

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 100-998 EASTOWNE DRIVE TO OFFICE/INSTITUTIONAL-3-CONDITIONAL ZONING DISTRICT (OI-3-CZD) (PROJECT #CZD-22-7) (2023-XX-XX/O-X)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by McAdams, on behalf of owner Health System Properties, LLC, to rezone six parcels totaling approximately 50 acres located at 100, 200, 300, 400, 500, 600, 700, 800, 901 and 998 Eastowne Drive on property identified as Orange County Property Identifier Numbers 9890-80-0195, 9890-80-7564, 9890-80-0643, 9890-80-2764, 9890-80-3947 and 9890-91-1209, to allow a medical campus and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to support the purposes of the Comprehensive Plan; and

WHEREAS, the application, if rezoned to Office/Institutional-3-Conditional Zoning District (OI-3-CZD) according to the district-specific plan dated April 6, 2023 and the conditions listed below would:

- 1) Conform with the applicable provisions of the Land Use Management Ordinance and Town Code with modifications shown below.
- 2) Conform with the Comprehensive Plan
- 3) Be compatible with adjoining uses
- 4) Mitigate impacts on surrounding properties and the Town as a whole
- 5) Be harmonious with existing and proposed built systems including utility infrastructure, transportation facilities, police and fire coverage, and other public services and facilities
- 6) Be harmonious with natural systems such as hydrology, topography, and other environmental constraints

MODIFICATIONS TO REGULATIONS

WHEREAS, the Council of the Town of Chapel Hill finds, in this particular case, that the proposed development with the following requested modifications to regulations satisfies public purposes to an equivalent or greater degree:

- 1) Section 3.6.3 Resource Conservation District (RCD) Buffer:** Modify the RCD Buffer standards as shown:
 - a) RCD buffers for restored stream shall only consist of the 50-foot streamside zone. There shall be no buffers associated with the managed use zone or the upland zone.
 - b) RCD impacts shall be allowed for the pond draining and stream restoration/enhancement project from US 15-501 to Eastowne Drive.
 - c) RCD impacts shall be allowed for the construction of the site access opposite the intersection of Old Sterling Drive with Eastowne Drive and the extension of the multi-use path along Eastowne Drive.
 - d) RCD impacts shall be allowed for the construction of an above ground stormwater control (SCM) measure for the small RCD area on the north side of the project inside the "Inner Loop".
 - e) RCD impacts shall be allowed for the two (2) stream vehicular crossings shown

on the current Conditional Zoning plan. A total of three (3) vehicular stream crossings may be permitted if deemed necessary to provide adequate emergency access to the Parcel Identifier Number 9890-91-1209. Pedestrian and bicycle crossings are permitted with the approval of the Town Manager.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the stream restoration and improvements proposed along with the need to provide vehicular access through the site are appropriate for the site for development providing employment and health care opportunities.

- 2) Section 3.6.3 Dimensional Regulations in the Resource Conservation District (RCD):** Disturbance for proposed vehicular and pedestrian crossings of the RCD, construction of the access point opposite Old Sterling Road, construction of SCM#2, as shown on the plans, and restoration of the stream between 15-501 and Eastowne Drive shall be permitted. Dimensional regulations for the RCD are modified to allow the following:

Zone	Square Footage
Maximum Resource Conservation District Land Disturbance	180,000 sq. ft.
Maximum Resource Conservation District Streamside Zone Land Disturbance	172,000 sq. ft.
Maximum Resource Conservation District Streamside Zone Impervious Surface Area	25,000 sq. ft.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because development in the RCD is necessary to ensure adequate circulation on the project site, to facilitate sufficient stormwater management, to allow for restoration of an impaired water body, and will be designed in a manner that minimizes impacts.

- 3) Table 3.8-1 Dimensional Matrix:** The Dimensional Matrix Floor Area Ratio (FAR) for Office/Institutional-3 (OI-3) zoning district is a maximum of 0.566. The request is to eliminate the FAR as the maximum floor area permitted as part of the project is limited to 1,100,000 square feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because total buildable floor area on the project site is effectively capped by the terms and conditions of this ordinance.

- 4) Section 4.4.7(g)-(h) Procedures – All Other Conditional Zoning Districts:** LUMO Sections 4.4.7(g) and 4.4.7(h) notwithstanding, the definitions of major and minor modifications to this conditional zoning ordinance and associated district specific plan shall be as follows:

- a. Items i through v listed below shall constitute a minor modification and shall be approved by the Town Manager. All minor modifications must be consistent with the approved district specific plan and comply with all applicable requirements. Consistency means the changes would not significantly negatively alter the development's impervious coverage, demand on public facilities, stormwater runoff, or other characteristic from that indicated by the approved district-specific plan. Where measurable and except where provided otherwise, a ten (10) percent change shall be considered significant whether such change is proposed through

one (1) request or through multiple requests over an extended period of time. Notwithstanding, the following shall constitute a minor modification:

