

**REVISED ORDINANCE A**  
(Approving the Conditional Zoning Application)

**AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTIES LOCATED AT 306 WEST FRANKLIN STREET TO TOWN CENTER-3-CONDITIONAL ZONING DISTRICT (TC-3-CZD) (PROJECT #CZD-23-7) (2023-11-29/O-4)**

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by McAdams, on behalf of owner Chapel Hill Franklin Street Labs 1, LLC, to rezone six parcels totaling approximately 1.99 acres located at 214 and 306 West Franklin Street, and 311, 315, and 321 West Rosemary Street on property identified as Orange County Property Identifier Numbers 9788-26-0736, 9788-26-1802, 9788-26-2823, 9788-26-2905, 9788-27-2090, 9788-26-2798, and to allow development including research activities; business, office-type; business, convenience; and business, general; and all other permitted and accessory uses in the Town Center-3 (TC-3) zoning districts with associated parking and public spaces and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan; and

WHEREAS, the application, if rezoned to Town Center-3-Conditional Zoning District (TC-3-CZD) according to the district-specific plan dated October 20, 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) LUMO Section 3.8.2: Dimensional Regulations.** Maximum building heights shall be modified as follows:

<p><b>Modified:</b> Maximum Setback Height: 140 ft Maximum Core Height: 165 ft</p>
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This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree by the modified regulations.

**2) LUMO Appendix A: Definitions.** The definition of a "district-specific plan" 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, buildings, 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 by the modified regulations.

### **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 Town Center-3-Conditional Zoning District (TC-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) 9788-26-0736, 9788-26-1802, 9788-26-2823, 9788-26-2905, 9788-27-2090, and 9788-26-2798, described below, shall be rezoned to Town Center-3-Conditional Zoning District (TC-3-CZD) including to the centerline of West Franklin Street and West Rosemary Street:

Being more particularly described as:

#### **315 WEST ROSEMARY STREET (PIN 9788-26-2905)**

BEING ALL OF TRACT 2 AS DESCRIBED IN DEED BOOK 614, PAGE 427 IN THE ORANGE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF WEST ROSEMARY STREET; THENCE SOUTH 25°30'58" EAST, A DISTANCE OF 133.28 FEET TO AN EXISTING PK NAIL, BEING A COMMON CORNER OF THE COMMONS, AS SHOWN ON PLAT BOOK 72, PAGE 92; THENCE WITH SAID COMMON LINE, SOUTH 64°47'15" WEST, A DISTANCE OF 140.80 FEET TO AN EXISTING PK NAIL; THENCE NORTH 24°46'01" WEST, A DISTANCE OF 132.68 FEET TO A SET IRON PIPE ON THE SOUTHERN RIGHT OF WAY LINE OF WEST ROSEMARY STREET; THENCE WITH THE RIGHT OF WAY LINE OF WEST ROSEMARY STREET, NORTH 64°32'16" EAST, A DISTANCE OF 139.06 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 18,608 SQUARE FEET OR 0.43 ACRES.

A PORTION OF THIS PROPERTY IS CONTAINED WITHIN AN OVERLAP PER TRACT 2 AS DESCRIBED IN DEED BOOK 614, PAGE 427 AND TRACT 5 AS DESCRIBED IN DEED BOOK 995, PAGE 34. BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE ON THE SOUTHERN RIGHT OF WAY LINE OF WEST ROSEMARY STREET, BEING THE NORTHWEST CORNER OF TRACT 5 AS DESCRIBED IN DEED BOOK 995, PAGE 34 IN THE ORANGE COUNTY REGISTER OF DEEDS; THENCE SOUTH 25°29'45" EAST, A DISTANCE OF 6.84 FEET TO A SET IRON PIPE; THENCE FROM

THE BEGINNING, NORTH 64°32'16" EAST, A DISTANCE OF 1.62 FEET TO A POINT; THENCE SOUTH 25°30'58" EAST, A DISTANCE OF 100.80 FEET TO A SET IRON PIPE; THENCE SOUTH 64°53'14" WEST, A DISTANCE OF 1.66 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 25°29'45" WEST, A DISTANCE OF 100.79 FEET, PASSING THROUGH AN EXISTING IRON PIPE 3.52 FEET BEFORE THE END OF THE LINE, TO THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 166 SQUARE FEET.

