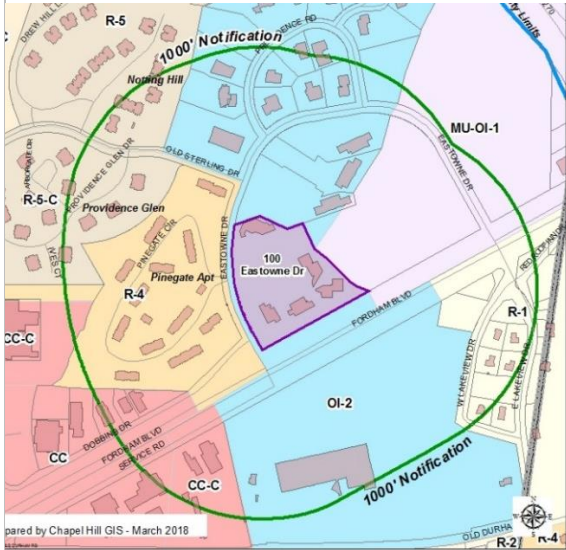




CONSIDER AN APPLICATION FOR SPECIAL USE PERMIT MODIFICATION – Eastowne Redevelopment - MOB 1

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
Ben Hitchings, Director
Judy Johnson, Operations Manager
Michael Sudol, Planner II

PROPERTY ADDRESS	PUBLIC HEARING DATE	APPLICANT
100 Eastowne Drive	May 23, 2018	William H. Derks, McAdams Co.
STAFF RECOMMENDATION		
That the Environmental Stewardship Advisory Board, Community Design Commission, Transportation and Connectivity Advisory Board, and Planning Commission review and make a recommendation on the application to the Town Council.		
STAFF ANALYSIS		
The applicant is asking for modifications to regulations. See attached Staff Analysis for additional information.		
PROCESS	DECISION POINTS	
<p>The application is before the Council for approval of a Special Use Permit Modification. The Council must consider the four findings for approval of a Special Use Permit, which indicate that the use or development:</p> <ol style="list-style-type: none">1. is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare;2. would comply with all required regulations and standards of the Land Use Management Ordinance;3. is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity; and4. conforms to the general plans for the physical development of the Town as embodied in the Land Use Management Ordinance and in the Comprehensive Plan.	<ul style="list-style-type: none">• Modifications to landscape buffers on one side.• Modification to the building height requirement.• Modification to the Resource Conservation District land disturbance and impervious surface requirements.• The proposal is contingent upon approval of a rezoning for the project area.	
PROJECT OVERVIEW	PROJECT LOCATION	
<p>The applicant proposes demolition of four existing buildings and construction of a 6-story building for medical office and clinic uses, with a separate 5 ½-story, 580 space parking deck. A landscaped buffer along the 15-501 right-of-way is also proposed, which includes a multi-use path.</p>		

ATTACHMENTS

1. Project Summary Form
2. Resolution A
3. Resolution B
4. Application Form & Materials
5. Submitted Plans

TECHNICAL REPORT


January 31, 2018	Concept Plan for 100 Eastowne Drive redevelopment is presented to Council. Two 6-story office/clinic buildings with a combined 300,000 sq. ft. of floor area were presented.
June 28, 1993	Eastowne Mixed Use Master Plan approving 400,000 square feet of office and 200,000 square feet of commercial space and a hotel on 33 acres.
May 24, 1982	Revised Eastowne Master Plan approved.
December 11, 1972	Eastowne Master Plan approved. This plan has been modified through the years.
October 9, 1972	Eastowne Office/Commercial Special Use Permit (Phase 1). This SUP was modified several times.

Connections to other Documents:

Town staff has reviewed this application for compliance with the themes from the [2020 Comprehensive Plan](#)¹, the standards of the [Land Use Management Ordinance](#)², and the [Town of Chapel Hill, NC : Design Manual and Standard Details](#)³ and offers the following evaluation:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input checked="" type="checkbox"/>		Grow Town and Gown Collaboration

Staff believes the Eastowne Redevelopment proposal complies with the above themes of the 2020 Comprehensive Plan.