- i. Relocation of public amenity spaces, provided that the total amount of public amenity space is not reduced and accessibility is not negatively impacted.
 - ii. Reconfiguration or relocation of internal streets, sidewalks, trails, or parking areas provided that no increase in encroachment or disturbance in the Resource Conservation District (RCD) is required (unless required for emergency services).
 - iii. Addition, or relocation, of bicycle or pedestrian access points to a preexisting public right-of-way.
 - iv. Clearing, grading or other improvements required for a future Bus Rapid Transit stop.
 - v. An increase of up to 15 percent to approved building heights.
- b. Notwithstanding, the following shall constitute a major modification to district specific plan and will require the filing of an application for approval of a major modification. Any requests pursuant to these items will be deemed minor if below the thresholds stated below.
- i. A change in the uses permitted or the density of overall development.
 - ii. An increase of twenty (20) percent or more in the floor area approved by the Town Council.
 - iii. An increase of ten (10) percent or more in the number of parking spaces approved by the Town Council.
 - iv. A change in the size, location, or orientation of an impervious feature that decreases the width of a landscape buffer below the minimum applicable buffer width requirements.
 - v. Elimination of an approved bicycle/pedestrian access point to a public right-of-way
 - vi. Relocation of vehicular access points to public right-of-way by more than fifty (50) feet from the approved location (to be measured from approved centerline to proposed centerline and, when appropriate, subject to approval by the North Carolina Department of Transportation (NDOT)); removal of bicycle/pedestrian or vehicular access points to public right-of-way (unless dictated by Town of Chapel Hill Transportation or NCDOT); addition of vehicular access points to preexisting public rights-of-way (unless dictated by Town of Chapel Hill Transportation, Town of Chapel Hill Emergency Services or NCDOT).
 - vii. Relocation of building envelopes to more than one hundred (100) feet from their approved location or to within fifty (50) feet of exterior property lines. For building envelopes that are approved within fifty (50) feet of an exterior property line, relocation to more than one hundred (100) feet from their approved location or to a location that is more than fifteen (15) percent closer to an exterior property line.
 - viii. A change in a condition of Town Council approval.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree to provide flexibility for the future phases of the development.

- 5) Section 5.3.2 Steep Slopes:** The total percentage of disturbed slopes with a grade of 25 percent or greater will not exceed 35 percent of steep slopes that are not manmade and resulting from the previous construction of roadways, parking lots, buildings, sidewalks, stockpiles, or the pond dam.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because a significant portion of the disturbed slopes were created during previous development of the property.

6) Section 5.6.2: Landscape Buffers

	<u>Required</u>	<u>Proposed</u>
Eastowne Drive	15-ft, Type B Buffer	No buffer; Street tree plantings 30 foot on-center to be consistent with existing plantings along Eastowne Drive.
US 15-501	20-ft, Type C Buffer	20-ft, modified buffer to be consistent with existing plantings along US 15-501.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because bufferyards along Eastowne Drive will hinder opportunities to develop a "complete street" as envisioned by the Chapel Hill 2020 Comprehensive Plan.

7) Section 5.9.7 Minimum and Maximum Off-Street Vehicular and Bicycle Parking Requirements: Maximum total vehicular parking spaces shall be 4.5 spaces per 1,000 square feet of floor area. Minimum bicycle parking spaces shall be 2.5 percent of total vehicular parking.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the proposed maximum is consistent with existing LUMO standards.

8) Section 5.12.1.a.4 Utilities – Water Main and Hydrant Installation: The requirement for installation of water mains and fire hydrants will be amended as follows:

No work shall commence with combustible materials until all required operational fire hydrants necessary for fire protection are installed and operational. For purposes of this subsection, "operational" means that the water mains and fire hydrants are capable of delivering sufficient water to meet domestic and fire fighting needs.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the proposed modification is consistent with relevant requirements of applicable building codes.

9) Section 5.14 Signage:

- a. Four (4) new UNC Health Eastowne Business Park and/or medical office site type commercial center signs up to 240 square feet each on Eastowne Drive shall be allowed for the proposed development on the Inner Loop. Sign dimensions shall be restricted to the following:
 - i. Maximum Height: 12 feet
 - ii. Maximum Width: 20 feet
 - iii. Maximum Thickness: 18 inches
 - iv. Minimum Letter Height on Panels: 12 inches

- b. External wall signage (to include building address and/or name) shall be permitted on each building and parking structure at a location that allow for optimal visibility and wayfinding.
- c. Internal site wayfinding signage shall be permitted at each intersection for vehicular and pedestrian traffic.
- d. Internal building signage not facing the public right-of-way for identification and wayfinding is not subject to review by the Town.
- e. The northern parcel will be allowed up to two (2) ground mounted signs if the parking structure is constructed.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the proposed signage will be appropriate in the context of a medical campus and will highlight a gateway feature to Chapel Hill.

10) Appendix A "District-Specific Plan": The definition of a "district-specific plan" accompanying this ordinance shall be amended as follows:

A plan, to scale, showing the approximate location of uses and structures proposed for a parcel of land as required by the applicable application and regulations, including but not limited to lot lines, streets, building sites envelopes, reserved open space, major landscape features - both natural and manmade-and, depending on requirements, the location of proposed utility lines.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree because the modified district-specific plan, in conjunction with the conditions of this ordinance, provide sufficient certainty and control over the nature of the proposed development.