**311 WEST ROSEMARY STREET (PIN 9788-27-2090)**

BEING ALL OF TRACT 5 AS DESCRIBED IN DEED BOOK 995, PAGE 34 IN THE ORANGE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN EXISTING IRON PIPE ON THE SOUTHERN RIGHT OF WAY LINE OF WEST ROSEMARY STREET; THENCE SOUTH 25°14'06" EAST, A DISTANCE OF 7.86 FEET TO THE NORTHWEST CORNER OF TRACT A, AS SHOWN ON PLAT BOOK 76, PAGE 55; THENCE CONTINUING WITH THE LINE A DISTANCE OF 99.89 FEET TO A SET IRON PIPE; THENCE SOUTH 64°53'14" WEST, A DISTANCE OF 67.27 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 25°29'45" WEST, A DISTANCE OF 107.63 FEET TO AN EXISTING REBAR ON THE SOUTHERN RIGHT OF WAY LINE OF WEST ROSEMARY STREET, PASSING THROUGH AN EXISTING IRON PIPE LOCATED 10.36 FEET BEFORE THE END OF THE LINE; THENCE WITH THE RIGHT OF WAY LINE OF WEST ROSEMARY STREET, NORTH 64°46'36" EAST, A DISTANCE OF 67.76 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 7,270 SQUARE FEET OR 0.17 ACRES.

A PORTION OF THIS PROPERTY IS CONTAINED WITHIN AN OVERLAP PER TRACT 2 AS DESCRIBED IN DEED BOOK 614, PAGE 427 AND TRACT 5 AS DESCRIBED IN DEED BOOK 995, PAGE 34. BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING FROM AN EXISTING IRON PIPE ON THE SOUTHERN RIGHT OF WAY LINE OF WEST ROSEMARY STREET, BEING THE NORTHWEST CORNER OF TRACT 5 AS DESCRIBED IN DEED BOOK 995, PAGE 34 IN THE ORANGE COUNTY REGISTER OF DEEDS; THENCE SOUTH 25°29'45" EAST, A DISTANCE OF 6.84 FEET TO A SET IRON PIPE; THENCE FROM THE BEGINNING, NORTH 64°32'16" EAST, A DISTANCE OF 1.62 FEET TO A POINT; THENCE SOUTH 25°30'58" EAST, A DISTANCE OF 100.80 FEET TO A SET IRON PIPE; THENCE SOUTH 64°53'14" WEST, A DISTANCE OF 1.66 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 25°29'45" WEST, A DISTANCE OF 100.79 FEET, PASSING THROUGH AN EXISTING IRON PIPE 3.52 FEET BEFORE THE END OF THE LINE, TO THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 166 SQUARE FEET.

**COMMONS-EAST (PIN 9788-26-2823)**

BEING ALL OF THE AREA LABELED "COMMONS" TO THE EAST OF LOT 1, AS SHOWN ON PLAT BOOK 72, PAGE 92 OF THE ORANGE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN IRON ROD ON THE SOUTHERN RIGHT OF WAY LINE OF WEST ROSEMARY STREET, BEING THE NORTHEAST CORNER OF THE CLARENCE N. GRAY IRREVOCABLE TRUST, AS DESCRIBED IN DEED BOOK 3308, PAGE 116, THE POINT OF BEGINNING; THENCE WITH THE SOUTHERN RIGHT OF WAY OF WEST ROSEMARY STREET, NORTH 64°26'31" EAST A DISTANCE OF 99.97 FEET TO A POINT, BEING THE NORTHWEST CORNER OF WEST FRANKLIN PRESERVATION PARTNERS, AS DESCRIBED IN DEED BOOK 614, PAGE 427; THENCE WITH SAID COMMON LINE, SOUTH 24°46'01" EAST A DISTANCE OF 139.99 FEET TO A POINT; THENCE NORTH 64°47'15" EAST A DISTANCE OF 140.80 FEET TO A POINT ON THE WESTERN LINE OF TRACT B, AS SHOWN IN PLAT BOOK 58, PAGE 142; THENCE WITH SAID COMMON LINE, SOUTH 25°24'51" EAST A DISTANCE OF 83.50 FEET TO

