From: Elisabeth Benfey [mailto:benfeye@duke.edu]
Sent: Tuesday, November 25, 2008 5:47 PM
To: Town Council
Subject: Residences at Grove Park

Honorable Town Council Members,

I am writing to express concerns about the way the Council is addressing real estate development challenges in our town. Yesterday, you voted in favor of the rezoning of a property to be re-developed by Ram Development Company. The proposal is obviously still fresh in your memory, but I would like to briefly summarize how this vote came to be, and why it greatly concerns me, and many people in our community.

Ram Development Company recently presented a proposal for the Residences at Grove Park (RGP). The proposal called for the redevelopment of a tract near downtown that is currently the location of Town House Apartments. Ram intends to build three times as many units as are presently on its property. The proposal needed rezoning to accommodate the type of high-density development a project of this scale requires. Town Staff, upon your request, researched existing zones that could work for the proposed development, and crafted a modified version of an existing Residential-Special Standards Conditional (R-SS-C) zone, including an increase in Floor Area Ratio (FAR). The amendment also specifies that the zoning is no longer primarily for affordable housing.

The modification was rejected by the Planning Board, which was concerned that the zone had been developed specifically to facilitate the RGP proposal. The Planning Board was also worried that this zoning would create a precedent, allowing developers to request the new zoning without substantial review. Town Staff's new proposal attempted to address this concern by adding a safeguard against indiscriminate use of this high-density zoning: request for this zoning will have to always be accompanied by a Special Use Permit (SUP). The idea is that the Town Council will have latitude to influence the proposal for the "betterment of our community".

Even though the Council voted for the zone, it limited its scope to "Downtown" (what are the limits of Downtown Chapel Hill, by the way?). This is a relief, yet yesterday's decision still leaves many of us with the uneasy feeling that the Town Council's decision to modify the R-SS-C zone was driven by the need of an individual developer. This was confirmed by a Council Member who commented with satisfaction, "It was good planning to find a project she liked and then to design a zone for it".

This may seem like good planning to you, but it was not the opinion of the Planning Board, which should know a thing or two about planning. Nor is it the opinion of many of the residents who feel that good planning starts with... a plan! This brings me to the bigger issue at stake: What is the process Town Council intends to follow for developments in our Town in the future? Must we expect that the Council will (re-)act on an ad-hoc basis as they did in the RGP case, or does it actually have a *vision* for this community, and if so, what is it?

What is the philosophy behind this vision? Based on what is happening with Ram Development Company, it seems that invoking "high-density" is sufficient to justify the granting of new zoning by Town Council. But is high-density the best way to develop this town? If so, which degrees of high-density actually promote "the betterment of our community"?

How can this community achieve sustainability (surely an objective that is in the mind of every responsible Council Member at this time), and how is this goal compatible with that of high-density?

What measures will be taken to protect Historic Districts adjacent to these new developments? How will they be affected by the new zoning, especially by the heights of new buildings, and the increased traffic?

Have the elected officials really done their best to engage the residents in a dialogue about the scope and type of growth of their town in the years to come? How do citizens get this information, and how is it presented? The concepts are often complex and off-putting (R-SS-C, SUP, FAR are only a few examples of the jargon used in the published reports, often without explanations), preventing even the most motivated citizen from understanding, let alone forming an opinion about what is going on. What are the mechanisms in place to allow the citizens to express their views?

It is very unclear to us how last night's decision is going to impact this part of Town, but a certain consequence is that those of us who live near Downtown Chapel Hill will show renewed vigilance, and will request stipulations in the Special Use Permit to require low impact design, limiting heights, and expanding buffers and pedestrian safety features.

Thank you in advance for addressing these concerns. The NRG is organizing a "High-Density" meeting on December 10th. I hope this meeting will allow us to have a lively exchange with all of you about these important issues.

Sincerely,

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