CONDITIONAL ZONING DISTRICT

WHEREAS the Council of the Town of Chapel Hill finds, in this particular case, the proposed rezoning with the following uses, subject to the conditions below, satisfies the purposes of Office/Institutional-3-Conditional Zoning District (OI-3-CZD).

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Chapel Hill Zoning Atlas be amended as follows:

SECTION I

The following Orange County parcels identified by Parcel Identifier Number (PIN) 9890-80-0195, 9890-80-0643, 9890-80-2764, 9890-80-3947, 9890-80-7564, 9890-91-1209, described below, shall be rezoned to Office/Institutional-3-Conditional Zoning District (OI-3-CZD):

"Inner Loop" Tract

Being all of the land as shown on Plat Book 38, Page 25 in the Orange County Register of Deeds. Being more particularly described as:

Beginning at an existing concrete monument at the intersection of the northern right of way of U.S. Highway 15-501 and the eastern right of way line of Eastowne Drive, the point of beginning; thence with the right of way line of Eastowne Drive, North 29°06'48" West a distance of 119.95 feet to a concrete monument; thence with a curve to the right a radius

of 937.70 feet, an arc length of 650.17 feet, a chord bearing of North 08°53'16" West, a chord length of 637.22 feet to an existing iron pipe; thence with a curve to the right a radius of 937.70 feet, an arc length of 156.48 feet, a chord bearing of North 15°45'23" East, a chord length of 156.30 feet to an existing iron pipe; thence North 20°12'27" East a distance of 140.69 feet to an existing iron pipe; thence North 19°58'31" East a distance of 51.64 feet to a point; thence with a curve to the right a radius of 445.03 feet, an arc length of 99.79 feet, a chord bearing of North 24°49'13" East, a chord length of 99.58 feet to a point; thence with a curve to the right a radius of 445.03 feet, an arc length of 139.07 feet, a chord bearing of North 40°11'45" East, a chord length of 138.50 feet to a point; thence with a curve to the right a radius of 443.57 feet, an arc length of 230.65 feet, a chord bearing of North 66°18'32" East, a chord length of 228.06 feet to a point; thence North 80°56'20" East a distance of 305.22 feet to a point; thence with a curve to the right a radius of 429.63 feet, an arc length of 165.79 feet, a chord bearing of South 88°01'34" East, a chord length of 164.76 feet to an existing iron pipe; thence with a curve to the right a radius of 429.63 feet, an arc length of 358.57 feet, a chord bearing of South 53°03'42" East, a chord length of 348.26 feet to a point; thence South 29°18'14" East a distance of 532.19 feet to an existing iron pipe on the northern right of way line of U.S. Highway 15-501; thence with the northern right of way line of U.S. Highway 15-501, South 60°45'37" West a distance of 755.12 feet to an existing iron pipe; thence South 61°02'01" West a distance of 279.53 feet to an existing iron pipe; thence South 60°59'56" West a distance of 235.02 feet to an existing iron pipe; thence South 61°01'00" West a distance of 214.68 feet to the point and place of beginning, containing an area of 1,304,919 square feet or 29.96 acres and including to a midpoint of the adjoining Eastowne Drive and US 15-501 rights-of-way.

"Northern 20" Tract

Being all of the land shown as "Tract 4" on Plat Book 73, Page 142 in the Orange County Register of Deeds. Being more particularly described as:

Beginning at an existing iron pipe on the northern right of way line of Eastowne Drive, being the southeast corner of lot 12 of Eastowne Hills Subdivision, as shown on Plat Book 33, Page 113, the point of beginning; thence with the common line of Eastowne Hills Subdivision, North 13°08'17" East a distance of 180.20 feet to an existing iron pipe; thence North 20°29'33" East a distance of 314.94 feet to an existing iron pipe; thence North 28°29'11" East a distance of 224.86 feet to an existing iron pipe; thence North 18°33'35" East a distance of 250.18 feet to an existing iron pipe being the southeast corner of lands now or formerly owned by the Town of Chapel Hill, as described in Deed Book 2148, Page 271; thence with said common line, North 52°33'44" East a distance of 50.72 feet to an existing iron pipe on the southern right of way line of Interstate 40; thence with the southern right of way line of Interstate 40, South 43°25'41" East a distance of 224.01 feet to a concrete monument; thence South 46°05'51" East a distance of 198.08 feet to a concrete monument; thence South 28°35'04" East a distance of 305.84 feet to a concrete monument; thence South 36°14'20" East a distance of 155.91 feet to an existing iron pipe, being the northwest corner of lands now or formerly owned by the Straw Valley Project, LLC, as described in Deed Book 5889, Page 410; thence with the common line of Straw Valley Project and others, South 01°01'31" West a distance of 751.15 feet to a concrete monument on the northern right of way line of U.S. Highway 15-501; thence with the northern right of way line of U.S. Highway 15-501, South 61°02'59" West a distance of 397.02 feet to an existing iron pipe at the intersection of the northern right of way line of U.S. Highway 15-501 and the eastern right of way line of Eastowne Drive; thence with the right of way line of Eastowne Drive, North 29°15'19" West a distance of 535.87 feet to an existing iron pipe; thence with a curve to the left a radius of 499.63 feet, an arc length of 382.51 feet, a chord bearing of North 51°11'32" West, a chord length of 373.24 feet to the

point and place of beginning, containing an area of 893,234 square feet or 20.51 acres including to a midpoint of the adjoining Eastowne Drive and US 15-501 rights-of-way.

