

**MEMORANDUM**

**TO:** Mayor and Town Council

**FROM:** W. Calvin Horton, Town Manager

**SUBJECT:** Hotel L'Europa/Village Office Park Complex - Application for Special Use Permit Modification

**DATE:** June 25, 2001

**INTRODUCTION**

Tonight the Council continues the Public Hearing from May 14, regarding the Hotel L'Europa/Village Office Park Complex Special Use Permit Modification. Adoption of Resolution A, B, C, or D would approve the Special Use Permit Modification application. Adoption of Resolution E would deny the request.

The proposed application includes: 1) A proposal to reduce the overall area encumbered by the 1981 Special Use Permit boundary; and 2) A request to divide the remaining Special Use Permit boundary area and associated developments, the Sheraton Hotel and the Village Office Park, into two separate Special Use Permits.

The proposed site is located along the east side of Europa Drive, between US 15-501 and Legion Road, west of and adjacent to the Town of Chapel Hill Memorial Cemetery and across from the Europa Center.

This package of materials has been prepared for the Town Council's consideration, and is organized as follows:

- ◆ **Cover Memorandum:** Provides staff and applicant responses to issues raised at the Council's meeting on May 14, 2001, and offers recommendations for Council action, including resolutions of approval and denial.
- ◆ **Attachments:** Provides background on the development proposal and comments on issues raised during the Public Hearing, correspondence received during and following the Public Hearing, and a copy of the May 14 Council memoranda and related attachments.

## BACKGROUND

On May 14, 2001, a Public Hearing was held for consideration of a Special Use Permit Modification application to reduce the area encumbered by the Hotel L' Europa 1981 Special Use Permit boundary; and divide the remaining Special Use Permit boundary area and associated developments into two separate Special Use Permits.

Questions regarding the application were raised during the Public Hearing, and the Hearing is being reopened tonight to receive applicant and staff responses to these questions. We note that, on May 14, the Council determined that contiguous property would be defined as those properties within 2,000 feet of the site.

This is an application for a Special Use Permit Modification. The Development Ordinance requires the Town Manager to conduct an evaluation of this Special Use Permit Modification application, to present a report to the Planning Board, and to present a report and recommendation to the Town Council. We have reviewed the application and evaluated it regarding its compliance with the standards and regulations of the Town's Development Ordinance; we have presented a report to the Planning Board; and on May 14, we submitted our report and recommendation to the Council.

## EVALUATION OF THE APPLICATION

The standard for review and approval of a Special Use Permit Modification application involves consideration of four findings of fact that the Council must consider for granting a Special Use Permit Modification. Based on the evidence that is accumulated during the Public Hearing, the Council will consider whether or not it can make each of the four required findings for the approval of a Special Use Permit Modification.

If, after consideration of the evidence submitted at the Public Hearing, the Council decides that it can make each of the four findings, the Development Ordinance directs that the Special Use Permit Modification shall then be approved. If the Council decides that the evidence does not support making one or more of the findings, then the application cannot be approved and, accordingly, should be denied by the Council.

Tonight, based on the evidence presently in the record thus far, we provide the following evaluation of this application based around the four findings of facts that the Council must consider for granting a Special Use Permit Modification.

***Finding #1: That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.***

We believe the evidence in the record to date can be summarized as follows:

Evidence in support: The applicant's Statement of Justification (provided as an attachment to this memorandum and the May 14 memorandum) provides evidence in support of Finding #1. We note the following key points raised by the applicant:

- "The existing traffic conditions in the vicinity would not be affected by the separation of the three tracts into separate Special Use Permits." *[Applicant Statement]*
- "There would be no impact to the existing conditions or to the provisions of any services as a result of providing separate Special Use Permits." *[Applicant Statement]*

Evidence in opposition: Evidence in opposition of Finding #1 for this application includes an April 24, 2001 letter from Mr. Harvey C. Krasny (provided as an attachment to this memorandum and the May 14 memorandum).

We anticipate that further evidence may be presented for the Council's consideration as part of the continued Public Hearing process.

**Finding #2: *That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 12, 13, and 14 and with all other applicable regulations.***

The application notes that if a Special Use Permit Modification is approved for a reduction of the boundary encumbering the Sheraton Hotel, the hotel site will meet the provisions of the Article 12, 13 and 14 with the following exceptions:

- Permitted Floor Area; and
- Landscape bufferyard along US 15-501.

The applicant is requesting that the Council modify the regulation for the hotel site relating to permitted floor area and bufferyard requirements. Please refer to the May 14 memorandum for additional discussion on these issues.

We believe the evidence in the record to date can be summarized as follows:

Evidence in support: The applicant's Statement of Justification (provided as an attachment to this memorandum and the May 14 memorandum) provides evidence in support of Finding #2. We note the following key points raised by the applicant:

1. Modification to Permitted Floor Area for the Sheraton Hotel.

- "The hotel site is slightly over the requirements of the Zoning Ordinances as it relates to the land area intensity ratio for maximum floor area; however, the Village Office Park tract is well below its maximum allowed floor area. The overall land intensity

ratio for maximum floor area for these two sites combined is well below the maximum allowed." *[Applicant Statement]*

We believe additional evidence in support of the Council modifying the permitted floor area for the hotel site can be summarized as follows:

- The modification would permit the development of the 2.24-acre adjacent site to proceed unencumbered by the existing Special Use Permit. As long as the existing Special Use Permit encumbers the site, the use of the site for something other than a gravel parking lot and tennis courts is prohibited. The use of this lot for tennis courts and a gravel parking area does not serve public purpose.
- There is value to the community by replacing the gravel parking area and seldom-used tennis courts on this 2.24-acre tract with office space.
- Public purpose is being served as the development of the lot for office use conforms to the Land Use component of the Comprehensive Plan.
- Office development typically generates fewer car trips per day and requires less public service than other development types.

2. Modification to landscape bufferyard along US 15-501.

- "That the Council modify the regulations related to the following Development Ordinance requirements: Buffers and Landscaping." *[Applicant Statement]*

We believe additional evidence in support of the Council modifying the bufferyard requirements along US 15-501 can be summarized as follows:

- Modification to allow the use of the existing buffeyard width would permit the development of the 2.24-acre adjacent site to proceed unencumbered by the existing Special Use Permit.
- There is value to the community by replacing the gravel parking area and seldom used tennis courts on this 2.24- acre tract with office space.
- The existing vegetation along US 15-501, on the hotel site and within the highway right-of-way, provides a visual obstruction that effectively buffers and screens the hotel.

Additional evidence in support of Finding #2 includes:

- "The proposed project meets all of the dimensional requirements of the Development Ordinance." *[Applicant Statement]*

- “All of the sites meet the minimum requirements for minimum setbacks around their perimeters and for parking.” *[Applicant Statement]*
- “The Project Fact Sheet for the hotel site indicates that a total of 223 parking spaces are provided. This is a surplus of 40 spaces over the required 183. The Village Office Park has a total of 48 parking spaces. This is more than the spaces required by the Ordinance.” *[Applicant Statement]*

Evidence in opposition: Evidence in opposition of Finding #2 for this application would be the fact that the development proposal does not meet the following Development Ordinance requirements:

1. Permitted floor area on the site.
2. Required landscape bufferyard along US 15-501.

We anticipate that further evidence may be presented for the Council’s consideration as part of the continued Public Hearing process.

**Finding #3: *That the use or development 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.***

At the May 14 hearing, the Council established that, for this application, “contiguous property” means parcels within 2,000 feet of the site.

We believe the evidence in the record to date can be summarized as follows:

Evidence in support: The applicant’s Statement of Justification (provided as an attachment to this memorandum and the May 14 memorandum) provides evidence in support of Finding #3. We note the following point raised by the applicant:

- “The modification of a Special Use Permit to reduce the boundaries of the Hotel L’Europe/Village Office Park Complex Special Use Permit to exclude a 2.03-acre tract currently occupied by a gravel parking lot will have no impact on the value of contiguous properties.” *[Applicant Statement]*

Evidence in opposition: We have not been able to identify evidence presented in opposition to Finding #3 for this application raised at the Public Hearing.

We anticipate that further evidence may be presented for the Council’s consideration as part of the continued Public Hearing process.

**Finding #4: That the use or development conforms with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan.**

We believe the evidence in the record to date can be summarized as follows:

Evidence in support: The applicant's Statement of Justification (provided as an attachment to this memorandum and the May 14 memorandum) provides evidence in support of Finding #4. We note the following point raised by the applicant:

- "The hotel site and the Village Office Park site conform with the Zoning Atlas and the Adopted Land Use Plan. The request to reduce the boundaries of the Hotel L'Europe/Village Office Park Complex Special Use Permit to exclude a 2.03-acre tract currently occupied by a gravel parking lot will have no affect on the Resource Conservation District, the Chapel Hill Thoroughfare Plan, the Greenway Plan, the Land Use Plan, or the Urban Services Area." *[Applicant Statement]*

Evidence in opposition: We have not been able to identify evidence presented in opposition to Finding #4 for this application raised at the Public Hearing.

We anticipate that further evidence may be presented for the Council's consideration as part of the continued Public Hearing process.

**KEY ISSUES**

We believe that the key issue at the May 14 hearing concerned traffic on US 15-501 and in the immediate area. Please refer to the accompanying Overview Memorandum on the Europa Applications for continued discussion on traffic. (Item A of this 3-part Agenda Item.)

**RECOMMENDATIONS**

Advisory Board recommendations are summarized below.

Planning Board Recommendation: The Planning Board reviewed this application on May 1, 2001 and voted 5-1 to recommend that the Council approve this application for a Special Use Permit Modification with the adoption of Resolution B. The Summary of Planning Board Action is attached to the May 14, 2001 memorandum.

Transportation Board Recommendation: The Transportation Board reviewed this application on May 1, 2001, and voted 7-0 to recommend that the Council request that the applicant update the Traffic Impact Statement and return to the Transportation Board for additional review. We refer the Council to a memorandum (Attachment #9 May 14 memorandum) from the Town Engineer for additional comment on the applicant's Traffic Impact Statement. The Summary of Transportation Board Action is also attached to the May 14, memorandum.

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**Community Design Commission Recommendation:** The Community Design Commission reviewed this application on May 8, 2001, and voted 5-3 to recommend that the Council approve this application for a Special Use Permit Modification with the adoption of Resolution C. Please see attached Summary of Community Design Commission Action.

**Bicycle and Pedestrian Advisory Board Recommendation:** The Bicycle and Pedestrian Advisory Board reviewed this application on May 22, 2001, and voted 6-0 to recommend that the Council approve this application for a Special Use Permit Modification with the adoption of Resolution D. Please see attached Summary of Bicycle and Pedestrian Advisory Board Action.

Resolution A and D includes the following recommended condition of the Bicycle and Pedestrian Advisory Board:

- That the hotel site and the proposed office building record a reciprocal parking agreement for share use of parking spaces.

*Staff Comment:* We believe an opportunity exists for shared use of the parking facilities on the hotel site and the proposed office development. We anticipate peak-parking activities, associated with the proposed office building, will occur between 8:00 am and 6:00 pm Monday through Friday. We believe the use of the office building parking area, by the hotel during the evenings and on weekends is appropriate. Although we note that the amount of parking spaces available on the hotel site for office tenants is likely to be minimal, some hotel parking spaces may be available before guest check-in.

We also believe that the applicant intends to work cooperatively with the owner of the hotel site in signing and recording a shared parking agreement. We have included this stipulation in the Manager's Revised Recommendation.

**Manager's Revised Recommendation:** Based on our evaluation of the application, our conclusion is that, with the modifications of regulations contained in Resolutions A-D, the application complies with standards and regulations of the Development Ordinance.

Based on discussion and evidence presented at the Public Hearing, we have included the recommendation of the Bicycle and Pedestrian Advisory Board and revised our recommendation in the following way:

- That the hotel site and the proposed office building record a reciprocal parking agreement for share use of parking spaces.

Accordingly, we recommend that the application for a Special Use Permit Modification be approved with the adoption of Resolution A, the Manager's revised recommendation.

Resolution B would approve the application based on the recommendations of the Planning Board.

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**Resolution C would approve the application based on the recommendation of the Community Design Commission.**

**Resolution D would approve the application based on the recommendation of the Bicycle and Pedestrian Advisory Board.**

**Resolution E would deny the application.**



**HOTEL L' EUROPA/VILLAGE OFFICE PARK COMPLEX  
SPECIAL USE PERMIT MODIFICATION  
DIFFERENCES AMONG RESOLUTIONS**

| <b>ISSUE</b>                                 | <b>RESOLUTION A<br/>Manager's<br/>Preliminary<br/>Recommendation</b> | <b>RESOLUTION B<br/>Planning Board<br/>Recommendation</b> | <b>RESOLUTION C<br/>Community<br/>Design<br/>Commission<br/>Recommendation</b> | <b>RESOLUTION D<br/>Bicycle and<br/>Pedestrian<br/>Advisory Board<br/>Recommendation</b> |
|--|--|---|--|--|
| <b>Vehicular<br/>Connection to<br/>Hotel</b> | <b>Yes, location<br/>may be adjusted</b>                             | <b>Yes, location<br/>may be adjusted</b>                  | <b>*</b>   | <b>*</b>   |
| <b>Shared Parking<br/>Agreement</b>          | <b>Yes</b>   | <b>*</b>  | <b>No</b>  | <b>Yes</b>   |

\*Issue was not discussed at this particular advisory board's meeting.