Land Use Plan: The [2020 Land Use Plan](#)⁴, a component of the 2020 Comprehensive Plan, designates this site for Office.

Proposed Modifications to Regulations:

- Section 5.6.6 Buffer Modification:** The applicant proposes a modified buffer on the southern property line. The southern buffer is adjacent to US 15-501, and is proposed to be developed as part of a larger landscaped area in the public right-of-way, with a multi-

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://www.municode.com/library/#!/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

³ <http://www.townofchapelhill.org/town-hall/departments-services/public-works/engineering/design-manual-and-standard-details>

⁴ <http://www.townofchapelhill.org/home/showdocument?id=1215>

use path and retaining walls that preserve 26 existing large trees. Some areas of the buffer will be reduced to 0' for emergency fire access, and to allow limited views into the site from US 15-501.

Staff Comment: Staff believes that Council could find a public purpose for the reduced plantings and buffer width. As an infill project with existing utility lines and a unique lot configuration, we believe the Council could find a public purpose.

- 2. Section 3.8.4: Building Height:** The applicant proposes a modification to the building height requirements in Section 3.8.4 Transitional Control Intensity Modifications of the Land Use Management Ordinance. The Office/Institutional-3 (OI-3) zoning district places no dimensional limitations on building height, however the multi-family development across Eastowne Drive is zoned Residential-4 (R-4). The Transitional Control Intensity Modifications section requires that when a residential use is across the street from an Office/Institutional-3 (OI-3) zoned property, the setbacks and building heights along that frontage must be equal to the setback and building heights of the adjacent residential district. As such, the following requirements and modifications are requested:

	Residential-3	Office/Intitutional-3	
		Medical Office Building	Parking Deck
Minimum Street Setback:	22 feet	22 feet	22 feet
Maximum Setback Building Height:	35 feet	74 feet	42 feet

Staff Comment: Staff believes that Council could find a purpose for the increased building heights, including better use of the site and contiguity of character. The transition from residential to office is minimal across Eastowne Drive, as the residential units are three-story apartment buildings.

- 3. Section 3.6: Resource Conservation District:**

The applicant proposes a modification to the Resource Conservation District requirements found in Section 3.6 of the LUMO. The Resource Conservation District makes up approximately 20 percent of the property and the project will reduce the impacts and impervious surface within the Resource Conservation District. New land disturbance and impervious surface are both proposed in the RCD, but will result in a net reduction of 26 percent of the existing impervious surface in the RCD. The following table illustrates the existing and proposed square footage in the RCD:

	Existing Impervious in RCD	Proposed Impervious in RCD
Streamside	4,080 sq. ft.	2,625 sq. ft.
Managed Use	8,570 sq. ft.	7,584 sq. ft.
Upland	15,719 sq. ft.	12,495 sq. ft.
Parking Area	6,584 sq. ft.	5,233 sq. ft.

Staff Comment: Staff believes that Council could find a public purpose the modification to RCD requirements, as the proposed encroachment will reduce the amount of impervious surface in the RCD currently.

Council Findings and Public Purpose: The Council has the ability to modify the regulations according to Section 4.5.6 of the Land Use Management Ordinance. Staff believes that the Council could modify the regulations if it makes a finding in this particular case that public purposes are satisfied to an equivalent or greater degree. If the Council chooses to deny a request for modifications to regulations, the developer's alternative is to revise the proposal to comply with the regulations.

For additional information on the proposed modifications, please refer to the developer's attached materials.





















Project Summary

Overview


Site Description	
Project Name	Eastowne Redevelopment – Medical Office Building 1
Address	100 Eastowne Drive
Property Description	365,033 sq. ft. (8.3 acres)
Existing	Office Park - UNC Health Care System
Orange County Parcel Identifier Numbers	9890-80-0195
Existing Zoning	Office/Institutional-2 (OI-2)
Proposed Zoning	Office/Institutional-3 (OI-3)