AN EXISTING PK NAIL, BEING THE NORTHEAST CORNER OF LOT 2 AS SHOWN ON PLAT BOOK 72, PAGE 92; THENCE WITH SAID COMMON LINE, SOUTH 64°14'58" WEST A DISTANCE OF 80.73 FEET TO A POINT; THENCE SOUTH 24°37'02" EAST A DISTANCE OF 83.83 FEET TO A POINT ON THE NORTHERN RIGHT OF WAY LINE OF WEST FRANKLIN STREET; THENCE WITH THE NORTHERN RIGHT OF WAY LINE OF WEST FRANKLIN STREET, SOUTH 64°44'10" WEST A DISTANCE OF 160.78 FEET TO A POINT, BEING THE SOUTHEAST CORNER OF STAR ENTERPRISE AS DESCRIBED IN DEED BOOK 831, PAGE 245; THENCE WITH SAID COMMON LINE, NORTH 24°45'53" WEST A DISTANCE OF 16.04 FEET TO AN EXISTING PK NAIL, BEING THE SOUTHWEST CORNER OF LOT 1 AS SHOWN ON PLAT BOOK 72, PAGE 92; THENCE WITH SAID COMMON LINE, NORTH 64°41'38" EAST A DISTANCE OF 85.38 FEET TO A POINT; THENCE NORTH 25°23'31" WEST A DISTANCE OF 226.38 FEET TO A POINT; THENCE SOUTH 64°37'07" WEST A DISTANCE OF 57.24 FEET TO A POINT; THENCE NORTH 25°08'32" WEST A DISTANCE OF 11.51 FEET TO A POINT; THENCE SOUTH 65°25'32" WEST A DISTANCE OF 5.96 FEET TO A POINT; THENCE NORTH 25°14'13" WEST A DISTANCE OF 28.62 FEET TO A POINT; THENCE SOUTH 64°50'45" WEST A DISTANCE OF 19.39 FEET TO A POINT ON THE EASTERN LINE OF THE CLARENCE N. GRAY IRREVOCABLE TRUST; THENCE WITH SAID COMMON LINE, NORTH 24°45'53" WEST A DISTANCE OF 25.01 FEET TO AN IRON ROD, BEING THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 27,858 SQUARE FEET OR 0.64 ACRES.

**LOT 1 (PIN 9788-26-1802)**

BEING ALL OF THE AREA LABELED LOT 1, AS SHOWN ON PLAT BOOK 72, PAGE 92 OF THE ORANGE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A PK NAIL, BEING THE COMMON CORNER OF THE AREA LABELED AS "COMMONS" TO THE WEST OF LOT 1, AS SHOWN ON PLAT BOOK 72, PAGE 92, THE POINT OF BEGINNING; THENCE WITH SAID COMMON LINE, SOUTH 64°37'03" WEST A DISTANCE OF 10.44 FEET TO A POINT; THENCE NORTH 25°19'23" WEST A DISTANCE OF 30.11 FEET TO A POINT; THENCE NORTH 65°01'02" EAST A DISTANCE OF 10.73 FEET TO A POINT; THENCE NORTH 24°45'53" WEST A DISTANCE OF 21.96 TO A POINT, BEING THE SOUTHEAST CORNER OF THE CLARENCE N. GRAY IRREVOCABLE TRUST AS DESCRIBED IN DEED BOOK 3308, PAGE 116; THENCE CONTINUING WITH SAID COMMON LINE, A DISTANCE OF 113.19 FEET TO A POINT IN SAID EASTERN LINE, BEING THE MOST WESTERLY SOUTHWEST CORNER OF "COMMONS" TO THE EAST OF LOT 1, AS SHOWN ON PLAT BOOK 72, PAGE 92; THENCE WITH SAID COMMON LINE, NORTH 64°50'45" EAST A DISTANCE OF 19.39 FEET TO A POINT; THENCE SOUTH 25°14'13" EAST A DISTANCE OF 28.62 FEET TO A POINT; THENCE NORTH 65°25'32" EAST A DISTANCE OF 5.96 FEET TO A POINT; THENCE SOUTH 25°08'32" EAST A DISTANCE OF 11.51 FEET TO A POINT; THENCE NORTH 64°37'07" EAST A DISTANCE OF 57.24 FEET TO A POINT; THENCE SOUTH 25°23'31" EAST A DISTANCE OF 226.38 FEET TO A POINT; THENCE SOUTH 64°41'38" WEST A DISTANCE OF 85.38 FEET TO AN EXISTING PK NAIL IN THE EASTERN LINE OF STAR ENTERPRISE, AS DESCRIBED IN DEED BOOK 831, PAGE 245; THENCE WITH SAID COMMON LINE, NORTH 24°45'53" WEST A DISTANCE OF 93.68 FEET TO AN EXISTING PK NAIL, BEING THE SOUTHEAST CORNER OF "COMMONS" TO THE WEST; THENCE CONTINUING WITH SAID COMMON LINE, A DISTANCE OF 7.70 FEET TO AN EXISTING PK NAIL, THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 20,218 SQUARE FEET OR 0.46 ACRES.

