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## MEMORANDUM

TO: Mayor and Town Council

FROM: W. Calvin Horton, Town Manager

SUBJECT: Europa Office Building—Application for Special Use Permit

DATE: June 25, 2001

## INTRODUCTION

Tonight the Council continues the Public Hearing from May 14, regarding the Europa Office Building Special Use Permit. Adoption of Resolution A, B or C would approve the Special Use Permit application. Adoption of Resolution D would deny the request.

The application proposes construction of a 38,000 square foot, two-story office building with 108 on-site parking spaces on a 2.24-acre site. The site is located at the northeast corner of Legion Road and Europa Drive, across from Britthaven of Chapel Hill and next to the Sheraton Hotel and west of Village Office Park. The property is located within the Community Commercial (CC) zoning district.

The applicant has also submitted an accompanying application for a Special Use Permit Modification to reduce the boundaries of the Hotel L'Europa/Village Office Park Complex Special Use Permit.

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.

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## BACKGROUND

On May 14, 2001, a Public Hearing was held for consideration of a Special Use Permit application to construct a 38,000 square foot office building on a 2.24-acre tract located at the corner of Europa Drive and Legion Road.

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. The Development Ordinance requires the Town Manager to conduct an evaluation of this Special Use Permit 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 application involves consideration of four findings of fact that the Council must consider for granting a Special Use Permit. 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.

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 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.

**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:

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**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:

- "The proposed development meets the requirements of the CC zoning district under use Group B. All setbacks, and landscape buffers have been met or exceeded. The two-story office building optimizes the allowable Floor Area Ratio (FAR) and falls within the 34-foot primary height and 60' secondary height restrictions." *[Applicant Statement]*

**Evidence in opposition:** We have not been able to identify evidence presented in opposition to Finding #2 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 #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 key points raised by the applicant:

- "The proposed office building is compatible with the existing 3-story office building on the adjoining property to the east and the 5-story office building to the west across Europa Drive. This proposed development would have a positive benefit to the adjacent Hotel Europa property as well. The building location and orientation as well as the parking circulation have been designed to respect the existing surrounding conditions." *[Applicant Statement]*
- "The site plan layout maximizes landscaped areas along the two street frontages." *[Applicant Statement]*
- "The proposed office building will be an asset to the surrounding 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.

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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 access drive for the proposed office building will be on Europa Drive and will align with the existing access drive for the Europa Center office building located to the west of Europa Drive." *[Applicant Statement]*
- "The proposed development will have minimum impact at the US 15-501/Europa Drive intersection, representing only 1.4 percent of the total volume of traffic." *[Applicant Statement]*
- "The level of service at the proposed driveway on Europa Drive is anticipated to continue operating at Level of Service (LOS) A with the proposed development." *[Applicant Statement]*
- "The unsignalized intersection of Europa Drive and Legion Road currently operates acceptably and, according to the traffic analysis, will continue to operate acceptably with this development." *[Applicant Statement]*
- "All services for this development are available from the various utilities. Fire protection will be provided in accordance with all current regulations." *[Applicant Statement]*
- "It is the intent of the Developer to provide bio-retention facilities if possible and to provide stormwater detention facilities on-site to assist in maintaining surface water quality." *[Applicant Statement]*
- "The site is outside the Chapel Hill Resource Conservation District" *[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.*

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

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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 key points raised by the applicant:

- "The use of this site as an office building conforms to the Town Zoning Atlas and the Comprehensive Plan for development of Chapel Hill. The recently adopted Land Use Plan shows this property as Office Use." *[Applicant Statement]*
- "Although it is not on the Thoroughfare Plan, a bus stop is located directly across the street on Legion Road, which will serve this office building and make it convenient for workers to use alternate means of transportation." *[Applicant Statement]*
- "The development will also be bicycle user friendly. Inside storage will be provided for bicycles in addition to outside racks." *[Applicant Statement]*
- "The site is conveniently located near restaurants within walking distance. This will help reduce traffic generation from the site." *[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 issues brought forth during the May 14 Public Hearing were related to pedestrian access and traffic. A discussion on the issue of pedestrian access follows in this memorandum. Please refer to the accompanying Overview Memorandum on the Europa Applications for continued discussion of traffic.

Pedestrian Access: Council members expressed concern that the proposed site design is not pedestrian friendly. The building elevations along Legion Road and Europa Drive did not appear to include doorways or entrances for pedestrian access. It was also noted that the site design did

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not incorporate adequate sidewalk connections to the public sidewalks, the Sheraton Hotel site or Village Office Park Complex site.

*Staff Comment:* We believe that sidewalk connections between the building and the existing Europa Drive sidewalk and the proposed Legion Road sidewalk are warranted. We also believe that pedestrian connectivity to the hotel site and the Village Office Park is desirable.

Resolution A, the Manager's revised recommendation, requires that the applicant provide sidewalk segments between the Europa Drive sidewalk and the proposed Legion Road sidewalk. Resolution A also requires that, unless the Town Manager determines the improvement unreasonable due to excessive grading, the applicant provide pedestrian connections between the proposed development and the adjacent sites.

Resolution A, the Manager's revised recommendation, would not require that the applicant provide doorways or entrances along the Legion Road or Europa Drive elevations. We note that the proposed building plan includes a single entrance along the parking lot side of the building. We believe that the single entrance, near the parking lot, will best serve most of the deliveries and pedestrians entering/exiting the building. We also note that building and security management usually operates best when a building is designed with a single public doorway.

## RECOMMENDATIONS

Advisory Board recommendations are summarized below.

Planning Board Recommendation: The Planning Board reviewed this application on May 1, 2001 and voted 4-2 to recommend that the Council approves this application for a Special Use Permit Modification with the adoption of Resolution B. Please see the attached Summary of Planning Board Action.

Resolution A includes the following recommended conditions of the Planning Board.

- 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.
- That two parking spaces may remain in the northwest corner of the site, if the applicant can preserve at least 80% of the critical root zone for the two nearby willow oaks.
- That the percentage of stormwater runoff from the development site, subject to treatment by best management practice features, shall be reviewed and approved by the Town Manager.

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The differences between Resolution A (Manager) and B (Planning Board) are due to additional language added to Resolution A based on information provided at the Public Hearing.

**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.

**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 with the adoption of Resolution C. Please see attached Summary of Bicycle and Pedestrian Advisory Board Action.

Resolution C includes the following recommendations of the Bicycle and Pedestrian Advisory Board.

- That the new section of Legion Road should be striped for wide outside lanes instead of Bicycle Lanes.

*Staff Comment:* We note that discussion about the issue of bicycle lanes and wide outside lanes is ongoing. Current Town standards, which we believe are desirable and appropriate, call for bikelanes on a major street such as Legion Road. We believe it is reasonable to follow those standards for this application, and believe that the recommendation for a four-foot wide striped bicycle lane along Legion Road is appropriate.

Resolution A, the Manager's revised recommendation, does not include the above recommendations.

- That the new left turn lane should be designed to accommodate bicycle movements.

*Staff Comment:* We do not recommend a change in the design of the left turn lane from Legion Road onto Europa Drive. We note that the existing pavement width on Europa Drive is wide enough to accommodate a left turn lane. We do not believe that the pavement width along this section of roadway can safely accommodate two lanes of traffic and a wider left turn lane designed to accommodate bicycle movements.

- That the Council should consider requiring the applicant to make a payment toward improvements to fill in the sidewalk gaps on Legion Road, given the increased pedestrian traffic that the project will generate in the area.
- That the Council should consider requiring the applicant to pay a payment-in-lieu fee towards improvement of the intersection of Europa Drive and US 15-501 in direct proportion to the projected traffic generated by the proposed use at the intersection.

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**Staff Comment:** Case law has established a principle called "rational nexus" requiring that there be a clear relationship between requirements attached to a development approval, and the needs and impacts that are created by the proposed development. We do not believe that the impact of this proposed development, on the neighboring sidewalk network or on the Europa Drive/US 15-501 intersection, is of a nature that meets the rational nexus or rough proportionally test that must be applied. We do not believe that the nature of this proposal creates any impacts that justify the recommendations listed above.

We believe that it is not possible for the two above recommendations to meet the legal test of rational nexus or rough proportionally, and accordingly Resolution A, the Manager's revised recommendation, does not include the above recommendations.

Resolution A includes the following recommendation of the Bicycle and Pedestrian Advisory Board.

- That shower and locker facilities be provided for the office building.

**Staff Comment:** Last October the Council adopted a resolution amending the Town's Design Manual. The resolution included a set of standards for new developments as recommended by the Bicycle and Pedestrian Advisory Board. One of the recommendations contained in that resolution stated that commercial developments should provide shower and locker facilities. In light of the resolution adopted by the Council, we believe that it appropriate to stipulate this applicant to provide shower and locker facilities with this proposal.

**Community Design Commission Recommendation:** The Community Design Commission reviewed this application on May 8, 2001 and voted 8-0 to recommend that the Council deny this application for a Special Use Permit with the adoption of Resolution D. Please see attached Summary of Community Design Commission Action.

**Manager's Revised Recommendation:** Based on our evaluation of the application, our conclusion is that the application complies with standards and regulations of the Development Ordinance. Accordingly, we recommend that the application be approved with the adoption of Resolution A, the Manager's revised recommendation.

Based on discussion and evidence presented at the Public Hearing, Resolution A has been revised in the following way:

- That the applicant provides a sidewalk connection between the building and the Europa Drive sidewalk and a sidewalk connection between the building and the proposed Legion Road sidewalk.
- That, unless the Town Manager determines the improvements unreasonable due to excessive grading or impact to significant trees, the applicant shall at a minimum, provide one additional pedestrian connection to the Sheraton Hotel site and one additional pedestrian connection to the Village Office Park Complex site. That if



determined necessary, the <sup>(35)</sup>Town Manager may require additional pedestrian connections between the proposed development and these adjacent site.

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

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

Resolution D would deny the application.

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**EUROPA OFFICE BUILDING SPECIAL USE PERMIT  
DIFFERENCES AMONG RESOLUTIONS**

<b>ISSUE</b>	<b>RESOLUTION A Manager's Revised Recommendation</b>	<b>RESOLUTION B Planning Board Recommendation</b>	<b>RESOLUTION C Bicycle and Pedestrian Advisory Board Recommendation</b>
<b>Vehicular Connection to Hotel</b>	Yes, location may be adjusted	Yes, location may be adjusted	*
<b>Bicycle Accommodations on Legion Road</b>	Striped bike lane on Legion Road	*	Wide outside lanes on Legion Road
<b>Pedestrian connections to public sidewalks and adjacent sites</b>	Yes (unless construction complicated by excessive grading)	*	Yes
<b>Redesigned Left Turn Lane for Bicycles</b>	No, standard left turn lane	*	Yes
<b>Payment for Off- site Sidewalks on Legion Road</b>	No, sidewalks on property frontage on Legion Road	*	Yes
<b>Payment for Improvements to Europa Dr/US 15- 501 Intersection</b>	No	*	Yes
<b>Showers in Building</b>	Yes	Yes	Yes

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

**37****ATTACHMENTS**

1. Resolution A—Approving the Application (p. 12).
2. Resolution B—Approving the Application (p. 19).
3. Resolution C—Approving the Application (p. 20).
4. Resolution D—Denying the Application (p. 22).
5. Summary of Community Design Commission Action (p. 23).
6. Summary of Bicycle and Pedestrian Advisory Board Action (p. 24).
7. Applicant's Statement of Justification (p. 25).
8. April 24, 2001 letter from Harvey Krasny (p. 27).
9. May 14, 2001 Public Hearing Memorandum and Related Attachments (begin new page 1).

## ATTACHMENT 1

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RESOLUTION A  
(Manager's Revised Recommendation)**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR EUROPA OFFICE BUILDING (2001-06-25/R-17a)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2E (PIN# # 9799468987), if developed according to the site plan prepared on November 23, 1998, and revised on February 15, 2001, 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 that the Town Council hereby approves the application for a Special Use Permit for Europa Office Building in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. That construction begin by June 25, 2003 (two years from the date of Council approval) and be completed by June 25, 2004 (three years from the date of Council approval).
2. Land Use Intensity: This Special Use Permit authorizes construction of one office building, consisting of a total of 38,000 square feet of floor area, specified as follows:

Total # of Buildings:	1
Maximum Floor Area Total:	38,000 s.f for office-type business use
Maximum Clinic Floor Area:	Not Permitted
Minimum Outdoor Space (s.f.):	78,748 s.f.
Minimum Livability Space (s.f.):	44,728 s.f.
Maximum # of Parking Spaces:	108
Minimum # of Bicycle Parking Spaces:	11

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3. Hotel L' Europa/Village Office Park Special Use Permit Modification: That the submission of the final plan application shall include certified copies of the recorded Special Use Permit Modification for the (insert date) Hotel L' Europa/Village Office Park. Said Special Use Permit Modification shall reduce the overall area of the 1981 Special Use Permit boundary and removed the proposed 2.24-acre development site from the 1981 Special Use Permit.

Stipulations Related to Required Improvements

4. Vehicular Connection to the Sheraton Hotel: 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.
5. Legion Road Frontage Improvements: That prior to the issuance of a Certificate of Occupancy, half of a 41-foot cross-section be constructed with curb and gutter, a Town standard 5-foot concrete sidewalk and 4-foot wide striped bike lane.
6. Legion Road Left Turn Lane: That prior to the issuance of a Zoning Compliance Permit, the applicant install pavement markers for an eastbound left turn lane from Legion Road onto Europa Drive. That the final design for this turn lane shall include lane width, storage length and transition tapers.
7. Legion Road Frontage Dedication: That prior to the issuance of a Zoning Compliance Permit the applicant dedicate half of a 70-foot right-of-way to the Town of Chapel Hill along the Legion Road frontage. The plat shall be approved by the Town Manager and recorded in the Orange County Register of Deeds Office and a copy of the recorded document shall be submitted to the Town prior to the issuance of a Zoning Compliance Permit.
8. Europa Drive Left Turn Lane: That prior to the issuance of a Zoning Compliance Permit, the applicant install pavement markers for a southbound left turn lane from Europa Drive into the propose Europa Drive access drive. The final design for this turn lane shall include lane width, storage length and transition tapers.
9. Europa Drive Curb Cut: That the centerline of the new driveway for the proposed office building, align with the existing center line for the Europa Center driveway.

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10. Encroachment Agreements: That prior to the issuance of a Zoning Compliance Permit the applicant obtain all necessary encroachment agreements and permits from the Town of Chapel Hill for work occurring in the right-of-way.
11. Bicycle Parking: That the bicycle parking area for this development shall comply with the Town's Design Manual. Parking for 11 bicycles, and shower and locker facilities shall be provided. That 20% of the bicycle parking spaces include a locker, individually locked enclosure, or supervised area within a building providing protection for bicycles therein from theft, vandalism and weather.
12. Town Standards: That all streets, parking lots, drive aisles and sidewalks associated with this development shall be constructed to Town standards.
13. Pedestrian Connections to the Public Sidewalks: That the applicant provide a sidewalk connection between the building and the Europa Drive sidewalk and a sidewalk connection between the building and the proposed Legion Road sidewalk.
14. Pedestrian Connections to Adjacent Developments: That, unless the Town Manager determines the improvements unreasonable due to excessive grading or impact to significant trees, the applicant shall at a minimum, provide one additional pedestrian connection to the Sheraton Hotel site and one additional pedestrian connection to the Village Office Park Complex site. That if determined necessary, the Town Manager may require additional pedestrian connections between the proposed development and these adjacent site.

