

## **RESOLUTION A (REVISED)**

(Approving the Special Use Permit Modification Application)

### **A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR EASTOWNE REDEVELOPMENT – MEDICAL OFFICE BUILDING (MOB) - 1, 100 EASTOWNE DRIVE (2018-09-19/R-7)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by Health System Properties, LLC, for property located at 100 Eastowne Drive and having Orange County Property Identifier Number 9890-80-0195, if developed according to the Site Plan dated March 6, 2018 and last revised June 12, 2018, the conditions listed below would:

1. Be located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;
2. Comply with all required regulations and standards of the Land Use Management Ordinance;
3. Be located, designed, and operated so as to maintain or enhance the value of contiguous property; and
4. Conform with the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the 2020 Comprehensive Plan.

### **MODIFICATIONS TO REGULATIONS**

BE IT FURTHER RESOLVED by the Council of the Town of Chapel Hill that it 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:

**Section 5.6.6 Buffer Modification:** To modify the buffer on the southern property line adjacent to US 15-501. The 95-foot emergency fire access will be replanted to a 55 foot opening, and the 50-foot opening for visibility will have shrubs and other low plantings.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as modifications to the planting requirements are necessary for meeting the State Fire Code and will enhance the visibility of the property, thereby advancing economic development opportunities.

**Section 3.8.4 Transitional Control Intensity:** To modify the maximum height requirements along Eastowne Drive from 35 to 78 feet high at the street setback (measured at average mean grade), and the maximum core height, located more internal to the site, from 60 to 90 feet. The existing height requirements of 35 and 60 feet are established by the Residential-4 zoning district across Eastowne Drive.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as property will be screened by a 20-foot buffer and is located approximately 190 feet from the nearest three-story (approximately 26 feet high) residential building.

**Section 3.6: Resource Conservation District:** To permit land disturbance, impervious surface, and parking within the Resource Conservation District for the accessible parking area that will serve Building 500. The development will result in a net reduction of existing impervious surface in the RCD, as the applicant proposes to demolish 4 existing buildings and associated parking lots and sidewalks.

This finding is based on a determination that public purposes are satisfied to an equivalent or greater degree as the development will result in a net reduction of existing impervious surfaces in the RCD.

**STIPULATIONS SPECIFIC TO EASTOWNE REDEVELOPMENT**

1. Construction Deadline: Construction shall begin by September 19, 2020 (two years from the date of approval) and be completed by September 19, 2022 (four years from the date of approval). [LUMO 4.5.5]

2. Land Use Intensity: This Special Use Permit Modification authorizes the following:

<b>Use: Commercial/Office/Medical Clinic</b>	
Number of Buildings	1 office building and 1 parking deck
Gross Land Area	401,536 sq. ft.
Maximum Floor Area	178,546 sq. ft.
Maximum Height	90 ft. (FFE)
Total Impervious Surface	173,373 sq. ft.
Maximum Land Disturbance	351,965 sq. ft.
Maximum Land Disturbance in RCD	18,836 sq. ft.
Maximum Parking Spaces	1,169 spaces (1,100 in parking deck)
Minimum Bicycle Parking Spaces	26 spaces

3. Urban Design Review: Town Staff will select a third-party urban designer, and the applicant will pay for the urban design review based on the rate listed in the Planning and Development Services Fee Schedule for Blue Hill District Urban Design review. The Urban Designer will review the project plans in light of Town values as expressed in the Town’s Strategic Plan and 2020 Comprehensive Plan, discuss them with the applicant, and present his or her recommendations to the applicant for consideration prior to submittal of Final Plans for construction of the project. The Community Design Commission shall provide courtesy review comments on the recommendations prior to issuance of a Zoning Compliance Permit.

4. Parking Deck Appearance: *Stipulation forthcoming* To address concerns about the appearance of the parking deck from Eastowne Drive, the applicant will shift more cladding material to the Eastowne Drive façade to reduce visibility into the deck. The applicant will work with staff to develop a stipulation that establishes a minimum percentage of the façade that will have exterior cladding material. We anticipate a stipulation will be available prior to the September 19, 2018 meeting.