**COMMONS-WEST (PIN 9788-26-0736)**

BEING ALL OF THE AREA LABELED "COMMONS" TO THE WEST OF LOT 1, AS SHOWN ON PLAT BOOK 72, PAGE 92 OF THE ORANGE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT AN EXISTING PK NAIL, BEING THE NORTHEAST CORNER OF STAR ENTERPRISE AS DESCRIBED IN DEED BOOK 831, PAGE 245, THE POINT OF BEGINNING; THENCE WITH SAID COMMON LINE, SOUTH 65°24'07" WEST A DISTANCE OF 110.00 FEET TO A POINT ON THE EASTERN LINE OF H-SPIKE, LLC, AS DESCRIBED IN DEED BOOK 5060, PAGE 370; THENCE WITH SAID COMMON LINE, NORTH 24°45'53" WEST A DISTANCE OF 59.70 FEET TO A POINT, BEING THE SOUTHWEST CORNER OF THE CLARENCE N. GRAY IRREVOCABLE TRUST, AS DESCRIBED IN DEED BOOK 3308, PAGE 116; THENCE WITH SAID COMMON LINE, NORTH 65°24'07" EAST A DISTANCE OF 110.00 FEET TO A POINT ON THE WESTERN LINE OF LOT 1, AS SHOWN ON PLAT BOOK 72, PAGE 92; THENCE WITH SAID COMMON LINE SOUTH 24°45'53" EAST A DISTANCE OF 21.96 FEET TO A POINT; THENCE SOUTH 65°01'02" WEST A DISTANCE OF 10.73 FEET TO A POINT; THENCE SOUTH 25°19'23" EAST A DISTANCE OF 30.11 FEET TO A POINT; THENCE NORTH 64°37'03" EAST A DISTANCE OF 10.44 FEET TO AN EXISTING PK NAIL; THENCE SOUTH 24°45'53" EAST A DISTANCE OF 7.70 FEET TO AN EXISTING PK NAIL, BEING THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 6,249 SQUARE FEET OR 0.14 ACRES.

**PARCEL ONE (Fee) (PIN 9788-26-2798)**

BEGINNING at a point in the northerly right of way of West Franklin Street, which point is the southwestern corner of the property of James M. Rumpfelt as established by the boundary line agreement recorded in Deed Book 1296, Page 550, Orange County Registry, which point is also located North 40°19'06" East 110.39 feet from a nail set in the intersection of the pavement of West Franklin and Mallette Streets; thence along the northern line of West Franklin Street South 64°14'06" West 81.93 feet to a point, the corner with the Commons according to that plat recorded in Plat Book 72, Page 92, Orange County Registry; thence along the line of the Commons North 25°07'06" West 83.83 feet to an iron stake, a corner with the Commons; thence North 63°45'37" East 80.76 feet to a nail in the western line of Rumpfelt as established by the boundary line agreement recorded in Deed Book 1296, Page 550, Orange County Registry; thence along the western line of Rumpfelt as established by the aforesaid boundary line agreement South 25°54'55" East 84.49 feet to the POINT AND PLACE OF BEGINNING, and being all of Lot 2 as shown on that plat entitled "Final Plat, Property of West Side Limited Partnership" prepared by Ballentine & Riley Surveyors, dated August 2, 1994 and revised September 22, 1994, and recorded in Plat Book 72, Page 92, Orange County Registry, and being a part of the property conveyed to West Side Limited Partnership in that certain deed recorded in Deed Book 765, Page 187, Orange County Registry.

**PARCEL TWO (Appurtenant Easements):** TOGETHER WITH all appurtenant easements, covenants, conditions and restrictions set forth in (a) that certain deed recorded in Deed Book 1296, Page 554; (b) that certain easement recorded in Deed Book 1363, Page 297; and (c) that certain easement agreement regarding a joint alleyway recorded in Deed Book 128, Page 340; all of the Orange County Registry.