#### Stipulations Related to Parking

15. Parking Spaces Adjacent to Europa Drive: That in order to preserve the two willow oak, the five of the proposed seven parking spaces adjacent to Europa Drive in the northwest corner of the site, shall be removed.
16. Minimum Parking Space Requirements: That if the approved final plan includes less than 108 parking spaces, this development shall comply with the minimum parking space requirements by one or a combination of the following options:
  - a. Reduced Floor Area to Meet Minimum Parking Requirements: Proposal to reduce the total floor area of the development must be accompanied by a revised Project Fact Sheet. That prior to issuance of a Certificate of Occupancy, an architect shall certify that the square footage of the new building complies with the minimum parking requirement as defined by the Chapel Hill Development Ordinance.
  - b. Off-Site Parking Spaces: That the applicant secures off-site parking spaces, in compliance with Section 14.6.2 of the Development Ordinance. That a

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parking agreement for these spaces be reviewed and approved by the Town Manager. Said approved agreement must be recorded in the Orange County Register of Deeds Office and a copy of the recorded document provided to the Town prior to the issuance of a Zoning Compliance Permit.

- c. Redesigned Parking Area: That the parking lot shall be redesigned.

#### Stipulations Related to Landscape Elements

13. Critical Root Zone: Willow Oaks: That at least 80% of the critical root zone, of the two large willow oaks located in the northwest corner of the site, shall be preserved.
14. Landscape Bufferyards: That unless approved as alternative bufferyards by the Community Design Commission, the applicant provide the following landscape bufferyards:
- Type "A" 15-foot wide external bufferyard along the site's frontage on Legion Road and Europa Drive; and
  - Type "B" 10-foot wide internal bufferyard along all interior lot lines.
15. Parking Lot Plantings: That all parking lot shade trees used to demonstrate compliance with the 35% parking lot shading requirement, shall be a minimum of 2" – 2½" in caliper when installed.
16. Planting Strips: That five-foot wide planting strip shall be provided between parking areas and the building.
17. Utilities and Landscaping: That where possible, utility line be located so that the proposed landscaping is not compromised by future repair operations and so that planting options are not constrained by utility easements.
18. Landscape Protection Plan: That a detailed Landscape Protection Plan, clearly indicating protected root zone areas, tree protection fencing and which rare and specimen trees will be removed or preserved, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

#### Stipulations Related to Stormwater Management

19. Relocated Stormwater Drainage Pipe: That the proposed stormwater drainage pipe, located between the two willow oaks in the northwest corner of the site, be relocate away from the trees in order to minimize disturbance to their root systems. Final location shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
20. Best Management Practices: That the applicant provided bio-retention or best management practices (BMP's) features to intercept and treat stormwater runoff from the developed areas. Final design and locations shall be reviewed and approved by the Town Manager prior to the

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issuance of a Zoning Compliance Permit. That the percentage of stormwater runoff from the development site, subject to treatment by best management practice features, shall be reviewed and approved by the Town Manager.

21. Underground Detention: That underground detention of stormwater be use for the 2-year and 50-year storm events. Post-development stormwater run-off rate shall not exceed the pre-development rate.
22. Stormwater Management Plan: That a Stormwater Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The post-development stormwater run-off rate shall not exceed the pre-development rate.

#### Stipulations Related to Refuse and Recvclng Collection

23. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling and for the management and minimizing of construction debris, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
24. Heavy-Duty Paving: That all drive aisles on the proposed development that provide access to the compactors, dumpsters or recycling facilities, be constructed with heavy-duty pavement.
25. Pre-construction Conference: That the applicant hold a pre-construction conference with Orange County Solid Waste staff prior to any construction activity on the site. A note indicating such shall be included on final plans.

#### Stipulations Related to Fire Protection/Fire Safety

26. Fire Flow: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
27. Sprinkler System: That the buildings shall have a sprinkler system in accordance with Town Code, which shall be approved by the Town Manager.
28. Fire Department Connections: That fire hydrants must be no more than 50 feet from fire department connections and that fire connections must be located on street side of buildings in visible, accessible locations.

#### Stipulations Related to Utilities

29. Utility/Lighting Plan Approval: That the final utility/lighting plan be approved by Orange Water and Sewer Authority (OWASA), Duke Power Company, BellSouth, Public Service Company, Time Warner and the Town Manager before issuance of a Zoning Compliance Permit.



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30. Underground Utility Lines: That all existing and proposed utility lines, other than 3-phase electric power distribution lines, shall be underground.

#### Miscellaneous Stipulations

31. Community Design Commission Approval: That the Community Design Commission shall approve the building elevations, lighting plan and any proposed alternative landscape bufferyards for the site, prior to the issuance of a Zoning Compliance Permit.
32. Transportation Management Plan: That a Transportation Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall include the following:
- Quantifiable traffic reduction goals and objectives;
  - Provisions for designation of a Transportation Coordinator;
  - Provision for an annual Transportation Survey and Annual Report to the Town Manager;
  - Ridesharing incentives; and
  - Public transit incentives.
33. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are complete.
34. Detailed Plans: That the final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydraulic calculations), and landscape plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans shall conform to the plans approved by this application and demonstrate compliance with all applicable conditions and design standards of the Development Ordinance and Design Manual.
35. Open Burning: That no open burning shall be permitted during the construction of this development.
36. Erosion Control: That a soil erosion and sedimentation control plan, including provisions for maintenance of facilities and modification of the plan if necessary, be approved by the Orange County Erosion Control Officer, and that a copy of the approval be provided to the Town Manager prior to the issuance of a Zoning Compliance Permit.
37. Silt Control: That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
38. Construction Sign Required: That the applicant post a construction sign that lists the property owner's representative, with a telephone number; the contractor's representative, with a telephone number; and a telephone number for regulatory information at the time of issuance of a Zoning Compliance Permit. The construction sign may have a maximum of 16 square feet of display area and may not exceed 6 feet in height. The sign shall be non-illuminated,

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and shall consist of light letters on a dark background. A detail of this sign shall be submitted with the final plan application.

39. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
40. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

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 for Europa Office Building.

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

## ATTACHMENT 2

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**RESOLUTION B**  
(Planning Board Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT  
FOR EUROPA OFFICE BUILDING (2001-06 -25/R-17b)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2E (PIN# # 9799468987), if developed according to the site plan prepared on November 23, 1998, and revised on February 15, 2001, 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 that the Town Council hereby approves the application for a Special Use Permit for Europa Office Building in accordance with the plans listed above and with the conditions listed below:

1. Resolution A: That all of the stipulations in Resolution A shall apply to the proposed development.

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 for Europa Office Building.

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

## ATTACHMENT 3

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## RESOLUTION C

(Bicycle and Pedestrian Advisory Board Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR EUROPA OFFICE BUILDING (2001-06 -25/R-17c)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2E (PIN# # 9799468987), if developed according to the site plan prepared on November 23, 1998, and revised on February 15, 2001, 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 that the Town Council hereby approves the application for a Special Use Permit for Europa Office Building in accordance with the plans listed above and with the conditions listed below:

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 #5 and #6.
3. Legion Road Frontage Improvements: That prior to the issuance of a Certificate of Occupancy, half of a 41-foot cross-section be constructed with curb and gutter, a Town standard 5-foot concrete sidewalk and striped for wide outside lanes.
4. Legion Road Left Turn Lane: That prior to the issuance of a Zoning Compliance Permit, the applicant install pavement markers for an eastbound left turn lane from Legion Road onto Europa Drive. That the final design for this turn lane shall include lane width, storage length and transition tapers. The turn lane shall be designed to accommodate bicycle movements.

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5. Legion Road Sidewalk Improvements: That the applicant make a payment toward improvements to fill in the sidewalk gaps on Legion Road. Payment amount, location and level of sidewalk improvements shall be reviewed and approved by the Town Manager.
  
6. Europa Drive/US 15-501 Intersection Improvements: That the applicant make a payment-in-lieu towards improvement of the intersection of Europa Drive and US 15-501 in direct proportion to the projected traffic generated by the proposed use at the intersection. Payment amount, and type of improvements to the intersection shall be reviewed and approved by the Town Manager.

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 for Europa Office Building.

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

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## ATTACHMENT 4

**RESOLUTION D**  
(Denying the Application)**A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT FOR EUROPA OFFICE BUIDLING (2001-06 -25/R-17d)**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2E (PIN# # 9799468987), if developed according to the site plan prepared on November 23, 1998, and revised on February 15, 2001, 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 Europa Office Building.

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

## SUMMARY OF COMMUNITY DESIGN COMMISSION ACTION

(19)

**Subject:** Europa Office Building – Application for a Special Use Permit

**Meeting Date:** May 8, 2001

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

**Vote:** 8 - 0

**Aye:** Weezie Oldenburg, George Cianciolo, Terry Eason, Sarah Haskett  
Joe Herzenberg, Alice Ingram, Steve Manton and Martin Rody.

**Nay:** None

**Issues Raised:** The Commission noted the following concerns/reasons for recommending denial of the proposed application:

- The development proposal needs to promote a better relationship with the existing neighboring buildings in terms of site design and proposed building elevations.
- Concern that the site plan proposed no interconnectivity to the hotel or neighboring office park.
- The building elevation from Legion Road was not shown (the appearance of this facade will be important).
- Too much impervious surface is proposed on this site.
- The site plan needs to utilize structured parking.
- More green space needs to be incorporated into the site plan.
- A point of access is needed on Legion Road.
- Grave concern about traffic on Erwin Road

Prepared by:

Weezie Oldenburg, Chair, Community Design Commission  
Rob Wilson, Staff



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

- Subject:** Europa Office Building - Application for a New 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 conditions:
- That shower and locker facilities should be considered for the office building.
  - That the new section of Legion Road should be striped for Wide Outside Lanes instead of Bicycle Lanes.
  - That the new left turn lane should be designed to accommodate bicycle movements.
  - That the Council should consider requiring the applicant to make a payment toward improvements to fill in the sidewalk gaps on Legion Road, given the increased pedestrian traffic that the project will generate in the area.
  - That the Council should consider requiring the applicant to pay a payment-in-lieu fee toward improvement of the intersection of Europa Drive and US 15-501 in direct proportion to the projected traffic generated by the proposed use at the intersection.
- 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



## STATEMENT OF JUSTIFICATION

⑤

HOTEL L'EUROPA/VILLAGE OFFICE PARK COMPLEXSpecial 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 #7**

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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'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.

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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 hour. 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, 2007

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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

120 Woodbridge Lane, Chapel Hill, NC 27514

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April 24, 2001

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

VIA E-M.

**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 / 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, office buildings).

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 the 1999 count was taken, and with the addition of the High School, this section will no doubt 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.

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**MEMORANDUM**

**TO:** Mayor and Town Council

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

**SUBJECT:** Public Hearing: Europa Office Building - Application for Special Use Permit

**DATE:** May 14, 2001

**INTRODUCTION**

Attached for your consideration is an application for a Special Use Permit to allow the construction of an office building on a 2.24-acre site. The site is located at the northeast corner of Legion Road and Europa Drive, across from Britthaven of Chapel Hill and next to the Sheraton Hotel and west of Village Office Park. The property is located within the Community Commercial (CC) zoning district.

The application proposes construction of a 38,000 square foot, two-story office building with 108 on-site parking spaces. Proposed vehicular access to the site is from a new curb cut on Europa Drive.

The applicant has also submitted an accompanying application for a Special Use Permit Modification to reduce the boundaries of the Hotel L'Europa/Village Office Park Complex Special Use Permit originally approved on February 11, 1980. The boundary of the Hotel L'Europa/Village Office Park Complex Special Use Permit encumbers the 2.24 acres-tract that is the subject of this report. The Special Use Permit also encumbers the adjacent 5.5-acre Sheraton Hotel site and the 1.45-acre Village Office Park development.

The request for the Special Use Permit Modification is to reduce the boundaries of the Special Use Permit and exclude the 2.24 acre-tract. Approval of the accompanying Special Use Permit Modification, which proposed to reduce the boundary of the Special Use Permit, must occur before this request for a new office building could be approved.

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.

**PROCESS**

The Development Ordinance requires the Town Manager to conduct an evaluation of this Special Use Permit 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 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 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.

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

- ◆ **Cover Memorandum:** Introduces 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.

### CONTIGUOUS PROPERTY

One of the findings that the Council must make when considering a Special Use Permit 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.

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

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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 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 D provides a format for determining the definition of contiguous property for this application.

### **DESCRIPTION OF THE APPLICATION**

This Special Use Permit application proposes construction of a two-story office building with 38,000 square feet of floor area. The proposed floor area would be used as general office-type business. Based on the proposed number of 108 on-site parking spaces, no medical clinic space would be allowed. Medical clinic space could be added in the future only if parking requirements could be satisfied.

A single point of vehicular access to the site is proposed from Europa Drive. The proposed driveway is located across the street from the access drive for the Europa Center. An existing vehicular connection to the adjacent hotel development is proposed to be removed.

The applicant has also submitted an accompanying application for a Special Use Permit Modification to reduce the boundaries of the 1981 Hotel L'Europa/Village Office Park Complex Special Use Permit. That Special Use Permit encumbers the 2.24-acre site that is the subject of this memorandum.

The application for the new Special Use Permit, to construct the 38,000 square foot office building on the 2.24-acre site cannot be approved unless the site is removed from the 1981 Special Use Permit. Therefore, approval of the accompanying Special Use Permit Modification, must occur before the proposed Special Use Permit for the 38,000 office building could be approved.

### **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 is that the application as submitted complies with the regulations and standards of the Development Ordinance.



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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. 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 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.

**KEY ISSUES**

Based on the review of this development application by Town advisory boards and the Town staff, we believe that the key issues that have been identified are the applicant's traffic impact statement and design of the parking lot.

**Traffic Impact Statement:** The applicant initially submitted this application to staff in 1996. That submission included a Traffic Impact Statement. Subsequent revision and resubmission of the application occurred in 1998 and 2000. Each resubmission included the original Traffic Impact Statement from 1996.

We note that the Transportation Board did not believe that it could make a fair evaluation of the request for this application without an updated Traffic Impact Analysis. The Transportation

Board believes, that in order to consider this proposal, the applicant must update the 1996 Traffic Impact Statement.

*Staff's Comment:* Based on an analysis by the Town's Engineer, we do not believe that a revised traffic impact statement is necessary. Please see attached memorandum from the Town's Engineer (Attachment 9).

**Parking Lot Design:** Resolution A includes several stipulations that affect the proposed parking lot design. The stipulations, which address tree preservation and vehicular access, would eliminate some parking areas and reduce the total number of on-site parking spaces. These changes could reduce building floor area.

*Staff's Comment:* In order to help preserve two existing oak trees along Europa Drive and maintain a vehicular connection between this site and the hotel parking lot, we believe that it would be appropriate to eliminate or relocated some of the proposed parking spaces. Each item is discussed below:

- **Tree Preservation:** We note that the applicant is proposing to locate seven parking spaces in the northwest corner of the site, along Europa Drive. We are concerned that the land disturbance and construction associated with these parking spaces will damage the root system of two nearby oak trees that the applicant is proposing to retain. We believe that these trees should be better protected. We recommend that the disturbance to the root systems of these two trees be minimized.

We believe that, at a minimum, five of the parking spaces proposed near these trees should be removed. We believe that removal of these five parking spaces will ensure protection of 80% of the trees' critical root zones. We have included a stipulation to that effect in Resolution A.

- **Vehicular Access:** We believe that the existing driveway connection to the adjacent hotel parking lot should be retained. We believe that connectivity between the two sites is desirable for the proposed development and the hotel. We recommend that the applicant redesign the parking lot and preserve the internal vehicular connection to the hotel site. A stipulation to that effect has been included in Resolution A.

We note that if the Council requires that the applicant remove parking spaces, as discussed above, without requiring that the applicant also reduce the floor area of the new building, this proposal will not meet the minimum parking requirements of the Development Ordinance. If parking spaces are removed, in order to revise the plan and comply with the minimum parking requirements, we believe the following options are available to the applicant: 1) Reducing the floor area of the building by approximately 2,500 square feet; 2) Securing available parking spaces off-site; or 3) Redesigning the parking lot. If the approved plan includes a reduction in the number of proposed parking spaces, we believe that the applicant can effectively employ one or a combination of these options and comply with the minimum-parking requirement of the Development Ordinance. Resolution A requires that the proposal complies with the minimum-parking requirement of the Development Ordinance.