Development Intensity		
Topic	Comment	Status
Use/Density (Sec. 3.7)	Medical office	✓
Dimensional Standards (Sec. 3.8)	Required (Eastowne Dr only): 22' street setback, 8' interior setback, and 9' solar setback; no setbacks along US 15-501. Proposed: 22' street setback, 8' interior setback, and 9' solar setback.	✓
Floor area (Sec. 3.8)	Maximum of 199,772 sq. ft.; 153,000 sq. ft. proposed	✓
Modifications to Regulations (Sec. 4.5.6)	Landscape buffer; Building height, RCD	M
Adequate Public Schools (Sec. 5.16)	Not applicable	N/A
Inclusionary Zoning (Sec. 3.10)	Not applicable	N/A
Landscape		
Buffer – North (Sec. 5.6.2)	10' Internal Type "B"	✓
Buffer – East (Sec. 5.6.2)	10' Internal Type "B"	✓
Buffer – South (Sec. 5.6.2)	30' External Type "D" (Modified)	M
Buffer – West (Sec. 5.6.2)	20' External Type "C"	✓
Tree Canopy (Sec. 5.7)	Minimum 30% canopy	✓
Landscape Standards (Sec. 5.9.6)	Constructed to Town standards	✓

Environment		
Resource Conservation District (Sec. 3.6)	Proposing 25,550 sq. ft. of Land Disturbance within RCD	M
Erosion Control (Sec. 5.3.1)	More than 1 acre of land disturbance proposed; Performance bond required.	
Steep Slopes (Sec. 5.3.2)	Not applicable	N/A
Stormwater Management (Sec. 5.4)	Partially flowing to vegetated buffer around existing pond, partially tied-in to existing storm drainage system.	
Land Disturbance	381,150 sq. ft. (105% of net land area, includes off-site work)	
Impervious Surface (Sec. 3.8)	Existing: 183,032 sq. ft. (50% of net land area) Total: 172,140 sq. ft. (47% of net land area)	
Solid Waste & Recycling	Proposing private contractor to collect solid waste, recyclable cardboard, and mixed recycling	
Jordan Riparian Buffer (Sec. 5.18)	Proposing 2,015 sq. ft. of Land Disturbance within Jordan Buffer to remove existing structures and revegetate	
Access and Circulation		
Road Improvements (Sec. 5.8)	Curb and gutter	
Vehicular Access (Sec. 5.8)	Access on Eastowne Drive with secondary emergency access to US 15-501	
Bicycle Improvements (Sec. 5.8)	10' multi-use path along Eastowne Drive and US 15-501; installation of bike fix station	
Pedestrian Improvements (Sec. 5.8)	10' multi-use path along Eastowne Drive and US 15-501; Accessible sidewalk route; Internal sidewalk connectivity and crosswalks	
Traffic Impact Analysis (Sec. 5.9)	NCDOT estimates site to generate 5400 unadjusted daily trips. TIA completed.	
Vehicular Parking (Sec. 5.9)	643 spaces total, including 71 accessible spaces	
Transit (Sec. 5.8)	Bus shelter with pad, bench, shelter, nextbus sign, and refuse receptacle	
Bicycle Parking (Sec. 5.9)	26 total proposed spaces	
Parking Lot Standards (Sec. 5.9)	Built to Town standards	
Technical		
Fire	Full fire flow study and report will be provided during the Final Plan phase	
Site Improvements	New building and parking deck that are ADA compliant	
Recreation Area (Sec. 5.5)	Not applicable	N/A

Lighting Plan (Sec. 5.11)	Must meet Town standard of 0.3 foot-candles at property line	
Homeowners Association (Sec. 4.6)	Not applicable	N/A

Project Summary Legend

Symbol	Meaning	Symbol	Meaning
	Meets Requirements	CDC	Community Design Commission
M	Seeking Modification	HAB	Housing Advisory Board
C	Requires Council Endorsement	TCAB	Transportation and Connectivity Board
FP	Required at Final Plan;	ESAB	Environmental and Sustainability Board
NA	Not Applicable	OCSW	Orange County Solid Waste
PC	Planning Commission	NCDOT	North Carolina Department of Transportation

RESOLUTION A

(Approving the Special Use Permit Modification Application)

A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR EASTOWNE REDEVELOPMENT - MOB 1 (PROJECT #18-028)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by William H. Derks of McAdams Co., located at 100 Eastowne Drive on property identified as Orange County Property Identifier Number 9890-80-0195, if developed according to the Site Plan dated March 6, 2018 and last revised April 4, 2018 and 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: A modified buffer on the southern property line adjacent to US 15-501, and is proposed to be developed as part of a larger landscaped area in the public right-of-way, with a multi-use path and retaining walls that preserve 26 existing large trees. Some areas of the buffer will be reduced to 0' for emergency fire access, and to allow limited views into the site from US 15-501.