5. Permitted Construction: This Special Use Permit Modification authorizes the construction of one (1) 150,000 sq. ft. building, along with an attached 3,000 sq. ft. utility building, and the associated parking deck. Any additional buildings or other new development on this site would require additional approvals by the Town and shall meet all applicable

Town requirements.

6. Multi-Use Path: As part of the future master planning process, the developer commits to working with the Town to identify an appropriate alignment of a multi-use path through the site and to design and construct the facility as part of future phases of development.
7. Master Plan: Before any additional new buildings are developed on this site, the property owner will conduct a Master Planning process that is consistent with the Town's values as expressed in the Town's Strategic Plan and the 2020 Comprehensive Plan. In addition, the property owner will ensure that the process provides substantial opportunity for public participation and input. Once a draft of the Master Plan is prepared, the draft will be presented to the Advisory Boards and Town Council for their review and feedback.
8. Future Traffic Analysis: That as part of a Master Plan entitlement process, the applicant shall prepare a Traffic Impact model analysis. The model shall include a build-out year and include Wegmans, Gateway development, SECU redevelopment, and the full build-out of Eastowne, other approved development in the area, as well as an appropriate factor for background traffic.
9. As-Built Traffic Impact Study: That within one (1) year of issuance of a Certificate of Occupancy, UNC Health Care shall report to the Town Council with an update on traffic conditions and trip generation rates at the site, including whether they warrant further study, and if so, in what regard. The applicant agrees to reimburse the Town and its consultant to update the June 2018 TIA with as-built driveway traffic counts from the project, with other modeling assumptions remaining constant. If traffic counts at the project driveway exceed the projected maximum values for the June 2018 Traffic Impact Analysis and the August 2018 Maximum Trip Generation Traffic Analysis, the applicant commits to making associated additional improvements as required by Town ordinance. Such improvements shall be started within one (1) year of the TIA revision, subject to permitting from DOT and Town of Chapel Hill.
10. Public amenity space: The applicant shall provide shaded picnic tables with ready access to parking for use by employees and visitors. The applicant shall make the use of this amenity available to others upon request and approval by the property owner.
11. Height: That building height is limited to 90 feet as measured from finished floor elevation, defined as the floor of the ground floor. All rooftop mechanical equipment and other structures shall be located below this measurement.

#### Transportation

12. Electric Vehicle Charging: Six parking spaces within the parking deck shall be dedicated for electric vehicle charging, with stations installed. Conduit to serve at least 20 percent of the parking spaces in the parking deck for future electric vehicle charging stations shall be installed prior to issuance of a Certificate of Occupancy.
13. Capacity for Additional Vehicle Charging: The electrical infrastructure will be provided to meet the electricity demand of all anticipated future charging stations, up to 20 percent of the parking spaces in the parking deck.