SECTION II

BE IT FURTHER ORDAINED by the Council of the Town of Chapel Hill that the following conditions are hereby incorporated by reference:

1. Expiration of Conditional Zoning Atlas Amendment: An application for the first Zoning Compliance Permit must be filed by _____ (5-years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Consent to Conditions: This approval is not effective until the petitioner provides written consent to the approval. Written consent must be provided within ten (10) business days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Permitted Uses: Business, office-type; Business, convenience, Hospital; Research activities; Medical Clinic	
Gross Land Area	2,423,112 sq. ft. (55.6 acres)
Floor Area (IN ADDITION to MOB1)	1,100,000 sq. ft.
Maximum Parking Spaces	4.5 spaces per 1,000 sf of floor area
Minimum Bicycle Parking Spaces	2.5% of number of vehicular spaces
Total Impervious Surface	Per LUMO (70% of GLA)
Maximum Land Disturbance	1,700,000 sq. ft.
Minimum Tree Canopy Coverage	Per LUMO (35% of GLA)
Resource Conservation District Total Land Disturbance	180,000 sq. ft.
Resource Conservation District Streamside Zone Land Disturbance	172,000 sq. ft.*
Resource Conservation District Streamside Zone Impervious Surface Area	25,000 sq. ft.

- *Land Disturbance in the RCD Streamside Zones shall be limited to the following:
- Up to 13,000 square feet for construction of a stormwater control measure in the Inner Loop.
 - Up to 40,000 square feet for pedestrian and vehicular crossings.
 - Up to 119,000 square feet for pond draining and stream restoration.

4. Building Height: Maximum height of all structures shall be 120 feet from the main entrance elevation to the top of the roof deck and shall exclude screening, mechanical penthouses, and other mechanical equipment.
5. Cumulative Tracking: Each Final Plan application shall include a cumulative tally of the existing and proposed:
 - a. Floor Area
 - b. Tree Canopy
 - c. Impervious surface

- d. Green Stormwater Infrastructure
 - e. Land disturbance
 - f. Resource Conservation District (RCD) disturbance
 - g. Bicycle parking
 - h. Vehicular parking spaces (including Electric Vehicle parking spaces)
6. Illustrative Site Plans: The illustrative site plans that accompany the District Specific Plan for this development are not regulatory documents. The Illustrative site plans are intended only to provide examples of potential building configurations within the building envelopes defined in the District Specific Plan.
7. Notice of Minor Modifications: All requests for minor modifications to this ordinance or associated district specific plan shall be publicly advertised.
8. Phasing Plan: Prior to the issuance of Zoning Compliance Permit for Medical Office Building-2, the developer shall provide a phasing plan for all anticipated construction on the property. Updated phasing plans shall be included with each submittal for a Zoning Compliance Permit. The phasing plan can be revised at any time and provided to the Town. A revision to the phasing plan will be considered a minor modification. The phasing plan shall include:
- a. A description of the anticipated number and type of structures, floor area, and uses to be included in each phase
 - b. A description of the anticipated stormwater infrastructure and public amenities to be included in each phase
 - c. A description of the anticipated vehicular and bicycle/pedestrian connectivity to be included in each phase.
9. Lot subdivision/Recombination - Recombination Plat: Prior to the start of any on-site construction activity, a recombination plat application combining the development site lots shall be approved by the Town and recorded at the County Register of Deeds.
10. Detailed Plan Review and Approval: Town staff will review the individual building proposals for compliance with the Conditional Zoning District, including the Land Use Management Ordinance and the applicant's Design Principles. The Community Design Commission will then review and approve final building elevations and building lighting for each individual building before issuance of Zoning Compliance Permit.
- Plans, plats, and associated detailed requirements as set forth in this ordinance shall be reviewed and approved by the Town Manager, or their designee, as well as outside agencies, such as NC Department of Transportation (NC DOT), Orange Water and Sewer Authority (OWASA) and Duke Energy, where appropriate.
11. Demolition Plan: Prior to beginning any proposed demolition activity, the developer must obtain demolition permits from both the Planning and Inspections departments. While the demolition component may be submitted to Planning in tandem with the Zoning Compliance Permit for new construction, a separate stand-alone demolition permit shall be issued prior to an Inspection's Demolition permit. Further, prior to the issuance of a demolition permit for all existing structures 500 square feet or larger, Orange County Solid Waste staff shall conduct a deconstruction assessment pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO).
12. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the developer

shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.