Section 3.8.4 Transitional Control Intensity: To modify the building height requirements in adjacent to the Residential-4 (R-4) zoning district from 35 feet building setback height to 74 feet and the maximum building core height from 60 feet to 105 feet

Section 3.6: Resource Conservation District: To permit land disturbance, impervious surface, and parking areas within the Resource Conservation District. The development will result in a net reduction existing impervious surface in the RCD.

STIPULATIONS SPECIFIC TO EASTOWNE REDEVELOPMENT

1. Construction Deadline: That construction begin by _____ (two years from the date of approval) to be completed by _____ (four years from the date of approval). [LUMO 4.5.5]

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

Use: Commercial/Office/Clinic	
Number of Buildings	1
Gross Land Area	401,536 sq. ft.
Maximum Floor Area	178,546 sq. ft.
Total Impervious Surface	172,140 sq. ft.
Maximum Land Disturbance	381,150 sq. ft.
Maximum Parking Spaces	643 spaces (580 in parking deck)
Minimum Bicycle Parking Spaces	26 spaces

Transportation

3. Electric Vehicle Charging: Six parking spaces within the parking deck shall be dedicated for electric vehicle charging spaces with stations installed.
4. Conduit for Additional Vehicle Charging: That the electrical panel(s) are sufficiently sized to meet the electricity demand of all anticipated future charging stations.
5. Traffic Improvements: Left turn improvements from Eastowne Drive onto US 15-501 are to be completed by the Wegman's development. In the event that this does not occur, the responsibility for these improvements shall be constructed as part of this development and shall be in place prior to issuance of a Certificate of Occupancy.
6. Traffic Signs: "Do Not Block Intersection" signs shall be installed on southbound Eastowne Drive at the Dobbins Drive intersection.
7. Pedestrian Improvements: A pedestrian crosswalk and pedestrian signal heads shall be installed across the southbound approach of the US 15-501 and Eastowne Drive/Service Road signalized intersection.
8. NCDOT Permitting: Prior to performing work in the NCDOT right of way, the applicant will need to obtain the following:
- Approved NCDOT Three-Party Encroachment Agreement with TOCH for proposed multi-use path and landscaping on US 15-501
 - Approved NCDOT Encroachment Agreement for construction of any required roadway modifications as determined by a TIA and stipulated by NCDOT or TOCH
 - 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.
9. Transit Stop: That prior to issuance of a Certificate of Occupancy, the developer shall install a transit stop, including pad, lighting, Nextbus signage, and waste receptacles.
10. Bicycle Fix-It Station: The developer shall provide a fix-it station in the general location as shown on the site plan.
11. Multi-Use Path: That the developer install a multi-use path along the property frontage on Eastowne Drive and US 15-501.

12. Dobbins Drive Median: That prior to issuance of a Certificate of Occupancy, the developer shall install a median to prevent left turns from Dobbins Drive to Eastowne Drive subject to approval by the Town Manager and NCDOT.

Landscape

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

Location	Type	Vegetation
North	10' Internal Type "B"	Existing vegetation
East	10' Internal Type "B"	Existing vegetation
West	20' External Type "C"	29 large trees, 58 small trees, 209 shrubs
South	30' External Type "D" (Modified)	11 large trees, 15 small trees, 124 shrubs

14. Landscaping within ROW: All landscaping within NCDOT right of way shall comply with the NCDOT Guidelines for Planting Within Highway Right of Way.
15. Demolition Plan: On the demolition plan and all Landscape sheets, add tree protection fencing and critical root zones that appear to be missing around trees to remain between Eastowne Drive and the first bay of existing parking.