14. Eastowne Drive/Lakeview Drive/US 15-501 Intersection Improvements: These improvements are to be completed by the Wegmans development. In the event that this does not occur, the UNC Health Care developer will be responsible and the improvements shall be constructed as part of this development and shall be in place prior to Final Zoning Inspection. These improvements include conversion of the southbound approach to include dual left-turn lanes with 300 feet of storage and a new through/right-turn lane with 300 feet of storage.
15. Eastowne Drive/SECU Driveway/US 15-501 Intersection Improvements: Prior to Final Zoning Inspection, the developer shall:
  - a. extend the existing southbound left-turn lane from Eastowne Drive to US 15-501 to provide 300 feet of vehicle queuing, and
  - b. extend the existing eastbound left-turn lane from US 15-501 to Eastowne Drive to a minimum of 400 feet of vehicle queuing.
16. Dobbins Drive Median: Prior to issuance Final Zoning Inspection, the developer shall extend the median on southbound Eastowne Drive at the Dobbins Drive intersection, eliminating left turns, subject to approval by the Town Manager and NCDOT.
17. Traffic Signal Timing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a payment-in-lieu of \$3,000 for optimizing signal timing at the Eastowne Drive/SECU Driveway/US 15-501 intersection.
18. Pedestrian Improvements: A pedestrian crosswalk and pedestrian signal heads shall be installed across the southbound approach of the US 15-501 and Eastowne Drive/SECU driveway signalized intersection prior to Final Zoning Inspection.
19. NCDOT Permitting: Prior to performing work in the NC Department of Transportation right-of-way, the developer will need to obtain the following:
  - Approved NCDOT Three-Party Encroachment Agreement with the Town of Chapel Hill for proposed landscaping on US 15-501.
  - Approved NCDOT Encroachment Agreement for construction of any required roadway modifications as determined by a Traffic Impact Assessment and stipulated by NCDOT or TOCH as defined in the Special Use Permit Modification stipulations herein.
  - No NCDOT Driveway Permit is required as there are no accesses proposed within the limits of a State maintained route. State Maintenance along Eastowne Drive extends from US 15-501 and terminates at Dobbins Drive.
20. Transit Stop: That prior to Final Zoning Inspection, the developer shall install a transit stop, including pad, lighting, Nextbus signage, and waste receptacles.
21. Bicycle Fix-It Station: Prior to Final Zoning Inspection the developer shall provide a fix-it station to Chapel Hill Transit standards in the general location as shown on the site plan.
22. Buffered Bicycle Lanes: Prior to issuance of a Certificate of Occupancy, the developer shall provide buffered bicycle lanes along both sides of Eastowne Dr for the length of the project's frontage.
23. Multi-Use Path: As part of the future master planning process, the developer commits to working with the Town to identify an appropriate alignment of a multi-use path through the site and to design and construct the facility as part of future

phases of development.

24. Eastowne Drive Multi-Use Path: Prior to issuance of a Certificate of Occupancy, the developer shall construct a 10' multi-modal path on Eastowne Dr along the subject property frontage, to be designed to American Association of State Highway and Transportation Officials (AASHTO) standards.
25. Wayfinding Signage: Prior to Final Zoning Inspection, wayfinding signage for pick up and drop off zones for drivers and visitors shall be installed. The signage should include provisions for ridesharing services such as Uber and Lyft.

#### Landscape

26. Landscape Bufferyards: That the following landscape bufferyards shall be provided:

<b>Location</b>	<b>Required Buffer</b>
North	10' Internal Type "B"
East	10' Internal Type "B"
West (Eastowne Drive)	20' External Type "C" with additional tree plantings
South (US 15-501)	30' External Type "D" (Modified)

27. Landscaping within ROW: All landscaping within NCDOT right-of-way shall comply with the NCDOT Guidelines for Planting within Highway Right-of-way, including a Landscape Encroachment Agreement and private maintenance of landscaping in the right-of-way.
28. Eastowne Drive Landscaping: All landscaping proposed in the Eastowne Drive right-of-way shall be privately maintained.
29. Tree Openings: Two openings along the US 15-501 frontage are permitted with estimated measurements of approximately 50 feet and 95 feet, respectively, from the tree drip lines. The underbrush and thicket along the entire frontage will be removed as part of the site development. The 95 foot opening shall be replanted reducing the opening to 55 feet.
30. Modified Buffers: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall provide courtesy review comments on landscape buffers.
31. Tree Save: The developer shall employ efforts to preserve trees and minimize clearing where possible in the US 15-501 buffer near the future building pad for Medical Office Building-2.
32. Demolition Plan: The Landscape Protection Plan shall be consistent with the Demolition Plan.

#### Environmental

33. Solid Waste: Solid waste and mixed recycling (including corrugated cardboard) will be collected by a private waste contractor, once the new buildings are built and in service.
34. Impervious Surface in Resource Conservation District: Impervious surfaces are limited to handicapped parking spaces serving building 500.

Zone	Existing to Remain	Proposed	Total
Streamside	2,630 sq. ft.	0 sq. ft.	2,630 sq. ft.
Managed	7,584 sq. ft.	0 sq. ft.	7,584 sq. ft.
Upland	6,567 sq. ft.	3,836 sq. ft.	10,403 sq. ft.