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## 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 application:

1. Following recordation of the necessary document indicating that this 2.24-acre site is no longer encumbered by a Special Use Permit, applicant accepts and records the Special Use Permit for the Europa Office Building which incorporates the terms of the Council-adopted resolution;
2. Applicant submits detailed Final Plans and documentation, complying with Council stipulations. Information is reviewed by Town departments and the following agencies:
  - Orange Water and Sewer Authority,
  - Duke Power Company,
  - Public Service Company,
  - Time Warner Cable, and
  - BellSouth;
3. Community Design Commission reviews and approves building elevations and site lighting plan;
4. Final Plat is reviewed and approved by Town staff. Plat is recorded at the Orange County Register of Deeds office;
5. Upon demonstration of compliance with remaining Council stipulations, Town staff issues a Zoning Compliance Permit authorizing site work. Permit includes conditions specific to the development and requires pre-construction conferences with Town staff;
6. Engineering Department issues an Engineering Construction Permit, authorizing work within the public right-of-way; and
7. Inspections Department issues Building Permits and Certificates of Occupancy.

## RECOMMENDATIONS

Recommendations are summarized below. <sup>(62)</sup> 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 4-2 to recommend that the Council approves this application for a Special Use Permit Modification with the adoption of Resolution B. Please see the attached Summary of Planning Board Action.

Resolution B includes the following recommended condition of the Planning Board.

- 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.

*Staff Comment:* We agree with the Planning Board that the applicant must provide a vehicular connection between the proposed development and the hotel parking lot. However, we believe that the existing vehicular connection location is appropriate.

Resolution A includes the following recommended conditions of the Planning Board.

- That two parking spaces may remain in the northwest corner of the site, if the applicant can preserve at least 80% of the critical root zone for the two nearby willow oaks.
- That the percentage of stormwater runoff from the development site, subject to treatment by best management practice features, shall be reviewed and approved by the Town Manager.

**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 from the Town's Engineer for additional comment on the applicant's Traffic Impact Statement (Attachment 9).

**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: <sup>(63)</sup> Based on our evaluation of the application, our preliminary conclusion, with the stipulations in Resolution A, is that the application complies with standards and regulations of the Development Ordinance.

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 the four required findings for the approval of a Special Use Permit, and if the accompanying application to modify the 1981 Hotel L' Europa/Village Office Park Special Use Permit is approved, we recommend that the application be approved with the adoption of Resolution A.

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

Resolution C would deny the application.

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

**EUROPA OFFICE BUILDING SPECIAL USE PERMIT  
DIFFERENCES AMONG RESOLUTIONS**

ISSUE	RESOLUTION A Manager's Preliminary Recommendation	RESOLUTION B Planning Board Recommendation
Vehicular Connection to Hotel	Yes, at the present location	Yes, location may be adjusted

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

**ATTACHMENTS**

1. Planning Staff Report (p. 9).
2. Checklist of Project Fact Sheet Requirements (p. 17).
3. Resolution A – Approving the Application (p. 18).
4. Resolution B – Approving the Application (p. 24).
5. Resolution C – Denying the Application (p. 26).
6. Resolution D – Defining Contiguous Property for this Application (p. 27).
7. Summary of Planning Board Action (p. 28).
8. Summary of Transportation Board Action (p. 29).
9. Memorandum from Town's Engineer (p. 30).
10. Correspondence From Citizen (p. 36).
11. Applicant's Statement of Justification (p. 39).
12. Project Fact Sheet (p. 41).
13. Traffic Impact Summary (p. 43).
14. Reduced Area Map and Site Plans (p. 65).

(64)

ATTACHMENT 1

**Planning Staff Report**

**SUBJECT:** Public Hearing: Europa Office Building – Application for a Special Use Permit  
(File No. 7.27.E.2E; PIN # 9799468987)

**DATE:** May 14, 2001

**INTRODUCTION**

Attached for your consideration is an application for a Special Use Permit to allow the construction of an office building on a 2.24-acre site. The site is located at the northeast corner of Legion Road and Europa Drive, across from Britthaven of Chapel Hill and next to the Sheraton Hotel and west of Village Office Park. The property is located within the Community Commercial (CC) zoning district, and is identified as Chapel Hill Township Tax Map 27, Block E, Lot 2E (PIN # 9799468987).

The application proposes construction of a 38,000 square foot, two-story office building with 108 parking spaces. Access to the site would be provided from Europa Drive.

The applicant has also submitted an accompanying application for a Special Use Permit Modification to reduce the boundaries of the Hotel L'Europa/Village Office Park Complex Special Use Permit originally approved on February 11, 1980. The boundary of the Hotel L'Europa/Village Office Park Complex Special Use Permit encumbers the 2.24 acres-tract that is the subject of this report. The request for the Special Use Permit Modification is to reduce the boundaries of the Special Use Permit and exclude the 2.24 acre-tract. Approval of the accompanying Special Use Permit Modification, which proposed to reduce the boundary of the Special Use Permit, must occur before this request for a new office building could be approved.

**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. We note that our evaluation is based on approval of the accompanying Special Use Permit Modification application which proposes to remove this site from the Special Use Permit boundary originally created in 1976 and modified in 1980 and 1981.

Existing Conditions: The 2.24 acre site is located at the northeast intersection of Europa Drive and Legion Road. To the south, across Legion Road, is the Britthaven Health Care facility and the American Legion property. Across Europa Drive is the Europa Center office building and parking deck. Immediately adjacent to the north is the Sheraton Hotel (formerly the Hotel Europa). West of the site is the Village Office Park building.

(65)

Except for the three tennis courts, located in the southeast corner of the site, and a gravel parking area between the tennis courts and Europa Drive, the site is undeveloped. The remainder of the site is mostly cleared and open with several cluster of large trees, scattered smaller trees, shrubs and areas of grass. Notable trees include a 26-inch pine near Legion Road and two 30-inch willow oaks at the northwest corner of the site along Europa Drive.

The site generally slopes from its southeast corner toward the northwest corner. The tennis courts are located on the highest elevation of the site (342 feet) and the remainder of the site slopes away from the tennis courts towards the hotel and Europa Drive. The lowest point of the site is the northwest corner (320 feet). The site is not located in the Town's Watershed Protection District.

Vehicular access to the site is from the Sheraton Hotel parking lot. Two concrete sidewalks connect the tennis courts to the Sheraton Hotel and the Village Office Park.

**Development Description:** This Special Use Permit application proposes construction of a two-story office buildings with 38,000 square feet of floor area. The proposed floor area would be used as general office. No medical clinic space is proposed for this site.

A single point of vehicular access to the site is proposed from Europa Drive. The proposed driveway is located directly across the street from the access drive for Europa Center. An existing vehicular connection to the Sheraton is proposed to be removed. The applicant is proposing a total of 108 on-site parking spaces.

A 5-foot wide sidewalk exists along the site's Europa Drive frontage. A new sidewalk is proposed along the site's Legion Road frontage. The applicant is proposing to remove the two existing sidewalk connections to the tennis courts.

**Hotel L'Europa/Village Office Park Special Use Permit Modification:** The applicant has also submitted an accompanying application for a Special Use Permit Modification to reduce the boundaries of the Hotel L'Europa/Village Office Park Complex Special Use Permit originally approved on February 11, 1980. The boundary of the Hotel L'Europa/Village Office Park Complex Special Use Permit encumbers the 2.24 acre-tract that is the subject of this report. The request for the Special Use Permit Modification is to reduce the boundaries of the Special Use Permit and exclude the 2.24 acre-tract. Approval of the accompanying Special Use Permit Modification, which proposed to reduce the boundary of the Special Use Permit, must occur before this request for a new office building could be approved. Resolution A includes a stipulation to this effect.

**Intensity Standards:** The subject property is located in the Community Center (CC) zoning district and the proposed use, office business, is subject to Use Group B land use intensity standards. The maximum permitted floor area on this lot is 41,934 square feet; the applicant is proposing 38,000 square feet of floor area. The minimum required outdoor space on this lot is 74,228 square feet; the applicant proposes 78,748 square feet. The minimum required livability space on this lot is 26,392 square feet; the applicant proposes 44,728 square feet.

(66)  
The application meets the setback and height restrictions of the Development Ordinance.

**Access and Circulation:** Vehicular access to the site is proposed with the creation of a new driveway along Europa Drive. This new curb cut is across from the driveway for the Europa Center development. We recommend that the centerline of the new driveway for the proposed office building, align with the existing centerline for the Europa Center driveway. A stipulation to that effect is included in Resolution A.

The applicant is also proposing to eliminate the driveway between the site and the hotel parking lot. We believe that the existing driveway connection to the adjacent hotel parking lot should be retained. We believe that interconnectivity between the hotel and this site is desirable. We recommend that the applicant redesign the parking lot and preserve the internal vehicular connection to the hotel site. This redesign may result in a reduction in the number of parking spaces at this location. We recommend that the applicant record an easement providing for vehicular and service vehicle access between the hotel property, across the proposed site, to Europa Drive. The easement must be approved by the Town Manager and recorded prior to issuance of a Zoning Compliance Permit. A stipulation to that effect has been included in Resolution A.

There is an existing sidewalk and curb and gutter along the site's frontage on Europa Drive. This sidewalk continues along Europa Drive and ends at the main vehicular entrance to the Sheraton Hotel. No improvement to the site's Europa Drive frontage is proposed by the applicant nor recommended by staff.

A Town standard 5-foot wide concrete sidewalk is proposed along Legion Road frontage. We recommend that the applicant widen the site's Legion Road frontage to half of a 41-foot cross-section and provide a new sidewalk and four foot striped bike lane. We also recommend that the applicant dedicate half of a 70-foot right-of-way along the Legion Road frontage of the site. We recommend that prior to the issuance of a Zoning Compliance Permit the applicant obtain all necessary encroachment agreements and permits from the Town of Chapel Hill for work occurring in the right-of-way. Stipulations to this effect have been included in Resolution A.

**Parking:** Based on proposed floor area of 38,000 square feet and proposed business office-type use, the Development Ordinance requires that a minimum number of 108 parking spaces be provided on this site. The applicant is proposing to provide a total of 108 standard size parking spaces.

We note that the applicant is proposing to locate seven parking spaces along Europa Drive in the northwest corner of the site. We are concerned that the land disturbance and construction associated with these parking spaces will damage the root system of two nearby oak trees that the applicant is proposing to retain. We believe that these trees should be better protected. We recommend that the disturbance to their root system be minimized. We believe that the seven parking spaces proposed near these trees should be removed. We have included a stipulation to that effect in Resolution A.



(67)  
If the seven parking spaces are removed from the site plan and access is provided to the hotel site, without reducing the floor area of the new building, this proposal will not meet the minimum parking requirements of the Development Ordinance. In order to revise the plan and comply with the minimum parking requirements, options available to the applicant include: 1) Reducing the floor area of the building by approximately 2,500 square feet; 2) Securing available parking spaces off-site; or 3) Redesigning the parking lot. If the approved plan includes a reduction in the number of proposed parking spaces, we believe that the applicant can effectively employ one or a combination of these options and comply with the minimum-parking requirement of the Development Ordinance. Resolution A requires that the proposal complies with the minimum-parking requirement of the Development Ordinance.

If the applicant decided to secure parking spaces off-site in order to meet the minimum parking requirements, a number of Development Ordinance requirements must be met in accordance with Section 14.6.2. Most notably, these spaces must be within 1,200 of a building entrance and must be located in the commercial zoning district. If this option is pursued, we recommend that a parking agreement be provided as part of the final plan application. The agreement must be reviewed and approved by the Town Manager and recorded in the Orange County Register of Deeds Office. A copy of the recorded agreement must be provided to the Town prior to issuance of a Zoning Compliance Permit. We also recommend that a safe, direct, attractive, lighted and convenient pedestrian route be provided between this proposed development and any off-site parking spaces. A stipulation to this effect has been included in Resolution A.

Bicycle Parking: The current proposal does not include accommodations for bicycle parking. We note that the Town's Design Manual calls for 1 bicycle parking space for every 10 automobile spaces. In this case, that means that parking for 11 bicycles is required. We have included a stipulation in Resolution A that requires this proposal to comply with the standards for bicycle parking in the Town's Design Manual. The stipulation includes a provision for shower and locker facilities. The stipulation also requires that 20% of the bicycle parking spaces include a locker, individually locked enclosure, or supervised area within a building providing protection for bicycles therein from theft, vandalism and weather.

Traffic Impact: We note that the applicant initially submitted this application to staff in 1996. That submission included a Traffic Impact Statement. Subsequent revision and resubmission of the application occurred in 1998 and 2000. Each resubmission included the original Traffic Impact Statement from 1996.

Based on an analysis by the Town's Engineer we do not believe that a revised traffic impact statement is necessary. Please see attached memorandum from the Town's Engineer (Attachment 9).

We note that the existing pavement on Legion Road appears to be wide enough to accommodate a turn lane and we recommend that the applicant provide a left turn lane from Legion Road onto Europa Drive. We also recommend that the final design for this left turn lane, include lane widths, storage length and transition tapers. We have included a stipulation to that effect in Resolution A.

(68)

We recommend that the applicant provide a left turn lane from Europa Drive into the proposed Europa Drive entrance. The pavement width on Europa Drive is wide enough to accommodate this improvement. We also recommend that the final design for this left turn lane, include lane widths, storage length and transition tapers. We have included a stipulation to that effect in Resolution A.

**Transportation Management Plan:** We recommend that the applicant provide a Transportation Management Plan to be approved by the Town Manager prior to issuance of a Zoning Compliance Permit and have included a stipulation to that effect. According to Town guidelines, a comprehensive Transportation Management Plan should include:

- Quantifiable traffic reduction goals and objectives;
- Provisions for designation of a Transportation Coordinator;
- Provision for an annual Transportation Survey and Annual Report to the Town Manager;
- Ridesharing incentives; and
- Public transit incentives.

A stipulation to that effect has been included in Resolution A.

**Buffers and Landscaping:** The following table compares the Town's Development Ordinance requirements for landscape buffers to the applicant's proposal.

**Bufferyards: Required and Proposed**

Bufferyard Location	Bufferyard Requirement	Bufferyard Proposed
North - Sheraton Hotel	10' Type "B" Internal Buffer	10' Type "B" Internal Buffer
West - Europa Drive	15' Type "A" External Buffer	15' Type "A" External Buffer
South - Legion Road	15' Type "A" External Buffer	15' Alternative Buffer
East - Village Park Office	10' Type "B" Internal Buffer	10' Alternative Buffer

We note that the applicant is proposing to construct a retaining wall within the bufferyards along the east (Village Park Office) and south (Legion Road) property lines. We recommend that prior to the issuance of a Zoning Compliance Permit the applicant obtain approved from the Community Design Commission for this alternative bufferyard. Resolution A includes this stipulation.

As previously noted in the section on parking, we recommend that revisions be made to proposed parking plan in order to protect the two oak trees located in the northwest corner of the site. In addition to revising the parking space plan, we also recommend that revisions to the stormwater drainage plan be made in the vicinity of these trees. Please refer to the section on Stormwater Management for additional information on this recommendation.

Regardless of whether the final approval includes removal of the parking spaces or revisions to the stormwater drainage design, we believe that at a minimum, in order to retain these two trees as shown on the applicant's proposal, the approved plan should preserve at least 80% of the critical root zones of the two large oaks in the northwest corner of the site. We have included a stipulation to this effect in Resolution A.

(69)

We recommend that all final plans include provisions for screening and shading of parking facilities in accordance with Section 14.6.6 of the Development Ordinance. In addition a landscape strip at least five (5) feet in width, must be provided between the new building and the parking lot. We also recommend that where possible, utility lines be located so that the proposed landscaping is not compromised by future repair operations and so that the planting options are not constrained by utility easements.

