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Register of Deeds Orange COUNTY, NC
BY: *Hauitt Bradum*
Deputy

REGULAR FORM "3" MARAIN



TOWN OF CHAPEL HILL

ORANGE COUNTY

NORTH CAROLINA

SPECIAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned property owner(s), Chapel Hill Hotel Company Partnership, having applied to the Town of Chapel Hill for a Special Use Permit for the use and development of the property hereinafter described, the same was issued by the Town of Chapel Hill on May 13, 2002, the terms of which are as follows:

NAME OF PROJECT: Europa Office Building

NAME OF DEVELOPER: Duane Stewart and Associated, Inc.

DESCRIPTION OF PREMISE

LOCATION: The site is located on the north side of Europa Drive and west of Legion Road.

TAX MAP REFERENCE: The site is identified as Chapel Hill Township Tax Map 27, Block E, Lot 2E, PIN 9799468987 *JH*

DESCRIPTION OF DEVELOPMENT

GROSS LAND AREA:	97,574 s.f.	MAXIMUM NUMBER OF PARKING SPACES:	108
FLOOR AREA (office-type business use):	38,000 s.f.	MINIMUM NUMBER OF BICYCLE SPACES:	11
MINIMUM LIVABILITY SPACE:	44,728 s.f.	MINIMUM OUTDOOR SPACE	78,748 s.f.
TOTAL NUMBER OF BUILDINGS:	1		

SPECIAL TERMS AND CONDITIONS

Development according to the Site Plan dated November 23, 1998, revised February 15, 2001 (on file at the Chapel Hill Planning Department), and according to the special terms and conditions set forth below:

Stipulations Specific to the Development

That construction begin by May 13, 2004 (two years from the date of Council approval) and be completed by May 13, 2005 (three years from the date of Council approval).

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

Hotel L'Europa/Village Office Park Special Use Permit Modification: That the submission of final plan application shall include certified copies of the recorded Special Use Permit Modification for the May 13, 2002 Hotel L'Europa/Village Office Park Special Use Permit Modification approval. Said Special Use Permit Modification shall reduce the overall area of the 1981 Special Use Permit Modification boundary and remove the proposed 2.24-acre development site from the 1981 Special Use Permit Modification.

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.

Legion Road Frontage Improvements: That prior to the issuance of a Certificate of Occupancy, half of a 41-foot cross-section be constructed along the Legion Road frontage with curb and gutter, a Town standard 5-foot concrete sidewalk and a wide outside lane for bicycles.

Legion Road Left Turn Lane: That the applicant installs 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.

Legion Road Frontage Dedication: That prior to the issuance of a Zoning Compliance Permit the applicant shall dedicate half of a 10-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.

Europa Drive Left Turn Lane: That the applicant construct a left turn lane by re-striping the painted medium that currently exists on Europa Drive between Europa Center parking deck and the Sheraton's southern drive. The design of the revised pavement markings plan shall be reviewed and approved by the Town Manager.

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.

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.

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.

Town Standards: That all streets, parking lots, drive aisles and sidewalks associated with this development shall be constructed to town standards.

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.

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 the adjacent site.

Stipulations Related to Parking

Parking Spaces Adjacent to Europa Drive: That in order to preserve the two willow oaks, five of the proposed seven parking spaces adjacent to Europa Drive in the northwest corner of the site, shall be removed.

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

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.

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.

19. **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.
20. **Planting Strips:** That five-foot wide planting strip shall be provided between parking areas and the building.
21. **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.
22. **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

23. **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.
24. **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.
25. **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.
26. **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

27. **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.
28. **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.
29. **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

0. **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.
1. **Sprinkler System:** That the buildings shall have a sprinkler system in accordance with Town Code, which shall be approved by the Town Manager.
2. **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

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

Miscellaneous Stipulations

5. **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.
5. **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:
 - a) Quantifiable traffic reduction goals and objectives;
 - b) Provisions for designation of a Transportation Coordinator;
 - c) Provision for an annual Transportation Survey and Annual Report to the Town Manager;
 - d) Ridesharing incentives; and
 - e) Public transit incentives.

- 37. **Certificates of Occupancy:** That no Certificates of Occupancy shall be issued until all required public improvements are complete.
- 38. **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.
- 39. **Open Burning:** That no open burning shall be permitted during the construction of this development.
- 40. **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.
- 41. **Silt Control:** That the applicant takes appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent paved roadways.
- 42. **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.
- 43. **Continued Validity:** That continued validity and effectiveness of this approval is expressly conditioned on the continued compliance with the plans and conditions listed above.
- 44. That no Certificate of Occupancy shall be issued for any part of this development until the superstreet improvements at the intersection of U.S. 15-501 and Europa Drive/Erwin Road, being designed and constructed by the N.C. Department of Transportation, are completed and open to traffic.
- 45. **Non-severability:** That if any of the above conditions is held to be invalid, approval in its entirety shall be void.