**ATTACHMENTS**

1. Resolution A – Approving the Application (p. 10).
2. Resolution B – Approving the Application (p. 13).
3. Resolution C – Approving the Application (p. 15).
4. Resolution D – Approving the Application (p. 17).
5. Resolution E – Denying the Application (p. 19).
6. Summary of Community Design Commission Action (p. 20).
7. Summary of Bicycle and Pedestrian Advisory Board Action (p. 21).
8. Applicant's Statement of Justification (p. 22).
9. April 24, 2001 letter from Harvey Krasny (p. 24).
10. May 14, 2001 Public Hearing Memorandum and Related Attachments (begin new page 1)

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## ATTACHMENT 1

**RESOLUTION A**  
(Manager's Revised Recommendation)**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEX (2001-06 -25/R-16a)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit Modification application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987), if developed according to the site plan prepared on January 6, 1999, and 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 Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations;
3. Be located, designed, and proposed to be 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 Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Subsection 13.1.11 Use Group B, of the Development Ordinance to allow a total of 108,000 square feet of floor area on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402).
2. Modification of Subsection 14.12 to allow the existing landscape bufferyard width on the US 15-501 frontage on the on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402), in lieu of the required landscape bufferyard width.

Said public purpose being that 1) The modification will allow the development of the 2.24-acre adjacent site to proceed unencumbered by the existing Special Use Permit; 2) The use of the 2.24-acre site for tennis courts and a gravel parking area does not serves the public purpose; 3) Value is provided to the community by replacing the gravel parking area and tennis courts with

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office space; 4) The public purpose is being served as the development of the 2.24-acre site for office use conforms to the Comprehensive Land Use plan; 5) Office development typically generates less car trips per day and requires less public service than other development types; and 6) The existing vegetation along US 15-501, on the hotel site and within the highway right-of-way, provides a visual obstruction that effectively buffers and screens the hotel.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit Modification for Hotel L'Europa/Village Office Complex in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. Relationship to 1981 Special Use Permit Modification: That this approval authorizes the use of approximately 6.95 acres. This authorization is intended to be in addition to the terms of the Town Council, November 23, 1981 Special Use Permit Modification document recorded in deed book 380, page 94 of the Orange County Register of Deeds.
2. Alteration of Special Use Permit Boundary: That the 1981 Special Use Permit boundary shall be altered to exclude the 2.24-acre tract (Tax Map 7.27.E.2E PIN# 9799468987) located at the northeast corner of Europa Drive and Legion Road. That separate and distinct Special Use Permit boundaries shall be created around the perimeter of the following parcels: Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, and Chapel Hill Township Tax Map 27, Block E, Lot 2D PIN# 9799570157. The gross land area of the new Special Use Permit boundary is 6.95-acres.
3. Land Use Intensity: This Special Use Permit Modification authorizes creation of two separate Special Use Permits:

Sheraton Hotel Permit

|   |         |
|---|---------|
| ➤ Total # of Buildings (excluding outbuildings) | 1       |
| ➤ Total # of Hotel Rooms:                       | 168     |
| ➤ Maximum Floor Area (sq.ft)                    | 108,000 |
| ➤ Maximum # of Parking Spaces:                  | 238     |
| ➤ Minimum Outdoor Space (sq.ft.):               | 181,862 |
| ➤ Minimum Livability Space (sq.ft.):            | 64,608  |

Village Park Office Complex Permit

|   |        |
|---|--------|
| ➤ Total # of Buildings (excluding outbuildings) | 1      |
| ➤ Maximum Floor Area (sq.ft)                    | 13,000 |
| ➤ Maximum # of Parking Spaces:                  | 41     |
| ➤ Minimum Outdoor Space (sq.ft.):               | 48,320 |
| ➤ Minimum Livability Space (sq.ft.):            | 17,166 |

4. Vehicular Connection Between the Hotel and 2.24-acre Tract: That the existing vehicular connection, between the hotel parking lot and the adjacent 2.24-acre lot to the south, shall be retained. This connection shall be available for vehicular and service vehicle access for future development on the 2.24-acre tract. Prior to recordation of the Special Use Permit Modification document, a recorded easement providing for vehicular and service vehicle access to the 2.24-acre parcel, shall be recorded with the Orange County Register of Deeds office and a copy of the recorded document shall be submitted to the Town. This easement shall be reviewed and approved by the Town Manager prior to recordation.
5. Shared Parking Agreement: That prior to the recordation of the Special Use Permit Modification document, a shared parking agreement, between the hotel property and the 2.24 acre lot to the south, shall be recorded with the Orange County Register of Deeds office and a copy of the recorded document shall be submitted to the Town. This agreement shall be reviewed and approved by the Town Manager prior to recordation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the application for a Special Use Permit Modification for Hotel L'Europa/Village Park Complex.

This the 25<sup>th</sup> day of June, 2001.

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ATTACHMENT 2

**RESOLUTION B**  
(Planning Board Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEX (2001-06-25/R-16b)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit Modification application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987), if developed according to the site plan prepared on January 6, 1999, and 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 Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations;
3. Be located, designed, and proposed to be 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 Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Subsection 13.1.11 Use Group B, of the Development Ordinance to allow a total of 108,000 square feet of floor area on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402).
2. Modification of Subsection 14.12 to allow the existing landscape bufferyard width on the US 15-501 frontage on the on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402), in lieu of the required landscape bufferyard width.

Said public purpose being that 1) The modification will allow the development of the 2.24-acre adjacent site to proceed unencumbered by the existing Special Use Permit; 2) The use of the 2.24-acre site for tennis courts and a gravel parking area does not serves the public purpose; 3) Value is provided to the community by replacing the gravel parking area and tennis courts with office space; 4) The public purpose is being served as the development of the 2.24-acre site for office use conforms to the Comprehensive Land Use plan; 5) Office development typically

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generates less car trips per day and requires less public service than other development types; and  
 6) The existing vegetation along US 15-501, on the hotel site and within the highway right-of-way, provides a visual obstruction that effectively buffers and screens the hotel.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit Modification for Hotel L'Europa/Village Office Complex in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development, unless modified or superseded by those stipulations below.
2. Vehicular Connection Between the Hotel and 2.24-acre Tract: That in lieu of retaining the existing vehicular connection between the site and the hotel parking lot, the applicant may provide an alternative vehicular connection between the proposed development and the hotel parking lot. Final location for a vehicular connection between the hotel parking lot and the site shall be reviewed and approved by the Town Manager.

This connection shall be available for vehicular and service vehicle access for the proposed development. Prior to the issuance of a Zoning Compliance Permit, an easement providing for vehicular and service vehicle access between the hotel property, across the proposed site, to Europa Drive, shall be recorded with the Orange County Register of Deeds Office and a copy of the recorded document shall be submitted to the Town. This easement shall be reviewed and approved by the Town Manager prior to recordation.

3. Delete stipulations: Delete stipulation #5.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the application for a Special Use Permit Modification for Hotel L'Europa/Village Park Complex.

This the 25<sup>th</sup> day of June, 2001.

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ATTACHMENT 3

**RESOLUTION C**

(Community Design Commission Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEX (2001-06-25/R-16c)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit Modification application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987), if developed according to the site plan prepared on January 6, 1999, and 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 Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations;
3. Be located, designed, and proposed to be 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 Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Subsection 13.1.11 Use Group B, of the Development Ordinance to allow a total of 108,000 square feet of floor area on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402).
2. Modification of Subsection 14.12 to allow the existing landscape bufferyard width on the US 15-501 frontage on the on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402), in lieu of the required landscape bufferyard width.

Said public purpose being that 1) The modification will allow the development of the 2.24-acre adjacent site to proceed unencumbered by the existing Special Use Permit; 2) The use of the 2.24-acre site for tennis courts and a gravel parking area does not serves the public purpose; 3) Value is provided to the community by replacing the gravel parking area and tennis courts with office space; 4) The public purpose is being served as the development of the 2.24-acre site for office use conforms to the Comprehensive Land Use plan; 5) Office development typically

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generates less car trips per day and requires less public service than other development types; and  
6) The existing vegetation along US 15-501, on the hotel site and within the highway right-of-way, provides a visual obstruction that effectively buffers and screens the hotel.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit Modification for Hotel L'Europa/Village Office Complex in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development, unless modified or superseded by those stipulations below.
2. Delete stipulations: Delete stipulation #4 and #5.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the application for a Special Use Permit Modification for Hotel L'Europa/Village Park Complex.

This the 25<sup>th</sup> day of June, 2001.



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ATTACHMENT 4

**RESOLUTION D**

(Bicycle and Pedestrian Advisory Board Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEX (2001-06-25/R-16d)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit Modification application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987), if developed according to the site plan prepared on January 6, 1999, and 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 Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations;
3. Be located, designed, and proposed to be 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 Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Subsection 13.1.11 Use Group B, of the Development Ordinance to allow a total of 108,000 square feet of floor area on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402).
2. Modification of Subsection 14.12 to allow the existing landscape bufferyard width on the US 15-501 frontage on the on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402), in lieu of the required landscape bufferyard width.

Said public purpose being that 1) The modification will allow the development of the 2.24-acre adjacent site to proceed unencumbered by the existing Special Use Permit; 2) The use of the 2.24-acre site for tennis courts and a gravel parking area does not serves the public purpose; 3) Value is provided to the community by replacing the gravel parking area and tennis courts with office space; 4) The public purpose is being served as the development of the 2.24-acre site for office use conforms to the Comprehensive Land Use plan; 5) Office development typically

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generates less car trips per day and requires less public service than other development types; and  
6) The existing vegetation along US 15-501, on the hotel site and within the highway right-of-way, provides a visual obstruction that effectively buffers and screens the hotel.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit Modification for Hotel L'Europa/Village Office Complex in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development, unless modified or superseded by those stipulations below.
2. Delete stipulations: Delete stipulation #4.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the application for a Special Use Permit Modification for Hotel L'Europa/Village Park Complex.

This the 25<sup>th</sup> day of June, 2001.

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## ATTACHMENT 5

**RESOLUTION E**  
(Denying the Application)**A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEX BUILDING (2001-06-25R-16e)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit Modification application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987, if developed according to the site plan prepared on January 6, 1999, and 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 Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations;
3. Be located, designed, and proposed to be 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 Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council finds:

(INSERT REASONS FOR DENIAL)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the application for a Special Use Permit Modification for Hotel L'Europa/Village Office Complex.

This the 25<sup>th</sup> day of June, 2001.

**SUMMARY OF COMMUNITY DESIGN COMMISSION ACTION**

**Subject:** Hotel Europa/Village Office Park Complex -  
Application for a Special Use Permit Modification

**Meeting Date:** May 8, 2001

**Recommendation:** That the Council approve this application for a Special Use Permit Modification.

**Vote:** 5 - 3

**Aye:** Weezie Oldenburg, Terry Eason, Sarah Haskett, Joe Herzenberg,  
and Martin Rody

**Nay:** George Cianciolo, Alice Ingram, and Steve Manton

**Explanation of Dissenting Votes:**

The dissenting members expressed concern that (1) the reduction in the existing Special Use Permit boundary would leave the hotel over the permitted floor area allowed on the new, reduced site, and noted that (2) a reciprocal parking arrangement was needed between the two proposed sites.

**Prepared by:** Weezie Oldenburg, Chair, Community Design Commission  
Rob Wilson, Staff



**SUMMARY OF BICYCLE AND PEDESTRIAN ATTACHMENT  
ADVISORY BOARD ACTION**

**Subject:** Hotel L'Europa/Village Park Office Complex - Application for Modification of an Existing Special Use Permit

**Meeting Date:** May 22, 2001

**Recommendation:** The Bicycle and Pedestrian Advisory Board recommends that the Council approve this application, with the following condition:

- That the Council should consider requiring a shared parking agreement with the hotel to ensure that the two lots are not over-parked.

**Vote:** 6 - 0

**Aye:** Dorothy Verkerk, Evelyn Gordon, Ray Magyar, Eva Metzger, Wayne Pein, Doug Venema

**Nay:** none

**Issues Raised:** None.

**Prepared by:** Dorothy Verkerk, Chair, Bicycle and Pedestrian Advisory Board *DV Cby*  
Than Austin, Long Range Planner

HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEX  
Special Use Permit Modification

**A request for a modification of the 1981 Hotel L'Europe/Village Office Park Complex Special Use Permit. The request is to:**

- 1) Remove the 2.24-acre tract (Tax Map # 7.27.E.2E), currently occupied by tennis courts and a gravel lot and the subject of a Special Use Permit Application for the Europa Office Building, from the 1981 L'Europa/Village Office Park Complex Special Use Permit and boundary; and**
- 2) Create two separate and distinct Special Use Permits and Special Use Permit boundaries for:**
  - a) The 5.5-acre (Tax Map #7.27.E.2) Sheraton Hotel site; and**
  - b) The 1.45-acre (Tax Map #7.27.E.2D) Village Office Park site.**

Three individual tracts of land are currently under one Special Use Permit. Two of the three tracts have already been developed. Tract 27.E.2 has been developed as a hotel (Sheraton) and Tract 27.E.2D has been developed as an office complex (Village Office Park). The remaining Tract, Parcel 27.E.2E has an unused gravel parking lot and abandoned tennis courts on it. The applicant proposes to develop an office building on the site. These three tracts were initially included with a fourth tract - a portion of the land across the street that currently contains part of the Europa Center parking deck - under one Special Use Permit. In 1981 the property across the street was removed from the original Special Use Permit boundary. All three of the remaining tracts are under separate ownership and the modification of the special use permit to also allow each of the individual tracts to be under its own separate special use permit would provide more continuity and control for the individual owners.

