

**REVISION TO THE APPLICATION FOR MODIFICATION  
OF THE SPECIAL USE PERMIT  
OF  
EASTERN FEDERAL CORPORATION and  
TRIANGLE V II LIMITED PARTNERSHIP**

**STATEMENT OF JUSTIFICATION**

The revision to the Application is limited to a request for a payment in lieu for the Greenway connection referenced in Paragraph 5 below. Therefore, the reader is referred to the Statement of Justification previously submitted for this Modification. Below, are specific responses to the Department Head Notes to the Applicant dated April 22, 2004. These responses below supplement the Applicant's prior submitted Modification application. The core of this Modification of Special Use Permit is to allow the Applicant to use the Driveways on its property to support its Project and to waive any requirement that the Applicant improve Driveway "D" as stated in Stipulation #4 of the Special Use Permit for the Project. The Applicant is unable to obtain an easement for Driveway "D" (which is off-site) to allow for those improvements.

1. A jpeg is herein submitted showing the zoning lot that is covered by the current Special Use Permit with the parking spaces delineated.
2. The application fee of \$1000.00 is enclosed in compliance with the directions of the Town Council.
3. The Stormwater Exemption has been requested and should be provided from Fred Royal of the Town of Chapel Hill Engineering Department. Mr. Royal has indicated that the exemption letter should be available soon.
4. The only greenway easement requiring a conveyance from an adjoining off-site owner is the Easement for Greenway purposes (stipulation #6 of the Special Use Permit) for the pedestrian connection to the Booker Creek Greenway. The easement in draft has been submitted to the real estate attorneys for Little & Cloniger Partnership, who is the adjacent owner. The easement would run in favor of the Town of Chapel Hill for a 30' pedestrian connection to the existing Booker Creek Greenway. The applicant would perform the minor construction necessary for the short connection. While we are hopeful of obtaining an agreed upon executed easement acceptable to the Town, the applicant must request that in event the easement cannot be obtained from the offsite adjoining owner that a **payment in lieu** for the anticipated construction cost for the 30' pedestrian connection be approved by the Town and that the Town specify the amount of payment to be provided.
5. The applicant will work with staff to the extent practical, to increase the throat length at Driveway "C" as recommended by the Town Traffic Consultant as long as any increase in length does not negatively impact parking and circulation requirements. The Applicant is in agreement with the Notes in the Department Head Review of April 22, 2004 that it should not be required to increase the throat length of Driveway "C" to 50 feet as a condition of approval. The applicant

notes for the record that increasing the throat length at Driveway "C" to 50' or any length greater than as approved in the Special Use Permit has absolutely no connection with the Applicant's Modification request to remove that portion of Stipulation 4 that requires the Applicant to improve Driveway "D". In addition, Council has already approved the SUP with the throat length as shown on the existing plan.

The Applicant asserts that the Amended Traffic Report completed by HNTB North Carolina, PC completely supports that the driveways serving the Applicant's site, Driveways A, B and C will fully accommodate the needs and requirements of the Project. The application for the SUP Modification therefore meets all legal tests for the Modification to be approved. The Modification application does not in any manner jeopardize the public health, safety and general welfare of the citizens of Chapel Hill. The application is in full compliance with the Chapel Hill Land Use Management Ordinance and with all other applicable regulations. The application will not negatively impact values of the contiguous properties and the Application conforms to the general plans for the physical development of the Town as contained in the Chapel Hill Land Use Management Ordinance.

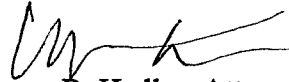
6. The applicant agrees with the Town Staff recommendation to use caution when selecting plant material at Driveways "B" and "C" so as not to impede visual access for ingress and egress safety.

7. The applicant is aware that the southern-most parking bays on the adjacent Ginn property show the property line shared with Eastern Federal passes through approximately 13 parking spots currently in use by the adjacent property owner Ginn Properties. The applicant's Modification of the SUP does have any impact on those spaces.

8. We will plan to meet the terms and conditions of the SUP. Refer to Stipulation 14.

It is requested that the Town of Chapel Hill approve the Modification of the Special Use as Permit for Village Plaza Shopping Center Renovation.

Respectfully submitted,



Wayne R. Hadler, Attorney for Eastern Federal Corporation