35. Stormwater Structures: No stormwater management structures are permitted in the rights-of-way or building setbacks. This includes the outlet structure and stabilization, any underdrains, side slopes, and the downgradient toe of french drains. Further, the discharge must be in a sheet flow condition.
36. Stormwater Control Measure: The proposed stormwater control measure for the site shall be designed to meet the current North Carolina Division of Environmental Quality Design Manual.
37. Jordan Buffer and Resource Conservation District: Materials for new pathways and parking within the Jordan Buffer and Resource Conservation District will not be permeable. To offset the impact, the developer will include an equivalent amount of permeable materials in portions of the surface parking lots.
38. Water Quality: In order to improve water quality, it is recommended to incorporate stormwater treatment/management facilities that would be required for future buildings on the site.

#### Fire

39. Fire Access: Prior to issuance of a Certificate of Occupancy, a secondary fire access shall be reviewed and approved by the Town of Chapel Hill and NCDOT. Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. NC FPC 2012 502.1,503.1.1, 503.2.1, D102.1
40. Fire Apparatus Access: Prior to issuance of a Certificate of Occupancy, a secondary fire apparatus access shall be reviewed and approved by the Town of Chapel Hill and NCDOT. Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. NC FPC 2012, D104.1, D104.3

#### **TOWN OF CHAPEL HILL – SPECIAL USE PERMIT STANDARD STIPULATIONS**

The following standard stipulations are supplemental to site-specific conditions as set by Town Council-approved resolution. Unless modified by the site-specific conditions noted above, these standards apply to all development permitted by Special Use Permits.

## Access

41. 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.

## Transportation

42. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a Transportation Management Plan, subject to Town Manager approval. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage. [LUMO 4.5.2]
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 required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. 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 4.5.2]
44. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [LUMO 5.9.5]
45. Parking Lot Landscape and Screening: The parking lot landscape design shall adhere to the standards of the Chapel Hill Land Use Management Ordinance. [LUMO 5.9.6]
46. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design and install street lighting along the site frontage. Design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation (NCDOT).
47. Driveway Permit: The developer must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.
48. Pavement Markings: Any pavement markings proposed within the public street rights-of-way shall be long life thermoplastic. Pavement markers shall be installed if they previously existed on the roadways.
49. Off-Site Construction Easements: Prior to any development associated land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]

50. Sight Distance Triangles: Prior to issuance of a Certificate of Occupancy, the developer shall provide the Town of Chapel Hill with standard sight distance triangles at the proposed driveway locations. [Town Design Manual]
51. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
52. 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 of such repairs must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 17-40]
53. Street Closure Plan: Prior to 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 closure(s). [Town Code 21-7.1]
54. 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 U.S. Department of Transportation Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]

#### Landscaping and Building Elevations

55. 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, 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]
56. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]
57. 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, fencing details, and location of fencing. [LUMO 5.7.3]
58. 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]

59. 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. [LUMO 4.5.3]
60. Tree Canopy: A minimum of tree canopy coverage be provided through a combination of retained and replanted trees, unless a modification to regulations is approved. Calculations demonstrating compliance with Chapel Hill Land Use Management Ordinance Section 5.7.2 shall be included. [LUMO 5.7.2]
61. Retaining Wall Construction: If applicable, the final design and location of all retaining walls shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
62. 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).
63. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize upward light pollution and off-site spillage of light. [LUMO 8.5.5]
64. Community Design Commission Approval: The developer shall obtain Community Design Commission approval of building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

#### Environment

65. Stormwater Management Plan: Development projects must comply with *Section 5.4 Stormwater Management* of the Chapel Hill Land Use Management Ordinance.
66. Phasing Plan: If phasing of the project is proposed, then, prior to issuance of a Zoning Compliance Permit, the developer shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The Phasing Plan also shall detail which 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 have been completed, with a note to this effect on the final plans and plats. [LUMO 4.5.3]

