

**Correspondence
Received**



20 March 2006

Mayor Kevin Foy
Town Hall
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Dear Mr. Foy:

The Board of Education for the Chapel Hill-Carrboro City Schools met on Thursday, March 16, to discuss how the Pine Knolls Neighborhood Conservation District might impact the future development of our Lincoln Center site on Merritt Mill Road.

Because the Board saw incompatibility between the Neighborhood Conservation District's zoning restrictions and a proposal to restore the Lincoln Center site to an educational facility at some point, the Board voted unanimously to seek exemption from the Neighborhood Conservation District that is currently before the Planning Board and that is scheduled to come before the Town Council in April or May. The Board supports the Neighborhood Conservation District for our residential neighbors and hopes that the new zoning regulations will accomplish the proposal's goal of preserving the community's original charm and character.

Roger Waldon of Clarion Associates has been coordinating this effort and instructed school district staff to forward this communication to you so that the Lincoln Center property could be removed from the final maps scheduled to be adopted by the Town Council.

If you require any additional information regarding this action, please do not hesitate to contact Stephanie Knott, Assistant to the Superintendent for Community Relations, at sknott@chccs.k12.nc.us or at 967-8211, ext. 227.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil G. Pedersen".

Neil G. Pedersen
Superintendent

Cc: JB Culpeper, Director of Planning
Ruby Sinreich, Planning Board Chair
Roger Waldon, Clarion Associates

April 14,2006

Dear Planning Staff,

We are writing to address the proposed Pine Knolls overlay district boundary that is currently being discussed by the Planning Board and will be sent to the Council for public hearing in May.

Mainsail,LLC purchased a parcel of land that is situated at the peninsula formed by the convergence of the Hwy 54 off ramp to Merritt Mill Road and Merritt Mill Road. The Mainsail property along with the Rev. Manley Estates and land just north of Manley Estates has been included in the overlay district boundary drawn by Clarion Consultants. We believe that the property should be excluded from the provisions of the overlay district. There has been no discussion by the Pine Knolls Community or Clarion Consultants as to why it should be included in the overlay, but we believe there are three good reasons to have it excluded.

First, and foremost, is the fact that the Pine Knolls Community does not want to include the area in the overlay district. They see no relationship between the problems that gave rise to their request that an overlay district be established and these properties situated a half mile away, detached both geographically and architecturally from the Pine Knolls community. The problems which gave rise to the request for an overlay district were related to the size and scale of residential structures within the Pine Knolls neighborhood. The Mainsail property has never been part of the Pine Knolls Community and is currently a single dilapidated structure well separated from Pine Knolls. The property is further separated from Pine Knolls by the Lincoln Center and Manley Estates. Not only do the residents of the Pine Knolls Community see no attachment between the Mainsail property and their community, but they believe that the development of the area in question has the potential of benefiting their community if redeveloped outside the confines of an overlay district.

It is important to reflect upon the fact that the overlay district was initiated by the concerns of the Pine Knolls Community and they have expressed a clear desire not to include the Mainsail property as part of their neighborhood or the overlay.

Second of all, the property's inclusion is not supported by the clear language of the development ordinance. As stated in the purpose statement of the Neighborhood Conservation District section of the LUMO, "there are unique and distinctive older in-town residential neighborhoods or commercial districts which contribute significantly to the overall character and identity of the Town and are worthy of preservation and protection". It should be clear to anyone that has ever looked at the Mainsail property at the end of the off ramp that it is not worthy of preservation or protection. In fact, the Town had determined back in 2001 that the house was "unfit for habitation, dangerous and violates the Town code" and went on to list 18 major compliance issues to include the fact that the dilapidated home was surrounded by what in effect equated to a junk yard containing dozens of abandoned and inoperable vehicles, appliances, wood and demolition debris and general trash. (See attachment A) The home has no functioning plumbing and the septic system has been inoperable for at least 5 years. The property has been the gathering spot for homeless who live in the unsafe, unsanitary conditions, the site of numerous documented criminal activities including a dog fighting ring and a general nuisance to the whole community. It is no wonder

the Pine Knolls Community does not see the Mainsail property as an important architectural or cultural element of their community.