**Building Elevations:** We recommend that detailed building elevations and a lighting plan be approved by the Community Design Commission, prior to the issuance of a Zoning Compliance Permit. This recommendation is included in Resolution A.

**Stormwater Management:** The applicant proposes to provide stormwater detention on site to meet the Town's requirement that the post-development stormwater runoff rate not exceed the pre-development rate. We believe that the applicant is proposing to detain stormwater underground within the stormwater drainage pipe infrastructure.

The submitted stormwater plans propose installation of an underground drainage pipe between the two willow oaks located in the northwest corner of the site. We are concerned that the land disturbance and construction associated with the installation of this stormwater pipe will damage the root system of the oak trees that the applicant is proposing to retain. We believe that these trees should be better protected. We recommend that the disturbance to their root system be minimized. We recommend that this stormwater drainage pipe is relocated away from these trees. We believe that a alternative location for this pipe, further away from the root system is desirable and feasible. We have included a stipulation to that effect in Resolution A.

We recommend that underground detention be utilized for the 2-yr and 50-yr storm events. Based on the 2-year and the 50-year storms the rate of run-off after development should not exceed the rate of run off prior to development of the site.

We have included our standard stipulation in Resolution A, requiring Town Manager approval of a Stormwater Management Plan prior to issuance of a Zoning Compliance Permit for this development.

**Best Management Practices:** The applicant's plans do not include bio-retention areas. We recommend that the application provide bio-retention or other best management practice (BMP) features on this project to intercept and treat runoff from developed areas. We note that it may be acceptable to permit some surface drainage from the parking lot, onto adjacent landscape bufferyards, as sheet flow. Landscape areas accepting sheet flow should be treated with appropriate energy dissipaters such as stone or planted ground cover to eliminate scour. We recommend that the applicant submit this information with the final plan submission for the Town Manager's review and approval.

**Refuse Management:** The applicant proposes to provide refuse and recycling facilities for this development. Refuse collection would be provided by the Town of Chapel Hill and recycling collection would be provided by Orange Community Recycling.

(70)

We are concerned that a single refuse dumpster may not provide adequate capacity to service the proposed 38,000 square foot office building. We are also concerned that the design of the parking lot in the northeast corner may not accommodate turning movements for refuse collection vehicles. We believe that these issues can be addressed during final plan review of a Solid Waste Management Plan. We have included our standard stipulations in Resolution A requiring that a Solid Waste Management Plan be developed for review and approval by the Town Manager prior to the issuance of a Zoning Compliance Permit. Resolution A also includes a stipulation requiring that all drive aisles which provide access to the compactor, future dumpsters and recycling facilities, be constructed with heavy duty pavement.

**Utilities:** Section 14.10 of the Development Ordinance requires that all utility lines, other than lines used only to transmit electricity between generating stations or substations and three-phase electric power distribution lines, shall be placed underground.

We recommend that all utility lines, streetlights and parking lot lights, existing and proposed be located and identified on the final plans. We recommend that all utility lines, other than lines used to transmit electricity between generating stations or substations or three-phase line be buried under ground. We also recommend that all electric line associated with existing or proposed street and/or parking lot lighting be buried underground.

We recommend that detailed utility plans be reviewed and approved by OWASA, Duke Power Company, BellSouth, Public Service Company, and the Town Manager prior to issuance of a Zoning Compliance Permit. We have included a stipulation to this effect in Resolution A.

**Fire Safety:** We have included our standard stipulation in Resolution A requiring that a fire flow report sealed by a professional engineer, be submitted for review and approval by the Town Manager prior to the issuance of a Zoning Compliance Permit.

**Erosion Control:** We recommend that an erosion control plan for the site be approved by the Orange County Erosion Control Officer, and be submitted to the Town Manager prior to issuance of a Zoning Compliance Permit. We have included a stipulation to this effect in Resolution A.

**Comprehensive Plan:** The Europa Office Building site was designated as office land use in the Land Use Plan as part of the new Comprehensive Plan, adopted May 8, 2000, by the Town Council.

**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 <sup>(7)</sup> 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, 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. We note that this conclusion is based on approval of the accompanying Hotel L' Europa/Village Office Park Complex Special Use Permit Modification application, which proposes to remove this site from the Special Use Permit boundary originally created in 1976 and modified in 1980 and 1981.

Resolutions A and B would approve the application with conditions.

Resolution C would deny the application.

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## PROJECT FACT SHEET REQUIREMENTS

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

#### Staff Evaluation

<u>Europa Office Building</u>	<b>Compliance (if accompanying application approved)</b>	<b>Non-Compliance</b>
Use Permitted	√	
Min. Gross Land Area	√	
Min. Lot Width	√	
Max. Floor Area	√	
Min. Outdoor Space	√	
Min. Livability Space	√	
Min. Recreation Space	N/A	
Impervious Surface Limits	N/A	
Min. # Parking Spaces	√	
Min. # Loading Spaces	√	
Min. # Handicap Spaces	√	
Max. # Dwelling Units	N/A	
Min. Street Setback	√	
Min. Interior Setback	√	
Min. Solar Setback	√	
Max. Height Limit	√	
Min. Landscape Buffers	√	
Public Water and Sewer	√	

N/A = Not Applicable

*Prepared: May8, 2001*

(73)

## ATTACHMENT 3

**RESOLUTION A**  
(Manager's Preliminary Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR EUROPA OFFICE BUILDING**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2E (PIN# # 9799468987), if developed according to the site plan prepared on November 23, 1998, and revised on February 15, 2001, 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 that the Town Council hereby approves the application for a Special Use Permit for Europa Office Building in accordance with the plans listed above and with the conditions listed below:

Stipulations Specific to the Development

1. That construction begin by \_\_\_\_\_ (two years from the date of Council approval) and be completed by \_\_\_\_\_ (three years from the date of Council approval).
2. Land Use Intensity: This Special Use Permit authorizes construction of one office building, consisting of a total of 38,000 square feet of floor area, specified as follows:

Total # of Buildings:	1
Maximum Floor Area Total:	38,000 s.f for office-type business use
Maximum Clinic Floor Area:	Not Permitted
Minimum Outdoor Space (s.f.):	78,748 s.f.
Minimum Livability Space (s.f.):	44,728 s.f.

Maximum # of Parking Spaces: 74 108  
 Minimum # of Bicycle Parking Spaces: 11

3. Hotel L' Europa/Village Office Park Special Use Permit Modification: That the submission of the final plan application shall include certified copies of the recorded Special Use Permit Modification for the (insert date) Hotel L' Europa/Village Office Park. Said Special Use Permit Modification shall reduce the overall area of the 1981 Special Use Permit boundary and removed the proposed 2.24-acre development site from the 1981 Special Use Permit.

Stipulations Related to Required Improvements

4. Vehicular Connection to the Sheraton Hotel: That the existing vehicular connection, to the hotel parking lot along the site's north property line, shall be retained. The parking lot plan shall be redesigned to provide the connection. 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.
5. Legion Road Frontage Improvements: That prior to the issuance of a Certificate of Occupancy, half of a 41-foot cross-section be constructed with curb and gutter, a Town standard 5-foot concrete sidewalk and 4-foot wide striped bike lane.
6. Legion Road Left Turn Lane: That prior to the issuance of a Zoning Compliance Permit, the applicant install pavement markers for an eastbound left turn lane from Legion Road onto Europa Drive. That the final design for this turn lane shall include lane width, storage length and transition tapers.
7. Legion Road Frontage Dedication: That prior to the issuance of a Zoning Compliance Permit the applicant dedicate half of a 70-foot right-of-way to the Town of Chapel Hill along the Legion Road frontage. The plat shall be approved by the Town Manager and recorded in the Orange County Register of Deeds Office and a copy of the recorded document shall be submitted to the Town prior to the issuance of a Zoning Compliance Permit.
8. Europa Drive Left Turn Lane: That prior to the issuance of a Zoning Compliance Permit, the applicant install pavement markers for a southbound left turn lane from Europa Drive into the propose Europa Drive access drive. The final design for this turn lane shall include lane width, storage length and transition tapers.
9. Europa Drive Curb Cut: That the centerline of the new driveway for the proposed office building, align with the existing center line for the Europa Center driveway.



(75)

10. **Encroachment Agreements**: That prior to the issuance of a Zoning Compliance Permit the applicant obtain all necessary encroachment agreements and permits from the Town of Chapel Hill for work occurring in the right-of-way.
11. **Bicycle Parking**: That the bicycle parking area for this development shall comply with the Town's Design Manual. Parking for 11 bicycles, and shower and locker facilities shall be provided. That 20% of the bicycle parking spaces include a locker, individually locked enclosure, or supervised area within a building providing protection for bicycles therein from theft, vandalism and weather.
12. **Town Standards**: That all streets, parking lots, drive aisles and sidewalks associated with this development shall be constructed to Town standards.

#### Stipulations Related to Parking

13. **Parking Spaces Adjacent to Europa Drive**: That in order to preserve the two willow oak, the five of the proposed seven parking spaces adjacent to Europa Drive in the northwest corner of the site, shall be removed.
14. **Minimum Parking Space Requirements**: That if the approved final plan includes less than 108 parking spaces, this development shall comply with the minimum parking space requirements by one or a combination of the following options:
  - a. **Reduced Floor Area to Meet Minimum Parking Requirements**: Proposal to reduce the total floor area of the development must be accompanied by a revised Project Fact Sheet. That prior to issuance of a Certificate of Occupancy, an architect shall certify that the square footage of the new building complies with the minimum parking requirement as defined by the Chapel Hill Development Ordinance.
  - b. **Off-Site Parking Spaces**: That the applicant secures off-site parking spaces, in compliance with Section 14.6.2 of the Development Ordinance. That a parking agreement for these spaces be reviewed and approved by the Town Manager. Said approved agreement must be recorded in the Orange County Register of Deeds Office and a copy of the recorded document provided to the Town prior to the issuance of a Zoning Compliance Permit.
  - c. **Redesigned Parking Area**: That the parking lot shall be redesigned.

#### Stipulations Related to Landscape Elements

13. **Critical Root Zone: Willow Oaks**: That at least 80% of the critical root zone, of the two large willow oaks located in the northwest corner of the site, shall be preserved.
14. **Landscape Bufferyards**: That unless approved as alternative bufferyards by the Community Design Commission, the applicant provide the following landscape bufferyards:

- (76)
- Type "A" 15-foot wide external bufferyard along the site's frontage on Legion Road and Europa Drive; and
  - Type "B" 10-foot wide internal bufferyard along all interior lot lines.
15. Parking Lot Plantings: That all parking lot shade trees used to demonstrate compliance with the 35% parking lot shading requirement, shall be a minimum of 2" – 2½" in caliper when installed.
  16. Planting Strips: That five-foot wide planting strip shall be provided between parking areas and the building.
  17. Utilities and Landscaping: That where possible, utility line be located so that the proposed landscaping is not compromised by future repair operations and so that planting options are not constrained by utility easements.
  18. Landscape Protection Plan: That a detailed Landscape Protection Plan, clearly indicating protected root zone areas, tree protection fencing and which rare and specimen trees will be removed or preserved, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

#### Stipulations Related to Stormwater Management

19. Relocated Stormwater Drainage Pipe: That the proposed stormwater drainage pipe, located between the two willow oaks in the northwest corner of the site, be relocate away from the trees in order to minimize disturbance to their root systems. Final location shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.
20. Best Management Practices: That the applicant provided bio-retention or best management practices (BMP's) features to intercept and treat stormwater runoff from the developed areas. Final design and locations shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. That the percentage of stormwater runoff from the development site, subject to treatment by best management practice features, shall be reviewed and approved by the Town Manager.
21. Underground Detention: That underground detention of stormwater be use for the 2-year and 50-year storm events. Post-development stormwater run-off rate shall not exceed the pre-development rate.
22. Stormwater Management Plan: That a Stormwater Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The post-development stormwater run-off rate shall not exceed the pre-development rate.

#### Stipulations Related to Refuse and Recycling Collection

23. Solid Waste Management Plan: That a Solid Waste Management Plan, including provisions for recycling and for the management and minimizing of construction debris, shall be

approved by the Town Manager prior to <sup>(17)</sup>issuance of a Zoning Compliance Permit.

24. **Heavy-Duty Paving**: That all drive aisles on the proposed development that provide access to the compactors, dumpsters or recycling facilities, be constructed with heavy-duty pavement.
25. **Pre-construction Conference**: That the applicant hold a pre-construction conference with Orange County Solid Waste staff prior to any construction activity on the site. A note indicating such shall be included on final plans.

#### Stipulations Related to Fire Protection/Fire Safety

26. **Fire Flow**: That a fire flow report prepared by a registered professional engineer, showing that flows meet the minimum requirements of the Design Manual, be approved by the Town Manager prior to issuance of a Zoning Compliance Permit.
27. **Sprinkler System**: That the buildings shall have a sprinkler system in accordance with Town Code, which shall be approved by the Town Manager.
28. **Fire Department Connections**: That fire hydrants must be no more than 50 feet from fire department connections and that fire connections must be located on street side of buildings in visible, accessible locations.

#### Stipulations Related to Utilities

29. **Utility/Lighting Plan Approval**: That the final utility/lighting plan be approved by Orange Water and Sewer Authority (OWASA), Duke Power Company, BellSouth, Public Service Company, Time Warner and the Town Manager before issuance of a Zoning Compliance Permit.
30. **Underground Utility Lines**: That all existing and proposed utility lines, other than 3-phase electric power distribution lines, shall be underground.

#### Miscellaneous Stipulations

31. **Community Design Commission Approval**: That the Community Design Commission shall approve the building elevations, lighting plan and any proposed alternative landscape bufferyards for the site, prior to the issuance of a Zoning Compliance Permit.
32. **Transportation Management Plan**: That a Transportation Management Plan be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. The plan shall include the following:
  - Quantifiable traffic reduction goals and objectives;
  - Provisions for designation of a Transportation Coordinator;
  - Provision for an annual Transportation Survey and Annual Report to the Town Manager;
  - Ridesharing incentives; and

➤ Public transit incentives.

(78)

33. Certificates of Occupancy: That no Certificates of Occupancy shall be issued until all required public improvements are complete.
34. Detailed Plans: That the final detailed site plan, grading plan, utility/lighting plans, stormwater management plan (with hydraulic calculations), and landscape plans shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit, and that such plans shall conform to the plans approved by this application and demonstrate compliance with all applicable conditions and design standards of the Development Ordinance and Design Manual.
35. Open Burning: That no open burning shall be permitted during the construction of this development.
36. Erosion Control: That a soil erosion and sedimentation control plan, including provisions for maintenance of facilities and modification of the plan if necessary, be approved by the Orange County Erosion Control Officer, and that a copy of the approval be provided to the Town Manager prior to the issuance of a Zoning Compliance Permit.
37. Silt Control: That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
38. Construction Sign Required: That the applicant post a construction sign that lists the property owner's representative, with a telephone number; the contractor's representative, with a telephone number; and a telephone number for regulatory information at the time of issuance of a Zoning Compliance Permit. The construction sign may have a maximum of 16 square feet of display area and may not exceed 6 feet in height. The sign shall be non-illuminated, and shall consist of light letters on a dark background. A detail of this sign shall be submitted with the final plan application.
39. Continued Validity: That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
40. Non-severability: That if any of the above conditions is held to be invalid, approval in its entirety shall be void.

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 for Europa Office Building.

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

(79)

## ATTACHMENT 4

## RESOLUTION B

(Planning Board Recommendation)

**A RESOLUTION APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT FOR EUROPA OFFICE BUILDING**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2E (PIN# # 9799468987), if developed according to the site plan prepared on November 23, 1998, and revised on February 15, 2001, 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 that the Town Council hereby approves the application for a Special Use Permit for Europa Office Building in accordance with the plans listed above and with the conditions listed below:

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 to the Sheraton Hotel: 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.

