the connecting of the blastholes and the connection of the loadline to the power source or initiation point. Connections shall be made progressively from the blasthole back to the initiation point. Blasting lead lines shall remain shunted (shorted) and shall not be connected to the blasting machine or other source of current until the blast is to be fired.

3307.14 Post-blast procedures. After the blast, the following procedures shall be observed.

1. No *person* shall return to the blast area until allowed to do so by the blaster in charge.
2. The blaster shall allow sufficient time for smoke and fumes to dissipate and for dust to settle before returning to or approaching the blast area.
3. The blaster shall inspect the entire blast site for misfires before allowing other personnel to return to the blast area.

3307.15 Misfires. Where a misfire is suspected, all initiating circuits shall be traced and a search made for unexploded charges. Where a misfire is found, the blaster shall provide proper safeguards for excluding all personnel from the blast area. Misfires shall be reported to the blasting supervisor immediately. Misfires shall be handled under the direction of the *person* in charge of the blasting operation in accordance with NFPA 495.



- 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. | 687 s.f. |
| 13" | 4 | 531 s.f. | 214 s.f. |
| 14" | 10 | 616 s.f. | 616 s.f. |
| 15" | 3 | 717 s.f. | 213 s.f. |
| 16" | 11 | 804 s.f. | 884 s.f. |
| 17" | 1 | 908 s.f. | 908 s.f. |
| 18" | 6 | 1018 s.f. | 6108 s.f. |
| 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.

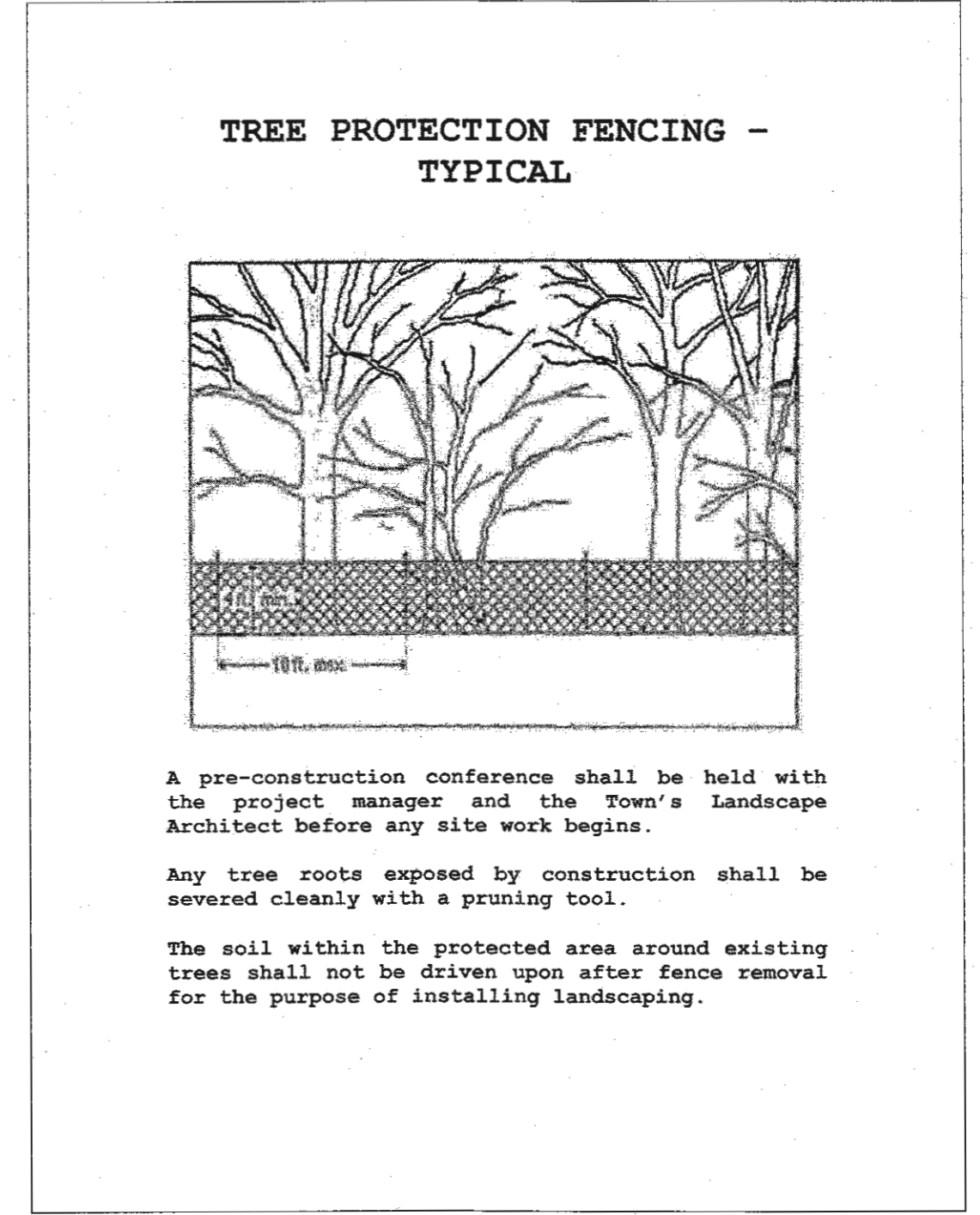
30% TREE CANOPY REQUIREMENT: 62,622 SQ. FT.

