

## MEMORANDUM

TO: Chapel Hill Mayor and Members of the Town Council

FROM: Michael B. Brough *MBB*

RE: Europa Office Building

DATE: April 22, 2002

I represent the owner of the property that is the site of the proposed Europa Office Building. As you know, two special use permit requests related to this project are before you. The first removes the 2.25 acre parcel in question from the special use permit issued more than two decades ago that covered the Sheraton Hotel site, the Village Office Park site, and my client's property (the "severance permit"). The second permit authorizes the construction of an office building on my client's lot.

I received today a copy of an e-mail sent to each of you by Dr. Harvey Krasny, commenting on an earlier letter to you from planning board member Julie Coleman. In essence, Dr. Krasny asks you to delay voting on the "severance permit" in order to determine whether some sort of agreement was made with the town that the hotel tract could be developed with 108,000 square feet in return for some "low density occupancy" (Dr. Krasny's phrase) on my client's property. I am writing to address only this one issue and to point out that the information already before you removes any doubt that no such arrangement was made.

The rather complicated history of the various permits affecting the properties in question is recited on pages 58-59 of Agenda Item #7b. What that history reveals is that, in 1976, a special use permit was issued authorizing the construction of *two* office buildings – one located on the site of what is now the Village Office Park, and one proposed for what is now my client's property (obviously, this second building was never constructed). As the planning staff report further indicates, a separate special use permit for the 108,000 square foot hotel was issued to a different developer three years later, in 1979. It was not until 1980 that the Village Office park site, the hotel site, and my client's property were brought under a single special use permit. Thus, it is apparent that the authorization granted in 1979 to develop a hotel containing 108,000 square feet of floor area on the 5.5 acre tract was in no way related to or conditioned upon any limitation as to the developability of my client's tract, since the Council had already granted approval three years earlier to another developer to construct an office building on this tract.

I hope the Council will act affirmatively on both special use permit requests this evening.

(10)

## TOWN OF CHAPEL HILL

306 NORTH COLUMBIA STREET  
CHAPEL HILL, NORTH CAROLINA 27514

968-2700

Telephone (919) [REDACTED]

November 12, 1984

Walter E. Daniels, General Counsel  
Fraser-Morrow Buildings, Inc.  
P. O. Box 13219  
Research Triangle Park, N. C. 27709

Re: Status of Hotel Europa/Village Office Park Special Use Permit

Dear Mr. Daniels:

The Village Office Park and Hotel Europa were approved and constructed under a Special Use Permit issued by the Town Council. The Town's 1981 revision of its development regulations designated the then existing hotel and office uses as permitted principal uses, the development of which does not require a Special Use Permit.

In May 1983, Clingendael Business Services, Inc. applied for a Zoning Compliance Permit to add an office building (Europa Hill Office Condominiums) to a site identified as containing 17.2 acres with the existing hotel and office building. The Town Council reviewed and approved the development proposal under the Town's site plan review process for permitted-by-right uses rather than as a Modification of the previously issued Special Use Permit.

I believe the owner's submittal and Town's approval of an application for a Zoning Compliance Permit rather than Modification of Special Use Permit for an addition to development authorized by a no-longer-required Special Use Permit indicates both parties' agreement to the abandonment of the Special Use Permit.

I will therefore consider any future request for development of permitted-by-right uses on the site or any of its component parcels as no longer subject to the previously approved Special Use Permit, but rather subject to the Development Ordinance's requirement for approval of a Zoning Compliance Permit following site plan review.

Our files indicate that the existing hotel and office building require a minimum of 299 parking spaces and that 321 parking spaces exist on the northeast side of Europa Drive and 66 parking spaces exist on the southwest side of Europa Drive. Therefore the 66-space parking area is not required for the existing hotel and office development on the northeast side of Europa Drive. Unless proposed by owners of both parcels, any future development on the parcel on the northeast side of Europa Drive will be reviewed for compliance with parking requirements independently of the 66 spaces on the parcel on the southwest side of Europa Drive.

Mr. Daniels

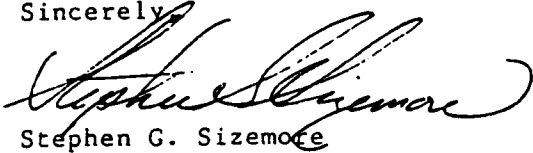
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-2-

November 12, 1984

If you have any additional questions, please call me at 968-2728.

Sincerely

A handwritten signature in cursive script, appearing to read "Stephen G. Sizemore".

Stephen G. Sizemore  
Development Coordinator

SGS/bsa