67. Erosion Control Bond: If one acre or more is to be uncovered by land-disturbing activities for the 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. [Town Code 5-98]
68. Silt Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [Town Code Article V]
69. Erosion Control Inspections: In addition to the requirement during construction for inspection after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. [Orange County Erosion Control]
70. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
71. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. [Town Design Manual Chapter 10]
72. On-Site/Adjacent Stormwater Features: The final plans shall locate and identify existing site conditions, including all on-site and adjacent stormwater drainage features, prior to issuance of a Zoning Compliance Permit. The final plans must provide proper inlet protection for the stormwater drainage inlets on or adjacent to the site to ensure the stormwater drainage system will not be obstructed with construction debris. [Town of Chapel Hill Design Manual]
73. Repair/Replacement of Damaged Stormwater Infrastructure: Existing stormwater infrastructure that is damaged as a result of the project demolition or construction must be repaired or replaced, as specified by the Stormwater Management Engineer, prior to requesting a Certificate of Occupancy. [Town Design Manual Chapter 10]
74. Energy Efficiency: That prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Special Use Permit issuance. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the applicant when incorporating the "so percent more energy efficient" feature into the final plans. An energy model should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]
75. 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; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) that, if requested, the property owner reports 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]

### Recreation

76. Recreation Space (Multi-Family): A minimum of 25 percent of the required Recreation Space for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.
77. Recreation Area (Subdivision): A minimum of 25 percent of the required Recreation Area for the project shall be provided in the form of a payment in lieu. The payment in lieu shall be paid prior to the issuance of a Zoning Compliance Permit.

### Water, Sewer, and Other Utilities

78. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, other applicable local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The developer 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. [LUMO 4.5.3]
79. Lighting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit site plans, sealed by a Professional Engineer, for Town Manager approval, as well as other required documents to satisfy the lighting requirements of Section 5.11 of the Land Use Management Ordinance including: submission of a lighting plan; providing for adequate lighting on public sidewalks, including driveway crossings; and demonstrating compliance with Town standards. [LUMO 5.11]
80. Relocation of Overhead Utilities Underground: Prior to issuance of 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. [LUMO 5.12.2]
81. Water/Sewer Line Construction: All public water and sewer plans shall be approved by and constructed according to OWASA 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. [LUMO 5.12.1]

82. OWASA Approval: Prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12]
83. Irrigation: If permanent irrigation is proposed to support landscaping, an irrigation plan shall be submitted which includes the use of smart technologies to conserve water and energy.

#### Fire Safety

84. 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. [TOWN CODE 7-56]
85. Gates and Barricades: Where required or authorized by the fire code official and permanent or temporary (construction), any gates across fire apparatus access roads shall be a minimum width of 20 feet, be of swinging or sliding type, have an emergency means of operation, shall be openable by either forcible entry or keyed, capable of being operated by one person, and shall be installed and maintained according to UL 325 and ASTM F 2200. [NC FPC 2012, 503.5, 503.6, D103.5]
86. Grade and Approach: Fire apparatus access roads shall not exceed 10 percent in grade unless approved by the fire chief, and all approach and departure angles shall be within the limits established based on the Fire Department's apparatus. [NC FPC 2012, 503.2.7, 503.2.8 and D103.2]
87. 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.
88. Fire Department Connections and Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40 feet in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. [NC FPC 2012 Section 1413]
89. Fire Command Center: Where required in the North Carolina Fire Protection Code and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2012.
90. Aerials: Where a building exceeds 30 feet in height OR 3 stories above the lowest level of Fire Department Access, overhead power and utility lines shall not be allowed within the aerial apparatus access roadway and the roadway shall have an unobstructed width of 26 feet exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15 feet and maximum of 30 feet from one complete side of the building. [NC FPC 2012 D105.1, D105.2, D105.3]

91. Fire Apparatus Access Road: Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. [NC FPC 2012 502.1,503.1.1, 503.2.1, D102.1 SECOND ACCESS DEPENDENT UPON DOT APPROVAL]
92. Dead End Access Roads: Dead end fire apparatus access roads exceeding 150 feet shall have a designated turn around. The turnaround shall meet one of the design standards of NC FPC 2012, Appendix D table D 103.4.
93. Building Height: Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. [NC FPC 2012, D104.1, D104.3 DEPENDENT UPON DOT APPROVAL]
94. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
95. Fire Apparatus Access Road Authority: The fire code official shall have the authority to increase the minimum access widths where they are deemed inadequate for fire and rescue operations. [NC FPC 503.2.2]
96. 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 National Fire Protection Association 13. [NC Fire Protection Code Section 507.5.6]
97. 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. [NC Fire Protection Code Section 507.5.6]
98. 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. [NC Fire Code, Section 1410.1]

