



## ATTACHMENT 1

From: Seymour Freed [<mailto:ruthsy@msn.com>]  
Sent: Thursday, March 01, 2007 1:47 PM  
To: Town Council  
Subject: Why the LUMO District MU-OI-1 Residential Density Should Remain at 40%

March 1, 2007

To: Mayor Foy and Town Council

From: Seymour Freed

Re: Why the LUMO District MU-OI-1 Residential Density Should Remain at 40%

The University Station development Design Concept allocates 100% of the MU-OI-1 floor area to residential use. This does not comply with the LUMO, which permits only 40% of the floor area to be residential. A maximum of 238 dwelling units are currently allowable in its two combined zoning districts. Because of the unprecedented number of units in "Unacceptable" proximity to I-40, a maximum of 171 should be permitted in the proposed configuration. It is possible to revise the Design Concept so that the allowable 238 units would not be so poorly placed.

The proposed revision to the LUMO would allow 55% residential in the MU-OI-1 District. The LUMO would then allow between 272 and 303 units according to §3.5.1(e)(3)B which states:

For residential floor area, permitted uses shall be those listed in Section 3.7 as permitted uses in the R-3 District... This provision would increase the residential percentage from 55% to 63%.

The LUMO change is not necessary for the approval of the Residences at Chapel Hill North. The proposed residential component is 200,451 square feet out of a total of 451,000 square feet, or 44.4% of the total. Since there is a bonus of .303/.264 or 114.77% for residential use, the allowable residential mix is now  $40\% \times 1.1477$ , or 45.9%. The Residences residential mix is legal according to the current LUMO.

The change in the residential mix may or may not be suitable for other MU-OI-1 parcels. It is against public health and safety for the University Station development, and unnecessary for The Residences. Please do not increase the MU-OI-1 residential mix.

Seymour Freed