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 for Europa Office Building.

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

(8)

**RESOLUTION C**  
(Denying the Application)

**A RESOLUTION DENYING AN APPLICATION FOR A SPECIAL USE PERMIT FOR EUROPA OFFICE BUILDING**

BE IT RESOLVED by the Council of the Town of Chapel Hill that it finds that the Special Use Permit application proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E, Lot 2E (PIN# # 9799468987), if developed according to the site plan prepared on November 23, 1998, and revised on February 15, 2001, 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 Europa Office Building.

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

(82)

ATTACHMENT 6

**RESOLUTION D**  
(Defining Contiguous Property)**A RESOLUTION DETERMINING CONTIGUOUS PROPERTY WITH RESPECT TO  
THE SPECIAL USE PERMIT APPLICATION FOR THE EUROPA OFFICE BUILDING  
(2001-05-14/R-3)**

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 for the Europa Office Building, proposed by Duane Stewart and Associated, Inc., on property identified as Chapel Hill Township Tax Map 27, Block E Lot 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 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



(28)  
(83)  
**SUMMARY OF PLANNING BOARD ACTION**

**Subject:** Europa Office Building  
Application for a Special Use Permit

**Meeting Date:** May 1, 2001

**Recommendation:** That the Council approves this application for a Special Use Permit, with conditions as recommended in the Planning Staff Report dated May 1, 2001, subject to the following changes and/or stipulations:

- 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.
- That two parking spaces may remain in the northwest corner of the site, if the applicant can preserve at least 80% of the critical root zone for the two nearby willow oaks.
- That the percentage of stormwater runoff from the development site, subject to treatment by best management practice features, shall be reviewed and approved by the Town Manager.

**Vote:** 4 - 2

Aye: Eddy, Gabriel, Hawkins, Love

Nay: Coleman, Reda

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

The dissenting members did not believe that the proposed development would maintain or promote public health, safety and general welfare. They believed that the applicant's Traffic Impact Statement did not adequately address traffic impacts associated with the proposed development.

Prepared by:

Gay Eddy, Chair. *GE* FOR GE  
Gene Poveromo Planning Staff

(84)

## 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,

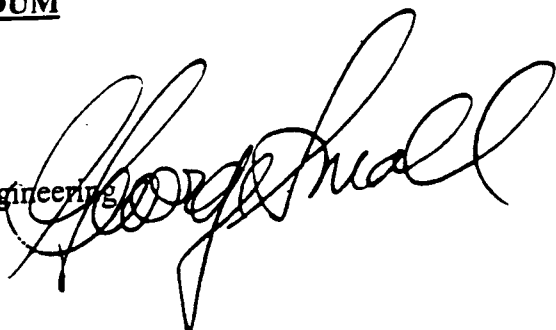
**Prepared by:** Loren Hintz, Chair, Chapel Hill Transportation Board  
David Bonk, Senior Transportation Planner, Staff

JH

**MEMORANDUM**

85

TO: Cal Horton, Town Manager  
FROM: George Small, P.E., Director of Engineering  
SUBJECT: **Europa Office Building**  
DATE: May 07, 2001



On April 25, 2001, we received a request for exemption from preparing a revised traffic impact statement for the subject development. The original traffic impact statement was submitted in December, 1996 for this site. We have attached a copy of the written request from the developer for your information. The request from the developer indicates that the proposed office building size would be reduced from 42,000 sq. ft. to 38,000 sq. ft. The trip generation for the proposed site is presented in the table below:

	<b>Average</b>	<b>AM Peak</b>	<b>AM Peak</b>	<b>PM Peak</b>	<b>PM Peak</b>
<b>Size of the Bldg</b>	<b>Daily Volume</b>	<b>Enter</b>	<b>Exit</b>	<b>Enter</b>	<b>Exit</b>
42,000 Sq. Ft.	462	58	8	11	52
38,000 Sq. Ft.	418	52	7	10	47

The following criteria, which we typically use for consideration of an exemption from submittal of traffic impact analysis, are met by this development proposal:

1. The average daily traffic volume expected from this site is less than the minimum threshold volume (500 trips/day) which typically results in our requiring a traffic impact analysis.
2. The applicant/developer submitted a written request for exemption, including discussion of justification for the requested exemption.

Engineering Department staff reviewed the request and analyzed the existing traffic conditions on 15/501 using information received from other proposed developments in this area including the Sage Road Office Complex and the Residence Inn Hotel. We found that the existing level of service is "D" in AM Peak and "E" in PM Peak hour. We found no significant change in the level of service or delay from the new traffic expected to be generated by the Europa Office Building.

Because we are aware of the existing traffic conditions on 15/501, and because we expect no significant impact on level of service or delay to result from the proposed Europa Office Building, we recommended that an exemption from submittal of a "revised" traffic impact analysis be granted for this project.



Duane K. Stewart  
& ASSOCIATES, INC.

86

April 25, 2001

**CONSULTING  
ENGINEERS**

Civil • Sanitary  
Environmental  
Planning • Design  
Survey

Mr. Kumar Neppalli  
Traffic Engineer  
Engineering Department  
Town of Chapel Hill  
306 North Columbia Street  
Chapel Hill, North Carolina 27516

Re: EUROPA OFFICE BUILDING – Request for exemption from Traffic Impact  
Statement

Dear Mr. Brown:

We request on behalf of the Applicant that the requirement for a new Traffic Impact Statement be exempted. A Traffic Impact Statement was provided for this site in December, 1996 and submitted with the Application that was submitted at that time. The only change being made is the size of the building. It is being reduced from 42,000 square feet to 38,000 square feet. This would reduce the traffic generation from this site.

Sincerely,

DUANE K. STEWART & ASSOCIATES, INC.

Duane K. Stewart, PE, PLS

cc: Allen Nester  
Eugene Poveromo

42,000

(87)

Summary of Average Vehicle Trip Generation  
For 42 Th.Gr.Sq.Ft. of General Office Building  
May 07, 2001

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	462	58	8	11	52
		24 hour Two-Way Volume		Peak Hour	
		Enter	Exit	Enter	Exit
Saturday		100		9	8
Sunday		41		3	3

Note: A zero indicates no data available.  
Source: Institute of Transportation Engineers  
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Europa Office Comple  
 Summary of Average Vehicle Trip Generation <sup>88</sup>  
 For 38 Th.Gr.Sq.Ft. of General Office Building  
 May 02, 2001

	24 Hour Two-Way Volume	7-9 AM Pk Hour		4-6 PM Pk Hour	
		Enter	Exit	Enter	Exit
Average Weekday	418	52	7	10	47

	24 hour Two-Way Volume	Peak Hour	
		Enter	Exit
Saturday	90	8	7
Sunday	37	3	2

Note: A zero indicates no data available.  
 Source: Institute of Transportation Engineers  
 Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Streets: (E-W) US 15-501 (N-S) Sage Road  
 Analyst: WHR File Name: SR15AME.HC9  
 Area Type: Other 6-29-0 AM Peak  
 Comment: 2000 Existing Conditions

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
No. Lanes	2	2	1	1	2	1	1	1	< 0	2	1	1
Volumes	96	1188	157	68	1778	105	145	77	22	174	98	48
PHF or PK15	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Lane W. (ft)	12.0	12.0	12.0	12.0	12.0	12.0	12.0	12.0		12.0	12.0	12.0
Grade		0			0			0			0	
% Heavy Veh	2	2	2	2	2	2	2	2	2	2	2	2
Parking	N	N		N	N		N	N		N	N	
Bus Stops			0			0			0			0
Con. Peds			0			0			0			0
Ped Button	(Y/N)	N		(Y/N)	N		(Y/N)	N		(Y/N)	N	
Arr Type	3	3	3	3	3	3	3	3		3	3	3
RTOR Vols			0			0			0			0
Lost Time	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Prop. Share												
Prop. Prot.												

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
EB Left	*				NB Left *			
EB Thru		*			NB Thru *			
EB Right		*			NB Right *			
EB Peds					NB Peds *			
WB Left		*			SB Left *			
WB Thru		*			SB Thru *			
WB Right		*			SB Right *			
WB Peds					SB Peds *			
NB Right					EB Right *			
SB Right		*			WB Right *			
Green	7.0A	53.0A			Green	9.0A	7.0A	
Yellow/AR	6.0	6.0			Yellow/AR	6.0	6.0	
Cycle Length: 100 secs Phase combination order: #1 #2 #5 #6								

Intersection Performance Summary

	Lane	Group:	Adj Sat	v/c	g/C	Delay	LOS	Approach:		
								Mvmts	Cap	Flow
EB	L		354	3539	0.311	0.100	27.2	D	10.8	B
	T		2086	3725	0.664	0.560	10.5	B		
	R		1124	1583	0.155	0.710	3.1	A		
WB	L		177	1770	0.429	0.100	28.4	D	26.9	D
	T		2086	3725	0.995	0.560	28.2	D		
	R		1124	1583	0.104	0.710	2.9	A		
NB	L		212	1770	0.758	0.120	37.3	D	35.1	D
	TR		180	1802	0.611	0.100	32.0	D		
SB	L		425	3539	0.469	0.120	27.1	D	27.3	D
	T		186	1863	0.585	0.100	31.1	D		
	R		364	1583	0.146	0.230	19.8	C		

Intersection Delay = 21.5 sec/veh Intersection LOS = C  
 Lost Time/Cycle, L = 12.0 sec Critical v/c(x) = 0.854

HCS: Signalized Intersections Release 3.2

Year: 2002 No-Build AM Volumes  
 Analyst: RHD  
 Date: 1/9/01  
 Street: Europa Road/Erwin Road

90

City/St: Chapel Hill, NC  
 Proj #: Baseline  
 Period: 7:45 am  
 N/S St: US 15/501

SIGNALIZED INTERSECTION SUMMARY

	Eastbound			Westbound			Northbound			Southbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Lanes	1	1	1	0	1	1	2	2	1	1	2	0
Config	L	T	R		LT	R	L	T	R	L	TR	
Volume	71	111	530	56	148	74	362	1516	58	164	1541	49
Width	12.0	12.0	12.0		12.0	12.0	12.0	12.0	12.0	12.0	12.0	
Vol			0			0			0			0

Area Type: All other areas

Signal Operations

Phase Combination	1	2	3	4	5	6	7	8
Left		A			NB Left	A		
Thru		A			NB Thru	A	A	
Right		A			NB Right	A	A	
Peds					NB Peds			
Left	A				SB Left			A
Thru	A				SB Thru		A	A
Right	A				SB Right		A	A
Peds					SB Peds			
Right	A				EB Right	A		
Right					WB Right			A
Green	11.0	11.0				27.0	48.0	15.0
Low	5.0	5.0				5.0	0.0	5.0
Red	2.0	2.0				2.0	0.0	2.0
Cycle Length	140.0 secs							

Intersection Performance Summary

Approach	Lane Group	Adj Sat Flow Rate	Ratios		Lane Group		Approach	
			v/c	g/C	Delay	LOS	Delay	LOS
Eastbound	188	1752	0.40	0.107	59.7	E		
	198	1845	0.59	0.107	64.2	E	81.5	F
	549	1568	1.02	0.350	88.1	F		
Westbound	195	1820	1.10	0.107	157.1	F	125.9	F
	414	1568	0.19	0.264	40.1	D		
Northbound	753	3400	0.51	0.221	48.3	D		
	2153	3505	0.74	0.614	11.7	B	18.2	B
	1131	1568	0.05	0.721	0.0+	A		
Southbound	238	1752	0.73	0.136	65.3	E		
	1670	3489	1.00	0.479	47.7	D	49.3	D

Intersection Delay = 45.9 (sec/veh)      Intersection LOS = D



HARVEY C. KRASNY, Ph.D.

(91)

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!

*cont.*

Town of Chapel Hill/R. Waldon  
Apr. 24, 2001  
p. 3 of 3

(93)

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

(94)

## STATEMENT OF JUSTIFICATION

## EUROPA OFFICE BUILDING

*A request for a Special Use Permit for a 38,000 Square Feet Office Building.*

The developer proposes to provide a 38,000 square foot office building at the northeast corner of American Legion Road and Europa Drive.

**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 access drive for the proposed office building will be on Europa Drive and will align with the existing access drive for the Europa Center office building located to the west of Europa Drive.

The proposed development will have minimum impact at the US 15-501/Europa Drive intersection, representing only 1.4 percent of the total volume of traffic.

The level of service at the proposed driveway on Europa Drive is anticipated to continue operating at LOS A with the proposed development.

The unsignalized intersection of Europa Drive and Legion Road currently operates acceptably and, according to the traffic analysis, will continue to operate acceptably with this development.

All services for this development are available from the various utilities. Fire protection will be provided in accordance with all current regulations.

It is the intent of the Developer to provide bio-retention facilities if possible and to provide stormwater detention facilities on-site to assist in maintaining surface water quality.

The site is outside the Chapel Hill Resource Conservation District and Greenways Plan.

**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.**

The proposed development meets the requirements of the CC zoning district under use Group B. All setbacks, and landscape buffers have been met or exceeded. The two-story office building optimizes the allowable FAR and falls within the 34-foot primary height and 60' secondary height restrictions.

**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 proposed office building is compatible with the existing 3-story office building on the adjoining property to the east and the 5-story office building to the west across Europa Drive. This proposed development would have a positive benefit to the adjacent Hotel Europa property as well. The building location and orientation as well as the parking circulation have been designed to respect the existing surrounding conditions.

The site plan layout maximizes landscaped areas along the two street frontages.

The proposed office building will be an asset to the surrounding 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.**

The use of this site as an office building conforms to the Town Zoning Atlas and the Comprehensive Plan for development of Chapel Hill. The recently adopted Land Use Plan shows this property as Office Use.

Although it is not on the Thoroughfare Plan, a bus stop is located directly across the street on Legion Road, which will serve this office building and make it convenient for workers to use alternate means of transportation.

The development will also be bicycle user friendly. Inside storage will be provided for bicycles in addition to outside racks.

The site is conveniently located near restaurants within walking distance. This will help reduce traffic generation from the site.

PROJECT FACT SHEET

(96)

A. IDENTIFICATION OF DEVELOPMENT

Date: April 24, 2001

Plans dated: 12-23-96

Name of Project: Europa Office Building

Type of Request: Special Use Permit

The Map(s) Block(s) Lot(s): 27, E-2E

Zoning District(s): CC

Use Group (Sec. 13.5): R

B. GROSS LAND AREA (Sec. 13.5)

Net Land Area	Area within zoning lot boundaries	NLA	<u>88,862.00</u>
Choose one of the following (or a combination) not to exceed 20% of the net land area space:			
Credited Street Area (Sec. 2.53)	Total adjacent frontage x 1/2 width of the right-of-way	CSA	<u>8,886.00</u>
Credited Open Space (Sec. 2.53)	Total adjacent frontage x 1/2 public or dedicated open space	COS	<u>          </u>
TOTAL: GROSS LAND AREA (Sec. 2.53)	NLA + (CSA and/or COS) = GLA (not to exceed NLA + 20%)	GLA	<u>97,748.00</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>LU 51.0</u>		
Floor Area Ratio	<u>FAR 0.429</u>	Maximum Floor Area (FAR x GLA)	MAF <u>41,934.00</u>
Open Space Ratio	<u>OSR 0.76</u>	Minimum Open Space (OSR x GLA)	MOS <u>74,288.00</u>
Livability Space Ratio	<u>LSR 0.27</u>	Minimum Livability Space (LSR x GLA)	MLS <u>26,392.00</u>
Recreation Space Ratio	<u>RSR N/A</u>	Minimum Recreation Space (RSR x GLA)	MSR <u>          </u>

D. PROPOSED LAND USE INTENSITY

FLOOR AREA (Sec. 13.7.3)	(Based upon proposed plan)	Floor area on all floors	FA	<u>38,000.00</u>
Principal Building Area	Floor area at ground level		BA(1)	<u>19,000.00</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>19,000.00</u>
Basic Uncovered Open Space (Sec. 13.7.6)	GLA - BA		UOS(1)	<u>78,748.00</u>
Other Uncovered Open Space (Sec. 13.7.7)	Uncovered roof area, open balconies, etc.		UOS(2)	<u>N/A.</u>
Covered Open Space at Ground Level (Sec. 13.7.8)	Open space under buildings, carports, etc.		COS(1)	<u>N/A.</u>
Covered Open Space above Ground Level (Sec. 13.7.9)	Covered balconies, etc.		COS(2)	<u>N/A.</u>
Open Space (Sec. 13.7.6)	(UOS(1) + UOS(2) + 1/2(COS(1) + COS(2)))		OS	<u>78,748.00</u>
Car Movement Area	Driveways, drive aisles, other pavement for auto traffic on site		CMA	<u>17,306.00</u>
Car Storage Area	Parking spaces		CSA	<u>16,983.00</u>
Livability Space (Sec. 13.7.6)	OS - (CMA + CSA)		LS	<u>44,459.00</u>
Recreation Space (Sec. 13.7.8)	Livability Space improved for recreation		RS	<u>N/A.</u>
Room Intensity (Sec. 13.8)				<u>N/A.</u>

(PLEASE COMPLETE THE REVERSE SIDE.)