In addition, Section 3.6.5(a) 4 of the LUMO states

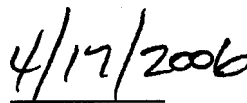
- (4) The area must possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association;
 - A. scale, size, type of construction, or distinctive building materials;
 - B. lot layouts, setbacks, street layouts, alleys or sidewalks;
 - C. special natural or streetscape characteristics, such as creek beds, parks gardens or street landscaping;
 - D. land use patterns, including mixed or unique uses or activities; or
 - E. abuts or links designated historic landmarks and/or districts.

While the Pine Knolls neighborhood meets many of these criteria as a community, it is quite clear that the Mainsail property shares none of them with Pine Knolls. The Mainsail property is not the same size lot. In fact it is a 4 acre residential lot that was never part of any residential lot layout as opposed to the deliberate community structure of the lots in Pine Knolls. It shares no common streetscape, setbacks, natural areas, creeks, parks, gardens, alleys or sidewalk, none. Clearly none of the factors elaborated in the LUMO section 3.6.5 (a) (4) support inclusion of this parcel of land.

Lastly, there is what has been mentioned already, that there is geographical separation of roughly a half mile from the Pine Knolls Community. There are no connecting neighborhood streets and more importantly, they are separated by commercial uses. There is simply no justification in reaching outside of the Pine Knolls Community across commercial development to include a property where the neighborhood opposes the inclusion.

For these reasons and for the lack of justification to include the property in the overlay district, we urge the Planning Board and the Town Staff to exclude the Mainsail property from the overlay district.


 Eric B. Chupp, Manager
 Mainsail Development, LLC


 Date

Attachment "A"

(31)



**NORTH CAROLINA
ORANGE COUNTY**

**BEFORE THE INSPECTIONS DEPARTMENT
TOWN OF CHAPEL HILL**

December 4, 2001

Certified Mail Receipt No.
7099.3220.0006.4483.4869

Charles Craig Jr.
P.O. Box 144
Carrboro, NC 27510

Subject: Finding of Facts and Order: Minimum Housing Violations
1001 South Merritt Mill Road: TMBL# 122.C.1A
(Charles Craig Jr., Owner)

**FINDING OF FACTS AND ORDER
(Determination of Deteriorated Dwelling)**

The undersigned Inspector of the Town of Chapel Hill pursuant to law, conducted a hearing at the time and place stated in the Notice of Hearing heretofore issued and served for the purpose of determining whether the dwelling identified above is unfit for human habitation and, if so, whether it is deteriorated or dilapidated.

At said hearing, the Answer, if any, filed by the owners and parties in interest was read and considered by the undersigned. In addition to other evidence presented, the undersigned personally inspected the property above described, and such inspection and examination has been considered, along with other evidence offered at this hearing.

Upon the record and all of the evidence offered and contentions made, the undersigned Inspector does hereby find the following facts:

1. The above named Owners and parties in interest with respect to the property located at the place specified above were duly served as required by law with Final Written Notice and Notice of Hearing (attached) which set forth the complaint that said property located at the above address is unfit for human habitation, dangerous and violates the Town Code, and the particulars thereof, and fixing a time and place for a hearing upon such complaint as provided by law; and at such hearing the owners, parties in interest or their agents or attorneys were present and participated therein.
2. That the property above described, is deteriorated and unfit for human habitation, dangerous and violates Town Housing Code, by reason of the conditions found to be present and exist listed on the June 19, 2001 Notice of Minimum Housing Violations (attached).



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TOWN OF CHAPEL HILL

June 19, 2001

Certified Mail
Receipt # 2.356.365.568

Charles Craig Jr.
P.O. Box 144
Carrboro NC 275 10

Subject: Minimum Housing Violations:
1001 South Merritt Mill Road: TMBL# 7.122.C.1A

Dear Mr. Craig,


This is to advise you that on June 1, 2001 the property at 1001 South Merritt Mill Road was inspected for compliance with the Minimum Housing Code of the Town of Chapel Hill. This inspection revealed that the following actions must be taken so that the property will comply with the provisions of this Code:

- 1) Remove all wood and debris from rear yard
- 2) Remove all dilapidated vehicles from rear yard.
- 3) Remove dilapidated buildings from rear yard
- 4) Remove all appliances from rear yard.
- 5) Repair the existing septic tank in side yard.
- 6) Remove or repair all existing deteriorated fascia boards on house.
- 7) Remove or repair the existing deteriorated rear porch.
- 8) This property is not connected to city water and sewer.
- 9) No running water inside the home.
- 10) No central heat system in home. Must maintain 70 degree Fahrenheit.
- 11) Repair the existing hole in bathroom, kitchen and office roof that is exposed to the elements.
- 12) Repair the existing wiring to meet electrical code.
- 13) Repair the existing plumbing to meet plumbing code.
- 14) Repair or replace all sagging walls and ceilings and floors.
- 15) Repair or replace stairs to basement
- 16) Spray for termites and rodents.
- 17) Repair the existing foundation walls.
- 18) Paint interior and exterior

You are hereby requested to take the above actions to make the premises comply with the requirement of said Code within 60 days of the date of this letter. Should you fail to comply with this request, formal complaint and notice will be issued as provided by said Code, which is on file in this office and further proceedings will be taken to require such defects to be remedied.