**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 November 29, 2025 (2 years from the date of this approval). [LUMO 4.4.7(f)]

2. Consent to Conditions: This approval is not effective until the property owner 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:

<b>Permitted Uses: Business, office-type; Business, convenience; Business, general; Research Activities; and all other permitted and accessory uses in the Town Center-3 (TC-3) zoning district</b>	
Gross Land Area	95,568 SF / 2.19 AC
Maximum Floor Area	382,272 SF
Maximum Parking Spaces	150
Minimum Bicycle Parking Spaces	170
Maximum Impervious Surface	N/A (provided that any net increase of impervious surface is subject to water quality treatment requirements)
Maximum Land Disturbance (excluding public right-of-way & off-site disturbance)	95,568 SF
Minimum Tree Canopy Coverage	Not required in Town Center
Resource Conservation District	N/A
Maximum Total Land Disturbance	N/A

4. Building Height: Maximum height of all structures shall be 140 feet from the main entrance elevation to the top of the roof deck and shall exclude screening, mechanical penthouses, and other mechanical equipment. Overall height of structure, including mechanical penthouses and screening shall be a maximum of 165 feet from the average grade plane.
5. Building and Site Design: The development must exhibit the following building and site design elements.
  - a. The development will include publicly accessible landscaped open spaces on its West Franklin Street and West Rosemary Street frontages.
  - b. The development will include a publicly accessible pedestrian connection between West Franklin Street and West Rosemary Street. The connection will conform to applicable Americans with Disabilities Act (ADA) standards.
  - c. Along West Franklin Street and West Rosemary Street, building facades will step back at or below the top of the fifth floor.
  - d. The top of the building shall be differentiated from the middle mass of the building through materials, detailing or other forms of articulation.
  - e. The building will utilize a variety of cladding materials including masonry, metal, and glass.
  - f. Active frontages shall include uses such as retail, food and beverage, building entrances or employee amenities and shall, where practicable, include direct entrances from the street and plaza.
  - g. First floor frontages along public streets and pedestrian connections shall have a minimum transparency of 60 percent. Specific exceptions to transparent frontages shall apply to kitchens and back-of-house spaces, medical uses and other uses where visibility of the interior is not appropriate.

- h. Where non-transparent ground floor walls are used along the West Rosemary Street, West Franklin Street, or the pedestrian connection, architectural detailing shall be used to enhance the pedestrian experience.
  - i. Structured parking for the development shall be located below grade beneath the building with access off the service drive.
  - j. The loading dock, dumpsters and recycling containers and other service elements for the lab/office building will be located in the center of the site in a service yard and will be screened from view from surrounding streets.
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. Lot Subdivision/Recombination - Recombination Plat: Prior to issuance of the first Zoning Compliance Permit, a recombination plat application combining the development site lots shall be approved by the Town and recorded at the Orange County Register of Deeds.
9. Detailed Plan Review and Approval: Town staff will review the building for compliance with the Conditional Zoning District, including the Land Use Management Ordinance and the property owner's Design Principles.

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 (NCDOT), Orange Water and Sewer Authority (OWASA) and Duke Energy, where appropriate.

10. Demolition Plan: Prior to beginning any proposed demolition activity, the property owner must obtain demolition permits from both the Planning and Building and Development Services 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 Inspections 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).
11. Accessibility Requirements: Prior to issuance of a Certificate of Occupancy, the property owner shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.
12. Biosafety Level: Building occupants shall not be permitted to conduct lab operations that would require federal Biosafety Level 4 (BSL-4) precautions. The property owner will limit operations to BSL-1 through BSL-3 or the equivalent, as defined by the Centers for Disease Control and Prevention (CDC). Prior to issuance of a Zoning Final Inspection, the property owner shall provide written confirmation documenting how this limitation will be implemented.
13. Emergency Services: Prior to issuance of the first Zoning Compliance Permit, the property owner shall coordinate with the Town to develop an Emergency Management Plan.

- a. The property owner shall regularly report any chemicals found in the United States Environmental Protection Agency's "List of Lists" that will be stored on site in any quantity, and any biological or radiological chemical of any quantity. The property owner shall cause its tenants to submit the required information using the North Carolina Department of Public Safety's EPCRA/ Tier 2 reporting website or a method deemed appropriate by the Town Manager. The required information shall be submitted annually between January 1 and March 1.

#### Street Design and Ownership

14. Street Lighting: Prior to issuance of a Zoning Final Inspection, the property owner shall install street lighting along the site frontage pursuant to North Carolina Department of Transportation (NCDOT) approval on West Franklin Street and Town of Chapel Hill approval on West Rosemary Street. 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.
15. Streetscape Plan: The property owner will provide all improvements called for in the Downtown Streetscape Master Plan and its subsequent replacement (e.g., the Downtown Streetscape Enhancement Plan) in effect at the time the first Zoning Compliance Permit application for building construction is submitted. The property owner shall only be required to provide improvements in the right of way between the back of curb and the property line.