99. Premise Identification: Approved building address numbers, placed in a position acceptable to the fire code official, shall be required on all new buildings. [NC FPC 2012, 505.1]
100. Key Boxes: Where required by the fire code official, a secure key box, mounted on the address side of the building, near the main entrance, shall be provided to ensure adequate access to the building based on life safety and/or fire protection needs. [NC FPC 2012, 506]
101. Automatic Fire Sprinkler System Required: That an automatic fire sprinkler system meeting the requirements of NFPA Standard #13 and Town Code 7-56 is required to be installed in non-residential construction.
102. Fire Department Connections, Locations: Any required FDCs for any buildings shall meet the design and installation requirements for the current, approved edition of NFPA 13, 13D, 13R, or 14 of the NC FPC 2012 and Town Code 7-38 for location. 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).
103. Fire Department Connections, Installation: A working space of not less than 36 inches in width and depth and a working space of 78 inches in height shall be provided on all sides with the exception of wall mounted FDCs unless otherwise approved by the fire code official. The FDCs where required must be physically protected from impacts by an approved barrier. [NC FPC 2012, 912.1, 912.2 912.2.1, 912.3.2, 312]
104. 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.
105. 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. [Town Design Manual]
106. Fire Lane: Prior to issuance of a Certificate of Occupancy, any 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. [NC Fire Code, Sections 503.3, D103.6, D103.6.1, D103.2]

#### Solid Waste Management and Recycling

107. 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 and Orange County Solid Waste (OCSW). 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. If a refuse compactor is proposed or if the collection enclosure is not accessible by Town vehicles, the developer shall provide documentation of an agreement for solid waste collection by a private provider prior to issuance of a Zoning Compliance Permit. [Orange County Solid Waste]

108. Construction Waste: Clean wood waste, scrap metal and corrugated cardboard (Regulated Recyclable Materials), all present in construction waste, must be recycled. All haulers of construction waste containing Regulated Recyclable Materials must be properly licensed with Orange County Solid Waste. The developer shall provide the name of the permitted waste disposal facility to which any land clearing or demolition waste will be delivered. [Orange County Solid Waste]
  
109. 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

110. 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. [NC State; Federal Permits]
  
111. 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. [NC Department of Transportation]

#### Miscellaneous

112. Construction Management Plan: A Construction Management Plan shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The construction management plan shall: 1) indicate how construction vehicle traffic will be managed, 2) identify parking areas for on-site construction workers including plans to prohibit parking in residential neighborhoods, 3) indicate construction staging and material storage areas, 4) identify construction trailers and other associated temporary construction management structures, and 5) indicate how the project construction will comply with the Town's Noise Ordinance. [Town Design Manual Chapter 10]

113. 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. [Town Code 17-42]
114. 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. 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. [LUMO 5.14.4]
115. Schools Adequate Public Facilities Ordinance: If applicable, the developer shall provide the necessary Certificates of Adequacy of Public Schools or an exemption prior to issuance of a Zoning Compliance Permit. [LUMO 5.16]
116. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
117. 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 Chapel Hill Land Use Management Ordinance and the Design Manual. [LUMO 4.5.3]
118. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete. 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.
119. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.

120. New Street Names and Numbers: The name of the development and its streets and house/building numbers shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
121. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88. [Town Design Manual Chapter 10]
122. Vested Right: This Special Use Permit or Special Use Permit Modification constitutes a site specific development 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 160A-385.1 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.
123. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
124. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
125. Not-Comprehensive: The listing of these standard stipulations, and the specific stipulations applicable to this Permit, is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER RESOLVED that the Council hereby approves the application for a Special Use Permit Modification for Eastowne Redevelopment at 100 Eastowne Drive.

This the 19th day of September, 2018.