**Finding #1:**

**That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.**

The existing traffic conditions in the vicinity would not be affected by the separation of the three tracts into separate Special Use Permits.

There would be no impact to the existing conditions or to the provision of any services as a result of providing separate Special Use Permits.

**Finding #2**

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**That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Article 12, 13, and 14 and the applicable specific standards contained in Section 18.7 and 18.8, and with all other applicable regulations.**

All of the sites meet the minimum requirements for minimum setbacks around their perimeters and for parking. The hotel site is slightly over the requirements of the Zoning Ordinances as it relates to the land area intensity ratio for maximum floor area; however, the Village Office Park tract is well below its maximum allowed floor area. The overall land intensity ratio for maximum floor area for these two sites combined is well below the maximum allowed. The Applicant requests that the Council modify the regulations related to the maximum floor area limits for the hotel site as a part of the application.

The Applicant also requests that the Council modify the regulations related to the following Development Ordinance requirements: Buffers and Landscaping.

The Project Fact Sheet for the hotel site indicates that a total of 223 parking spaces are provided. This is a surplus of 40 spaces over the required 183. The Village Office Park has a total of 48 parking spaces. This is more than the spaces required by the Ordinance.

**Finding #3:**

**That the use or development 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.**

The request for a modification of a Special Use Permit to reduce the boundaries of the Hotel L'Europe/Village Office Park Complex Special Use Permit to exclude a 2.03-acre tract currently occupied by a gravel parking lot will have no impact on the value of contiguous properties.

**Finding #4:**

**That the use or development conforms with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan.**

Both the hotel site and the Village Office Park site conform with the Zoning Atlas and the Adopted Land Use Plan. The request to reduce the boundaries of the Hotel L'Europe/Village Office Park Complex Special Use Permit to exclude a 2.03-acre tract currently occupied by a gravel parking lot will have no affect on the Resource Conservation District, the Chapel Hill Thoroughfare Plan, the Greenway Plan, the Land Use Plan, or the Urban Services Area.

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120 Woodbridge Lane, Chapel Hill, NC 27514

April 24, 2001

Mr. Rodger Waldon  
Town of Chapel Hill  
Planning Dept.  
306 N. Columbia St.  
Chapel Hill, NC 27516

VIA E-MAIL

**Re: Proposed development of Europa Office Building--  
Perceived Impact on neighboring Summerfield Crossing Property**

Dear Mr. Waldon:

I am writing this letter as a concerned homeowner and resident of Summerfield Crossing townhome community (140 units), and as one of the residents within 1000 feet of the proposed 38,000 sq ft office building requiring 108 parking spaces. I ask that you please make this letter a part of the record for review by the Town, its review Commissions and the Council.

Since 1986, I and my neighbors of Summerfield, as well as the owners of adjacent Foxcroft Apts and Franklin Square offices, have continued over the years to express serious concerns to the Town about the ever growing traffic problems in our immediate area (ie, Dobbins Dr and Erwin Rd-Europa Dr). We at Summerfield have also expressed concern about the Town considering any further mixed-use in the area of our immediate residential community. There is, already, more than enough mixed-use development on both sides of 15-501 adjacent to us. This area and roads accessing it are simply NOT able to handle any more large complexes (eg, offices).

Please find below two very good reasons why I believe the size of the proposed Europa Office Building development will adversely impact on the quality of life and property values in the area of Dobbins Dr and Erwin Rd where we live.

1. **TRAFFIC CONGESTION**— The last official DOT count (Feb., 1999) of the average daily traffic on Erwin Rd. between Dobbins and Old Oxford Rd. was 13,000 cars/day. With the addition of new housing developments on this same segment of land and beyond since that 1999 count was taken, and with the addition of the High School, this section will no doubt now have a daily average number significantly OVER 13,000 cars/day. Even with alternate routes via Erwin Rd. to Sage, still it is literally impossible and VERY dangerous for the residents of Summerfield Crossing and Foxcroft Apts, and the tenants of Franklin Square to enter Erwin Rd. from Dobbins Dr. during peak hour (8-9AM, 12-1:00PM, and 4-6:00PM). A correction in the intersection of Erwin-Europa and 15-501 is being proposed by the DOT to handle the present problem.

cont.



It is impossible to believe that a planned correction in the traffic pattern at Erwin Rd-Europa and 15-501 will also successfully be able to handle the additional 108 plus cars for the proposed Europa Office Building, as well as the 716 plus cars proposed for Jefferson Commons on Dobbins and Erwin, and the 137 plus cars for the proposed Marriott Residence Inn on Erwin across from the Jefferson, both on the opposite side of the road to Europa - totaling 961 new vehicular spaces proposed for this area (Dobbins Dr./Erwin Rd-Europa Dr and 15-501).

Thus, by potentially adding over 961 autos/trucks to this intersection and area, part of which will be attributed to the Europa Office Building, this proposed development will contribute to making it even MORE difficult for the good taxpaying citizens living or working in the three aforementioned properties off of Dobbins (Summerfield, Foxcroft, and Franklin Sq.) exit or enter Erwin Rd in order to go to and from work, school or shopping in the peak hours. The new Europa Building will also add to the difficulty that already exists for those who work in the RTP and live in other areas of Chapel Hill accessed by this same 15-501 artery. They too must sit in bumper-to-bumper traffic nearly every business day at Erwin-Europa and 15-501. Our conditions are already beginning to approach those of a heavily congested metropolitan area where the auto also is king and everyone drives. Why make things worse by adding this complex, which will bring accompanying cars/trucks to worsen our already traffic-congested area?

2. POLLUTION- The pollution of auto fumes and the noise from cars backed-up in the highly overused and congested intersection of Erwin Rd-Europa Dr and 15-501 during peak hours already takes away from the quality of life for those of us (Summerfield Crossing, Foxcroft Apts, and Franklin Square) living and/or working in this neighborhood.

Thus, it is easy to imagine that the addition of the 108 plus cars (proposed Europa Office Building), and another 853 plus cars (proposed Jefferson Commons office/living complex and proposed Marriott hotel) will significantly add to the already excessive auto pollution and noise as autos/trucks back-up in all four directions in the congested intersection of Erwin Rd -Europa Dr and 15-501. No DOT intersection-fix will prevent that from occurring.

The Planning Board has gone on record as saying that there is a serious difficulty in locating space for businesses that have outgrown their space in Chapel Hill. I say, look around and see the presently vacated spaces such as in the Shopping Centers in the area. It is NOT the space they are having problems finding, but instead it is finding the prime location at the price they want to pay. Therefore, there is NO need to place (or even consider) an additional burden on the backs of those already living or working in the Dobbins/Erwin-Europa and 15-501 vicinity by allowing more high-density development to occur in an area where there already clearly exists excessive traffic congestion, emission and noise pollution, which is partially due to the existing density of inhabitants now located in this area. Certainly the added tax income to the City by adding these additional offices can't be worth the reduction in quality of life and the subsequent reduction in property value that will result to its citizens already living in this area. Surely people come first!

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I hope you will agree that it would be unreasonable and unconscionable to make those of us who have been living and paying taxes in the areas adjacent to Erwin Rd and 15-501 for several years to now pay a higher price in terms of reduced quality of life and devaluing of our property in order to accommodate more people and more businesses that want to be located in our more centralized area. Instead, let them populate the less dense areas of Chapel Hill and Orange County. That's called good city planning.

**PLEASE do NOT allow a building complex of this size of the proposed Europa Office Building to be placed on Europa Dr when there is NO adequate road system now, nor will there likely be in the future, to support this many additional people with over 100 proposed cars/trucks.**

Thank you, in advance, for your time and effort in the review of my above request.

Sincerely yours,

Harvey C. Krasny, Ph.D.

cc: Secretary, Summerfield Crossing Homeowners Assoc

**MEMORANDUM**

**TO:** Mayor and Town Council  
**FROM:** W. Calvin Horton, Town Manager  
**SUBJECT:** Public Hearing: Hotel L'Europa/Village Office Park Complex  
Application for Special Use Permit Modification  
**DATE:** May 14, 2001

**INTRODUCTION**

An application seeking approval of a Special Use Permit Modification has been filed by the applicant proposing to modify the 1981 Special Use Permit for the Hotel L'Europa/Village Office Park Complex.

The proposed application includes: 1) A proposal to reduce the overall area encumbered by the 1981 Special Use Permit boundary; and 2) A request to divide the remaining Special Use Permit boundary area and associated developments, the Sheraton Hotel and the Village Office Park, into two separate Special Use Permits.

Approval of this application by the Council, as proposed by the applicant, would:

- Reduce the overall area of the 1981 Special Use Permit boundary (removed a 2.24-acre parcel from the Special Use Permit boundary area).

And with the remaining area, still encumbered by the original 1981 permit boundary, the applicant is proposing to create two separate Special Use Permits:

- A Special Use Permit for the Sheraton Hotel on a 5.5-acre site; and
- A Special Use Permit for the Village Office Park on a 1.45-acre site.

The applicant has submitted an accompanying application for a new Special Use Permit for an office building on the 2.24-acre site. Approval of that accompanying application, on the 2.24-acre tract, cannot proceed unless the Council approves the request for the Special Use Permit Modification to reduce the boundaries of the 1981 Special Use Permit.

The Sheraton Hotel, Village Office Park and gravel parking lot and tennis courts are located on a 9.2-acres site, along the east side of Europa Drive, between US 15-501 and Legion Road, west of and adjacent to the Town of Chapel Hill Memorial Cemetery and across from the Europa Center.

Tonight's Public Hearing has been scheduled to receive evidence in support of and in opposition to approval of this application, and further to receive evidence that the Council may consider as it determines any appropriate conditions to impose upon the proposed development.

This package of materials has been prepared for the Town Council's consideration, and is organized as follows:

- ◆ **Cover Memorandum:** Introduces the Special Use Permit Modification application, describes process for review, summarizes staff and advisory board comments, and offers recommendations for Council action.
- ◆ **Staff Report:** Offers a detailed description of the site and proposed development, and presents an evaluation of the application regarding its compliance with the standards and regulations of the Development Ordinance.
- ◆ **Attachments:** Includes a checklist of requirements for this development, resolutions of approval and denial, advisory board comments, and the applicant's materials.

### PROCESS

The Development Ordinance requires the Town Manager to conduct an evaluation of this Special Use Permit Modification application, to present a report to the Planning Board, and to present a report and recommendation to the Town Council. We have reviewed the application and evaluated it against Town standards; we have presented a report to the Planning Board; and tonight we submit our report and preliminary recommendation to the Council.

The standard for review and approval of a Special Use Permit Modification application involves consideration of four findings (description of the findings follows below). Evidence will be presented tonight. If, after consideration of the evidence, the Council decides that it can make each of the four findings, the Development Ordinance directs that the Special Use Permit Modification shall then be approved. If the Council decides that the evidence does not support making one or more of the findings, then the application cannot be approved and, accordingly, should be denied by the Council.

### CONTIGUOUS PROPERTY

One of the findings that the Council must make when considering a Special Use Permit Modification application is:

That the use of development 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.

(52)

The Development Ordinance defines contiguous property as follows:

Contiguous Property: Property adjoining, neighboring, and nearby the outer boundary of a proposed development. For development proposals that are small in scale and similar in proposed use to existing uses in the immediate vicinity, contiguous property shall be construed to be those properties immediately adjacent. For large development proposals and/or proposed uses that are significantly different from existing uses nearby, or proposals that have significant topographic features that could impact nearby properties, contiguous property shall be construed to include those properties in a larger area, and those likely to experience negative impacts resulting from the proposed development. But in every case, for a proposal over 10 acres but less than 100 acres, at a minimum all property within 500 feet shall be considered contiguous; for development proposals that are over 100 acres, at a minimum all properties within 1,000 feet shall be considered contiguous.

The Town Attorney has advised that the Council should specify what area it considers to be contiguous property for each Special Use Permit Modification application that comes before the Council for consideration. Therefore, based on the Town Attorney's advice to the Council, we suggest that prior to recessing the hearing this evening the Council discuss and determine by vote what should be considered contiguous property for this application. The attached Resolution C provides a format for determining the definition of contiguous property for this application.

#### DESCRIPTION OF THE APPLICATION

This Special Use Permit Modification application is proposing to modify the 1981 Hotel L'Europa/Village Office Park Complex Special Use Permit. If approved as submitted, the proposal would:

- 1) Create a Special Use Permit for the Sheraton Hotel on a 5.5-acre site;
- 2) Create a Special Use Permit for the Village Office Park complex on a 1.45-acre site; and
- 3) Remove the 2.24-acre tract (lot with tennis courts and gravel parking area), from the 1981 Hotel L'Europa/Village Office Park Complex Special Use Permit. Removal of this site from the Special Use Permit creates a site (not encumbered by a Special Use Permit), with two nonconforming uses: a gravel parking area and tennis courts.