**E. OTHER**

(97)

Case Land Area with Impervious Surface 54,429.00 sq. ft. Percent of Case Land Area with Impervious Surface 76.4 %

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

Minimum Lot Size (Sec. 11.1.1) 5,500.00 SF

Minimum Lot Width (Sec. 11.1.1) 50.00' Proposed Lot Width 296.4

Minimum Street Frontage Width (Sec. 11.4.1) 40.00' Proposed Street Frontage Width 296.4 **EXCEEDS DC.**

Required Setback (Sec. 11.3.1) 0

Required Minimum Setbacks: Street 22 Proposed Minimum Setbacks: Street 22

Side 8 Interior 8

Setback 9 Side 9

Minimum Height (Sec. 11.3.2 and 11.3.3) Primary 34 Proposed Minimum Height: Primary 34

Secondary 60 Secondary 40

Number of Dwelling Units: Efficiency N/A Number of Buildings: N/A

2 Bedrooms N/A 3 or more Bedrooms N/A

Required Number of Parking Spaces (Sec. 11.4.7) 108

Proposed Number of Parking Spaces (Sec. 11.4.7)

Regular 95 Total Spaces 108

Compact 13 Percent Compact 128

Required Number of Loading Spaces (Sec. 11.4.8) 2 Proposed Number of Loading Spaces 1

Delivery: Water None Electric Service XX Telephone Service XX

OWASA XX OWASA XX Underground XX Underground XX

Individual Well(s) None Sealed Septic Tank(s) None Above Ground None Above Ground None

Community Well(s) None Community Package Plant None

Other None Other None

Estimated Wastewater Discharge (Gallons/Day) 8387.00 Fire Protection Provided By: The Town of Chapel Hill

Solid Waste Collection Provided By: The Town of Chapel Hill

Total Area Within Roadway N/A sq. ft.

Total Area Within Flood Plain N/A sq. ft.

Total Area Within Resource Conservation District None sq. ft.

Total Area Within Watershed Protection District N/A sq. ft.

Soil Type(s): White Store Clay Loam Generalized Slope of Site None

Adjoining or Connecting Streets

Street Name	Right-of-way Width	Frontage Width	# of Lanes	Paved or Unpaved	Building Eminent (Year(s))	Building Out/Out or (Year(s))
Europa Drive	70'	37' E/E	2	Paved	Yes	Yes
Legion Road	60'	37' E/E	2	Paved	Yes	Yes

Other: Minimum Building Spacing: Show Orientation, if applicable, on a separate sheet or on the Site Plan. (Refer to Sec. 11.9.13) Revised 01/07/04

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Traffic Impact Analysis  
for  
Europa Office Building  
Chapel Hill North Carolina

Prepared for:  
Mr. Allen Nester  
Durham North Carolina

Prepared by:  
Kimley-Horn and Associates, Inc.  
P.O. Box 33068  
Raleigh, North Carolina 27636-3068  
919-677-2000

011366.00

December 1996





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## 1.0 Executive Summary

The proposed Europa Office Building is located on approximately ±2.5 acres east of Europa Drive and north of Legion Road in Chapel Hill, North Carolina. As currently envisioned, the proposed site will be completed (built-out) in 1998 and will consist of a 42,000 square foot (SF) office building.

Access into the development will consist of one driveway along Europa Drive. This driveway is proposed to be full movement.

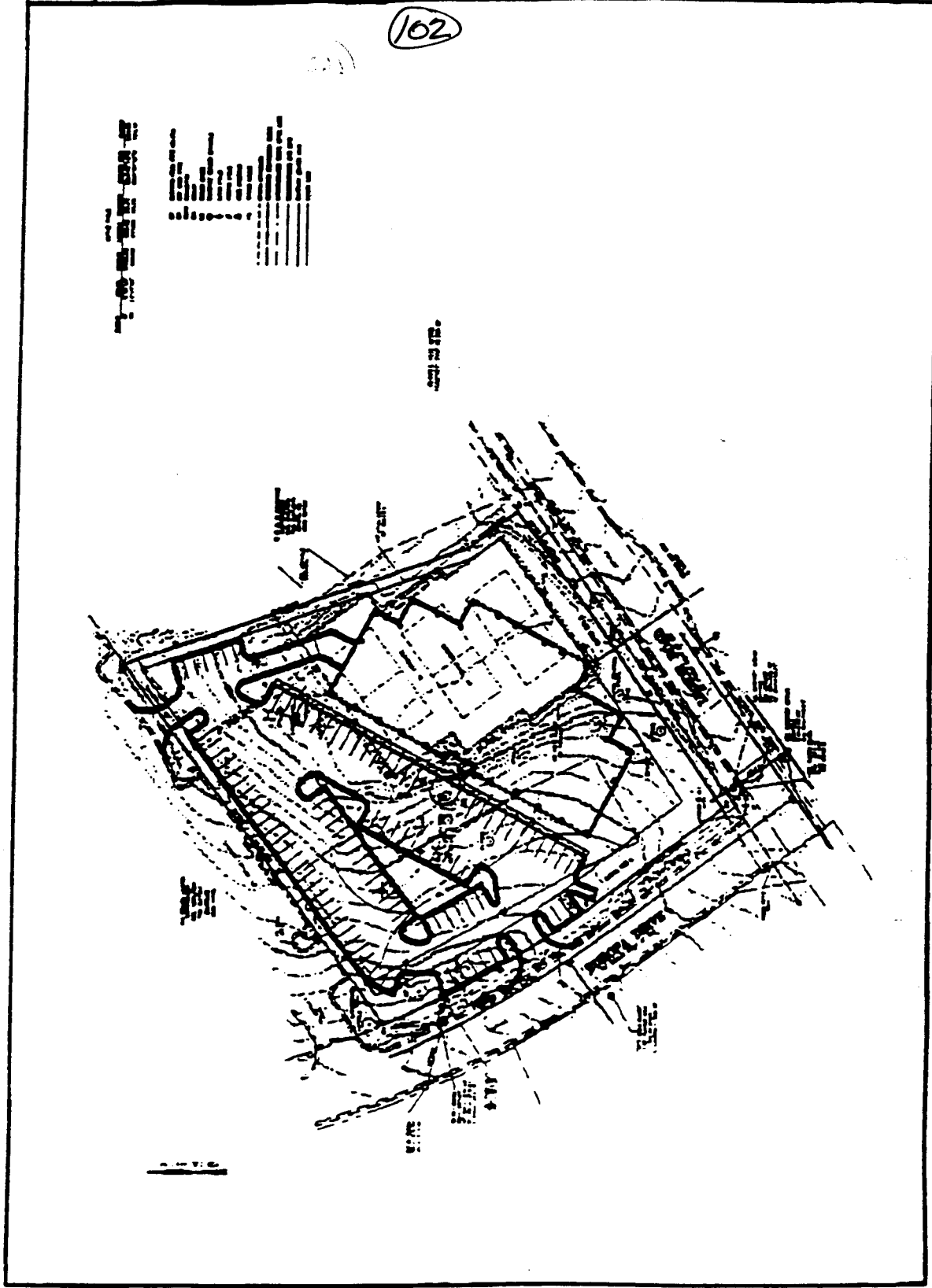
The intersection of US 15-501/Europa Drive/Erwin Road shows that Level-of-Service (LOS) F is being experienced for existing traffic conditions. For projected 1998 no-build and build conditions this intersection will continue to operate at LOS F with the current roadway laneage. The proposed development represent only 01.4 percent of the total volume at this intersection.

Analyses indicate that the unsignalized intersection of Europa Drive and Legion Road currently operates acceptably and will continue to operate acceptably in the projected year 1998.

The unsignalized intersection of Ephesus Church Road and Legion Road currently operates at LOS B during the AM peak-hour and LOS F during the PM peak-hour. For 1998 no-build conditions, this intersection will operate at LOS D during the AM peak-hour and LOS F during the PM peak-hour. For 1998 build conditions, this intersection will operate at LOS F during the AM and PM peak-hours. The Europa Office Building is contributing less than two percent of the traffic during the 1998 build condition. It should be noted, this intersection currently meets the peak-hour warrant and the four-hour warrant for signalization. Therefore, it is recommended that this intersection be monitored for signal warrants by the Town of Chapel Hill and NCDOT.

The unsignalized site driveway on Europa Drive is anticipated to operate at LOS A during both peak-hours of operation.

No off-site improvements are recommended as part of the Europa Office Building development.



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**EUROPA OFFICE BUILDING  
TRAFFIC IMPACT ANALYSIS**

**SITE PLAN**

FIGURE 3

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND SCENARIOS PRESENTED HEREIN, IS OFFERED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND APPROVAL BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

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US 15-501

4LD

4LD

EUROPA DRIVE

3LU

SITE

EPHESUS CHURCH ROAD

2LU

2LU

LEGION ROAD

LEGEND



TRAFFIC SIGNAL

2L

NUMBER OF THRU LANES

D/U

DIVIDED / UNDIVIDED



EUROPA OFFICE BUILDING  
TRAFFIC IMPACT ANALYSIS

EXISTING ROADWAY  
LANEAGE

FIGURE  
3

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## 2.0 Introduction

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The proposed Europa Office Building is located on the northeast corner of the Europa Drive and Legion Road intersection in Chapel Hill, North Carolina as shown in Figure 1. The proposed development consists of a 42,000 square foot (SF) office building.

Kimley-Horn and Associates, Inc. was retained to determine the potential external traffic impacts of this development, and to identify roadway improvements that may be required to accommodate these impacts. This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands. This report examines existing conditions and 1998 (build-out) conditions.

## 3.0 Inventory

### 3.1 Study Area

The study area for this traffic impact analysis includes the following intersections:

- US 15-501/Europa Drive/Erwin Road (signalized)
- Europa Drive/Legion Road (unsignalized)
- Ephesus Church Road/Legion Road (unsignalized)

Figure 2, depicts the proposed project site plan, designed by Duane K. Stewart and Associates, Inc.

### 3.2 Existing Conditions

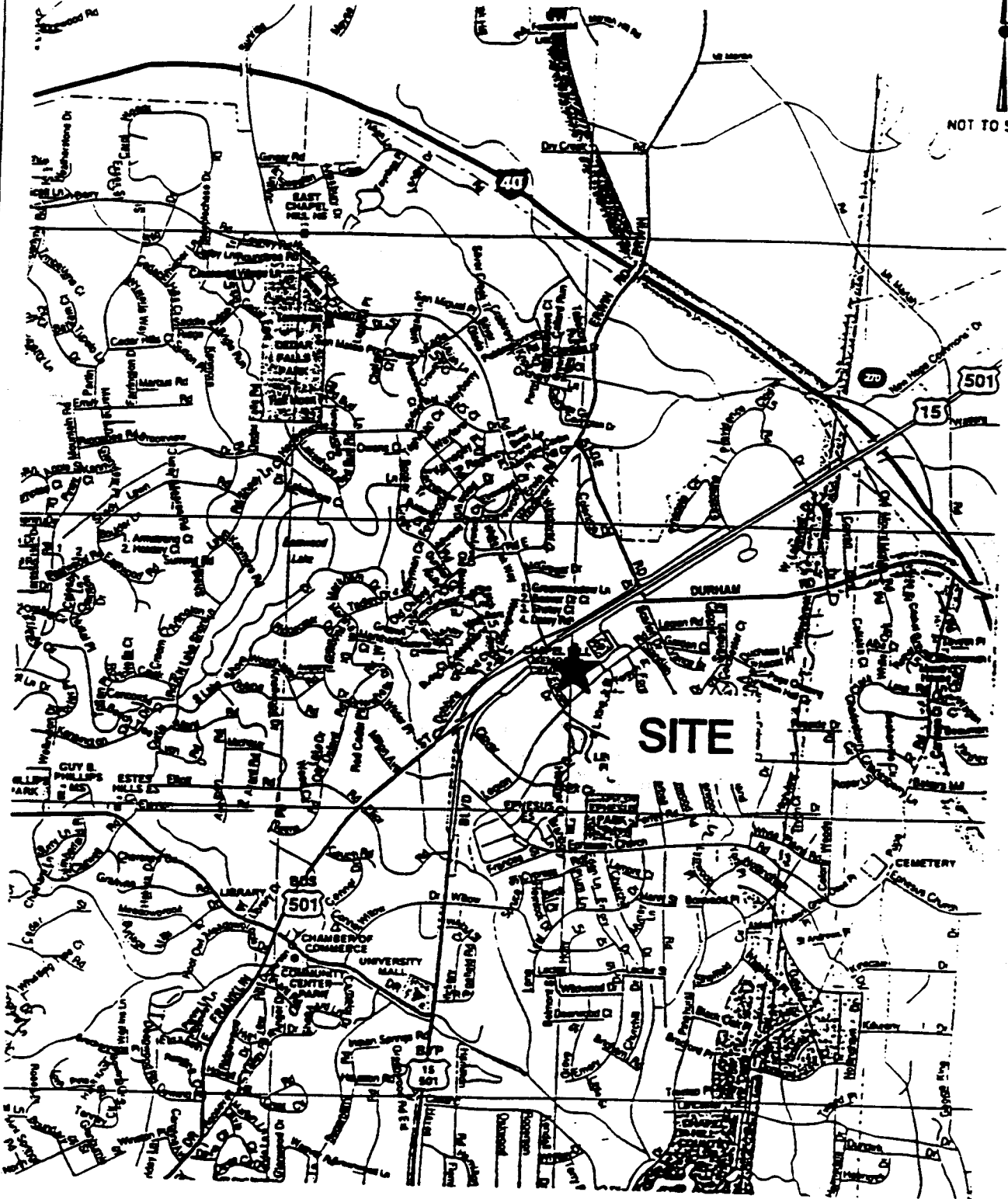
The proposed project is located in northeast Chapel Hill, and the surrounding land uses are primarily residential, office, and commercial developments.

Roads in the immediate vicinity of the site include US 15-501, Europa Drive, Erwin Road, Legion Road, and Ephesus Church Road. The existing roadway and intersection laneage is shown on Figure 3.

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NOT TO SCALE



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EUROPA OFFICE BUILDING  
TRAFFIC IMPACT ANALYSIS

SITE LOCATION

FIGUR  
1

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND SCENARIOS PRESENTED HEREIN, IS AN INSTRUMENT OF SERVICE, IS OFFERED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED, AND NO RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ASSURANCE OF KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

US 15-501 is a four-lane major thoroughfare in the project vicinity with a 1996 Average Daily Traffic (ADT) volume of approximately 39,800 Vehicles Per Day (VPD) west of Europa Drive/Erwin Road. US 15-501 connects Durham to the east with Chapel Hill to the west. In the project vicinity, US 15-501 has a posted speed limit of 45 MPH.