Community Benefits

13. Community Benefits: A \$5 million seed funding to the Town to establish an affordable housing revolving loan fund to support the acquisition, preservation, and creation of affordable housing in town. The establishment of the fund will occur *To Be Determined*.

Street Design and Ownership

14. Internal Streets: All streets, utilities, landscaping and other infrastructure within the development shall be constructed, owned, and maintained by the developer.
15. Accessible Corridors: Prior to issuance of a Zoning Compliance Permit for each development phase the developer shall identify and provide pedestrian corridors through and around that phase that are accessible to people with disabilities.
16. Construction of Internal Streets: Prior to the issuance of a Zoning Compliance Permit for any construction east of the stream mitigation project, the developer shall provide a plan demonstrating that adequate vehicular circulation and emergency access will be provided at all phases of development. Approval by the Town Manager shall be required prior to issuance of a Zoning Compliance Permit.
17. Public Access Easements & Private Maintenance: Public access easements, providing public ingress and egress, to and connecting the development blocks must be recorded prior to issuance of a Zoning Final Inspection for the Block or the phase being developed.
18. Street Lighting – Eastowne and 15-501: Prior to issuance of a Zoning Final Inspection of proposed Medical Office Building – 4 (MOB-4), the developer shall design and install street lighting along the site frontage on Eastowne Drive. Prior to issuance of a Zoning Final Inspection for the final phase within the Inner Loop the developer shall design and install street lighting along the site frontage on US 15-501 pursuant to North Carolina Department of Transportation (NCDOT) approval. Design and construction details including at signalized and unsignalized intersections must be approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. An approved phasing plan may detail the installation sequence for the lighting installation.
19. Eastowne Drive Improvements: Prior to the Zoning Final Inspection of the proposed MOB-4, Eastowne Drive shall, at a minimum, be improved to include buffered bicycle lanes and include street widening where deemed necessary by a subsequent Traffic Impact Analysis for MOB-4.

Landscape and Buffers

20. Tree Canopy: The development shall maintain no less than thirty-five percent (35%) tree canopy coverage, including all conservation easement areas and buffers.
21. Street Trees: Major streets shall be landscaped with, at a minimum, canopy trees planted at increments of thirty (30) feet on center with groupings or limited breaks in accordance with emergency services requirements.

22. Landscape Bufferyards:

Frontage	Type
US 15-501	20-foot Modified
Eastowne Drive	Street trees to be planted 30 feet on-center on average
I-40 Interstate	100-foot Type E
Internal	15-foot Type B

The buffer requirement noted in the schedule of required buffers may be reduced by one grade of intensity (e.g., C to a B) if the development is designed such that there is no parking between the buildings located on the site and the adjacent street.

23. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the developer shall identify on the planting plan any known invasive exotic species of vegetation within that phase, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC) and provide notes indicating removal of these species from the landscape buffer areas prior to planting. [Town Design Manual]
24. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, review shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]
25. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, tree protection fencing details, and location of tree protection fencing. [LUMO 5.7.3]
26. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detail of a tree protection fence and a note on the Final Plans indicating that tree protection fencing will be installed prior to land-disturbing activity on the site. The plans shall include continuous tree protection fencing around construction limits and indicated construction parking and materials staging/storage areas, and Town standard landscaping protection notes, subject to Town Manager approval. [LUMO 5.7.3]
27. 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.
28. Site Retaining Wall Construction: If applicable, the final location and wall heights of all site retaining walls shall be shown on the Final Plans for each phase and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

Parking

29. Parking Deck Design: All parking decks shall utilize a horizontal deck design and shall be screened on all sides that are visible from the public right-of-way.
30. Structured Parking: At full build-out of the Inner Loop, at least eighty percent (80%) of parking spaces shall be located in structured parking facilities. Early phases of

development may have a lower percentage of parking provided in structured parking facilities.

31. Parking Needs Assessment: The developer shall provide to the Town an updated parking assessment addressing parking utilization and expected needs, to be submitted with each Zoning Compliance Permit for each Phase of development.
32. Electric Vehicle Parking Standards: All new parking structures in the development shall adhere to the following standards:
 - a. One percent (1%) of parking spaces in each parking structure shall be served by electric vehicle ("EV") charging stations. Charging stations shall be "Level 2" or higher as defined by the Society of Automotive Engineers.
 - b. Twenty percent (20%) of parking spaces in each parking structure shall be made "EV-ready" with installation of conduit and reservation of adequate space for equipment or infrastructure necessary for future installation of EV charging stations
 - c. All parking structures shall include at least three (3) 110-volt receptacles within five (5) feet of bicycle racks that meet Town standards.
 - d. An analysis of the utilization of existing EV parking spaces will be provided with each Zoning Compliance Permit submittal and the required number of EV spaces adjusted accordingly. An increase or reduction in the required number of EV spaces will be considered a minor modification.
33. Gameday Parking: If requested by the Town, the developer shall consider, and negotiate in good faith, to provide parking spaces to support weekend athletic events at the University of North Carolina at Chapel Hill.

