

Europa Drive Office Building Chronology

1996 – The engineering firm Stewart & Associates applies for a Special Use Permit (“SUP”) on Mr. Nester’s behalf.

October, 1997 – Chapel Hill Town staff complete their initial departmental review and ask for application revisions.

January, 1998 – Stewart & Associates responds with a resubmitted application.

1998 – The Town’s processing of the SUP application is delayed because a question arises regarding the effect an existing SUP has on the site.

February, 1999 – Town staff inform Stewart & Associates that additional materials will need to be submitted before the SUP application will be deemed complete. One of the requested items is the signatures of the owners of the other two properties governed by the SUP. Town staff request the signatures for an application to sever Mr. Nester’s property from the existing SUP (the “SUP modification”).

May, 1999 – Stewart & Associates submits additional documents to the Town.

June, 1999 to December, 1999 – The Brough Law Firm works to obtain the signatures of the other property owners. After one of the property owners declines to provide its signature, the Town permits Mr. Nester to proceed without the signature.

December 22, 1999 – Town staff determines that the SUP and SUP modification applications are complete.

January, 2000 to April, 2001 – The SUP and SUP modification applications go through the Town’s review process, including departmental review, a public information meeting and consideration by various advisory boards.

May 14, 2001 – The public hearing on the project begins but is recessed until June, 2001.

June 25, 2001 – The Town Council recesses the public hearing again until November, 2001 so that traffic issues can be further studied.

November 12, 2001 – The Town Council recesses the public hearing again until February, 2002 and requests that the applicant submit an updated traffic impact statement.

February 11, 2002 – The Town Council recesses the public hearing again until March, 2002 and refers the updated traffic impact statement to various Town advisory boards for comments.

April 22, 2002 – The Town Council closes the public hearing. At the request of the Town Attorney, the vote on the applications is delayed until May, 2002.

May 13, 2002 – The Town Council approves the SUP modification application. The Town Council approves the SUP application, but only after adding the requirement that no certificate of occupancy be issued until the Highway 15-501 Superstreet project is finished and open to traffic. Superstreet construction is projected to start in the summer of 2004 and be completed by the summer of 2006.

March 24, 2003 – The Town Council approves a special use permit for a Marriott Residence Inn to be built near the intersection of Erwin Road and Highway 15-501. The permit mandates that “no Certificate of Occupancy shall be issued . . . until the Superstreet improvements . . . are completed and open to traffic, *or until August 1, 2006, whichever is sooner.*”

The projected total trips per day, a.m. peak hour trips, mid-day peak hour trips and p.m. peak hour trips for the Residence Inn all significantly exceed the projected trips for the Europa Office Building. In particular, the traffic impact analysis for the Residence Inn predicts a total of 988 trips per day, while the traffic impact analysis for the Europa Office Building predicts a total of 418 trips per day.

October, 2003 – A Town staff person mails the final SUP and SUP modification documents to Mr. Nester, but the staff person informs him that prior to recording the SUP modification it must be signed by the owners of all three properties governed by the original SUP.

February, 2004 – Upon Mr. Nester’s request, the Town Manager extends the deadline for beginning construction from May 13, 2004 to May 13, 2005.

August, 2004 – The start of Superstreet construction is delayed until the end of 2004.

January, 2004 to May, 2005 – The Brough Law Firm attempts to get the requested signatures but cannot do so. In May, 2005 the SUP and SUP modification are recorded in the Orange County Register of Deeds without these signatures.

February, 2005 – The start of Superstreet construction is delayed again.

April, 2005 – Upon Mr. Nester’s request, the Town Manager extends his time to complete construction to May 13, 2006.

May 13, 2005 – Town staff deny Mr. Nester’s Zoning Compliance Permit application because the recorded SUP modification does not have all of the requested signatures.

June 10, 2005 – Mr. Nester appeals the denial to the Chapel Hill Board of Adjustment

August, 2005 – Town staff modify their position and agree to issue the Zoning Compliance Permit.

October, 2005 – Upon issuance of the Zoning Compliance Permit, Mr. Nester dismisses his appeal to the Board of Adjustment.

December, 2005 – Citing the Superstreet delays, Mr. Nester asks the Town Manager to grant a second extension on the deadline to complete construction. The Manager declines to do so, indicating that only the Town Council can grant a second extension on the time to complete.

April, 2006 – The start of Superstreet construction is delayed again until the summer of 2006, and the new projected completion date is October, 2007.

May, 2006 – Mr. Nester asks the Town Council to grant a second extension on the time to complete the project.