Europa Drive is a three-lane roadway that connects US 15-501 to the north with Legion Road to the south. In the project vicinity, Europa Drive has a posted speed limit of 25 MPH. The 1996 ADT is approximately 6,700 VPD. Erwin Road is the side street on the northern leg of the US 15-501/Europa Drive/Erwin Road intersection. Erwin Road is a two-lane roadway that has a posted speed limit of 40 MPH.

Legion Road is a two-lane roadway that connects Scarlett Vance Street to the northeast with Ephesus Church Road to the southwest. Legion Road serves residential developments, office buildings, and various commercial developments.

Ephesus Church Road is a two lane roadway that intersects with US 15-501 to the northwest. In the project vicinity, Ephesus Church Road has a posted speed limit of 35 MPH. The 1996 ADT is approximately 13,300 VPD.

The US 15-501/Europa Drive/Erwin Road intersection is currently signalized and operates in a five phase mode with protected phasing for east and west left-turning traffic. The intersections of Europa Drive/Legion Road and Ephesus Church Road/Legion Road are currently unsignalized.

### *3.3 Transit Service*

Chapel Hill Transit currently provides the CL-Route bus service to the US 15-501 corridor. This transit route has a weekday schedule and departs from the downtown area at UNC Hospital. The CL-Route currently serves Europa Drive and Legion Road in the vicinity of the proposed Europa Office Building during the AM and PM peak-hours. During the evening hours, the C/D-Route provides bus service in the vicinity along Europa Drive and Legion Road.



#### 4.0 Traffic Generation

The traffic generation potential of the proposed Europa Office Building was determined using the traffic generation rates published in *Trip Generation* (Institute of Transportation Engineers, Fifth Edition, 1991). These trip generation rates assume suburban development, little use of transit or bicycles, and limited ride-sharing and are therefore conservative estimates of future traffic volumes. Table 1 summarizes the estimated traffic generation for the proposed development.

Table 1 ITE Traffic Generation (Vehicles)							
Land Use Code	Land Use	24 Hour		AM Peak		PM Peak	
		In	Out	In	Out	In	Out
710	42,000 SF Office Building	364	364	86	11	17	81

Table 1 shows the proposed development has the potential to generate approximately 364 trips in and 364 trips out per day. According to ITE, these trips would be reduced due to transit usage, ride-sharing, and bicycling programs that are provided to the proposed development. However, to be conservative, ITE traffic generation rates were not adjusted in the analyses.

#### 5.0 Traffic Distribution

The proposed generated trips were assigned to the surrounding roadway network. The directional distribution and assignment was based on existing peak-hour turning movements as well as reviewing the land uses and population densities in the area and the existing and proposed roadway network. The directional distribution used for the analysis was as follows:

- 65% to/from the north on Europa Drive
  - 50% to/from the west on US 15-501
  - 35% to/from the east on US 15-501
  - 15% to/from the north on Erwin Road
  
- 35% to/from the south on Europa Drive
  - 30% to/from the east on Legion Road
  - 70% to/from the west on Legion Road

## 6.0 Projected Traffic Volumes

### 6.1 Existing Traffic

AM and PM peak-hour turning movement counts were performed for the following intersections:

- US 15-501/Europa Drive/Erwin Road -- (count performed by KHA November 19, 1996)
- Europa Drive/Legion Road-- (count performed by KHA November 18,1996)
- Ephesus Church Road/Legion Road -- (count performed by KHA November 19, 1996)

The existing traffic volumes at the above three intersections are shown on Figure 4.

### 6.2 Historical Traffic Growth

Historical growth traffic is the increase in traffic volumes due to usage increases and non-specific growth throughout the area. Based on discussions with the Town of Chapel Hill staff, 1996 base year traffic volumes were increased by 6.0 percent per year for US 15-501, 10.0 percent per year for Ephesus Church Road, and 3.0 percent per year for Europa Drive, Erwin Road, and Legion Road for two years to 1998 to reflect anticipated background traffic volumes.

### 6.3 Approved Development Traffic

Approved development traffic is traffic generated by specific approved but not yet constructed projects within the vicinity of the subject project. There is currently one such project in the immediate vicinity of the project.

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US 15-501

(58)59  
(85)119  
(426)491

20(58)  
1232(1528)  
169(126)

(499)315  
(1795)1326  
(77)52

94(170)  
102(148)  
52(65)

EUROPA DRIVE

SITE

EPHESUS CHURCH ROAD

(277)181  
(400)268

138(239)  
87(101)

(105)33  
(111)66

71(40)  
190(159)

LEGION ROAD

(120)173  
(257)130

1718(1200)  
345(319)

LEGEND

XX AM PEAK-HOUR TRAFFIC VOLUMES  
(XX) PM PEAK-HOUR TRAFFIC VOLUMES

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EUROPA OFFICE BUILDING  
TRAFFIC IMPACT ANALYSIS

EXISTING AM AND PM  
PEAK-HOUR TRAFFIC VOLUMES

FIGURE  
4

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The Lowes Village Center has been approved and is currently under construction. The Lowes Village Center will be located on the northern corner of US 15-501/Sage Road/Dobbins Drive and is expected to be fully built-out in 1997. The traffic generation for the Lowes Village Center was generated and distributed to the adjacent roadway network based on the Traffic Impact Analysis (TIA) submitted. The Lowes Village Center TIA was prepared by Kimley-Horn Associates, Inc. and submitted on April 11, 1994. It should be noted that the TIA performed for the Lowes Village Center assumed 183,895 SF of retail, while the approved square footage was only 161,608 SF of retail. Therefore, the traffic was decreased by the percentage that the square footage decreased to account for the downsizing of the development. Table 2 summarizes the estimated traffic generation for the approved developments.

Table 2 ITE Traffic Generation - Approved Development (Vehicles)							
Land Use Code	Land Use	24 Hour		AM Peak		PM Peak	
		In	Out	In	Out	In	Out
814	161,608 SF Shopping Center	3,676	3,676	98	61	322	345

**6.4 Total Traffic**

To obtain total 1998 build-out traffic volumes the project traffic was added to the existing and background traffic volumes. The proposed project traffic was assigned to the driveways and road network and added to the existing and background traffic. The AM and PM peak-hour turning movements for the studied drives and intersections were then calculated and analyzed for the 1998 build-out year.

**7.0 Site Access and Traffic Assignment**

Access to the proposed office building will be via one driveway on Europa Drive. The site driveway will be approximately 200 feet north of Legion Road.

(111)

Based on the traffic distribution described in Section 5.0, trips were assigned to the driveway. The driveway on Europa Drive is proposed to have full movement access.

Figure 5 shows the 1998 AM peak-hour existing plus background, proposed project, and 1998 total traffic volumes. Figure 6 shows the 1998 PM peak-hour existing plus background, proposed project, and 1998 total traffic volumes.

## 8.0 Capacity Analysis

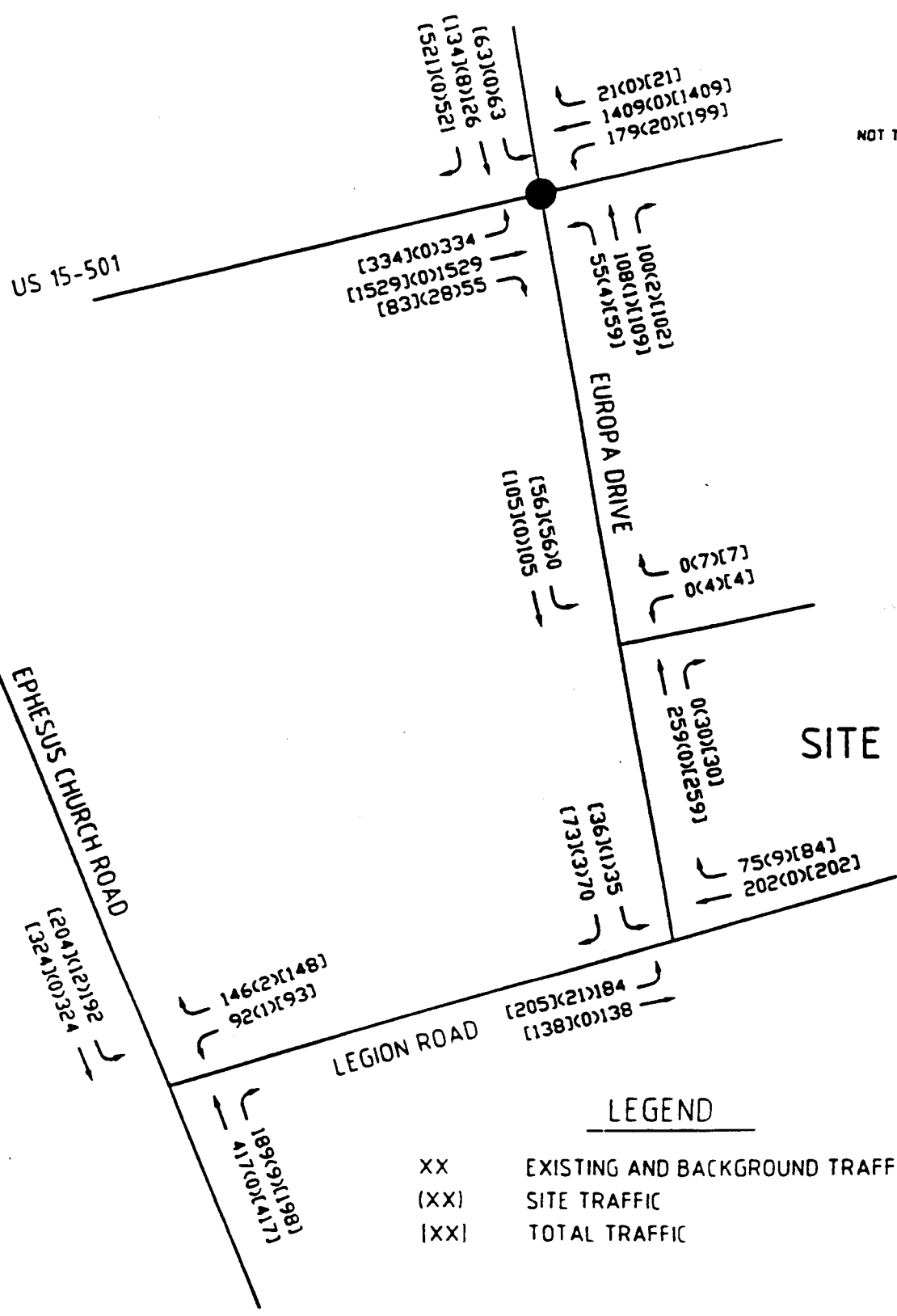
Capacity analyses (see Appendix) were performed for AM and PM peak traffic hours for the existing conditions and 1998 build-out conditions using methodologies contained in the 1994 *Highway Capacity Manual* (TRB Special Report 209, 1994) to determine the operating characteristics of the adjacent road network and the impacts of the proposed project.

Capacity is defined as the maximum number of vehicles that can pass over a particular road segment or through a particular intersection within a set time duration. Capacity is described by Level-of-Service (LOS) for the operating characteristics of a road segment or intersection. LOS is defined as a qualitative measure that describes operational conditions and motorist perceptions within a traffic stream. The *Highway Capacity Manual* defines six levels of service, LOS A through LOS F, with A being the best and F the worst. LOS D is most frequently used as the design standard.

Capacity analyses were performed for existing and 1998 build conditions for the following intersections:

- US 15-501/Europa Drive/Erwin Road (signalized)
- Europa Drive/Legion Road (unsignalized)
- Ephesus Church Road/Legion Road (unsignalized)
- Europa Drive/Site Driveway (unsignalized)

1/2



LEGEND

- XX EXISTING AND BACKGROUND TRAFFIC
- (XX) SITE TRAFFIC
- (XXI) TOTAL TRAFFIC

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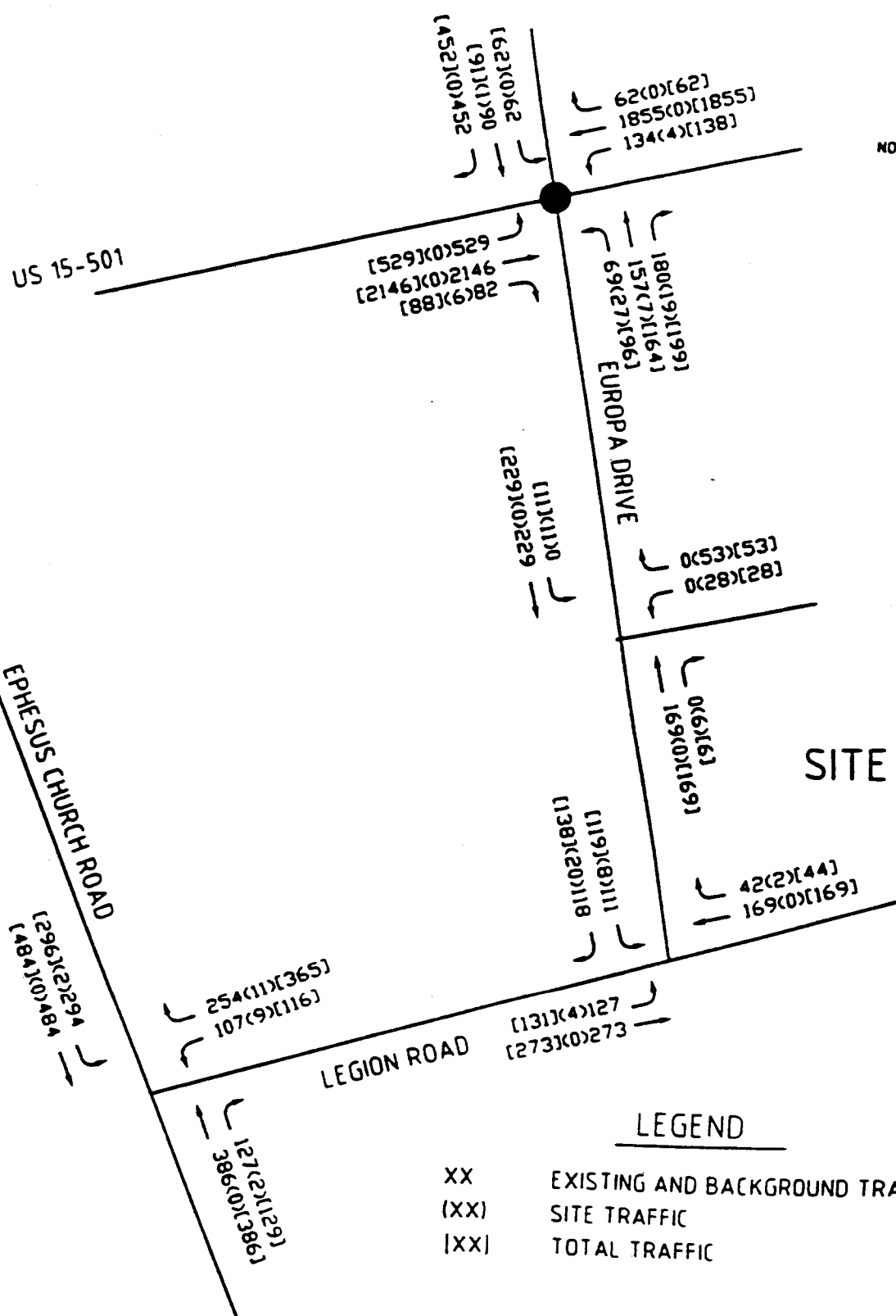
EUROPA OFFICE BUILDING TRAFFIC IMPACT ANALYSIS

PROJECTED AM PEAK-HOUR TRAFFIC VOLUMES

FIG

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LEGEND

- XX EXISTING AND BACKGROUND TRAFFIC
- (XX) SITE TRAFFIC
- [XX] TOTAL TRAFFIC

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EUROPA OFFICE BUILDING TRAFFIC IMPACT ANALYSIS

PROJECTED PM PEAK-HOUR TRAFFIC VOLUMES

FIGU 6

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Both the AM and PM peak hours were analyzed for the studied intersections. All capacity analyses are included in the Appendix and are briefly summarized in the following subsections.