Bicycle/Pedestrian Facilities

34. Old Sterling/US 15-501 Pathway: Prior to the Zoning Final Inspection for Medical Office Building Three (MOB-3), the developer shall construct a 5-foot wide pathway that runs in the outer 20-feet of the stream side buffer adjacent to the stream mitigation project and connects Old Sterling Drive to the multi-use path along US 15-501. Permeable pavements will be explored and implemented where feasible.
35. US 15-501 Multi-use Path: Subject to the approval of the North Carolina Department of Transportation (NCDOT), the developer shall construct a multi-use path within the US 15-501 right-of-way along the development's full US 15-501 frontage. The multiuse path shall be completed prior to the earlier of the following:
 - a. The Zoning Final Inspection for the final phase of development in the Inner Loop
 - b. The first Zoning Compliance Permit issued after NCDOT completes its planned widening of US 15-501
36. Eastowne Multi-use Path: Prior to the Zoning Final Inspection for MOB-5, the developer shall complete the Eastowne Multiuse Path along the full frontage of Eastowne Drive.
37. Shower Facilities: The developer shall provide at least four (4) showers and associated facilities in each new building.
38. Greenways/Multi-use Paths: The developer shall grant public access easements for all greenways, multiuse paths, and sidewalks in the development except where doing so would compromise the security or privacy of employees, patients, or other visitors.

39. Easements for Bicycle/Pedestrian Connectivity: If requested by the Town of Chapel Hill, the developer shall grant the necessary easements and/or dedicate the necessary right-of-way to allow for the construction of bicycle/pedestrian connections to New Hope Commons Drive, the Dry Creek Trail, or other publicly maintained trail systems. Requested easements shall not reduce, or otherwise impact, the development area (Block P4) as shown in approved the district-specific plan.
40. Design of Bicycle and Pedestrian Facilities: All pedestrian, bicycle, and greenway facilities within and adjacent to the development shall be designed and constructed to meet Town standards unless otherwise approved by the Town Manager. For all sidewalk, bicycle and greenway facilities, easements shall be granted to the Town and the public for public use. All facilities along public rights-of-way shall have adequate lighting, to be reviewed and approved by the Town Manager.
41. Sidewalk Dimensions: Minimum sidewalk widths shall be five (5) feet. The multi-use path and greenway along US 15-501 shall be ten (10) feet wide. Internal sidewalks along the building frontages will be a minimum eight (8) feet wide.
42. Location of Bicycle and Pedestrian Facilities: The location of greenways and paths for pedestrians and cyclists in the development will be generally consistent with the District Specific Plan.
43. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for proposed bicycle parking spaces in accordance with this ordinance. Bicycle parking spaces may be placed near building entrances, or within parking structures. Spaces shall be located in well-lit and visible areas. The spaces 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. [LUMO 5.9.7 and Town of Chapel Hill Design Manual]
44. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible.

Transit

45. Eastowne Drive Bus Stops: Prior to the issuance of any Zoning Compliance Permit, the developer shall coordinate with Chapel Hill Transit to determine the need, and timing of construction, for additional bus stops along Eastowne Drive. Prior to full build-out of the Inner Loop, the developer shall provide up to two (2) additional bus stops in locations negotiated with Chapel Hill Transit.
46. Bus Rapid Transit Station: Upon request by the Town, the developer shall dedicate sufficient land for the construction of a Bus Rapid Transit (BRT) station along US 15-501. After completion of the BRT station, no Zoning Compliance Permits shall be issued for new buildings within development until the developer provides an adequate pedestrian connection to the station. Clearing, grading, buffer impacts or Resource Conservation District (RCD) impacts necessary to construct the connection to the BRT will be considered a minor modification.

