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MAIL TO:

TOWN OF CHAPEL HILL

ATTACHMENT 2

306 NORTH COLUMBIA STREET  
CHAPEL HILL, NORTH CAROLINA 27516  
Telephone (919) 968-2728

ORANGE COUNTY  
DURHAM COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner, Meadowmont Retirement Community, LLC, having applied to the Town of Chapel Hill for a Special Use Permit for the use and development of the property hereinafter described, the same was granted by the Town of Chapel Hill on May 15, 2000, the terms of which are as follows:

NAME OF PROJECT: The Cedars of Chapel Hill Retirement Center at Meadowmont  
NAME OF DEVELOPER: Meadowmont Retirement Community, LLC

DESCRIPTION OF PREMISE

LOCATION: East side of Meadowmont Lane, north and east of Barbee Chapel Road Extension, north of Highway 54

TAX MAP REFERENCES: Orange County, Chapel Hill Township Tax Map 52, part of Lot 6; and Durham County Tax Map 479, Block 1, Lot 1B

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA: 50.24 acres  
MINIMUM OPEN SPACE: 1,764,689 sq. ft.  
NUMBER OF BUILDINGS: 67  
MINIMUM LIVABILITY SPACE: 1,349,890 sq. ft.  
NUMBER OF BEDS IN HEALTHCARE FACILITY: 84  
MAXIMUM FLOOR AREA: 728,603 sq. ft.  
NUMBER OF DWELLING UNITS: 300 (250 multi-family; 50 single-family)  
MINIMUM RECREATION SPACE: 109,379 sq. ft.  
MAXIMUM NUMBER OF PARKING SPACES: 625

SPECIAL TERMS AND CONDITIONS

Development according to the Meadowmont Master Land Use Plan; the Cedars Site Plan, dated November 1999 (revised February 1, 2000), on file in the Chapel Hill Planning Department; and the special terms and conditions set forth below:

Stipulations Specific to the Development

- That construction begin by May 15, 2002, (two years from the date of Council approval) and be completed by May 15, 2012, (ten years from the date of Council approval).
- Land Use Intensity: This Special Use Permit authorizes the following:
  - 67 Buildings, with a maximum of 728,603 square feet of floor area, for 300 residential dwelling units (250 multi-family dwelling units and 50 single-family dwelling units), a clubhouse, and a health care facility;
  - 109,379 square feet of recreation space; and
  - A maximum of 625 parking spaces.
- Mixed Housing: If single-family or two-family residential lots are created for dwelling units as part of this development, then the provisions of Section 13.11, "Major Subdivision and Planned Development-Housing floor Area Restrictions" shall apply to those lots, and final plans and plats shall indicate the specific lots on which size limitations are placed.
- Land Use: That the use of this development be restricted to retirement community use only.