8.1 US 15-501 and Europa Drive and Erwin Road

Analyses indicate that this signalized intersection currently operates at LOS D during the AM peak-hour and LOS F during the PM peak-hour. For future 1998 no-build conditions, this intersection will operate at LOS E during the AM peak-hour and LOS F during the PM peak-hour. For future 1998 build conditions, this intersection will operate at LOS F in the AM and PM peak-hours operation.

Table 3 summarizes the LOS and average delay per vehicle at the intersections of US 15-501 and Europa Drive and Erwin Road for three conditions: 1) Existing Conditions, 2) Future 1998 No-Build Conditions, and 3) Future 1998 Build Conditions.

<b>Table 3</b> <b>Level-of-Service Comparison</b> <b>US 15-501 and Europa Drive and Erwin Road</b>		
Condition	AM Peak LOS	PM Peak LOS
■ Existing Conditions	F (*)	F (*)
■ 1998 No-Build Conditions	F(*)	F (*)
■ 1998 Build-Out	F(*)	F (*)

In the AM peak-hour the site is anticipated to contribute 63 new vehicle trips through this intersection. The total number of vehicles projected in 1998 at this intersection in the AM peak-hour is 4,500 vehicles. During the PM peak-hour the site contributes 64 new vehicles versus 5,818 projected 1998 vehicles. Therefore, the site traffic represents 01.4 percent of the total traffic in the AM peak-hour and 01.1 percent in the PM peak-hour.

8.4 *Europa Drive and Site Driveway*

Analyses indicate that this proposed intersection is projected to operate at LOS A during the future 1998 AM and PM peak-hours. Table 6 summarizes the LOS and average delay per vehicle for the proposed intersection of Europa Drive and the Site Entrance for future 1998 Build Conditions.

<b>Condition</b>	<b>AM Peak LOS-(Delay)</b>	<b>PM Peak LOS (Delay)</b>
■ 1998 Build-Out	A(0.5)	A (0.9)

## 9.0 Summary

(117)

The intersection of US 15-501/Europa Drive/Erwin Road shows that Level-of-Service (LOS) F is being experienced for existing PM peak-hour traffic conditions. For projected 1998 no-build and build conditions this intersection will continue to operate at LOS F with the current roadway laneage. The proposed development represents only 01.4 percent of the total volume at this intersection.

Analyses indicate that the unsignalized intersection of Europa Drive and Legion Road currently operates acceptably and will continue to operate acceptably in the projected year 1998.

The unsignalized intersection of Ephesus Church Road and Legion Road currently operates at LOS B during the AM peak-hour and LOS F during the PM peak-hour. For 1998 no-build conditions, this intersection will operate at LOS D during the AM peak-hour and LOS F during the PM peak-hour. For 1998 build conditions, this intersection will operate at LOS F during the AM and PM peak-hours. The Europa Office Building is contributing less than two percent of the traffic during the 1998 build condition. It should be noted, this intersection currently meets the peak-hour warrant and the four-hour warrant for signalization. Therefore, it is recommended that this intersection be monitored for signal warrants by the Town of Chapel Hill and NCDOT for existing conditions.

The unsignalized site driveway on Europa Drive is anticipated to operate at LOS A during both peak-hours of operation.

No off-site improvements are recommended as part of the Europa Office Building development.

8.2 Europa Drive and Legion Drive

Capacity analyses were performed for the unsignalized Europa Drive and Legion Road intersection during the peak-hours of operation. Based on the 1994 *Highway Capacity Manual* analysis procedures, this intersection currently operates at LOS A during the AM and PM peak-hours. For future 1998 no-build and build conditions, this intersection will continue to operate at LOS A during both peak-hours.

Table 4 summarizes the LOS and average delay per vehicle at the intersection of Europa Drive and Legion Road for three conditions: 1) Existing Conditions, 2) Future 1998 No-Build Conditions, and 3) Future 1998 Build Conditions.

<b>Condition</b>	<b>AM Peak LOS (Delay)</b>	<b>PM Peak LOS (Delay)</b>
■ Existing Conditions	A (1.8)	A (2.7)
■ 1998 No-Build Conditions	A (1.9)	A (2.9)
■ 1998 Build-Out	A (2.0)	A (3.2)

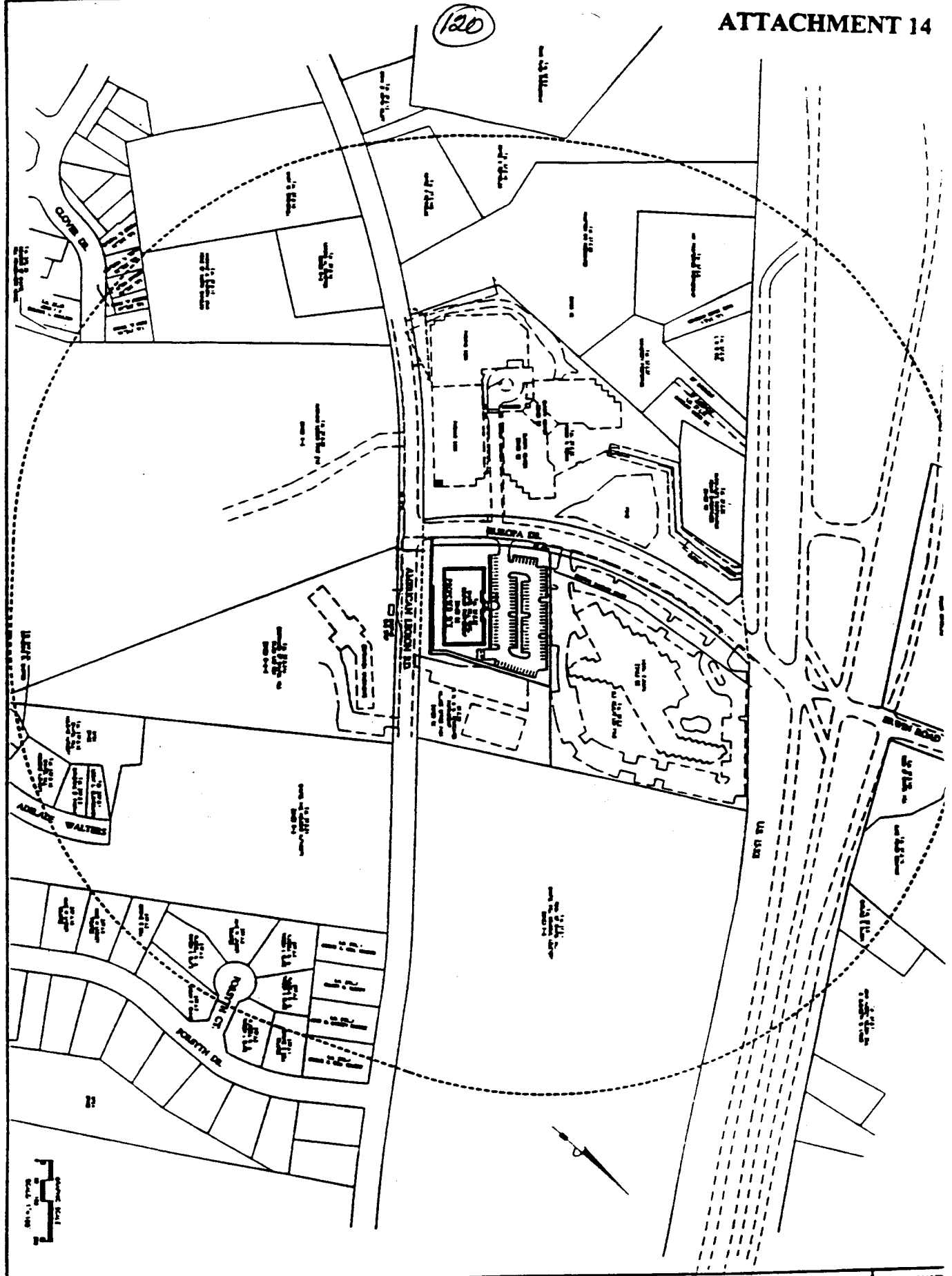
**8.3 Ephesus Church Road and Legion Drive**

Analyses indicated that this unsignalized intersection currently operates at LOS B during the AM peak-hour and LOS F during the PM peak-hour. For 1998 no-build conditions, this intersection will operate at LOS D during the AM peak-hour and LOS F during the PM peak-hours. For 1998 build conditions, this intersection will operate at LOS F during the AM and PM peak-hours. The Europa Office Building is contributing less than two percent of the traffic during the 1998 build condition. It should be noted, this intersection currently meets the peak-hour warrant and the four-hour warrant for a traffic signal. Therefore, it is recommended that this intersection be monitored for signal warrants by the Town of Chapel Hill and NCDOT. If this intersection were signalized, it would operate at an acceptable LOS.

Table 5 summarizes the LOS and average delay per vehicle at the intersection of Ephesus Church Road and Legion Road for three conditions: 1) Existing Conditions, 2) Future 1998 No-Build Conditions, and 3) Future 1998 Build Conditions.

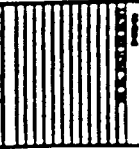
<b>Table 5 Level-of-Service Comparison Ephesus Church Road and Legion Road (Unsignalized)</b>		
<b>Condition</b>	<b>AM Peak LOS (Delay)</b>	<b>PM Peak LOS (Delay)</b>
■ Existing Conditions	B (7.5)	F (155.6)
■ 1998 No-Build Conditions	D (28.6)	F (436.8)
■ 1998 Build-Out	F (42.9)	F (706.0)

120



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**EUROPA OFFICE BUILDING**  
AR. MAP



Done K. Steiner  
A PROFESSIONAL ARCHITECT

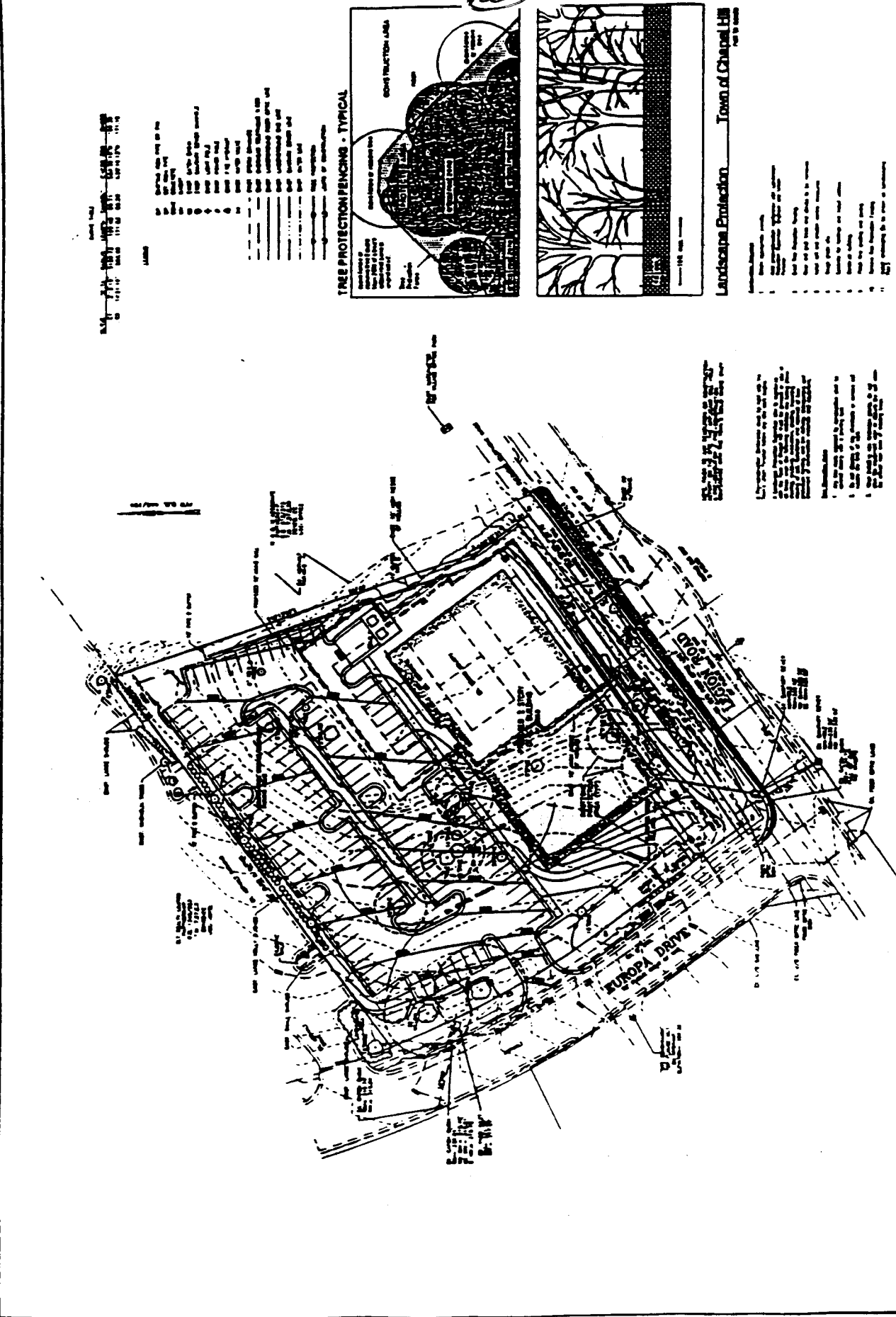
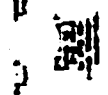


DATE: 11/11/77  
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SCALE: AS SHOWN

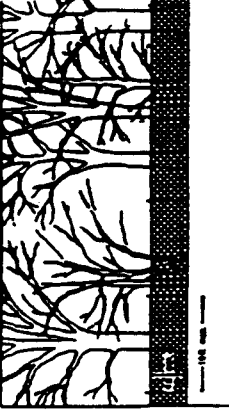
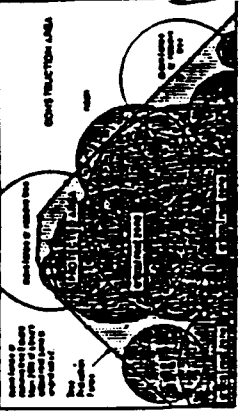
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Dwyer K. Stewart & Associates Inc.  
Landscape Architects  
1000 ...



TREE PROTECTION FENCING - TYPICAL



Landscape Protection - Town of Chicago Hill

- 1. All trees to be protected shall be fenced with 4' high chain link fencing.
- 2. A 2' wide strip of soil shall be mounded around the base of the tree.
- 3. The soil mound shall be covered with a 2" layer of mulch.
- 4. The fence shall be maintained throughout the construction period.
- 5. Any damage to the tree shall be repaired at the contractor's expense.

- 1. All trees to be protected shall be fenced with 4' high chain link fencing.
- 2. A 2' wide strip of soil shall be mounded around the base of the tree.
- 3. The soil mound shall be covered with a 2" layer of mulch.
- 4. The fence shall be maintained throughout the construction period.
- 5. Any damage to the tree shall be repaired at the contractor's expense.





EUROPA OFFICE  
BUILDING 5  
SITE PLAN

DATE: 10/1/77  
SCALE: 1/8" = 1'-0"  
DRAWN BY: J. J. [unclear]  
CHECKED BY: [unclear]



Duane K. Street  
& ASSOCIATES INC.  
ARCHITECTS

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1000 ...  
1000 ...

(121)

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