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
CHRISTOPHER 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

3 Story

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

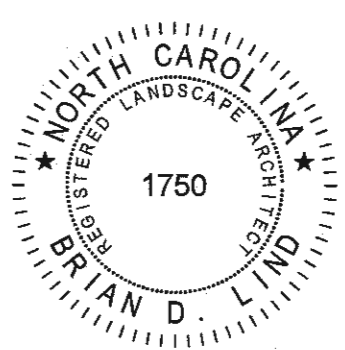
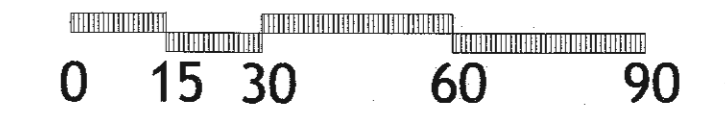
| Symbol | Botanical Name / Common Name | Quantity | Size / Comments |
|--------|--|-------------------|--|
| ○ | Boulevard Trees: (some symbols reduced in scale in Legend) | | |
| ○ | Ginkgo biloba 'Princeton Sentry' / Princeton Sentry Maidenhair Tree | 7 | 2.50" caliper x 12 ft. B&B Standard-limbed 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' / Sweetspire | 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 'Meijocora' / 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



HA WTHORN RETIREMENT GROUP

9310 NE Vancouver Mall Dr., Suite 200
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.

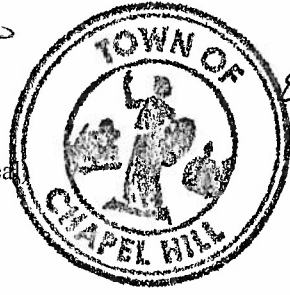
IN WITNESS WHEREOF, the Town of Chapel Hill has caused this instrument to be executed in its name as evidence of the issuance of said permit, and the undersigned Chapel Hill Retirement Residence LLC being the property owner of the property above described, has executed this instrument in evidence of 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

ORANGE COUNTY

NORTH CAROLINA

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

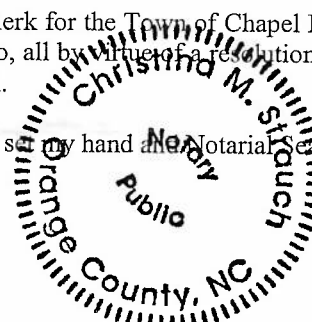
Sabrina M. Oliver, Town Clerk, duly sworn says each for himself that he knows the corporate seal of the Town of Chapel Hill and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Chapel Hill, that

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

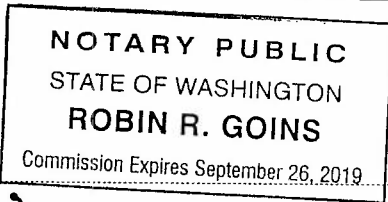
CLARK

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's 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 President, 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)





Engineers, Surveyors, Planners, Scientists

MEMO

Date: June 10, 2016
To: Wes Smith, PE
From: Douglas A. Bender, PE, PTOE
Subject: Charlotte Retirement Residence – Trip Generation

This memo has been prepared to provide a trip generation analysis for the proposed Charlotte Retirement Residence site, located at the northeast corner of the intersection of Somerset Drive and North Estes Road in Chapel Hill, North Carolina.