#### EVALUATION OF THE APPLICATION

We have evaluated the application regarding its compliance with the standards and regulations of the Development Ordinance. We have prepared a Planning Staff Report that discusses intensity standards, access, parking, buffers and landscaping, (and is included as an attachment to this memorandum). A checklist describing compliance with regulations also is provided as an attachment to this memorandum.

Based on our evaluation, our preliminary recommendation, if the Town Council grants the modifications requested by the applicant, is that the application as submitted complies with the regulations and standards of the Development Ordinance.

Tonight the Council receives our attached evaluation, and also receives information submitted by the applicant and others. The applicant's materials are included as attachments to this memorandum. Staff, applicant, and others may provide information at the Public Hearing. All information that is submitted will be placed into the record of this Public Hearing.

Based on the evidence that is accumulated, the Council will consider whether or not it can make each of four required findings for the approval of a Special Use Permit Modification. The four findings are:

**Special Use Permit – Required Findings of Fact**

**Finding #1:** *That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.*

**Finding #2:** *That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 12, 13, and 14 and with all other applicable regulations.*

**Finding #3:** *That the use or development 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.*

**Finding #4:** *That the use or development conforms with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan.*

Following the Public Hearing, we will prepare an evaluation of the evidence submitted in support of, and in opposition to this application. If, after consideration of the evidence, the Council decides that it can make each of the four findings, the Development Ordinance directs that the Special Use Permit Modification shall then be approved. If the Council decides that the evidence does not support making one or more of the findings, then the application cannot be approved and, accordingly, should be denied by the Council.

**REQUESTED MODIFICATIONS OF REGULATIONS**

We note that the applicant is requesting from the Council modifications to the regulations regarding:

1. Permitted floor area on the proposed 5.5-acre Sheraton Hotel site; and
2. Required landscape bufferyards width along US 15-501 on the proposed 5.5-acre Sheraton Hotel site.

(54)

Subsection 18.7.1 of the Development Ordinance states:

“Where actions, designs, or solutions proposed by the applicant are not literally in accord with applicable special use regulations, general regulations, or other regulations in this Ordinance, but the Council makes a finding in the particular case that public purposes are satisfied to an equivalent or greater degree, the Council may make specific modification of the regulations in the particular case for Modification of Special Use Permit applications, or in approving a new Special Use Permit for existing development that requires a Special Use Permit.”

The requested modifications to the regulations on the hotel site are discussed below:

- (1) *Permitted Floor Area:* We note that the applicant is proposing to create a Special Use Permit boundary for the hotel that encumbers the hotel complex on a 5.5-acre site. The maximum permitted floor area for the proposed 5.5-acre site, which is located in a Community Commercial zoning district, is 102,656 square feet. The floor area of the hotel is 108,000 square feet. The hotel floor area exceeds the permitted maximum floor area, for a 5.5-acre tract the Community Commercial zoning district, by 5,344 square feet.

The applicant, in their Statement of Justification, is requesting that the Council modify the regulations as it relates to the permitted floor area on the proposed hotel site. In order to modify the regulations the Council must make the finding that, in this particular case, public purposes can be satisfied to an equivalent or greater degree if the modification is permitted, in accordance with Section 18.7.1 of the Development Ordinance.

*Staff Comment:* We believe that the Council can make the finding that public purposes can be satisfied to an equivalent or greater degree by modifying the regulations to permit 108,000 square feet of floor area on the proposed 5.5-acre hotel site.

The modification to allow the addition of 5.2% floor area above the permitted maximum would permit the development of the 2.24-acre adjacent site to proceed unencumbered by the existing Special Use Permit. As long as the existing Special Use Permit encumbers the site, the use of the site for something other than a gravel parking lot and tennis courts is prohibited. We do not believe that the use of this lot for tennis courts and a gravel parking area serves public purposes.

We believe that the Council could find value to the community by replacing the gravel parking area and seldom used tennis courts on this 2.24-acre tract with office space. We note that the Council could also determine that public purpose is being served as the development of the lot for office use conforms to the Land Use component of the Comprehensive Plan. We also note that office development typically generates less car trips per day and requires less public service than other development types.

(2) *Required Landscape Bufferyards:* We note that applicant, in their Statement of Justification, is requesting that the Council modify regulations as they relate to bufferyard requirements. Except for the width of the bufferyard on the hotel's property frontage, along US 15-501, we believe that the proposed 5.5-acre hotel site and the proposed 1.45-acre Village Office Park complex comply with the minimum bufferyard requirements. In order to modify the buffer regulation for the US 15-501 bufferyard, the Council must make the finding that in this particular case that public purposes can be satisfied to an equivalent or greater degree if the modification is permitted, in accordance with Section 18.7.1 of the Development Ordinance.

*Staffs Comment:* We believe that the Council can make the finding, that in this particular case, public purposes can be satisfied to an equivalent or greater degree if the modification to the landscape bufferyard width, along the hotel's US 15-501 frontage, is permitted.

The modification to allow the use of the existing buffeyard width, would permit the development of the 2.24-acre adjacent site to proceed unencumbered by the existing Special Use Permit. We believe that the Council could find value to the community by replacing the gravel parking area and seldom used tennis courts on this 2.24-acre tract with office space. We also believe that the existing vegetation along US 15-501, on the hotel site and within the highway right-of-way, provides a visual obstruction that effectively buffers and screens the hotel.

If the Council believes it is appropriate to apply Section 18.7.1 of the Development Ordinance, in one or both situations, the Council may find that the modification to some or all of the regulations satisfy public purposes to an equivalent or greater degree. Alternatively, the Council could reasonably conclude that some or all of the proposed modifications would not satisfy public purposes to an equivalent or greater degree and could therefore deny the application or deny the modifications and approve the application with a requirement that the proposed Hotel Special Use Permit comply with some or all of the requirements of the Development Ordinance.

### SUMMARY OF COMMENTS

We have attached a resolution that includes standard conditions of approval, as well as special conditions that we recommend for this application. The key special conditions that we recommend are described in detail in the accompanying staff report. With these conditions, we believe that the Council could make the findings regarding health, safety and general welfare, property values, and consistency with the Comprehensive Plan:

The Manager's recommendation incorporates input from all Town departments involved in review of the application.

### SUBSEQUENT REGULATORY STEPS

Following is a brief outline describing the next steps in the development review process, should the Council approve the Special Use Permit Modification application:



1. Applicant accepts and records the Special Use Permit Modification, which incorporates the terms of the Council-adopted resolution;
2. Applicant submits documentation, complying with Council stipulations. Information is reviewed by Town departments; and
3. Final Plat or easement documents are reviewed and approved by Town staff. Plat or easements documents are recorded at the Orange County Register of Deeds office.

### RECOMMENDATIONS

Recommendations are summarized below. Please see the attached summaries of board actions and recommendations.

Planning Board Recommendation: The Planning Board reviewed this application on May 1, 2001 and voted 5-1 to recommend that the Council approve this application for a Special Use Permit Modification with the adoption of Resolution A. Please see the attached Summary of Planning Board Action.

Transportation Board Recommendation: The Transportation Board reviewed this application on May 1, 2001, and voted 7-0 to recommend that the Council request that the applicant update the Traffic Impact Statement and return to the Transportation Board for additional review. We refer the Council to a memorandum (Attachment 9, Item C) from the Town's Engineering Department for additional comment on the applicant's Traffic Impact Statement submitted with the Europa Office Building Special Use Permit application.

Bicycle and Pedestrian Advisory Board Recommendation: The Bicycle and Pedestrian Advisory Board reviewed this application on May 8, 2001. We will forward a summary of their action as soon as it is available.

Community Design Commission Recommendation: The Community Design Commission reviewed this application on May 8, 2001. We will forward a summary of their action as soon as it is available.

Manager's Preliminary Recommendation: Based on our evaluation of the application, our preliminary conclusion is that the application with the requested modifications to the regulations, complies with standards and regulations of the Development Ordinance, if the Council makes the necessary public purpose findings.

Following tonight's Public Hearing, we will prepare an evaluation of the evidence submitted in support of, and in opposition to this application. If the Council makes these public purpose findings for modification of the Development Ordinance regulations, and makes the four required findings for the approval of a Special Use Permit Modification, we recommend that the application be approved with the adoption of Resolution A.

Resolution B would deny the application.

Resolution C would determine the definition of contiguous property for this application.

### ATTACHMENTS

1. Planning Staff Report (p. 9).
2. Checklist of Project Fact Sheet Requirements (p. 15).
3. Resolution A – Approving the Application (p. 16).
4. Resolution B – Denying the Application (p. 19).
5. Resolution C – Defining Contiguous Property for this Application (p. 20).
6. Summary of Planning Board Action (p. 21).
7. Summary of Transportation Board Action (p. 22).
8. Correspondence From Citizen (p. 23).
9. Applicant's Statement of Justification (p. 26).
10. Project Fact Sheets (p. 28).
11. Reduced Area Map and Site Plans (p. 32).

## Planning Staff Report

**SUBJECT:** Public Hearing: Hotel L' Europa/Village Park Office Complex – Application for a Special Use Permit Modification (File No. 7.27.E.2 PIN# 9799478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987)

**DATE:** May 14, 2001

### INTRODUCTION

The proposed application includes: 1) A reduction in the overall area encumbered by the 1981 Special Use Permit boundary; and 2) A request to divide the remaining Special Use Permit boundary area and associated developments, the Sheraton Hotel and the Village Office Park, into two separate Special Use Permits.

The applicant has submitted an accompanying application for a new Special Use Permit for an office building on the 2.24-acre site. Approval of that accompanying application, on the 2.24-acre tract, cannot proceed unless the Council approves the request for the Special Use Permit Modification to reduce the boundaries of the 1981 Special Use Permit and create separate Special Use Permit boundaries for the Sheraton Hotel and the Village Park Office development.

The Sheraton Hotel, Village Office Park and gravel parking lot and tennis courts are located on a 9.2-acres site, along the east side of Europa Drive, between US 15-501 and Legion Road, west of and adjacent to the Town of Chapel Hill Memorial Cemetery and across from the Europa Center.

Development on the site includes the Sheraton Hotel, located on a 5.5-acre tract and the Village Park Office Complex on 1.46-acres. A 2.24-acre portion of the site, located at the northeast corner of Europa Drive and Legion Road contains three tennis courts, a gravel lot and no structures. The property, which is divided into three tracts of land, is located within the Community Commercial (CC) zoning district, and is identified as Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 979478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987.

### BACKGROUND

October 25, 1976      Special Use Permit issued to property owner H and H Associates for a unified business development authorizing the construction of two office buildings on a 3.25 acres tract on the east side of Europa Drive at Legion Road. One of the two buildings was subsequently constructed on a 1.45-acre tract and is know as the Village Office Park. The second proposed building was not constructed. (Subsequent approval in 1980 allowed the second building to be replaced with overflow hotel parking and tennis courts-see below).

- July 25, 1979 Special Use Permit issued to property owner Julius Verwoerd for the construction of the Hotel L'Europa on a 5.5-acre tract.
- February 11, 1980 Special Use Permit issued to H and H Associates and Julius Verwoerd to combine the 1976 and 1979 Special Use Permits into a single Special Use Permit. This permit authorized an increase in the number of hotel rooms and replaced the second office building, approved with the 1976 Special Use Permit for the 2.24-acre site, with overflow parking for the hotel.
- November 23, 1981 Special Use Permit Modification issued to H and H Associates and Julies Verwoevdt to replace a portion of the overflow parking area for the hotel with three tennis courts. This permit also authorized the relocation of the displaced overflow hotel parking to an area, across Europa Drive, currently occupied by the parking deck for the Europa Center.
- October 15, 1985 Site Plan approval authorizing the construction of the Europa Center and parking deck on the west side of Europa Drive. Approval of this site plan replaced the 1981 Special Use Permit approval, on this site, that authorized the relocation of the displaced overflow hotel parking from the across Europa Drive.

### EVALUATION

The Town staff has reviewed this application for compliance with the standards of the Development Ordinance and Design Manual and offers the following evaluation.

Existing Conditions: This 9.2-acre site is located on Europa Drive, between US 15-501 and Legion Road, west of the Town of Chapel Hill Memorial Cemetery and across from the Europa Center. In 1976, when the first Special Use Permit was issued, the 9.2-acres was under single ownership. Today the property is divided into three parcels. Each parcel is under different ownership.

The largest parcel is a 5.5-acre tract that fronts US 15-501 and a portion of Europa Drive. This site includes the 108,000 square foot Sheraton Hotel (1979 Special Use Permit). The hotel contains 163 rooms, a restaurant and 238 on-site parking spaces. The east property line of the hotel adjoins a wooded portion of the Town of Chapel Hill Memorial Cemetery. Across Europa Drive from the site is a pond on the Europa Center property.

The southern portion of the 9.2-acre site, which fronts Legion Road and the remainder of Europa Drive, is divided into two tracts (2.24 and 1.46 acres). The larger tract, on the corner of Legion Road and Europa Drive, has been used for overflow parking (1980 Special Use Permit) and tennis courts (1981 Special Use Permit). The site still contains the tennis courts and gravel parking area. The remainder of the site is mostly cleared and open with several cluster of large trees, scattered smaller trees, shrubs and areas of grass. Two concrete sidewalks connect the

tennis courts to the Sheraton Hotel and the Village Office Park. Across Legion Road is the Britthaven Health Care facility and a bus stop. The Europa Office complex and parking deck is across Europa Drive.