Environmental

16. Retaining walls: Retaining walls proposed for tree protection shall be located and designed in a way that maximizes root zone protection so that additional root loss is not proposed to build or stabilize, backdrain the walls.
17. 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.
18. 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.
19. 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.
20. Jordan Buffer: Permeable materials for new pathways within the Jordan Buffer are recommended.
21. 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

22. 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' exclusive of shoulders with an overhead clearance of at least 13'-6" for structures not exceeding 30' in height and shall provide access to within 150' of all exterior portions of the building. Structures exceeding 30' in height shall be provided with an aerial apparatus access road 26' 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' and not more than 30' from the structure parallel to one entire side of the structure. NC FPC 2012 502.1, 503.1.1, 503.2.1, D102.1

23. Building Height: 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, these standards apply to all development permitted by Special Use Permits.

Access

24. 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

25. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to 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]
26. 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]
27. Parking Lot: Any newly proposed parking lots, including additions to existing parking lots, shall be constructed to Town standards for dimensions and pavement design. [Town Code 5.9.5]
28. Parking Lot Landscape and Screening: That the parking lot landscape design shall adhere to the standards of Ordinance. [LUMO 5.9.6]
29. 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 N.C. Department of Transportation prior to a Zoning Compliance Permit.

30. Driveway Permit: It will be necessary to 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.
31. 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.
32. Off-Site Construction Easements: Prior to any land disturbance on abutting properties, the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
33. 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]
34. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
35. 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 6.10]
36. 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. [Town Code 21.7.1]
37. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. The Work Zone Traffic Control Plan shall comply with the Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]
38. North Carolina Department of Transportation Approvals: Plans for improvements to State-maintained roads shall be approved by NCDOT prior to issuance of a Zoning Compliance Permit for the development.
39. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, it will be necessary to 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]

Landscaping and Building Elevations

40. Invasive Exotic Vegetation: That prior to issuance of a Zoning Compliance Permit, the applicant 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 from the landscape buffer areas prior to planting. [Town Design Manual]
41. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval from the Community Design Commission shall be required for any proposed alternate buffer. [LUMO 5.6.8]
42. 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, and indicate which trees will be removed and which will remain. The plan shall include standard notes, fencing details, and location of fencing. [LUMO 5.7.3]
43. 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. Continuous tree protection fencing shall be provided 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]
44. 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 approvals. [LUMO 4.5.3]
45. Tree Canopy: That 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 LUMO Section 5.7.2 shall be included. [LUMO 5.7.2]
46. 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.
47. Demolition Plan: Prior to beginning any proposed demolition activity, it will be necessary to obtain demolition permits from both Planning and Inspections. 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 may be acquired from Planning prior to proceeding with a demolition permit application to Inspections. Further, for all existing structures 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).
48. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approval a lighting plan and shall take additional care during review to ensure that the proposed lighting plan will minimize 1) upward light pollution; and 2) off-site spillage of light. [LUMO 8.5.5]

49. Community Design Commission Approval: That the developer 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 8.4.6] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission.

Environment

50. Stormwater Management Plan: Development projects must comply with the *Section 5.4 Stormwater Management* of the Land Use Management Ordinance. [LUMO 5.4]
51. Phasing Plan: If phasing of the project is proposed, that prior to issuance of a Zoning Compliance Permit, the property owner shall obtain approval of a Phasing Plan that provides details of which improvements are to be constructed during each phase. The phasing plan shall detail 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 are complete, with a note to this effect on the final plans and plats. [LUMO 4.9.2]
52. Erosion Control Bond: If one acre or more is uncovered by land-disturbing activities for this project, then a performance guarantee in accordance with Section 5-97.1 Bonds of the Town Code of Ordinances shall be required prior to final authorization to begin land-disturbing activities. [LUMO 4.5.2]
53. Silt Control: That the developer take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [LUMO 4.5.2, Town Code Chapter 5]
54. Erosion Control Inspections: That, 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. [LUMO 4.5.2]
55. 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. [LUMO 4.5.2]
56. As-Built Plans: That 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. [LUMO 4.9.2]
57. On-Site/Adjacent Stormwater Features: That the final plans locate and identify existing site conditions including all on-site and adjacent stormwater drainage features on the plans 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. [LUMO 4.9.2]
58. 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. [LUMO 4.9.2]

