

A Summary of Issues with the proposed Woodmont application for a Zoning Atlas Amendment.

Presented to the Town Council of Chapel Hill, May 12, 2008

Henry A. Lister, PhD, 123 Littlejohn Rd., Chapel Hill, NC 27517

Zoning Changes

We in Sherwood Forest are not against development in our backyard. We've known for years that something was going to be built on the Lloyd-Stancell property. We're not against real mixed use, but the Woodmont proposal is far from being mixed use, both in terms of use ratios and size. We know that "re-development" is inevitable, but re-developed into what? Given that the land is R-2, Low Residential, we assumed it would be town homes or condos.

Re-development, or just plain development, meant that we might lose our view of the stars to light pollution, that the owls would disappear, that some traffic increase was inevitable, and that there would be fewer deer. We knew that there would be loss, but that the losses would not prevent it from happening. But here is our argument against what is proposed.

Summary

The application for a zoning atlas amendment by Capital Associates does not conform to the Comprehensive Plan and thus should be denied.

1. The proposal violates the Goals for the NC 54 Entranceway by not providing for the protection of natural landscapes along the corridor.
2. The proposal does not meet the intended ratios of commercial, residential, and retail of an MU-V described by the Comprehensive Plan, and
3. A large office park amidst residential areas violates the Neighborhood Protection intent of the Comprehensive Plan.

In order for land to be rezoned, it must meet one of three conditions (see below).

CHAPEL HILL LAND USE MANAGEMENT ORDINANCE – 7/1/07

4.4. Zoning amendments.

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the town it is intended that, this appendix shall not be amended except:

- **to correct a manifest error in the appendix, or**
No manifest error exists.
- **because of changed or changing conditions in a particular area or in the jurisdiction generally, or**
Conditions of the area have not changed nor has the jurisdiction changed in the area.
- **to achieve the purposes of the comprehensive plan.**
See the notes below.

There is no manifest error in the zoning appendix, the conditions surrounding the property have not changed to any extent to warrant a rezoning, and the jurisdiction remains intact. The

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proposed zoning change must prove it meets the elements of the Comprehensive Plan (May 8, 2000) for the Town of Chapel Hill.

The burden of proof lies with the applicant. And ^{while it should} ~~it must~~ meet ^{most} ~~ALL~~ elements and purposes of the Comprehensive Plan, ^{it should violate none.} ~~not just some~~. This document speaks to key intentions of the Comprehensive Plan that Woodmont does not meet. At a previous meeting (March 18, 2008) I presented to the Planning Board an outline of reasons why the Master Land Use Plan application does not meet the Comprehensive Plan, reasons which equally apply to rezoning.

1. NC 54 Entranceway Goals

On June 12, 1995, the Town Council adopted the Goals for the NC 54 Entranceway as a component of the town's Comprehensive Plan. There are many elements of this document that pertain to the Woodmont proposal, but only the crucial are mentioned here.

Key to the Goals was the protection and restoration of meadows, natural areas, and green space along NC 54. Specifically, the Goals state that any development must "Preserve, restore, and enhance natural" landscapes, and "Maintain and reinforce ridge lines" while "designating land for public . . . greenways." Only the last of these has been proposed by Woodmont, as they have offered to extend the Meadowmont bike and walking paths from Barbee Chapel Rd. to Downing Creek. However, the highest elevations of the property will contain the tallest buildings, while the lowest elevations will contain ponds and grassy area that will not be visible from NC 54. In other words, what every passing motorist will see will be, in essence, a Cary office park. This type of vista is the absolute opposite of what the Goals for the NC 54 Entranceway states and violates the Comprehensive Plan.

2. Scale of Mixed Use Development

A MU-V can be community-scale or a neighborhood-scale in size (see Comprehensive Plan 8A-2, p. 67, see below). The size of the proposed Woodmont is far beyond the scale intended for property adjacent to or currently zoned Low Residential.