The second smaller parcel (1.45-acres) fronts Legion Road and is adjacent to a wooded portion of the Town of Chapel Hill Memorial Cemetery. This site includes the 13,000 square foot Village Park Office Complex (1976 Special Use Permit). The site includes 41 parking spaces. The Britthaven Health Care facility is located across Legion Road.

**Special Use Permit Modification:** This Special Use Permit Modification application is proposing to modify the 1981 Hotel L'Europa/Village Office Park Complex Special Use Permit as follows:

- 1) Remove the 2.24-acre tract, currently occupied by tennis courts and a gravel parking lot, from the 1981 Hotel L'Europa/Village Office Park Complex Special Use Permit;
- 2) Create a Special Use Permits for the Sheraton Hotel on a 5.5-acre site; and
- 3) Create a Special Use Permit for the Village Office Park complex on a 1.45-acre site.

We note that the removal of the 2.24-acre site from the 1981 Special Use Permit boundary will creates a lot (not encumbered by a Special Use Permit), with two nonconforming uses (a gravel parking area and tennis courts).

**Intensity Standards:** The three subject tracts are located in the Community Center (CC) zoning district. Existing use of these tracts include office, hotel and associated use. These permitted land uses are subject to Use Group B land use intensity standards.

The following is a comparison of the land use intensity requirements and existing conditions for the 9.2-acre site (the three subject tracts combined):

- Maximum Permitted Floor: 171,865 square feet
- Existing Floor Area: 121,000 square feet
  
- Minimum Outdoor Space: 304,470 square feet
- Existing Outdoor Space: 339, 502 square feet
  
- Minimum Livability Space: 108,166 square feet
- Existing Livability Space: 259,608 square feet

We note that the existing development and land use intensity on the 9.2-acre site meets or exceeds the land use intensity requirements for maximum floor area, minimum outdoor and livability space.

Below is a separate comparison of the land use intensity requirements and existing conditions for the Sheraton Hotel site, the Village Office Park site and the site with the gravel parking area and tennis courts.

**Sheraton Hotel (5.5-acre tract):**

- Maximum Permitted Floor 102,656 square feet
- Existing Floor Area 108,000 square feet
  
- Minimum Outdoor Space 181,862 square feet
- Existing Outdoor Space 201,471 square feet
  
- Minimum Livability Space 64,608 square feet
- Existing Livability Space 122,251 square feet

We note that the existing floor area of the hotel on the hotel site exceeds the maximum permitted floor area allowed in the Community Commercial zoning district by 5,344 square feet. We note that the applicant, in their Statement of Justification, is requesting the Council modify the regulations as it relates to the permitted floor area on the hotel site. In order to modify the regulations the Council must make the finding that in this particular case that public purposes can be satisfied to an equivalent or greater degree if the modification is permitted, in accordance with Section 18.7.1 of the Development Ordinance.

The Sheraton Hotel meets the setback and height restrictions of the Development Ordinance.

Village Office Park Complex (1.45-acre tract):

- Maximum Permitted Floor 27,275 square feet
- Existing Floor Area 13,000 square feet
  
- Minimum Outdoor Space 48,320 square feet
- Existing Outdoor Space 57,705 square feet
  
- Minimum Livability Space 17,166 square feet
- Existing Livability Space 39,609 square feet

The Village Office Park Complex meets or exceeds the land use intensity requirement for floor area, outdoor space and, livability space. The development also meets the setback and height restrictions of the Development Ordinance.

Gravel Parking Area and Tennis Courts (2.24-acre tract):

- Maximum Permitted Floor 41,934 square feet
- Existing Floor Area 0 square feet
  
- Minimum Outdoor Space 74,288 square feet
- Existing Outdoor Space 97,574 square feet
  
- Minimum Livability Space 26,392 square feet
- Existing Livability Space 79,724 square feet

Access and Circulation: The proposed modification will not affect access or circulation. No additional floor area is proposed with this application.

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We believe that an existing, driveway connection between the hotel parking lot and the 2.24-acre lot should be retained. We note that the applicant has submitted an accompanying application for a new Special Use Permit for a 38,000 square foot office building on this 2.24-acre tract. We believe that continued interconnectivity between the two sites is desirable for the hotel and the proposed 38,000 square foot office building.

We recommend that, prior to recordation of the Special Use Permit Modification document, that the applicant record an easement providing for vehicular and service vehicle access to the 2.24-acre site. The easement must be approved by the Town Manager and recorded prior to its recordation. A stipulation to that effect has been included in Resolution A.

**Parking:** Each of the existing developments (Sheraton Hotel and Village Office Park) on this site meets or exceeds minimum parking requirements with on-site parking.

There are 238 on-site parking spaces on the hotel site. The minimum number of required parking spaces, based on the number of hotel rooms and seats in the restaurant, is 183. The Village Center Office Complex has 41 on-site parking spaces. The minimum number of required parking space of this office complex, based on the floor area and use is 41.

**Buffers and Landscaping:** The Town's Development Ordinance requires the following landscape bufferyards:

| Bufferyard Location           | Bufferyard Requirement       | Bufferyard Proposed               |
|-------------------------------|------------------------------|-----------------------------------|
| North - US 15-501             | 30' Type "D" External Buffer | Alternative (Modified by Council) |
| West - Europa Drive           | 15' Type "A" External Buffer | Alternative (Modified by Council) |
| South - Legion Road           | 15' Type "A" External Buffer | Alternative (Modified by Council) |
| East - TOCH Memorial Cemetery | 20' Type "C" Internal Buffer | Alternative (Modified by Council) |
| Internal Property Lines       | 10' Type "B" Internal Buffer | Alternative (Modified by Council) |

Except for the existing bufferyard along US 15-501, we believe that this development complies with the above minimum bufferyard requirements. We note that the applicant, in its Statement of Justification, is requesting that the Council modify regulations as they relate to bufferyard requirements. In order to modify the regulations the Council must make the finding that in this particular case that public purposes can be satisfied to an equivalent or greater degree if the modification is permitted, in accordance with Section 18.7.1 of the Development Ordinance.

**Comprehensive Plan:** The Sheraton Hotel site was designated as mixed-use office/commercial land use on the Land Use Plan of the new Comprehensive Plan, adopted May 8, 2000 and the Village Park Office Complex is identified as office land on the Land Use Plan.

**Special Use Permit Findings:** For approval of a Special Use Permit, the Council must make the following findings, as set forth in Section 18.2 of the Development Ordinance:

- (a) That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.
- (b) That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Articles 12, 13, and 14 and with all other applicable regulations.
- (c) That the use or development 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;
- (d) That the use or development conforms with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan.

Upon review of the application and information that has been submitted to date, our preliminary recommendation is that these findings can be made.

### CONCLUSION

Based on information available at this stage of the application review process, we believe that the proposal, with the conditions in Resolution A, and Council approved modification to the regulations as proposed by the applicant, meets the requirements of the applicable sections of the Development Ordinance and Design Manual, and that the proposal fulfills the purposes of the Comprehensive Plan.

Resolutions A and would approve the application and the requested modifications to the regulations, with conditions.

Resolution B would deny the application.

Resolution C would determine the definition of contiguous property for this application.



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## PROJECT FACT SHEET REQUIREMENTS

### Check List of Regulations and Standards Special Use Permit Modification Application

#### Staff Evaluation

|                           | SHERATON HOTEL                            |   | VILLAGE OFFICE PARK                       |   |
|---------------------------|---|---|---|---|
|                           | Compliance                                | Non-Compliance                          | Compliance                                | Non-Compliance                          |
| Use Permitted             | √   |   | √   |   |
| Min. Gross Land Area      | √   |   | √   |   |
| Min. Lot Width            | √   |   | √   |   |
| Max. Floor Area           | √ (with modification to the regulations)  | √ (no modification to the regulations)  | √   |   |
| Min. Outdoor Space        | √   |   | √   |   |
| Min. Livability Space     | √   |   | √   |   |
| Min. Recreation Space     | N/A                                       |   | N/A                                       |   |
| Impervious Surface Limits | N/A                                       |   | N/A                                       |   |
| Min. # Parking Spaces     | √   |   | √   |   |
| Min. # Loading Spaces     | √   |   | √   |   |
| Min. # Handicap Spaces    | √   |   | √   |   |
| Max. # Dwelling Units     | N/A                                       |   | N/A                                       |   |
| Min. Street Setback       | √   |   | √   |   |
| Min. Interior Setback     | √   |   | √   |   |
| Min. Solar Setback        | √   |   | √   |   |
| Max. Height Limit         | √   |   | √   |   |
| Min. Landscape Buffers    | √ (with modifications to the regulations) | √ (no modifications to the regulations) | √ (with modifications to the regulations) | √ (no modifications to the regulations) |
| Public Water and Sewer    | √   |   | √   |   |

N/A = Not Applicable

Prepared: May 8, 2001

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ATTACHMENT 3

**RESOLUTION A**

(Manager's Preliminary and Planning Board Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEX**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit Modification application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987), if developed according to the site plan prepared on January 6, 1999, and 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 Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations;
3. Be located, designed, and proposed to be 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 Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED by the Town Council of Chapel Hill that it finds, in this particular case, that the following modifications satisfy public purposes to an equivalent or greater degree:

1. Modification of Subsection 13.1.11 Use Group B, of the Development Ordinance to allow a total of 108,000 square feet of floor area on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402).
2. Modification of Subsection 14.12 to allow the existing landscape bufferyard width on the US 15-501 frontage on the on the Sheraton Hotel site (Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402), in lieu of the required landscape bufferyard width.

Said public purpose being that 1) The modification will allow the development of the 2.24-acre adjacent site to proceed unencumbered by the existing Special Use Permit; 2) The use of the 2.24-acre site for tennis courts and a gravel parking area does not serves the public purpose; 3) Value is provided to the community by replacing the gravel parking area and tennis courts with office space; 4) The public purpose is being served as the development of the 2.24-acre site for office use conforms to the Comprehensive Land Use plan; 5) Office development typically

generates less car trips per day and requires less public service than other development types; and  
6) The existing vegetation along US 15-501, on the hotel site and within the highway right-of-way, provides a visual obstruction that effectively buffers and screens the hotel.

BE IT FURTHER RESOLVED that the Town Council hereby approves the application for a Special Use Permit for Hotel L'Europa/Village Office Complex in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. Relationship to 1981 Special Use Permit Modification: That this approval authorizes the use of approximately 6.95 acres. This authorization is intended to be in addition to the terms of the Town Council, November 23, 1981 Special Use Permit Modification document recorded in deed book 380, page 94 of the Orange County Register of Deeds.
2. Alteration of Special Use Permit Boundary: That the 1981 Special Use Permit boundary shall be altered to exclude the 2.24-acre tract (Tax Map 7.27.E.2E PIN# 9799468987) located at the northeast corner of Europa Drive and Legion Road. That separate and distinct Special Use Permit boundaries shall be created around the perimeter of the following parcels: Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, and Chapel Hill Township Tax Map 27, Block E, Lot 2D PIN# 9799570157. The gross land area of the new Special Use Permit boundary is 6.95-acres.
3. Land Use Intensity: This Special Use Permit Modification authorizes creation of two separate Special Use Permits:

Sheraton Hotel Permit

|   |         |
|---|---------|
| ➤ Total # of Buildings (excluding outbuildings) | 1       |
| ➤ Total # of Hotel Rooms:                       | 168     |
| ➤ Maximum Floor Area (sq.ft)                    | 108,000 |
| ➤ Maximum # of Parking Spaces:                  | 238     |
| ➤ Minimum Outdoor Space (sq.ft.):               | 181,862 |
| ➤ Minimum Livability Space (sq.ft.):            | 64,608  |

Village Park Office Complex Permit

|   |        |
|---|--------|
| ➤ Total # of Buildings (excluding outbuildings) | 1      |
| ➤ Maximum Floor Area (sq.ft)                    | 13,000 |
| ➤ Maximum # of Parking Spaces:                  | 41     |
| ➤ Minimum Outdoor Space (sq.ft.):               | 48,320 |
| ➤ Minimum Livability Space (sq.ft.):            | 17,166 |

4. Vehicular Connection Between the Hotel and 2.24-acre Tract: That the existing vehicular connection, between the hotel parking lot and the adjacent 2.24-acre lot to the south, shall be retained. This connection shall be available for vehicular and service vehicle access for future development on the 2.24-acre tract. Prior to recordation of the Special Use Permit

Modification document, a recorded easement providing for vehicular and service vehicle access to the 2.24-acre parcel, shall be recorded with the Orange County Register of Deeds office and a copy of the recorded document shall be submitted to the Town. This easement shall be reviewed and approved by the Town Manager prior to recordation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby approves the application for a Special Use Permit Modification for Hotel L'Europa/Village Park Complex.

This the \_\_\_ day of \_\_\_, 2001.