If there are any questions pertaining to the actions to be taken, please call me at 968-2718.

Sincerely,


C. Maggie Bowers
Zoning Enforcement Officer

Cc: Bobby Pettiford, Senior Inspector
Lance Norris, Director of Building Inspections

*Pines Community Center, Inc.
107 Johnson St
Chapel Hill, NC 27516*

38 Years of Community Empowerment

April 14, 2006

Dear Planning Staff,

On behalf of Knolls Development, the Pines Community Center, Inc. thinks it would be helpful to clarify our position on the property to the southwest of Park Road on the opposite side of Merritt Mill Road and running to the off ramp at Merritt Mill Road.

We understand that these properties, including First Baptist Manley Estates and the Mainsail property have been included within the proposed boundaries of the overlay district that we have strongly supported and helped facilitate. Our feeling is that these properties don't necessarily exhibit characteristics that would significantly impact the rest of our community in ways that would necessitate their playing by the same rules that we advocate for other sections of our neighborhood. Further we believe that encumbering them with the restrictions of an overlay district would have a counterproductive effect on the redevelopment of these properties. We believe that the prospect of future development on these properties could yield real benefits for our community as well as the community as a whole. We look forward to being active participants in that process.

We don't believe that extending the overlay district to the included properties will in any way affect the problems that gave rise to our initial request for the overlay. These were largely problems with out of scale residential properties causing increased traffic, noise and generally not fitting in with the neighborhood. Given that the properties southwest of Park Road are separated by a good distance as well as not culturally or architecturally linked with the rest of Knolls Development, we see no reason for their inclusion in the overlay district and request that they be omitted.

Sincerely,

Darnita Hicks, President

③
First Baptist Church

"A friendly Church with a Vital Program"

106 N. Roberson Street

Chapel Hill, North Carolina

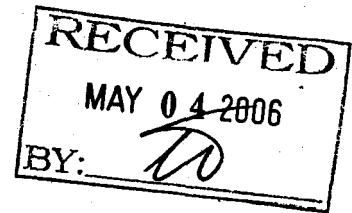
J. R. MANLEY, *Minister*

AGENDA #3a(6)

MRMC
TO
5-4-06

May 2, 2006

The Honorable Mayor Kevin Foy and
Members of the Chapel Hill Town Council
Chapel Hill Town Hall
405 Martin Luther King Blvd.
Chapel Hill, NC 27514



Re: Neighborhood Conservation District Overlay

Dear Mayor and Members of the Town Council:

This letter is to express the concern of the First Baptist and Manley Estates Board of Directors for the proposal to include our property in the overlay district zone since representatives of our group may not be able to attend the public hearing on this subject. We ask that the Council exclude the property owned by First Baptist and Manley Estates from the conservation overlay district for reasons indicated below. While we fully support the reasons given for including the long-standing residential property in the Pine Knolls neighborhood within the district, those reasons do not reasonable apply for the property owned by our corporation.

First and foremost among the reasons for our request for our property to be excluded from the overlay zone is the fact that our current use is institutional or multi-family in nature. Additionally, our current and any future use (note that no change in use is contemplated nor will be permitted for our property) generally does not fit into the residential protection goals of the proposed district. The subject property is physically located on the fringe or boundary of the Pine Knolls neighborhood and is separated by the institutional property occupied by the Chapel Hill-Carrboro School System.

We believe that the goals of the residents of Pine Knolls which include protection of the character and livability of this community are well placed. However, we respectfully request that the property of First Baptist and Manley Estates be excluded from this overlay district because of the reasons above which are not inclusive of all of our concerns.

Thanks in advance for your favorable response to this letter.

Sincerely,

J. R. Manley /s/
Rev. John R. Manley
Board President

Moses Carey, Jr. /s/
Moses Carey, Jr.
Board Vice President