59. Energy Efficiency: That the Final Plans incorporate a "20 percent more energy efficient" feature relative to the energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of building 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 "20 percent more energy efficient" feature into the final plans.
60. Energy Management Plan: That the final plan application include an Energy Management Plan. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, biofuels, and 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 ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; d) include on-going energy management practices, and e) that the property owner reports to the Town of Chapel Hill both the expected energy consumption as part of a model prior to issuance of a Zoning Compliance Permit and the actual energy consumption as per to sealed engineering calculations at the time construction is completed.

Recreation

61. 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.
62. 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

63. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, and other local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The property owner shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]
64. 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]
65. Relocation of Overhead Utilities Underground: Prior to a Certificate of Occupancy, the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines. [LUMO 5.12.2]
66. Water/Sewer Line Construction: That all public water and sewer plans be approved by OWASA and constructed according to their standards. Where sewer lines are located

beneath drive aisles and parking areas construction methods approved by OWASA shall be employed, to ensure that sewer lines will not be damaged by heavy service vehicles. Prior to issuance of a Zoning Compliance Permit, final plans shall be approved by OWASA and the Town Manager. [LUMO 5.12.1]

67. OWASA Approval: That 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 5.12.1]
68. 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

69. 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]
70. 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', 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
71. Grade and Approach: Fire apparatus access roads shall not exceed 10% in grade unless approved by the fire chief and all approach and departure angles shall be within the limits established based on the Department's apparatus. NC FPC 2012, 503.2.7, 503.2.8 and D103.2
72. Fire Protection and Utility Plan: shall include the fire flow report: for a hydrant within 500' of each building, provide the calculated gallons per minute of with a residual pressure of 20 pounds per square inch. The calculations should be sealed by a professional engineer licensed in the State of NC and accompanied by a water supply flow test conducted within one year of the submittal. Reference Town Design Manual for required gallons per minute.
73. 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' 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.
74. Fire Command Center: Where required in the NC FPC and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2012.
75. Aerials: Where a building exceeds 30' 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' exclusive of the shoulders. At least one of the apparatus access roadways shall be located within a minimum of 15' and maximum of 30' from one complete side of the building. NC FPC 2012 D105.1, D105.2, D105.3

76. 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' exclusive of shoulders with an overhead clearance of at least 13'-6" for structures not exceeding 30' in height and shall provide access to within 150' of all exterior portions of the building. Structures exceeding 30' in height shall be provided with an aerial apparatus access road 26' 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' and not more than 30' 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 DEPENDANT UPON DOT APPROVAL
77. Dead End Access Roads: Dead end fire apparatus access roads exceeding 150' shall have a designated turn around required. The turnaround shall meet one of the design standards of NC FPC 2012, Appendix D table D 103.4
78. 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 DEPENDANT UPON DOT APPROVAL
79. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
80. 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
81. Hydrants Active: The developer shall provide active fire hydrant coverage, acceptable to the Fire Department, for any areas where combustible construction materials will be stored or installed, prior to having such materials delivered to the site. All required fire hydrants must be installed, active, and accessible for the Fire Department use prior to the arrival of combustible materials on site. Fire protection systems shall be installed according to Town Ordinance, the NC Fire Code, and NFPA 13. [NC Fire Protection Code Section 507.5.6]
82. 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]
83. 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]

84. Premise Identification: Approved building address numbers, placed in acceptable position to the fire code official, shall be required on all new buildings. NC FPC 2012, 505.1
85. 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
86. Automatic Fire Sprinkler System Required: Town Ordinance 7 - 56.
An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 is required to be installed in non-residential construction, as follows.
 - 1) In new non-residential structures if:
 - a. The building has more than 6,000 square feet of floor area;
 - b. Twenty (20) per cent or more of the total floor area is more than two hundred (200) feet of travel distance from the nearest access point for a fire truck; or
 - c. The building exceeds two (2) stories or twenty-four (24) feet in height from the average grade of the lot to the windows on the topmost occupied floor.
 - 2) In a structural addition to a non-residential building of more than six thousand (6,000) square feet where the cost of the addition exceeds fifty (50) per cent of the value of the building. Fire sprinklers are required in the addition.
 - 3) In a non-residential building of more than six thousand (6,000) square feet which is either renovated at a cost greater than fifty (50) per cent of value or which is damaged and rebuilt at a cost greater than fifty (50) per cent of value.