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ATTACHMENT 4

**RESOLUTION B**  
(Denying the Application)

**A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT MODIFICATION FOR HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEX BUILDING**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit Modification application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987, if developed according to the site plan prepared on January 6, 1999, and 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 Development Ordinance, including all applicable provisions of Articles 12, 13, and 14, and with all other applicable regulations;
3. Be located, designed, and proposed to be 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 Development Ordinance and in the Comprehensive Plan.

BE IT FURTHER RESOLVED that the Council finds:

(INSERT REASONS FOR DENIAL)

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby denies the application for a Special Use Permit for Hotel L' Europa/Village Office Complex.

This the \_\_\_\_ day of \_\_\_\_\_, 2001.

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ATTACHMENT 5

**RESOLUTION C**  
(Defining Contiguous Property)

**A RESOLUTION DETERMINING CONTIGUOUS PROPERTY WITH RESPECT TO THE SPECIAL USE PERMIT MODIFICATION APPLICATION FOR HOTEL L' EUROPA/VILLAGE PARK OFFICE COMPLEX (2001-05-14/R-2)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council, having considered the evidence submitted in the Public Hearing thus far pertaining to the application for Special Use Permit Modification for Hotel L' Europa/Village Park Office Complex, proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2 PIN# 9799478402, 7.27.E.2D PIN# 9799570157 and 7.27.E.2E PIN# 9799468987, hereby determines, for purposes of Development Ordinance Section 18.3, Finding of Fact c), contiguous property to the site of the development proposed by this Special Use Permit Modification application to be that property described as follows:

All properties within \_\_\_\_\_ feet of the site.

This the day of 14<sup>th</sup> day of May, 2001.

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**SUMMARY OF PLANNING BOARD ACTION**

**Subject:** Hotel L' Europa/Village Park Office Complex  
Application for Modification of an Existing Special Use Permit

**Meeting Date:** May 1, 2001

**Recommendation:** That the Council approves this application for a Special Use Permit Modification with conditions as recommended in the Planning Staff Report dated May 1, 2001

**Vote:** 5 - 1

Aye: Eddy, Gabriel, Hawkins, Love, Reda

Nay: Coleman

**Explanation of Dissenting Vote(s):**

The dissenting member did not support the applicant's request, to modify Subsection 13.1.11 Use Group B, of the Development Ordinance to allow the Sheraton Hotel to exceed the maximum permitted floor area by 5,344 square feet.

Prepared by: Gay Eddy, Chair, *for GE*  
Gene Poveromo Planning Staff

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**SUMMARY OF TRANSPORTATION BOARD ACTION**

**Subject:** Hotel L'Europa/Village Park Office Complex, Application for Modification of Existing Special Use Permit  
Europa Office Building, Application for a New Special Use Permit

**Meeting Date:** May 1, 2001

**Recommendation:** The Transportation Board did not feel it could make a fair evaluation of the request for Special Use Permit modification and the New Special Use Permit without an updated Traffic Impact Analysis. The Board recommended that the Council request that the applicant update the Traffic Impact Statement and that upon completion of the updated Traffic Impact Statement, the applicant return to the Transportation Board for continued review and recommendation to the Council

**Vote:** 7 - 0

**Aye:** Cianciolo, Fulton, Hintz, Hampton, Howe, Sayle, Schroeder,

**Prepared by:** Loren Hintz, Chair, Chapel Hill Transportation Board *LH*  
David Bonk, Senior Transportation Planner, Staff



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120 Woodbridge Lane, Chapel Hill, NC 27514

April 24, 2001

Mr. Rodger Waldon  
Town of Chapel Hill  
Planning Dept.  
306 N. Columbia St.  
Chapel Hill, NC 27516

VIA E-MAIL

**Re: Proposed development of Europa Office Building--  
Perceived Impact on neighboring Summerfield Crossing Property**

Dear Mr. Waldon:

I am writing this letter as a concerned homeowner and resident of Summerfield Crossing townhome community (140 units), and as one of the residents within 1000 feet of the proposed 38,000 sq ft office building requiring 108 parking spaces. I ask that you please make this letter a part of the record for review by the Town, its review Commissions and the Council.

Since 1986, I and my neighbors of Summerfield, as well as the owners of adjacent Foxcroft Apts and Franklin Square offices, have continued over the years to express serious concerns to the Town about the ever growing traffic problems in our immediate area (ie, Dobbins Dr and Erwin Rd-Europa Dr). We at Summerfield have also expressed concern about the Town considering any further mixed-use in the area of our immediate residential community. There is, already, more than enough mixed-use development on both sides of 15-501 adjacent to us. This area and roads accessing it are simply NOT able to handle any more large complexes (eg, offices).

Please find below two very good reasons why I believe the size of the proposed Europa Office Building development will adversely impact on the quality of life and property values in the area of Dobbins Dr and Erwin Rd where we live.

1. **TRAFFIC CONGESTION**— The last official DOT count (Feb., 1999) of the average daily traffic on Erwin Rd. between Dobbins and Old Oxford Rd. was 13,000 cars/day. With the addition of new housing developments on this same segment of land and beyond since that 1999 count was taken, and with the addition of the High School, this section will no doubt now have a daily average number significantly OVER 13,000 cars/day. Even with alternate routes via Erwin Rd. to Sage, still it is literally impossible and VERY dangerous for the residents of Summerfield Crossing and Foxcroft Apts, and the tenants of Franklin Square to enter Erwin Rd. from Dobbins Dr. during peak hour (8-9AM, 12-1:00PM, and 4-6:00PM). A correction in the intersection of Erwin-Europa and 15-501 is being proposed by the DOT to handle the present problem.

cont.

It is impossible to believe that a planned correction in the traffic pattern at Erwin Rd-Europa Dr and 15-501 will also successfully be able to handle the additional 108 plus cars for the proposed Europa Office Building, as well as the 716 plus cars proposed for Jefferson Commons on Dobbins and Erwin, and the 137 plus cars for the proposed Marriott Residence Inn on Erwin across from the Jefferson, both on the opposite side of the road to Europa – totaling 961 new vehicular spaces proposed for this area (Dobbins Dr./Erwin Rd-Europa Dr and 15-501).

Thus, by potentially adding over 961 autos/trucks to this intersection and area, part of which will be attributed to the Europa Office Building, this proposed development will contribute to making it even MORE difficult for the good taxpaying citizens living or working in these three aforementioned properties off of Dobbins (Summerfield, Foxcroft, and Franklin Sq.) to exit or enter Erwin Rd in order to go to and from work, school or shopping in the peak hours. The new Europa Building will also add to the difficulty that already exists for those who work in the RTP and live in other areas of Chapel Hill accessed by this same 15-501 artery. They too must sit in bumper-to-bumper traffic nearly every business day at Erwin-Europa and 15-501. Our conditions are already beginning to approach those of a heavily congested metropolitan area where the auto also is king and everyone drives. Why make things worse by adding this complex, which will bring accompanying cars/trucks to worsen our already traffic-congested area?

2. POLLUTION– The pollution of auto fumes and the noise from cars backed-up in the highly overused and congested intersection of Erwin Rd-Europa Dr and 15-501 during peak hours already takes away from the quality of life for those of us (Summerfield Crossing, Foxcroft Apts, and Franklin Square) living and/or working in this neighborhood.

Thus, it is easy to imagine that the addition of the 108 plus cars (proposed Europa Office Building), and another 853 plus cars (proposed Jefferson Commons office/living complex and proposed Marriott hotel) will significantly add to the already excessive auto pollution and noise as autos/trucks back-up in all four directions in the congested intersection of Erwin Rd -Europa Dr and 15-501. No DOT intersection-fix will prevent that from occurring.

The Planning Board has gone on record as saying that there is a serious difficulty in locating space for businesses that have outgrown their space in Chapel Hill. I say, look around and see the presently vacated spaces such as in the Shopping Centers in the area. It is NOT the space they are having problems finding, but instead it is finding the prime location at the price they want to pay. Therefore, there is NO need to place (or even consider) an additional burden on the backs of those already living or working in the Dobbins/Erwin-Europa and 15-501 vicinity by allowing more high-density development to occur in an area where there already clearly exists excessive traffic congestion, emission and noise pollution, which is partially due to the existing density of inhabitants now located in this area. Certainly the added tax income to the City by adding these additional offices can't be worth the reduction in quality of life and the subsequent reduction in property value that will result to its citizens already living in this area. Surely people come first!

Town of Chapel Hill, R. Waldon

Apr. 24, 2001

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I hope you will agree that it would be unreasonable and unconscionable to make those of us who have been living and paying taxes in the areas adjacent to Erwin Rd and 15-501 for several years to now pay a higher price in terms of reduced quality of life and devaluing of our property in order to accommodate more people and more businesses that want to be located in our more centralized area. Instead, let them populate the less dense areas of Chapel Hill and Orange County. That's called good city planning.

**PLEASE do NOT allow a building complex of this size of the proposed Europa Office Building to be placed on Europa Dr when there is NO adequate road system now, nor will there likely be in the future, to support this many additional people with over 100 proposed cars/trucks.**

Thank you, in advance, for your time and effort in the review of my above request.

Sincerely yours,

Harvey C. Krasny, Ph.D.

cc: Secretary, Summerfield Crossing Homeowners Assoc

STATEMENT OF JUSTIFICATION

HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEX  
Special Use Permit Modification

**A request for a modification of the 1981 Hotel L'Europe/Village Office Park Complex Special Use Permit. The request is to:**

- 1) Remove the 2.24-acre tract (Tax Map # 7.27.E.2E), currently occupied by tennis courts and a gravel lot and the subject of a Special Use Permit Application for the Europa Office Building, from the 1981 L'Europa/Village Office Park Complex Special Use Permit and boundary; and**
- 2) Create two separate and distinct Special Use Permits and Special Use Permit boundaries for:**
  - a) The 5.5-acre (Tax Map #7.27.E.2) Sheraton Hotel site; and**
  - b) The 1.45-acre (Tax Map #7.27.E.2D) Village Office Park site.**

Three individual tracts of land are currently under one Special Use Permit. Two of the three tracts have already been developed. Tract 27.E.2 has been developed as a hotel (Sheraton) and Tract 27.E.2D has been developed as an office complex (Village Office Park). The remaining Tract, Parcel 27.E.2E has an unused gravel parking lot and abandoned tennis courts on it. The applicant proposes to develop an office building on the site. These three tracts were initially included with a fourth tract - a portion of the land across the street that currently contains part of the Europa Center parking deck - under one Special Use Permit. In 1981 the property across the street was removed from the original Special Use Permit boundary. All three of the remaining tracts are under separate ownership and the modification of the special use permit to also allow each of the individual tracts to be under its own separate special use permit would provide more continuity and control for the individual owners.

**Finding #1:**

**That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.**

The existing traffic conditions in the vicinity would not be affected by the separation of the three tracts into separate Special Use Permits.

There would be no impact to the existing conditions or to the provision of any services as a result of providing separate Special Use Permits.

**Finding #2:**

**That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Article 12, 13, and 14 and the applicable specific standards contained in Sections 18.7 and 18.8, and with all other applicable regulations.**

All of the sites meet the minimum requirements for minimum setbacks around their perimeters and for parking. The hotel site is slightly over the requirements of the Zoning Ordinances as it relates to the land area intensity ratio for maximum floor area; however, the Village Office Park tract is well below its maximum allowed floor area. The overall land intensity ratio for maximum floor area for these two sites combined is well below the maximum allowed. The Applicant requests that the Council modify the regulations related to the maximum floor area limits for the hotel site as a part of the application.

The Applicant also requests that the Council modify the regulations related to the following Development Ordinance requirements: Buffers and Landscaping.

The Project Fact Sheet for the hotel site indicates that a total of 223 parking spaces are provided. This is a surplus of 40 spaces over the required 183. The Village Office Park has a total of 48 parking spaces. This is more than the spaces required by the Ordinance.

**Finding #3:**

**That the use or development 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.**

The request for a modification of a Special Use Permit to reduce the boundaries of the Hotel L'Eu rope/Village Office Park Complex Special Use Permit to exclude a 2.03-acre tract currently occupied by a gravel parking lot will have no impact on the value of contiguous properties.

**Finding #4:**

**That the use or development conforms with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan.**

Both the hotel site and the Village Office Park site conform with the Zoning Atlas and the Adopted Land Use Plan. The request to reduce the boundaries of the Hotel L'E urope/Village Office Park Complex Special Use Permit to exclude a 2.03-acre tract currently occupied by a gravel parking lot will have no affect on the Resource Conservation District, the Chapel Hill Thoroughfare Plan, the Greenway Plan, the Land Use Plan, or the Urban Services Area.