#### Landscape and Buffers

16. Street Trees: Street frontages shall be landscaped with, at a minimum, canopy trees planted at appropriate increments and understory trees with groupings or limited breaks in accordance with emergency services and utility requirements.
17. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the property owner 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]
18. 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]
19. Tree Protection Fencing: Prior to issuance of a Zoning Compliance Permit, the property owner 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]
20. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the property owner shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval.

21. 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

22. Parking Deck Design: All parking decks shall be screened on all sides that are visible from the public right-of-way.
23. Parking Plan: Prior to issuance of a Zoning Compliance Permit, the developer and/or property owner shall provide a parking plan satisfactory to the Town Manager and that is subject to the Town Manager's approval ("Parking Plan" or "Plan"). The Parking Plan shall identify in detail how the parking needs related to the project, including those of the employees and guests, will be met upon project occupancy and for at least the first ten years thereafter. Among other relevant considerations, the Plan must show how the owner will secure sufficient parking as close in proximity as possible to the project, such as through a long-term parking use agreement between developer/owner and a downtown parking provider, and how the accommodations will not impose undue strain on parking resources in the downtown Chapel Hill area. The Manager may allow or require updates to the Plan at reasonable intervals and may require future parking plans that address project needs beyond the first ten years. It is understood, at the time of approval of this Conditional Zoning, that the owner intends to negotiate with the Town for a multi-year agreement for use of parking spaces in municipal parking lots. Such an agreement, if approved by the Manager, may serve as part of the approved Parking Plan if the Manager deems appropriate.
24. Electric Vehicle Parking: All new parking structures in the development shall adhere to the following standards prior to the Zoning Final Inspection:
- a. Five percent (5%) of parking spaces 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 and sites must:
    - i. Provide a Level 2 charging capacity (208/240 volts) or greater
    - ii. Comply with relevant regional or local standard for electrical connectors, such as SAE Surface Vehicle Recommended Practice J1772, SAE Electric Vehicle.
    - iii. Include Conductive Charge Couplers so that they are compatible with all types of chargers.
    - iv. When possible, identify Electric Vehicle Supply Equipment (EVSE)-installed spaces during the Zoning Compliance Permit review process.
  - b. Twenty-five percent (25%) of parking spaces shall be "EVSE Ready." EVSE Ready means that a continuous raceway or conduit has been installed connecting each "EVSE-Ready" parking space to an electrical panel, the electrical panel has dedicated capacity to serve the EVSE, and electrical breakers and wires have been installed and have been terminated in a junction box at the parking space designed for future electric vehicle charging. Additionally, each "EVSE-ready" parking space should be provided with one 40-amp, 208/240V branch circuit from the panel and is terminated at a receptacle or junction box. The panel should be appropriately labeled as "EVSE-Ready" or "Future EVSE". "EVSE-Ready" parking spaces should support any future charging stations that provide at least 6.6 kW of power. The final plans (and any amendments) will show the full installation of up to twenty-five percent (25%) of the total spaces for Level 2

charging (or equivalent vehicle charging capacity by Direct Current Fast Charging ("DCFC")), including:

- i. the locations for future charging stations, pavement markings and signage
- ii. the locations for future pavement markings and signage related to ADA access that complies with the U.S. Access Board's latest version of the *Design Recommendations for Accessible Electric Vehicle Charging Stations* (or comparable ADA guidance agreed to by Town staff)
- iii. the location of future conduit and raceways
- iv. the location for future, upsized transformers
- v. the location and durable marking of future electrical panels with dedicated circuits for EV charging\*
- vi. the location for borings between parking deck levels and/or walls for future conduit and raceways\*

\*Completed borings between parking levels and/or walls, and the durable marking of locations to reserve space for future electrical equipment (panels, transformers), will be made during the time of construction, and observed by zoning inspections staff at the time of final review.

25. Electric Bicycle Charging: At least three (3) interior located 110-volt receptacles shall be located within five (5) feet of bicycle racks that meet Town standards prior to Zoning Final Inspection.

#### Bicycle/Pedestrian Facilities

26. Shower Facilities: The property owner shall provide at least two (2) showers and associated facilities in the building.
27. Design of Bicycle and Pedestrian Facilities: All pedestrian, bicycle, and greenway facilities (collectively, the "Facilities") within the development shall be designed and constructed to meet Town standards unless otherwise approved by the Town Manager. For all such Facilities referenced in Condition 5 of this ordinance, the property owner shall grant an easement, in a form mutually agreed upon by the Town and the property owner, to the Town for public use of the Facilities. Those portions of the Facilities located adjacent to and within fifteen feet of public rights-of-way shall have adequate lighting, to be reviewed and approved by the Town Manager.
28. Sidewalk Dimensions: All sidewalks along West Franklin Street and West Rosemary Street shall be consistent with the Downtown Streetscape Master Plan or its subsequent replacement (e.g., the Streetscape Enhancement Plan).
29. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the property owner 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 2015 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]
30. Low Vision Design Features: All proposed pedestrian facilities should incorporate low vision design features as feasible.

31. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the property owner shall submit a Transportation Management Plan to the Town, outlining strategies to reduce single-occupancy vehicle trips and a contact person for Town Staff.

#### Transit

32. Bus Stop Improvements: Prior to the issuance of the first Zoning Compliance Permit, the property owner shall make a \$35,000 payment to the Town of Chapel Hill to support improvements to the following bus stops located on West Rosemary Street: (1) West Rosemary Street at Mini Mart Westbound and (2) West Rosemary Street at Mini Mart Eastbound.

#### Traffic/Transportation

33. Transportation Impact Analysis (TIA): Prior to Final Plan submittal, the property owner will provide a TIA that is consistent with Town and North Carolina Department of Transportation (NCDOT) standards for the development. The TIA shall be conducted by a qualified party chosen by the Town and the cost of preparing the TIA shall be borne by the property owner.
- a. At minimum, the property owner shall be responsible for the following improvements recommended by the TIA prior to Zoning Final Inspection:
    - i. Improvements associated with proposed site driveways;
    - ii. Bicycle/pedestrian improvements along the site frontages which are necessary for NCDOT and Town approval; and
    - iii. Traffic signal timing/optimization.
  - b. If mutually agreed upon, the property owner shall be responsible for all other improvements recommended by the TIA, such as off-site roadway improvements necessary to mitigate the impacts of the proposed development. Improvements outside of the existing public right of way and project site will not be required.
34. Site Driveway: Subject to NCDOT approval, the existing site driveway (or its future alignment) located near the intersection of West Franklin Street and Mallette Street shall be restricted to emergency vehicle access only. The property owner shall install any signage, pavement markings, or other features necessary to implement this access limitation.
35. 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 West Franklin Street, a State-maintained road, or in associated rights-of-way shall be approved by NCDOT. A driveway permit will be required from NCDOT and it is the property owner's responsibility to obtain this permit. An Encroachment Agreement between the property owner and NCDOT may be necessary; if so, the developer shall be responsible for working with NCDOT to provide the necessary information.
36. Traffic Signs: The property owner shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
37. Construction Management Plan: Any requests for sidewalk or street closures must be submitted prior to issuance of the Engineering Construction Permit for the related work. The request shall include the specific length and name of the street/sidewalk to be closed, the hours of closure, and the duration of the closure. The property owner shall

provide to NCDOT and the Town the specific locations of construction worker parking. Any disruption to utilities, traffic signals, fiber optic cables, etc. that might affect neighboring properties and businesses must be submitted prior to issuance of a Zoning Compliance Permit for the related work including but not limited to:

- c. Crane Management Plan: Prior to issuance of a Zoning Compliance Permit for any work that includes use of a crane, a crane management plan must be submitted to the Town for review and approval.
- d. Pedestrian Access: No discontinuation of pedestrian access will be permitted along West Franklin Street. Detours must be provided if necessary.
- e. No simultaneous lane closures will be permitted on West Franklin Street and West Rosemary Street.

#### Stormwater Management

38. Stormwater Management: The stormwater runoff rate leaving the site post-development shall not exceed the stormwater runoff rate leaving the site pre-development (existing conditions) for the local 1-year, 2-year, 25-year, 50-year, and 100-year 24-hour storm events.
39. Treatment of Existing Impervious Surface: The development shall include adequate infrastructure to provide primary treatment for any increase in impervious surface and at least 10 percent of existing impervious surface as of the date of enactment of this ordinance.
40. Green Stormwater Infrastructure for Impervious Area: Half of the impervious surface treatment area shall be treated using green stormwater infrastructure (GSI) designed to the current NCDEQ Minimum Design Criteria to the maximum extent practicable.