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5. Land Use Intensity Calculations: That the applicant provide calculations confirming Meadowmont's overall compliance with Land Use Intensity Ratios.
6. Recreation Area: That the proposed indoor and outdoor recreation areas meet the Town's standards for Planned Development-Housing recreation area, and that the details be reviewed for approval by the Town Manager prior to issuance of a Zoning Compliance Permit.
7. Boundaries of the Meadowmont Development: That buildings and parking shall be at least 40 feet from the eastern property line, with a landscape buffer width of at least 20 feet.
8. Northernmost Entrance Off Meadowmont Lane: The main upper entrance off Meadowmont Lane, leading to the health care facility, shall be a right-in, right-out only access point.
9. Pavement Design and Construction: That the streets, the drive aisles, and parking lots be designed and constructed to Town standards.
10. Private Streets: That if the internal streets are privately owned, the Homeowners' Association will be responsible for street and drainage maintenance. In addition, if a private entity responsible for the streets proposes to dedicate the streets for public use and maintenance, the private entity shall repair and upgrade the streets to Town standards prior to acceptance by the Town. Notes to this effect shall be placed on the final plans and final plat.
11. Heavy Duty Pavement: That along the refuse/recycling service vehicle routes, heavy duty pavement, with a 10" base course, be installed; or that notes on the plats and plans indicate that the Town will not be responsible for any pavement damage that may result from service vehicles at such time as public collection is requested.
12. Pedestrian/Bicycle Access: That pedestrian/bicycle access be provided to the Meadowmont commercial site adjacent to the south.
13. Pedestrian Crossing at the Transit Corridor: That a temporary pedestrian crossing be provided across the transit corridor, until the transit infrastructure is constructed.
14. Public Improvements:
  - A. That Meadowmont Lane be constructed according to the approved Meadowmont Infrastructure Special Use Permit plans, from NC 54 to the northern property line of this site, prior to the issuance of any Certificate of Occupancy.
  - B. That Barbee Chapel Hill Road be constructed along the entire length of the site's frontage and in accordance with the approved Meadowmont Infrastructure Special Use Permit plans prior to the issuance of any Certificate of Occupancy.
  - C. That this development be coordinated with the NC 54 construction and traffic signal improvements.
  - D. That a bus stop be provided on Meadowmont Lane or Barbee Chapel Road, with the location and design to be approved by the Town Manager.
15. Bike Racks: That covered bike racks be provided at the health center, the clubhouse, and with the underground parking areas in the apartment complex, as well as other locations on site, with number, type, and locations to be approved by the Town Manager.
16. Sidewalks: That the ease of use of sidewalks shall be a primary consideration in the site layout and sidewalk construction/design, and that sidewalks be provided in the following locations:
  - sidewalks along both sides of Barbee Chapel Road and Meadowmont Lane, in accordance with the Meadowmont Infrastructure Special Use Permit;
  - sidewalks along at least one side of all the internal, private drives, except Cedar Pond Lane (a drive aisle between apartment buildings) and the access drive directly off Barbee Chapel Road;
  - sidewalks from the parking lots to the apartment buildings;  
sidewalk from the southern section of single-family houses to the clubhouse area;
  - pedestrian trails in the vicinity of the retention ponds; and
  - sidewalk/bikepaths in two locations to the Lloyd property: south of the transit corridor and near the clubhouse.
17. Parking:
  - A. That 625 parking spaces be provided, 170 of which shall be placed under buildings.
  - B. Heavy Duty Pavement: That heavy duty pavement be installed under the refuse service vehicle access route and under the dumpster pads and compactor area, with pavement specifications, the location, and configuration to be approved by the Town Manager.