PROJECT FACT SHEET

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A. IDENTIFICATION OF DEVELOPMENT

Date: April 24, 2001

Plans dated: \_\_\_\_\_

Name of Project Village Office Park  
 Type of Request Partial Special Use Permit  
 Tax Map(s) Block(s) Lot(s) 27, B, 2D  
 Zoning District(s) CC Use Group (Sec. 12.5) B

B. GROSS LAND AREA (Sec. 13.5)

|  |   |                                    |
|--|---|------------------------------------|
| Net Land Area  | Area within zoning lot boundaries                           | NEA <u>58,045.13</u><br>(per deed) |
| Choose one of the following (or a combination) not to exceed 10% of the net land area space: |   |                                    |
| Credited Street Area (Sec. 2.51)   | Total adjacent frontage x 10 width of the right-of-way      | CSA <u>5,535.00</u>                |
| Credited Open Space (Sec. 2.51)  | Total adjacent frontage x 10 public or dedicated open space | COS _____                          |
| TOTAL: GROSS LAND AREA (Sec. 2.51)   | NEA + (CSA and/or COS) = GLA (not to exceed NEA + 10%)      | GLA <u>63,580.13</u>               |

C. REQUIRED LAND USE INTENSITY (Sec. 13.11.1, 13.11.2, 13.11.3)

(For multiple zoning districts, please attach a separate sheet with calculations)

|                           |                 |                                      |                      |
|---------------------------|-----------------|--------------------------------------|----------------------|
| Land Use Intensity Rating | LIR <u>51</u>   |                                      |                      |
| Floor Area Ratio          | FAR <u>.429</u> | Minimum Floor Area (FAR x GLA)       | MFA <u>27,275.88</u> |
| Open Space Ratio          | OSR <u>.760</u> | Minimum Open Space (OSR x GLA)       | MOS <u>48,320.90</u> |
| Liability Space Ratio     | LSR <u>.270</u> | Minimum Liability Space (LSR x GLA)  | MLS <u>17,166.64</u> |
| Recreation Space Ratio    | RSR <u>N/A</u>  | Minimum Recreation Space (RSR x GLA) | RSR <u>N/A</u>       |

EXISTING

D. PROPOSED LAND USE INTENSITY

(Based upon proposed plans)

|   |  |                         |
|---|--|-------------------------|
| FLOOR AREA (Sec. 13.7.3)                            | Floor area on all floors   | FA <u>13,000.00</u>     |
| Principal Building Area                             | Floor area at ground level                                       | BA(1) <u>5,875.00</u>   |
| Garage Building Area                                | Enclosed car parking area  | BA(2) <u>N/A</u>        |
| Other Enclosed Building Area                        | Community building, storage, etc.                                | BA(3) <u>N/A</u>        |
| Carport Building Area                               | Covered Car parking (open sides)                                 | BA(4) <u>N/A</u>        |
| Other Ground Level Bldg. Area                       | Covered porches, breezeways, etc.                                | BA(5) <u>N/A</u>        |
| Building Area                                       | BA(1) + BA(2) + BA(3) + BA(4) + BA(5)                            | BA <u>5,875.00</u>      |
| Basic Uncovered Open Space (Sec. 13.7.6)            | GLA - BA   | UOS(1) <u>57,705.13</u> |
| Other Uncovered Open Space (Sec. 13.7.7)            | Impervious roof area, open balconies, etc.                       | UOS(2) _____            |
| Covered Open Space at Ground Level (Sec. 13.7.6)    | Open space under buildings, carports, etc.                       | COS(1) _____            |
| Covered Open Space above Ground Level (Sec. 13.7.6) | Covered balconies, etc.  | COS(2) _____            |
| Open Space (Sec. 13.7.6)                            | (UOS(1) + UOS(2)) + 1/2(COS(1) + COS(2))                         | OS <u>57,705.13</u>     |
| Car Movement Area                                   | Driveways, drive aisles, other pavement for auto traffic on site | CMA <u>10,320.00</u>    |
| Car Storage Area                                    | Parking Spaces   | CSA <u>7,776.00</u>     |
| Liability Space (Sec. 13.7.6)                       | OS - (CMA + CSA)   | LS <u>39,609.13</u>     |
| Recreation Space (Sec. 13.7.8)                      | Liability Space improved for recreation                          | RS <u>N/A</u>           |
| Storm Drainage (Sec. 13.6)                          |  |                         |

(PLEASE COMPLETE THE REVERSE SIDE.)

E. OTHER

(78)

Gross Land Area with Impervious Surface 25,730± sq. ft. Percent of Gross Land Area with Impervious Surface 0.40± sq. ft.  
 If located in Watershed Protection District, existing Impervious Surface N/A sq. ft.

Minimum Lot Size (Sec. 23.5.2) 5,500 s.f.  
 Minimum Lot Width (Sec. 23.6) 50 F. Proposed Lot Width \_\_\_\_\_  
 Minimum Street Frontage Width (Sec. 23.6.6) 40F Proposed Street Frontage Width \_\_\_\_\_  
 Required Buffer (Sec. 24.2) A

Required Minimum Setback  
 Street 22 Proposed Minimum Setback Street 22+  
 Interior 8 Interior 8+  
 Side 9 Side 9+  
 Minimum Height (Sec. 23.8.20 and 23.9.11) Primary 34 Proposed Minimum Height Primary 29  
 Secondary 60 Secondary 29

Number of Dwelling Units \_\_\_\_\_ Number of Buildings 1  
 Minimum \_\_\_\_\_ 2 Bedrooms \_\_\_\_\_  
 3 Bedrooms \_\_\_\_\_ 3 or more Bedrooms \_\_\_\_\_

Required Number of Parking Spaces (Sec. 24.6.7) 41  
 Existing Parking Spaces (Sec. 24.6.5) \_\_\_\_\_  
 Required Number of Parking Spaces (Sec. 24.6.5) \_\_\_\_\_  
 Regular \_\_\_\_\_ Total Spaces 48  
 Compact \_\_\_\_\_ Percent Compact \_\_\_\_\_

80% @ 350 = 30  
 20% @ 250 = 11  
 Total = 41

Required Number of Loading Spaces (Sec. 24.6.9) \_\_\_\_\_ Proposed Number of Loading Spaces N/A

Utilities: Water Storm Electric Service Telephone Service  
 DWASA X OWASA X Underground X Underground X  
 Individual Well(s) \_\_\_\_\_ Individual Septic Tank(s) \_\_\_\_\_ Above Ground \_\_\_\_\_ Above Ground \_\_\_\_\_  
 Community Well(s) \_\_\_\_\_ Community Package Plant \_\_\_\_\_  
 Other \_\_\_\_\_ Other \_\_\_\_\_

Estimated Wastewater Discharge (Gallons/Day) \_\_\_\_\_ Fire Protection Provided By \_\_\_\_\_

Solid Waste Collection Provided By \_\_\_\_\_

Total Area Within Floodway \_\_\_\_\_ sq. ft.  
 Total Area Within Flood Plain \_\_\_\_\_ sq. ft.  
 Total Area Within Reasonable Convulsion District \_\_\_\_\_ sq. ft.  
 Total Area Within Watershed Protection District \_\_\_\_\_ sq. ft.

Soil Type(s): White Store Clay Loam Generalized Slope of Site 3%

Adjoining or Crossing Streets

| Street Name | Right-of-Way Width | Frontage Width | # of Lanes | Paved or Unpaved | Building Setback (Yes/No) | Building Curb/Out or (Yes/No) |
|-------------|--------------------|----------------|------------|------------------|---------------------------|-------------------------------|
| Legion Road | 60'                | 24'            | 2          | Paved            | No                        | No                            |
|             |                    |                |            |                  |                           |                               |
|             |                    |                |            |                  |                           |                               |
|             |                    |                |            |                  |                           |                               |

Other: Minimum Building Setback Show Calculations, if applicable, on a separate sheet or on the Site Plan.

(Refer to Sec. 23.9.27)

Revised 02/22/94

PROJECT FACT SHEET

79

**A. IDENTIFICATION OF DEVELOPMENT**

Date: April 24, 2001

Plans dated: \_\_\_\_\_

Name of Project Omni Europa Hotel  
 Type of Request Partial Special Use Permit  
 Tax Map(s) Block(s) Lot(s) 27.E.2  
 Zoning District(s) CC Use Group (Sec. 12.3) D

**B. GROSS LAND AREA (Sec. 13.5)**

|   |  |     |                                 |
|---|--|-----|---------------------------------|
| Net Land Area   | Area within zoning lot boundaries                            | NLA | <u>217,538.64</u><br>(per deed) |
| Choose one of the following (or a combination) not to exceed 10% of the net land area space |  |     |                                 |
| Crushed Street Area (Sec. 2.51)   | Total adjacent frontage x 1/2 width of the right-of-way      | CSA | <u>21,753.86</u>                |
| Crushed Open Space (Sec. 2.51)  | Total adjacent frontage x 1/2 public or dedicated open space | COS | _____                           |
| TOTAL: GROSS LAND AREA (Sec. 2.51)  | NLA + (CSA and/or COS) = GLA (not to exceed NLA + 10%)       | GLA | <u>239,292.50</u>               |

**C. REQUIRED LAND USE INTENSITY (Sec. 13.11.1, 13.11.2, 13.11.3)**

(For multiple zoning districts, please attach a separate sheet with calculations)

|                           |                |                                      |                       |
|---------------------------|----------------|--------------------------------------|-----------------------|
| Land Use Intensity Rating | <u>EX 51</u>   |                                      |                       |
| Floor Area Ratio          | <u>FAR 429</u> | Maximum Floor Area (FAR x GLA)       | <u>MFA 102,656.48</u> |
| Open Space Ratio          | <u>OSR 760</u> | Minimum Open Space (OSR x GLA)       | <u>MOS 181,862.30</u> |
| Livability Space Ratio    | <u>LSR 270</u> | Minimum Livability Space (LSR x GLA) | <u>MLS 64,608.98</u>  |
| Recreation Space Ratio    | <u>RSR N/A</u> | Minimum Recreation Space (RSR x GLA) | <u>RSR N/A</u>        |

**D. PROPOSED LAND USE INTENSITY**

(Based upon proposed plans)

|   |  |        |                     |
|---|--|--------|---------------------|
| FLOOR AREA (Sec. 13.7.3)                            | Floor area on all floors                                     | FA     | <u>108,000.00 ±</u> |
| Principal Building Area                             | Floor area at ground level                                   | BA(1)  | <u>50,767.00 ±</u>  |
| Group Building Area                                 | Enclosed over parking area                                   | BA(2)  | _____               |
| Other Enclosed Building Area                        | Community building, storage, etc.                            | BA(3)  | _____               |
| Canopy Building Area                                | Covered Car parking (open sides)                             | BA(4)  | <u>4,476.00 ±</u>   |
| Other Ground Level Bldg. Area                       | Covered gardens, breezeways, etc.                            | BA(5)  | _____               |
| Building Area                                       | BA(1) + BA(2) + BA(3) + BA(4) + BA(5)                        | BA     | <u>55,243.00 ±</u>  |
| Basic Uncovered Open Space (Sec. 13.7.4)            | GLA - BA   | UOS(1) | <u>184,049.50 ±</u> |
| Other Uncovered Open Space (Sec. 13.7.5)            | Improved roof area, open balconies, etc.                     | UOS(2) | <u>15,184.00 ±</u>  |
| Covered Open Space at Ground Level (Sec. 13.7.4)    | Open space under buildings, airports, etc.                   | COS(1) | <u>4,476.00 ±</u>   |
| Covered Open Space above Ground Level (Sec. 13.7.4) | Covered balconies, etc.                                      | COS(2) | _____               |
| Open Space (Sec. 13.7.4)                            | [UOS(1) + UOS(2)] + 1/2[COS(1) + COS(2)]                     | OS     | <u>201,471.50</u>   |
| Car Movement Area                                   | Decks, drive aisles, other pavement for auto traffic on site | CMA    | <u>38,400.00</u>    |
| Car Storage Area                                    | Parking spaces   | CSA    | <u>40,820.00</u>    |
| Livability Space (Sec. 13.7.6)                      | CS - (CMA + CSA)   | LS     | <u>122,251.50</u>   |
| Recreation Space (Sec. 13.7.6)                      | Livability Space improved for recreation                     | RS     | <u>N/A</u>          |
| Basin Enclosures (Sec. 13.4)                        |  |        |                     |

(PLEASE COMPLETE THE REVERSE SIDE.)

\* Per Brett Sandler Chief Engineer, Europa Hotel.



E. OTHER

Gross Land Area with Impervious Surface 153,724

(80)

Percent of Gross Land Area with Impervious Surface 64.2

If located in Watershed Protection District, existing Impervious Surface N/A

Minimum Lot Size (Sec. 11.5.2) 5,500 S.F.

Minimum Lot Width (Sec. 11.6) 50'

Minimum Street Frontage Width (Sec. 11.6.4) 40'

Required Buffer (Sec. 11.2) A

Required Minimum Setback Street 22

Interior 8

Side 9

Minimum Height (Sec. 11.9.10 and 11.9.11) Primary 34

Secondary 60

Number of Dwelling Units

2 Bedroom

3 Bedroom

Required Number of Parking Spaces (Sec. 11.4.7) 183

existing Proposed Number of Parking Spaces (Sec. 11.4.5)

Regular

Compact

Required Number of Loading Spaces (Sec. 11.4.9)

Utility: Water

OKASA X

Individual Well(s)

Community Well(s)

Other

Storm

OKASA X

Individual Septic Tank(s)

Community Package Plant

Other

Electric Service

Underground X

Above Ground

Telephone Service

Underground X

Above Ground

Estimated Wastewater Discharge (Gallons/Day)

Fire Protection Provided By:

Solid Waste Collection Provided By:

Total Area Within Footcurey

sq. ft.

Total Area Within Flood Plain

sq. ft.

Total Area Within Resource Conservation District

sq. ft.

Total Area Within Watershed Protection District

sq. ft.