Traffic/Transportation

47. Subsequent Transportation Impact Analysis (TIA) Updates: With the first Final Plan submittal of each development phase, UNC Health will provide a TIA that is consistent with Town and NCDOT standards for the development phase. The TIA shall be conducted by a qualified party chosen by the Town and the cost of preparation of the TIA shall be borne by the developer. The developer shall be responsible for all mitigation measures necessary for NCDOT approval.
48. North Carolina Department of Transportation (NCDOT) Approvals: NCDOT approval shall be required prior to the issuance of a Zoning Compliance Permit for any new construction (of more than 5,000 square feet) in the development. 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.
49. Medical Office Building Two ("MOB-2") Traffic Mitigation Measures: Prior to the issuance of a Zoning Final Inspection for MOB-2, the developer shall provide the following:
- a. Southern Eastowne Drive/US 15-501 Intersection: The existing left-turn lane on Eastowne Drive shall be extended to provide a minimum of 375 feet of vehicle storage.
 - b. Eastowne Drive: The section of Eastowne Drive between the existing Medical Office Building Parking Deck Access Driveway and Old Sterling Drive shall have on-street parking eliminated. Buffered bicycle lanes and a three-lane vehicular cross-section shall be implemented, including street widening where necessary. Left-turn lanes with 100 feet of storage shall be delineated in this vicinity for the relocated Parking Deck Access Driveway and Old Sterling Drive.
 - c. Parking Deck Access Driveway: The access driveway for the existing parking deck shall include a southbound right-turn auxiliary egress lane with at least 75 feet of storage at the Eastowne Drive intersection.
 - d. Signal Timing: The developer shall provide a payment of \$15,000 to the Town to support optimization of signal timing. Signal timings at the following intersections shall be reoptimized to account for site-related traffic:
 - i. Northern Eastowne Drive/US 15-501
 - ii. Southern Eastowne Drive/US 15-501
 - iii. Sage Road/US 15-501
 - e. Dobbins Drive: Dobbins Drive shall be restricted to a right-in/right-out intersection. A median of sufficient length shall be installed to effectuate this restriction.
50. Easements for Vehicular Connectivity: If requested by the Town of Chapel Hill, the developer shall grant the necessary easements and/or dedicate the necessary right-of-way to allow for the construction of a vehicular connection to New Hope Commons Drive. The requested easements and right-of-way shall not reduce, or otherwise impact, the development area (Block P4) as shown in the approved district-specific plan.
51. Traffic Management Plan: Prior to the issuance of a Zoning Compliance Permit for each development phase, an updated Traffic Management Plan shall be submitted to the Town Manager. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage. [LUMO 4.5.2]

52. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.

Stormwater Management

53. Stormwater Management: All stormwater control measures shall be designed to accommodate the 50-year, 24-hour rainfall event (exceeding the Town's requirement for the 25-year storm event).
54. Treatment of Existing Impervious Surface: The development shall include adequate infrastructure to treat all new impervious surface and at least 50 percent of existing impervious surface as of the date of enactment of this ordinance.
55. Green Stormwater Infrastructure for Impervious Area: A minimum of 1 acre of impervious area to be treated using green stormwater infrastructure (GSI) designed to the current NCDEQ Minimum Design Criteria to the maximum extent practicable.

Resource Conservation District and Jordan Buffer

56. Stream Crossings: The development shall be limited to two (2) vehicular stream crossings and two (2) pedestrian stream crossings. A total of three (3) vehicular stream crossings may be permitted if deemed necessary to provide adequate emergency access to the Parcel Identifier Number 9890-91-1209. All crossings shall be constructed in a manner that, to the maximum practicable extent, minimizes impacts on Resource Conservation District (RCD) and Jordan Buffers. Bottomless culverts or bridges shall be used for all stream crossings.
57. Stream Mitigation: Prior to any land disturbance within the stream and issuance of a Zoning Compliance Permit, plans and design standards for stream restoration should be designed to follow the guidelines set forth by Dave Rosgen's (https://wildlandhydrology.com/resources/docs/River%20Restoration%20and%20Natural%20Channel%20Design/Rosgen_Geomorphic_Channel_Design.pdf) natural channel design methods. All restoration work shall be completed prior to issuance of a Zoning Final Inspection for Medical Office Building-3 (MOB3). The designs will seek to establish physical, chemical, and biological functions within the stream systems that are self-regulating and emulate a natural stable form within the constraints imposed by the site's conditions. Not only will the channel be restored to a natural stable form, the floodplain and riparian areas will be graded and revegetated to ensure stability and re-establishment of natural riparian processes. Work will include assessing the existing reach and watershed; determining appropriate channel dimensions, pattern and profile; designing appropriate floodplain widths; incorporating channel and floodplain structures to maintain stability, hold grade, and provide habitat; and providing an appropriate planting plan for channel banks and floodplain to establish a diverse riparian ecosystem.
58. Development in the Resource Conservation District (RCD) and Jordan Buffer: Streets, bridges, and other similar transportation facilities as depicted in the District-Specific Plan are permitted in the RCD. Pedestrian access trails; greenways; bridges; driveway crossings; maintenance access on modified natural streams; playground equipment; protection of existing structures, facilities, and stream bank; road crossings; road relocation; stormwater best management practice (BMP); utility, electric, aerial, crossings of streams; utility electric underground crossings; utility, non-electric crossings; wetland, stream and buffer restoration; and wildlife passage structures are

allowed with or without mitigation (as per LUMO Section 5.18.7(b)) are allowed in the Jordan Buffer.

Parcel 9890-91-1209 ("Northern 20")

59. Development and Permitted Uses on the Parcel 9890-91-1209: No uses other than structured parking shall be permitted on the parcel identified as 9890-91-1209. No construction activities (other than those related to public infrastructure, bicycle/pedestrians/vehicular connectivity, or recreational facilities) may begin on this parcel until the last phase of the development.
60. Preservation of the Parcel 9890-91-1209: Prior to issuance of a Zoning Compliance Permit for MOB-2, the developer shall record an easement for the perpetual conservation of at least 10-acres of land located in the parcel. The easement shall be dedicated to an appropriate conservation organization subject to Town Manager approval.