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- C. **Parking Area Screening:** That all parking areas be screened from public road view, and that screening plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
- D. **Parking Lot Design and Construction:** That all parking lots shall be designed and constructed to meet Town standards unless an alternate design is approved by the Town Manager.
- E. **Possible Additional Drive:** That an additional driveway may be constructed across the eastern end of the central green.
18. **Permanent Retention Basin Installation:**
- A. That stormwater retention ponds be in place prior to the issuance of any Certificate of Occupancy.
- B. Compliance with the Town Watershed Protection District regulations shall be demonstrated with the provision of permanent ponds. Permanent stormwater retention shall be required in accordance with the requirements of the Development Ordinance.
- C. The size, accessibility, location, and design of each pond shall be approved by the Town Manager.
- D. These wet retention ponds shall meet or exceed the North Carolina Division of Environmental Management requirements and shall be designed so as to be approved by the Division of Environmental Management, the North Carolina Division of Water Quality, the Army Corps of Engineers, and the Town Manager.
- E. The property owner shall post a performance bond or other surety instrument satisfactory to the Town, in an amount approved by the Town Manager, to assure maintenance, repair, or reconstruction necessary for adequate performance of the engineered stormwater controls.
- F. The Owners' or Homeowners' Association shall be responsible for arranging for annual inspections of all ponds by an appropriately certified engineer, to determine whether the ponds and associated structures are operating acceptably according to design requirements, and to report findings of said inspections to the Town manager, with such recommendations for maintenance or repair as may be warranted. Any needed repairs shall be completed within 120 days unless otherwise approved by the Town Manager. Restrictive covenants shall be recorded which shall identify these responsibilities of the Owners' or Homeowners' Association, including pond maintenance.
- G. Maintenance of the ponds shall be the responsibility of the applicant or a property/homeowners' association. A maintenance plan shall be provided for each of the retention ponds, to be approved by the Town Manager. The plans shall address inspection, maintenance intervals, type of equipment required, access to each pond, and related matters.
- H. As part of the application for Final Plan Approval, the applicant shall provide an up-to-date cumulative total of impervious surfaces within the sub-basin.
- I. The minimum permanent pool depth shall be at least three (3) feet in addition to enough volume to store the accumulated sediment between clean out periods.
- J. All sediment deposited in the ponds during construction activity on contributing sites must be removed before "normal" pond operation begins.
- K. Emergency drains shall be installed in all ponds to allow access for repairs and sediment removal as necessary.
- L. Anti-seepage collars shall be used on any structures penetrating dams or water retaining embankments.
- M. Public storm drainage systems, or other utilities, shall not be located within a pond or dam structure.
- N. That no ponds be created within the perimeter landscape buffer required for Meadowmont development.
- O. That the ponds be located and designed such that damage to existing large trees can be minimized.
- P. That the retention ponds and outlets be contained within stormwater drainage easements and that maintenance access with easements be provided prior to issuance of a Certificate of Occupancy.
19. **Ownership and Responsibilities of Common Areas:**
- A. That an owners' association be created for the maintenance and regulation of the private (residential, office, park, landscape, and commercial) areas including privately maintained streets and alleys. All property owners owning land within the area of the Master Land Use Plan approval, excluding governmental bodies, shall be represented in the owners' association. This owners' association shall have maintenance responsibilities for commonly owner development elements which affect the entire development including the stormwater management facilities.

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- B. In addition, a separate neighborhood association(s) and/or owners/ association(s) shall be created for the maintenance and regulation of the residential, office, and commercial areas. The documents creating these entities shall be reviewed for approval by the Town manager, and shall be recorded in the Orange County Register of Deeds Office prior to the issuance of a Zoning Compliance Permit.
- C. The responsibilities of these entities shall include the ownership and maintenance of the private alleys, private green spaces, private parks and recreation space, private retention and detention basins, and the landscape buffers.
- D. These entities shall also be responsible for an "add-on fees" charged by Duke Power for special street lighting.
- E. These entities shall have the ability to place a lien on property for nonpayment of dues or fees.
20. Dedication of Right-of-Way and Sight Triangle Easements: That right-of-way and sight triangle easements, as required by NCDOT or the Town, be dedicated prior to the issuance of a Zoning Compliance Permit.