#### Public Amenity Spaces

41. Public Amenity Spaces: All public amenity spaces shall be designed in accordance with the Project Design Principles.

#### Green Building and Sustainable Infrastructure

42. Sustainability: The developer shall provide a finalized Energy Management Plan that addresses items listed below. The Energy Management Plan may be phased but must be approved prior to issuance of a Zoning Compliance Permit for building construction. After construction of all buildings is completed, an update to the plan may be requested for subsequent changes that require a Zoning Compliance Permit.
  - a. The plan shall:
    - i. State that the developer will consider the purchase of carbon offset credits and green power production through coordination with the NC GreenPower program.
    - ii. Demonstrate how the developer will make a good faith effort to incorporate a "20% more energy efficient" feature relative to the energy efficient standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of this Conditional Zoning approval (e.g., ASHRAE 90.1 2013). The developer may use comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance. The "20% better" energy performance element should be demonstrated through a pre-construction energy model and may reference an older version of ASHRAE 90.1

(e.g., 2013 or 2016) so long as this meets the target energy performance level stated above.

- iii. Demonstrate how the developer will design the project to address the following climate action commitments:
  - a. LEED: Sustainable building materials and resource use equivalent to meeting LEED Standard. The development will target LEED Gold certification for Core and Shell and will achieve a minimum of LEED Silver certification.
  - b. Energy Star: The development shall use Energy Star rated appliances and equipment where commercially available.
  - c. Interior Lighting: Interior spaces will utilize LED lighting where commercially available.
  - d. Exterior Lighting: LED lighting will be utilized for exterior spaces including street lighting and parking lot lighting where commercially available. Lighting will be 3,000 Kelvin or lower. Exterior lighting will follow the International Dark-Sky Association's principles for outdoor lighting.
  - e. Water Conservation: All qualifying water fixtures and equipment will be WaterSense rated.
  - f. Microclimate studies: Microclimate studies will be conducted. Recommendations from the studies such as shading and other passive strategies will be incorporated into the courtyard design to improve useability and comfort of exterior courtyard spaces.
- b. If requested, the developer agrees to provide a report of the actual energy performance of the plan, as implemented, during the period ending one year after issuance of the final Certificate of Occupancy.

43. Plantings and Water Conservation: The development shall be landscaped using drought-resistant plants wherever possible. Only native or non-invasive adaptive species may be used.

#### Design Principles

44. Project Design Principles: Prior to issuance of the first Zoning Compliance Permit, the property owner 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 project design principles subject to approval by the Town Manager or their designee.
- a. The approved documents will be recorded and cross-referenced with this ordinance prior to issuance of the first Zoning Compliance Permit.
  - b. The property owner shall attend no more than two regular meetings of the CDC and present their draft design principles.
  - c. Prior to and following each appearance before the CDC, the property owner shall meet with Town staff, including the Town's Urban Designer.
  - d. Neither CDC review nor Town staff review/approval of the design principles may exceed a total of 90 working days from the initial submission to the Town or such further time consented to in writing by the property owner. The design principles shall be deemed as approved if the Town does not issue an approval within the allotted time.
  - e. No new vertical development may occur until the Town Manager or their designee approves the project design principles. After initial approval of the project design principles, minor modifications to the final, approved project design principles may be approved by the Town.

45. Design Principles Certification: Submission of the Final Plan shall include a signed and sealed certification that the proposed plan complies with the approved Project Design Principles.

#### Fire Safety

46. Fire Protection and Utility Plan: At Zoning Compliance Permit, the property owner shall provide a fire flow report for hydrants within 500 feet of each building 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.
47. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
48. 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.
49. 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

50. Refuse Collection Service: Prior to the issuance of any Zoning Compliance Permit involving a land use that generates refuse or solid waste, the property owner shall verify that refuse collection service is to be contracted privately, unless the property owner demonstrates that all requirements for public refuse collection have been met in the design and construction of one or more sections of the project.

#### State and Federal Approvals

51. 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

52. OWASA Approvals: Prior to issuance of a Zoning Compliance Permit, the developer shall receive approval from OWASA regarding the abandonment of sewer main traversing the site and the abandonment of service laterals or alternate arrangements regarding existing water and sewer infrastructure on the site.
53. 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, The phasing plan shall detail which improvements are to be constructed during each phase. A note to this effect shall be placed on the final plats.

54. 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.
55. 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. The Town makes no further representations regarding vested rights as they relate to this approval. 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.
56. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
57. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.

BE IT FURTHER ORDAINED that the Council hereby approves the application for a Conditional Zoning for properties located at 214 and 306 West Franklin Street, and 311, 315, and 321 West Rosemary Street or identified as Orange County Property Identifier Numbers 9788-26-0736, 9788-26-1802, 9788-26-2823, 9788-26-2905, 9788-27-2090, 9788-26-2798.

This the 29th day of November, 2023.