The development is planned to consist of a 152-suite living facility designed for seniors who maintain a mostly independent living lifestyle, but need some support. Site generated trip ends were forecast using data and methodology contained in Trip Generation, 9th Edition (Institute of Transportation Engineers, 2012). Daily, morning, and afternoon peak hour traffic volumes were estimated using trip generation rates published for ITE land use code 253, Congregate Care Facility. As shown in **Table 1** below, the proposed development is expected to generate 308 total daily trips, 9 external trips in the morning peak hour (5 entering, 4 exiting) and 26 external trips in the afternoon peak hour (14 entering, 12 exiting).

Table 1 - Trip Generation – Congregate Care Facility

| Land Use | Square Feet or Units | | ITE Code | Time Period | ITE Formula | Total Trips | Trips | |
|--------------------------|----------------------|-------|----------|----------------------------|-------------------|-------------|----------|---------|
| | | | | | | | Entering | Exiting |
| Congregate Care Facility | 152 | | 253 | Weekday (ADT) | Average Rate=2.02 | 308 | 154 | 154 |
| | | units | | AM Peak Hr of Adjacent St. | Average Rate=0.06 | 9 | 5 | 4 |
| | | | | PM Peak Hr of Adjacent St. | Average Rate=0.17 | 26 | 14 | 12 |

The number of daily weekday trips expected to be generated by the proposed facility was also estimated based on trip data from similar existing facilities, as provided by the developer. As shown in **Table 2** below, the similar facility-based estimate results in fewer daily trips compared to the ITE-based estimate (234 vs. 308).

Table 2 - Trip Generation – Similar Retirement Residence Data

| | Units | Time Period | Trip Source | Total Trips | Trips | |
|--------------------------|-----------|---------------|--|-------------|------------|------------|
| | | | | | Entering | Exiting |
| Congregate Care Facility | 152 units | Weekday (ADT) | Employees: 20 empl. x 4 trips per day ¹ | 80 | 40 | 40 |
| | | | Visitors: 20% of residents per day | 60 | 30 | 30 |
| | | | Residents: <25% possess vehicles | 76 | 38 | 38 |
| | | | Shuttle Service: 3-4 excursions per day | 8 | 4 | 4 |
| | | | Deliveries/Service Trips: 5 per day | 10 | 5 | 5 |
| | | | WEEKDAY TOTAL | 234 | 117 | 117 |

Note:

1. 4 trips per day = arrive for shift, depart for lunch, return from lunch, depart after shift (Conservative - assumes no employees on vacation or sick leave, and all leave site for lunch break)



Engineers, Surveyors, Planners, Scientists

Since the number of daily trips estimated via the similar facility data is close to but somewhat less than the ITE estimate of daily trips, it is reasonable to assume that the number of peak hour trips will be similar to or slightly less than the number of trips estimated via the ITE trip generation methodology.

In summary, the analysis results indicate that the retirement facility is expected to generate a relatively low number of vehicular and bicycle trips. Traffic impacts resulting from the proposed 152-unit retirement facility can be expected to be relatively minor due to several factors:

- Typically, less than 25% of residents drive vehicles.
- On any given weekday, only 20% of residents will have visitors traveling to and from the site.
- The 20 employees (approx.) arrive and depart the site at shift change times which do not typically coincide with the normal morning/afternoon peak hours of the adjacent street traffic.
- Pedestrians and bicyclists are not typically associated with this type of use.

Please let me know if you have any questions or if I may be of further assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Douglas A. Bender".

Douglas A. Bender, PE, PTOE
Senior Traffic Engineer