Public Amenity Spaces

61. Public Amenity Spaces: All public amenity spaces shall be designed in accordance with the Design Principles for the UNC Health Eastowne Campus.
62. Central Green: A central green shall be provided within the Eastowne Drive site and shall include publicly accessible gathering spaces.

Green Building and Sustainable Infrastructure

63. Energy Efficiency: All buildings shall be designed to be 20 percent better than ASHRAE 90.1 (or equivalent standard as adopted in North Carolina at the time of issuance of the Zoning Compliance Permit for each building). LEED building standard shall be reviewed for approach to energy conservation. If requested by the Town, the developer shall consider, and negotiate in good faith, to meet updated energy standards in the future.
64. All-Electric Design: All buildings shall be designed to allow for all-electric operation or all-electric capable design, as possible and where it does not interfere with energy conservation standards stated in Energy Efficiency condition and where suitable for a medical use.
65. Sustainable Rooftops: Solar photovoltaic systems, green roofs, or a combination thereof shall be installed on fifty percent of available rooftop space remaining after necessary roof access and mechanical equipment is designed. The remainder of available rooftop space shall be designed to allow for future installation of solar photovoltaic systems, green roofs, or a combination thereof.
66. Plantings and Water Conservation: The development shall be landscaped using drought-resistant plants wherever possible. Only non-invasive species may be used. The developer shall not install or operate any permanent irrigation systems.
67. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Energy Management Plan (EMP) for Town approval. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; and (c) if requested, provide for the property owner to report to the Town of Chapel Hill

the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

Design Principles

68. Design Principles for the UNC Health Eastowne Campus: Prior to issuance of the first Zoning Compliance Permit, the developer shall receive input from the Community Design Commission (CDC) and work with the Town's Urban Designer and other Town staff to review and evaluate design principles subject to approval by the Town Manager. The approved documents will be recorded and cross-referenced with this ordinance prior to issuance of the first Zoning Compliance Permit. Town review and approval of the design principles shall not exceed a total of 90 working days from the initial submission to the Town or within such further time consented to in writing by the developer. No new vertical development may occur until the Town Manager approves the design principles unless such development otherwise complies with the dimensional requirements of the Land Use Management Ordinance. After initial approval of the design principles, minor modifications to the final, approved design principles may be approved by the Town. Should the Town Manager deny the design principles, unless such development complies with the dimensional requirements of the Land Use Management Ordinance and complies with this ordinance and associated district-specific plan, a Zoning Compliance Permit shall not be issued.
69. Design Principles Certification: Submission of each Final Plan shall include a signed and sealed certification that the proposed plan complies with the approved Design Principles for the UNC Health Eastowne Campus.

Fire Safety

70. Fire Protection and Utility Plan: A fire flow report for hydrants within 500 feet of each building shall be provided and demonstrate the calculated gallons per minute with a residual pressure of 20 pounds per square inch. The calculations should be sealed by a professional engineer licensed in the State of North Carolina and accompanied by a water supply flow test conducted within one year of the submittal. Refer to the Town Design Manual for required gallons per minute.
71. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
72. Fire Department Connections, Locations: FDCs shall be installed within 100 feet of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDCs shall be equipped with National Standard Thread (NST) and be a 2.5" siamese.
73. Fire Apparatus Access for Chapel Hill Fire Department: All fire department access determinations shall be based upon Chapel Hill Fire Department apparatus specifications (data specifications provided by Office of the Fire Marshal/Life Safety Division) and field verification. All proposed fire department access designs shall be reviewed and shall also pass field inspection.

Solid Waste Management and Recycling

74. Refuse Collection Service: Prior to the issuance of any Zoning Compliance Permit involving a land use that generates refuse or solid waste, the developer shall verify

that refuse collection service is to be contracted privately, unless the developer demonstrates that all requirements for public refuse collection have been met in the design and construction of one or more sections of the project.

75. Deconstruction Assessment: For any existing structure 500 square feet or larger a deconstruction assessment shall be conducted by OCSW staff prior to the issuance of a demolition permit pursuant to the County's Regulated Recyclable Materials Ordinance (RRMO). Prior to any demolition or construction activity on the site, the developer shall hold a pre-demolition/pre-construction conference with Solid Waste staff. This may be held at the same pre-construction meeting held with other development/enforcement officials.

State and Federal Approvals

76. 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.

Miscellaneous

77. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete or a bond is place with the Town for incomplete improvements. A note to this effect shall be placed on the final plats.

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, and no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase. A note to this effect shall be placed on the final plats.

78. New Street Names and Numbers: The name of the development and its streets and building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
79. Vested Right: This Conditional Zoning constitutes a site-specific vesting plan (and is defined as such in the Chapel Hill Land Use Management Ordinance) establishing a vested right as provided by N.C.G.S. Section 160D-108.1 and the Chapel Hill Land Use Management Ordinance. During the period of vesting this permit may be subject to subsequent changes to Town regulations to the extent such regulations have been enacted under authority other than the Town's zoning authority.
80. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
81. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Conditional Zoning for UNC Heath Eastowne at 100-998 Eastowne Drive.

This the ____ day of _____, 2023.