Stipulations Related to Landscape Elements

21. Landscape Protection Plan:
- A. That a complete and accurate tree survey be provided with the first submittal of Final Plans.
- B. That a Landscape Protection Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall include areas of vegetation to be preserved; the anticipated clearing limit lines; proposed grading; proposed utility lines a detail of protective fencing; and construction parking and materials storage/staging areas. The plan shall show the use of tree protection fencing, unless alternate protection measures are approved by the Town Manager, between construction and existing vegetation.
- C. That the plan indicate the critical root area (1 foot radius for every inch caliper dbh) for the large trees adjacent to construction areas.
- E. No erosion control devices shall be allowed within the designated tree preservation areas.
- F. That existing trees be preserved in the following areas:
- Along the eastern property line;
  - The northeast corner of the site near the transit corridor;
  - A segment of Meadowmont Lane frontage;
  - Along the Barbee Chapel Road frontage northwest and west of the retention pond;
  - Within most of the reserved transit corridor;
22. Landscape Plan:
- A. That a detailed landscape plan and landscape maintenance plan be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
- B. Detailed final plans shall include:
- Demonstration that parking lot shading and screening requirements will be met;
  - Demonstration of compliance with the Master Landscape Plan for landscaping and preservation of vegetation.
- C. That where clearing is proposed between this development and the existing public streets and stormwater pond, the planting plan shall include the installation of large (at least 3.5-inch caliper) shade trees and a mix of shrubs and understory trees.
- D. Eight new Magnolia trees, 4 inch caliper, shall be planted, along the entrance drive to the health center, near Meadowmont Lane.
23. Landscape Buffers: That a Type "C" landscape buffer (20 feet minimum width) be provided along the eastern property. Existing vegetation shall be supplemented with evergreen shrubs and trees as necessary to fulfill landscape buffer planting requirements. The landscape buffer plan shall be reviewed for approval by the Town Manager prior to issuance of a Zoning Compliance Permit.

Stipulations Related to Building Elevations

24. Building Elevations/Site Lighting: That the detailed building elevations and lighting plan be approved by the Community Design Commission prior to issuance of the Zoning Compliance Permit.

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Stipulations Related to Water, Sewer, and Other Utilities

25. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Duke Power Company, Orange Water and Sewer Authority, BellSouth or GTE, Public Service Company, Time Warner Cable, and the Town Manager prior to issuance of a Zoning Compliance Permit.
26. Placement of Utility Lines Underground: That the final plans indicate that all utility lines shall be placed underground.
27. Fire Flow: That a fire flow report, prepared by a registered professional engineer, and showing that flows meet the minimum requirements of the Design Manual, be approved prior to issuance of a Zoning Compliance Permit.
28. Fire Hydrant Locations: That the fire hydrant connections be installed on the street side of buildings in easily visible and accessible locations to be approved by the Town Manager.

Miscellaneous Stipulations

29. Stormwater Management Plan:
  - A. That a Stormwater Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. Based on a 25-year storm, the post-development stormwater run-off rate should not exceed the pre-development rate. The plan must show how stormwater detention for this site will be achieved.
  - B. Design and construction of any stormwater management facility shall be approved by the Town Manager. All plans and final plats shall include dedication of permanent easements and construction of a paved or gravel drive for ingress/egress as necessary for construction, maintenance operations and equipment. The drive shall be in a location to be approved by the Town Manager.
30. Transportation Management Plan: That a Transportation Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. This plan shall be updated and approved annually by the Town Manager. The required components of the Transportation Management Plan shall include:
  - Provision for designation of a Transportation Coordinator;
  - Provisions for an annual Transportation Survey and Annual Report to the Town Manager;
  - Quantifiable traffic reduction goals and objectives;
  - Ridesharing incentives; and
  - Public transit incentives.
31. Solid Waste Management Plan:
  - A. That the refuse and recycling collection services be private.
  - B. That a second recycling area be provided on the site, somewhere near the multifamily units, if deemed necessary by the Town Manager.
  - C. That glass recycling containers be rollout carts rather than dumpsters.
  - D. That space be provided for segregated grease rendering/recycling and for segregated food waste.
  - E. That a detailed solid waste management plan, including a recycling plan and a plan for managing construction debris, be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
32. Detailed Plans: That final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), and landscape plans and landscape maintenance plans be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans conform to the plans approved by this application and demonstrate compliance with all applicable conditions and the design standards of the Development Ordinance and the Design Manual.
33. Plant Rescue: That the developer consider conducting plant rescue activities on the site prior to initiation of development activity.
34. Certificates of Occupancy: That no Certificates of Occupancy be issued until all required public improvements are completed; and that a note to this effect shall be placed on the final plat.

If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete; no Building Permits for any phase shall

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be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase, and that a note to this effect shall be placed on the final plat.