Comprehensive Plan 8A-2

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The Town has mixed-use zoning districts in place and has permitted mixed uses in specific developments. Promoting additional mixed uses – both within individual developments and in land use relationships between proximate properties – is a key Comprehensive Plan strategy. Three primary contexts are proposed for application of the mixed-use concept:

- *Areas where office or a combination of office and commercial (retail and service establishments) are the primary uses.* Those areas designated on the Land Use Plan for office mixed-use should include smaller scale retail/service and possibly residential development as supporting uses, while areas designated for office and commercial mixed-use could potentially include residential.
- *Existing commercial centers that serve surrounding neighborhoods.* Chapel Hill's existing land use pattern includes a number of small (neighborhood-scale) and medium (community-scale) commercial centers that serve surrounding neighborhoods. Cedar Falls Courtyard on Weaver Dairy Road is a good example of a neighborhood-scale commercial center, while community-scale centers include the downtown and Eastgate, Timberlyne, and University Mall shopping centers. Opportunities to introduce or reinforce mixed-use characteristics in these centers and adjacent areas should be explored. For example, residential and/or office uses could be added when larger shopping centers are infilled or redeveloped. The Cedar Falls Courtyard area has several different uses (commercial, residential, school, and park) located in close proximity to

each other, but would benefit from sidewalk connections between the uses. Existing neighborhood and community-scale commercial areas that are or could become mixed-use centers are shown on Figure 12.

- Comprehensive Plan, P. 67

Mixed Use zoning districts require that “existing commercial centers serve surrounding neighborhoods,” and that both neighborhood-scale and community-scale commercial centers should be designed with a balanced ratio of residential, commercial and retail. The Goals for the NC 54 Entranceway states that “where practical and appropriate to the site” mixed use should “Incorporate the office and retail components **within** (my bold) neighborhoods in a scale to fit the neighborhoods; for example, with 2- or 3-story buildings with living units on the top floors.” The Goals call for small, integrated development patterns, not large office buildings with segregated residential units appended into the site.

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The Comprehensive Plan suggests that any proposal for Mixed Use in a residential zone, especially a Low Residential zone, have a higher percentage of residential use than any other use. The Woodmont proposal meets the minimum residential requirement (25%) for it to legitimately request an MU-V zoning. The Woodmont proposal should be predominantly residential, but it is not. Thus, the rezoning application, while minimally meeting the residential requirement, does not meet the intended ratios of commercial, residential, and retail of an MU-V described by the Comprehensive Plan.

3. Neighborhood Protection

3.2 Neighborhood protection

Chapel Hill residents believe that protecting the physical and social fabric of neighborhoods is the key to maintaining the Town's community character.

Neighborhood Protection is the current policy of the Comprehensive Plan. Above all else, the Town of Chapel Hill is obligated to protect the general welfare, peaceful and safe use, and value of neighboring property AND its community character. Building a large office park amidst residential area does NOT adhere to this stated Town policy.

8.2 Future Land Use

Residential Uses – Low (1-4 Units per acre) and Medium (5-8 units per acre) residential development will remain the predominant land uses. Existing high-density residential development (8-15 units/acre) is also designated on the plan. Town policies should strive to maintain and enhance the character of these established residential areas. (Comprehensive Plan, p.62)

The Land Use Plan is intended as a guide for future land use decision-making, including rezoning.
- Comprehensive Plan, p. 62

The Land Use Plan (1/14/2008) has designated the largest portion of the proposed project area as Low Residential and the Pearl Lane area as Medium Residential. The Comprehensive Plan (8.2, p. 62) states that “future pattern of land use . . . is an extension of existing land use, reflecting the importance of maintaining Chapel Hill’s established community character.” It further specifies that the Town “should strive to maintain and enhance the character” of “low- and medium-residential” land uses.

Some Pearl Lane residents have decided to collectively market their property for commercial development, abandoning the peaceful use of their property as residences. This speaks directly to

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their sense of loss of their neighborhood's character *before even one public hearing on rezoning, a MLUP, or an SUP was held*. Many residents of Sherwood Forest are also concerned about a long-term change in character for our residences and neighborhood. Building a large office park amidst residential areas does NOT adhere to this stated Town policy and violates the Neighborhood Protection intent of the Comprehensive Plan.

A Lack of Imagination

Woodmont could have been a viable project if only a little imagination was exercised. Here's what we mean.

If 60 - 75% of the parking were underground, then no two-story parking decks with 28-foot light towers would be built in our backyards, lighting our rooms at night.

If true pedestrian connectivity was included, the developers would build or propose a pedestrian tunnel like the one near Exchange Place East. Such a pedestrian tunnel would grant Sherwood Forest, Downing Creek, and their own tenants easy access to the retail stores at Meadowmont.

If they were creative and imaginative, they would propose to collect water off the roofs of their buildings to irrigate the vast landscaped areas they propose and minimize their use of potable water.

And if they really were proposing a mixed use village, it would BE a village that served all the neighborhoods- and we would support it. But this is NOT an imaginative project. It is just another massive office complex that wants to impose itself on established residential communities and alter forever the community character that is Chapel Hill.

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