In addition, all connections shall be located on the street side of each building, and activation of the sprinkler system shall activate both a local building alarm and a supervisory alarm at a twenty-four (24) hour certified and licensed alarm monitoring service.
87. Fire Department Connections, Locations: Any required FDC's 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 Ordinances; 7-38 for location. FDC's shall be installed within 100' of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDC's shall be equipped with NST.
88. Fire Department Connections, Installation: A working space of not less than 36" in width and depth and a working space of 78" in height shall be provided on all sides with the exception of wall mounted FDC's unless otherwise approved by the fire code official. The FDC's where required must be physically protected by an approved barrier from impacts. NC FPC 2012, 912.1, 912.2 912.2.1, 912.3.2, 312
89. Fire Apparatus Access for CHFP: All fire department access determinations shall be based upon CHFD apparatus specifications (data specs 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.

90. 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]
91. Heavy-Duty Paving: Prior to issuance of a Certificate of Occupancy, the developer shall, in designated areas, provide heavy duty paving designed and built to withstand fire apparatus weighing at least 80,000 pounds. [Town Design Manual]
92. 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

93. 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]
94. 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]
95. 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 applicant shall hold a pre-demolition/pre-construction conference with Solid Waste staff. This may be the same pre-construction meeting held with other development/enforcement officials.

State and Federal Approvals

96. 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]

97. North Carolina Department of Transportation Approvals: That 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

98. Offsite Construction Easements: That prior to any land disturbance on abutting properties the developer shall provide documentation of approval from the affected property owner(s). [LUMO 5.8.1]
99. 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. [LUMO 4.5.2, TOWN CODE 17-42]
100. 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. [LUMO 4.5.2, TOWN CODE 17-42]
101. Construction Sign Required: The developer shall post a construction sign at the development site that lists the property owner's representative and telephone number, the contractor's representative and telephone number, and a telephone number for regulatory information at the time of issuance of a Building Permit, prior to the commencement of any land disturbing activities. The construction sign may have a maximum of 32 square feet of display area and maximum height of 8 feet. (§5.14.3(g) of Land Use Management Ordinance). The sign shall be non-illuminated, and shall consist of light letters on a dark background. Prior to the issuance of a Zoning Compliance Permit, a detail of the sign shall be reviewed and approved by the Town Manager. [LUMO 5.14.3]
102. 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]
103. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [TOWN CODE, Article 9]
104. Detailed Plans: That prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be

approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Land Use Management Ordinance and the Design Manual. [LUMO 4.5.3]

105. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are complete; and that 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; and that a note to this effect shall be placed on the final plats.

106. Traffic Signs: That the property owners shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.

107. New Street Names and Numbers: That the name of the development and its streets and house/building numbers be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

108. As-Built Plans: That 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. [LUMO 4.9.2]

109. Vested Right: This Special Use Permit Modification constitutes a site specific development plan establishing a vested right as provided by N.C.G.S. Section 160A-385.1 and the Chapel Hill Land Use Management Ordinance.

110. Continued Validity: That continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.

111. Non-Severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

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

This the _____ day of _____, 2018

RESOLUTION B

(Denying the Special Use Permit Modification)

A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR EASTOWNE REDEVELOPMENT - MOB 1 (PROJECT #18-028)

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that a Special Use Permit Modification application, proposed by William H. Derks of McAdams Co., located at 100 Eastowne Drive on property identified as Orange County Property Identifier Number 9890-80-0195, if developed according to the Site Plan dated March 6, 2018 and last revised April 4, 2018 and the conditions listed below would not:

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.

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

This the _____ day of _____, 2018.