- 35. **Erosion Control:**
  - A. That a detailed soil erosion and sedimentation control plan, including provision for maintenance of facilities and modifications of the plan if necessary, be approved by the Orange County Erosion Control Officer and the Town Manager prior to issuance of a Zoning Compliance Permit.
  - B. That a performance guarantee be provided in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances prior to issuance of any permit to begin land-disturbing activity.
- 36. **Silt Control:** That the applicant take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 37. **Construction Sign Required:** That the applicant post a construction sign that lists the property owner's representative, with a telephone number, the contractor's representative, with a phone number, and a telephone number for regulatory information at the time of issuance of a Zoning Compliance Permit.
- 38. **Notice about Transit Corridor:** That a note be placed on all recorded plats in the vicinity of the transit corridor, noting the presence of the proposed transit corridor.
- 39. **Continued Validity:** That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above
- 40. **Non-severability:** That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

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## TOWN OF CHAPEL HILL

March 22, 1999

George Krichbaum  
Planned Community Development  
6900 Slade Hill Road  
Raleigh, NC 27615

Subject: Meadowmont Master Land Use Plan – Administrative Approval of Minor Changes Related to Overall Traffic Trip Generation (File No. 52..6)

Dear Mr. Krichbaum:

The Town staff has completed review of your request to administratively approve minor changes to the Meadowmont Master Land Use Plan as noted below:

- Restrict the "Congregate Care (or Multi-Family Residential)" development east of Meadowmont Lane to 350 congregate care units or 265 multi-family units.
- Restrict the northeast corner of Meadowmont Lane and Barbee Chapel Road to 10,000 square feet of "Office."
- Restrict the southeast corner of Meadowmont Lane and Barbee Chapel Road to 10,000 square feet of "Office."
- Restrict the hilltop "Commercial/Office site to 17,333 square feet of commercial space and 34,677 square feet of office space.
- Restrict the northeast corner of Barbee Chapel Road and NC 54 to a 4,000 square foot bank with a drive through and 4,000 square feet of office.
- Restrict the "Hotel" to 180 rooms.

As noted in your original letter dated May 1, 1998, these minor changes to the approved Meadowmont Master Land Use Plan are being requested in an effort to reduce overall trip generation from Meadowmont by approximately 25%. The reduction in overall trip generation from the Meadowmont development and the request for administrative approval of a minor change to the Master Land use Plan was discussed during the Council's May 11, 1998 Public Hearing on the Infrastructure Special Use Permit.

We hereby approve the proposed minor changes to the Meadowmont Master Land Use Plan. Should you have questions, please call the Planning Department at 968-2728.

Sincerely,

Roger S. Waldon  
Planning Director

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## MINOR CHANGES TO MEADOWMONT MASTER PLAN

"A"--- In the area east of Meadowmont Lane designated as "CONGREGATE CARE (or MULTI-FAMILY RESIDENTIAL)", 502 "apartment" units were held in reserve out of Meadowmont's total allowable residential density of 1298. We propose to restrict units in this area to either 350 congregate care units or 265 multi-family units. (For purposes of trip generation calculations, the apartments will be used since they generate significantly more trips than do congregate care units.)

ADJUSTMENT CODE	ADJUSTMENT	DELETED TRIPS	ADDED TRIPS	DIFFERENCE
A	Delete 237 of 502 Apartments Assigned as Future Use	-1569		-1569

\*Based on 5<sup>th</sup> Edition ITE Trip Generation Manual

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(16)

**MINOR CHANGES TO MEADOWMONT MASTER PLAN**

"B"----- On northeast corner of the intersection of Meadowmont Lane and Barbee Chapel Road ("Outparcel A"), 10,000 square feet of undefined "Commercial" is now shown. We propose to restrict use on this site specifically to 10,000 square feet of "Office". (In the original TIA, this parcel was calculated as a 3,720 square foot fast-food restaurant with drive thru and 6,280 square feet of retail.)