Soil Type(s) White Store Clay Loam

Overlaid Slope of Site 38±

Aspaving or Covering Streets

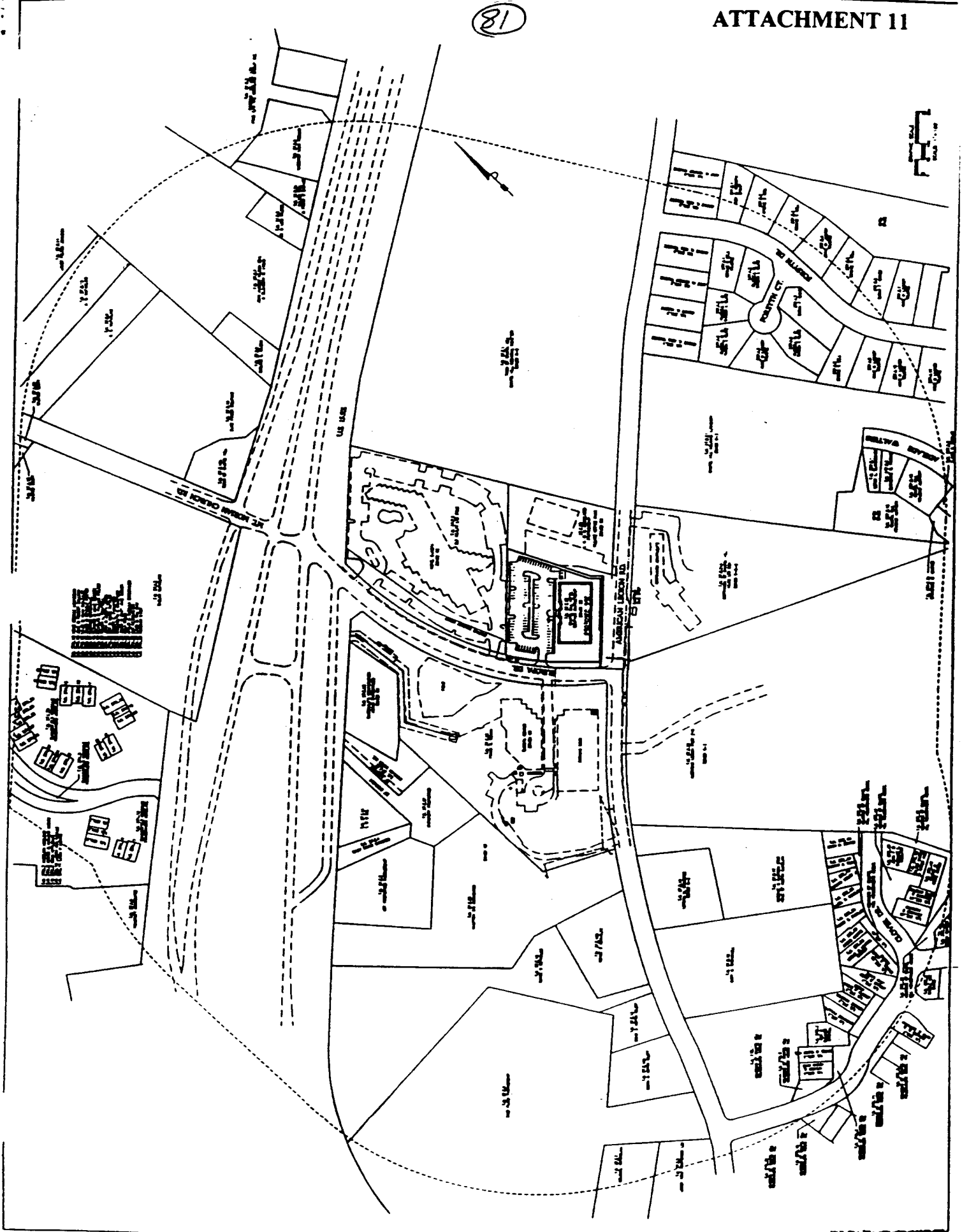
| Street Name     | Right of way Width | Proposed Width | Slope of Lane | Paved or Unpaved | Existing Sidewalk (Yes/No) | Existing Curb/Outlet or (Yes/No) |
|-----------------|--------------------|----------------|---------------|------------------|----------------------------|----------------------------------|
| Europa Drive    | 70'                | 37'FP          | 2/3           | Paved            | No                         | Yes                              |
| U.S. Hwy 15-501 | Varies             | Varies         | 4/5           | Paved            | No                         | No                               |
|                 |                    |                |               |                  |                            |                                  |
|                 |                    |                |               |                  |                            |                                  |

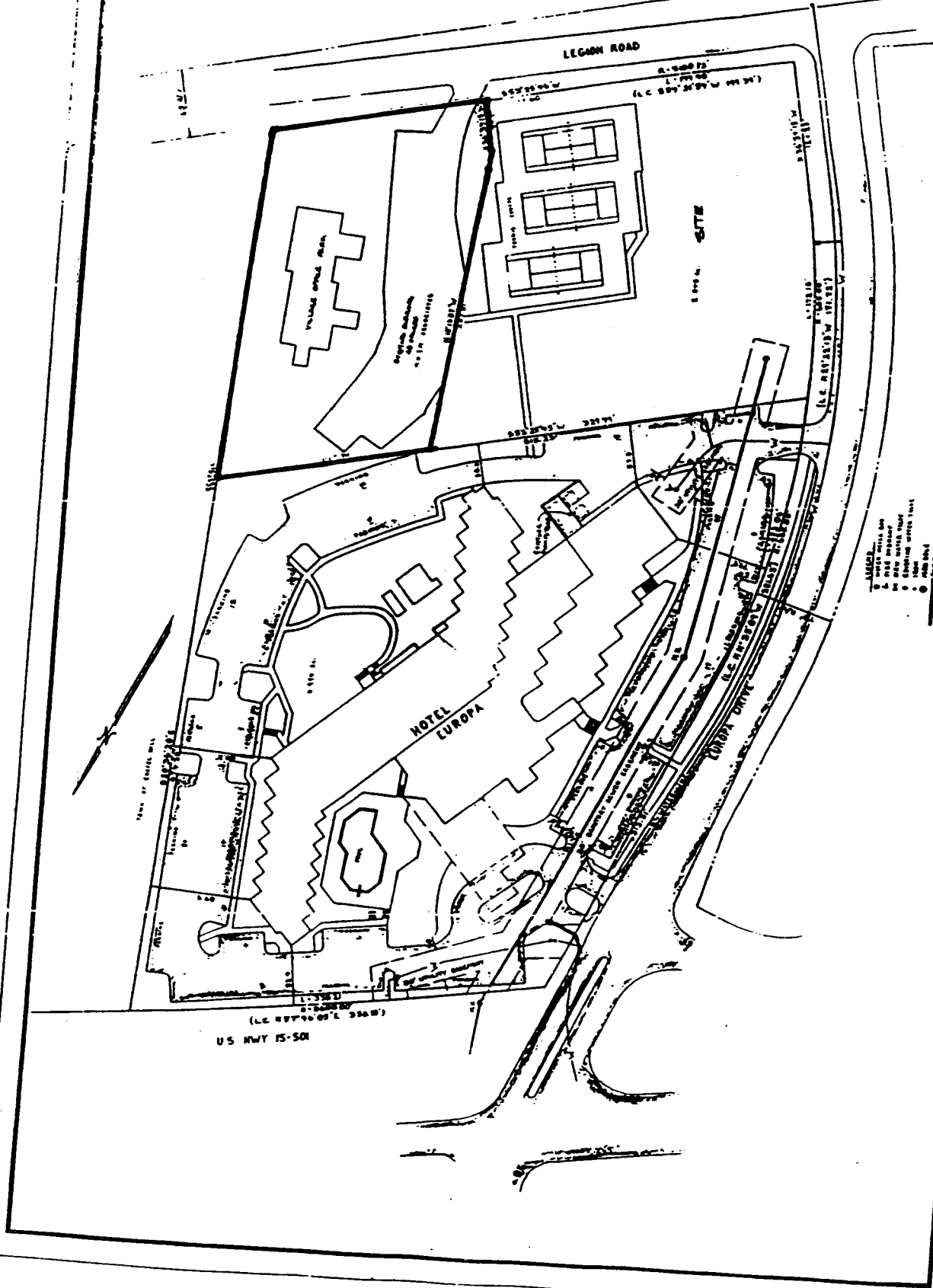
Other: Minimum Building Space Show Calculations, if applicable, on a separate sheet or on the Site Plan.

(Refer to Sec. 11.9.17)

Revised 01/2004

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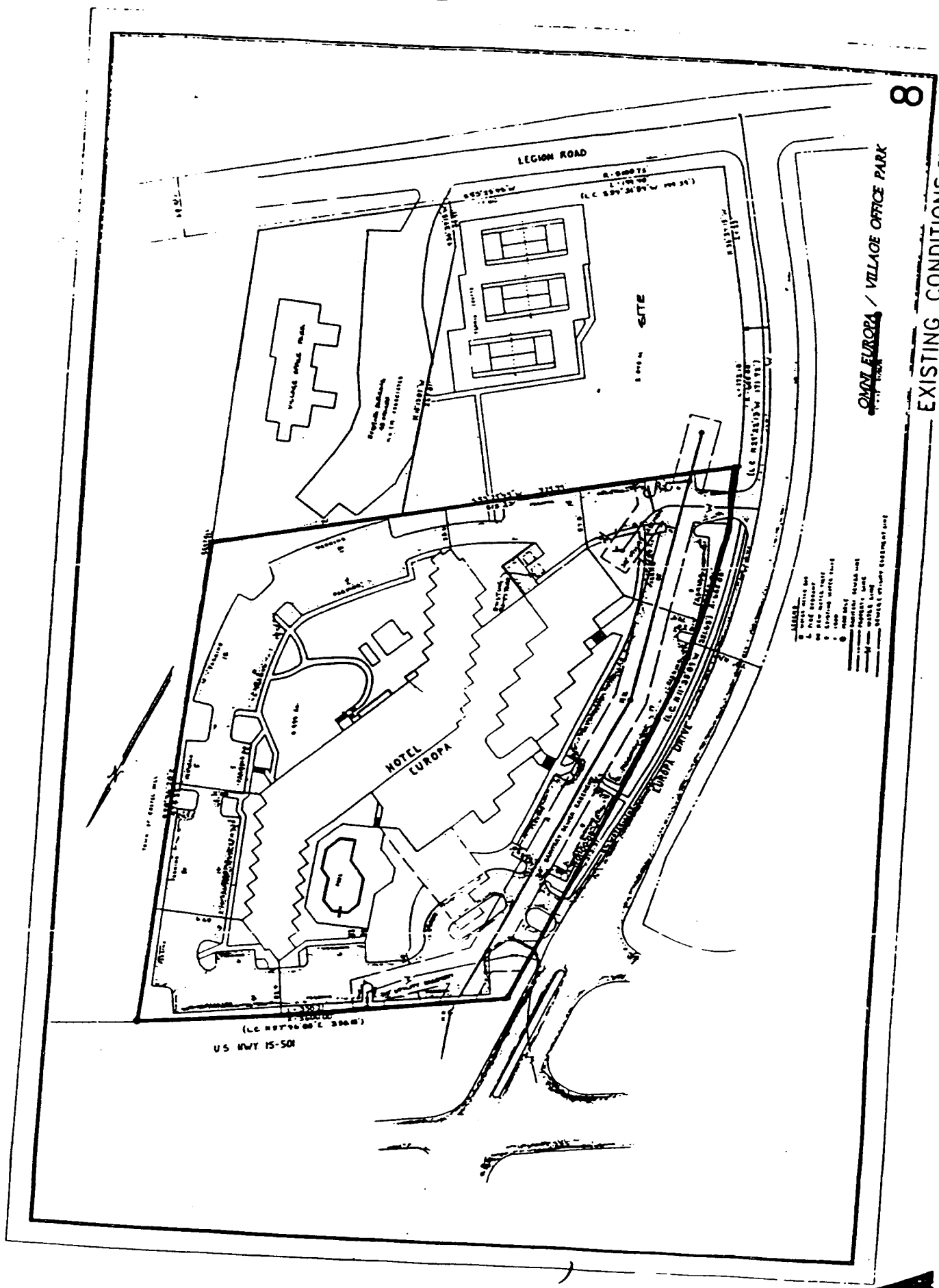




**OMNI EUROPA / VILLAGE OFFICE PARK**  
 11.11.1988

EXISTING CONDITIONS 7.1.15

- LEGEND
- EXISTING WALLS
  - EXISTING ROADS
  - EXISTING DRIVEWAYS
  - EXISTING UTILITY TRENCHES
  - EXISTING UTILITY PIPES
  - EXISTING UTILITY MANHOLES
  - EXISTING UTILITY VALVES
  - EXISTING UTILITY BOXES
  - EXISTING UTILITY CHAMBERS
  - EXISTING UTILITY TRENCHES
  - EXISTING UTILITY PIPES
  - EXISTING UTILITY MANHOLES
  - EXISTING UTILITY VALVES
  - EXISTING UTILITY BOXES
  - EXISTING UTILITY CHAMBERS



OMAY EUROPA / VILLAGE OFFICE PARK

EXISTING CONDITIONS 7/1/5