ADJUSTMENT CODE	ADJUSTMENT	DELETED TRIPS	ADDED TRIPS	DIFFERENCE
B	Delete 1 Fast Food w/ Drive Thru;	-2642		-2822
	Delete 6,280 sf of Retail	-255		
	Add 10,000 sf of Office		+75	

\*Based on 5<sup>th</sup> Edition ITE Trip Generation Manual

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**MINOR CHANGES TO MEADOWMONT MASTER PLAN**

**"C"**— On southeast corner of the intersection of Meadowmont Lane and Barbee Chapel Road ("Outparcel C"), 10,000 square feet of undefined "Commercial" is now shown. We propose to restrict use on this site specifically to 10,000 square feet of "Office". (In the original TIA, this parcel was calculated as a 4,500 square foot bank with drive thru and 5,500 square feet of retail.)

ADJUSTMENT CODE	ADJUSTMENT	DELETED TRIPS	ADDED TRIPS	DIFFERENCE
C	Delete 1 Bank w/ Drive Thru	-1126		-1275
	Delete 5,500 sf of Retail	-224		
	Add 10,000 sf of Office		+75	

\*Based on 5<sup>th</sup> Edition ITE Trip Generation Manual

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## MINOR CHANGES TO MEADOWMONT MASTER PLAN

"D"--- The "hilltop" building is shown to have an allowable use up to 52,000 square feet of mixed-use space. We propose to restrict the use of the "hilltop" building specifically to a maximum of 17,333 square feet of "Retail" and restrict the remaining 34,667 square feet to "Office". (In the original TIA, this building was calculated as 52,000 square feet of retail.)

ADJUSTMENT CODE	ADJUSTMENT	DELETED TRIPS	ADDED TRIPS	DIFFERENCE
D	Delete 34,666 sf of Retail on Hilltop;	-1410		-1148
	Add 34,666 sf of Office		+262	

\*Based on 5<sup>th</sup> Edition ITE Trip Generation Manual

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**MINOR CHANGES TO MEADOWMONT MASTER PLAN**

**"E"**--- On northeast corner of the intersection of Barbee Chapel Road and NC 54 ("Outparcel B"), up to 27,500 square feet of mixed-use is approved. We propose to restrict use and square footage specifically to a maximum of one 4,000 square foot bank w/ drive thru and 4,000 square feet of "Office". (In the original TIA, this parcel was calculated as a 4,500 square foot bank w/ drive thru, 5,000 square feet of office and 18,000 square feet of retail.)

ADJUSTMENT CODE	ADJUSTMENT	DELETED TRIPS	ADDED TRIPS	DIFFERENCE
E	Reduce 1 Bank from 4,500 sf to 4,000 sf	-72		-814
	Delete 18,000 sf of Retail	-732		
	Delete 1,000 sf of Office	-10		

\*Based on 5<sup>th</sup> Edition ITE Trip Generation Manual

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**MINOR CHANGES TO MEADOWMONT MASTER PLAN**

"F"--- The "Hotel" was originally defined as 140,000 square feet and assigned 200 rooms for trip generation purposes. We propose to restrict "Hotel" to a maximum of 180 rooms per their S.U.P. application.

ADJUSTMENT CODE	ADJUSTMENT	DELETED TRIPS	ADDED TRIPS	DIFFERENCE
F	Reduce Hotel From 200 Rooms To 180 Rooms	-176		-176

\*Based on 5<sup>th</sup> Edition ITE Trip Generation Manual

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ADJUSTMENT CODE	ADJUSTMENT	DELETED TRIPS	ADDED TRIPS	DIFFERENCE
*	Delete 3 Apartments	-20		+203
	Add 1 Single Family Home and 2 Townhomes		+20	
	Add 1,000 sf of Retail for Each Of 5 Non-Residential Corner Lots		+203	

Based on 5<sup>th</sup> Edition ITE Trip Generation Manual

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