

**Correspondence  
Received**

**From:** Brian Sanders  
**Sent:** Sunday, April 30, 2006 11:27 PM  
**To:** Kevin Foy  
**Cc:** Jaye Kreller; Abby M Krichman; Whybark, Clay  
**Subject:** **Coker Hills NCD**

Dear Mr. Mayor,

Thank you for taking time out of your busy schedule to meet with us on Friday morning to discuss the NCD process and provide us some guidance on how to move forward with our concerns on Coker Hill's NCD.

We would like the opportunity to address the Town Council on May 8, 2006. Our desire would be to highlight the three major issues we discussed with you concerning the NCD - process, intent, and expense. We would like to ask that the Council postpone / delay the Coker Hills NCD vote and direct our neighborhood to reach a consensus on the Coker Hills NCD proposal.

The current NCD proposal has fractured our neighborhood and we need this extra time and guidance from the Town Council to bring our neighborhood back together.

What process do you suggest we follow to get on the May 8, 2006 Town Council Meeting Agenda?

Sincerely,  
Abby Krichman  
Jaye Kreller  
Clay Whybark  
Brian Sanders

Brian Sanders  
Program Director  
Product Line Management - IBM System x  
919-486-2789

TO: Mayor Foy  
Town Council Members  
Mr. Cal Horton  
Ms. J.B. Culpepper

DATE: May 7, 2006

FROM: Coker Hill Neighborhood Association (CHNA) Board Members

RE: **Coker Hills NCD**

In 1960 Coker Hills was developed with a Restrictive Covenant Agreement (copy attached) for all lots and for all persons purchasing property. Our covenant is still enforceable and includes two main restrictions:

1. The minimum lot size shall be 0.6 acre
2. Setbacks of 50' to the road and 25' to the side or rear lines of the lot

In addition to the Coker Hills Covenant, the Coker Hills Neighborhood Association (CHNA) was formed and one of the purposes of CHNA is to protect the residential integrity of the neighborhood, which includes providing oversight of the Coker Hills Covenant. So our covenant is an integral part of our neighborhood.

The National Trust for Preservation points to the national teardown epidemic in our country that can wipe out a neighborhood. Older homes are demolished and replaced with larger, out of scale new structures, changing the existing neighborhood forever. The National Trust reports, "Without proper safeguards, neighborhoods will lose the identities that drew residents to put down roots in the first place." They recommend neighborhoods becoming proactive and to have a vision for their neighborhood. Tools they recommend include zoning overlays and/or to have existing covenants become an overlay to current zoning and/or to develop a Neighborhood Conservation District. CHNA does not fear teardowns as much as what would be re-built and if it would be rebuilt to the restrictive covenant or to R-1 zoning. Our current R-1 zoning would allow for less acreage and for closer side-lines and frontages.

In 2004 CHNA members voted to proceed with pursuing an NCD. Membership spoke in favor of having the Coker Hills covenant placed as an overlay to our existing R-1 zoning. Town staff members Chris Byrns and Roger Waldon came to CHNA meetings and we received permission from the Town to pursue the designation. The first requirement was to petition our neighbors. We collected nearly 65% of the total neighborhood at which point, we stopped trying to collect more signatures. CHNA progressed with the Town through the various NCD phases and then worked closely with Clarion Associates during focus group meetings. Our understanding of the NCD process from the beginning was to

gather a majority of signatures, of those wishing to achieve this designation by a petition and then to offer focus group meetings to gather opinions and views. Then the Town's planning professionals would make recommendations for what the Coker Hills NCD should include.

During the entire NCD process, Coker Hills partnered with the Town and Clarion in sending out notices, newsletters, e-mails and encouraging neighbors to be involved with the process and even offering child care at the meetings. Although many neighbors were not always able to attend the NCD meetings, they did make use of the Town's NCD web site to stay up to date, and several took Roger Waldon up on his offer to meet with neighbors privately.

We experienced little concern from neighbors about the NCD process until February of this year when Clarion offered their recommendations to the Town. The CHNA President received a copy of a petition to the Town from neighbors on Clayton Road, requesting to be exempt from the NCD. CHNA was surprised since these neighbors never voiced any concern or bothered to contact CHNA or to work through the process before they would submit a petition. CHNA did immediately respond to them (copy attached) requested that we work together on their concerns and stay together as a neighborhood. We arrange for two additional meetings prior to the March 21st Planning Board meeting. During our meetings with this group of 10-15 homeowners, we found that many still supported the concept of the NCD and the minimum lot size of .6 acres, but they were concerned with the process, and they did not agree with some of the additional items included in the Clarion recommendations. Other comments about the NCD process included, "we did not know the process was happening", "we never open our mail" "we thought we would be voting on this" and even "no one told me there were meetings". We continue to hear from some of the Clayton Road neighbors who are opposed to the NCD because they want to re-model homes or plan for larger garages placed closer to the street. Some of these neighbors appear to have self-centered interests and alternative agendas that appear to be in conflict with an NCD.

Other potential NCD neighborhoods have also experienced a "vocal minority" during the end process of an NCD, according to Dan Becker, Executive Director of the Raleigh Historic District Commission. He reported that it is not unusual for a fairly vocal group to come out in the last phase sharing the same comments and statements that we have experienced. In any neighborhood you will typically find around 10-13% who do not care about anything, and another 10-15% who will be opposed to change or anything the Town would be involved in.

The Board Members of CHNA strongly urge the Mayor, Town Manager and Town Council to not delay or deny Coker Hills an NCD. You have before you two identical recommendations from Clarion and from the Town Planning Department that would place the Coker Hills Covenant as an overlay to our R-1 zoning. At the same time we do not wish to ignore the dissenting minority. We have spoken to JB Culpepper about their concerns and the Planning Department has offered solutions to the few cases that may arise when a lot is non-conforming or there are other extenuating circumstances. At the

last Town Planning meeting with Roger Waldon, this topic was given specific attention and the process of applying for a variance was also outlined.

Our public officials put in place the NCD process, because there were unique and distinctive older in-town residential neighborhoods which contribute to the overall character and identity of the Town. You have told us that neighborhoods are worthy of preservation and protecting. The aim of the NCD was to preserve, protect, enhance and perpetuate the value of these residential neighborhoods. The CHNA Board and the majority of our neighbors strongly believe our neighborhood is worthy and needs to be protected. We are deeply disappointed that the latest Planning Board recommendation was in reaction to a very vocal minority of neighbors. We are also disappointed that these neighbors did not fully comprehend or wished to respect the principles set forth in the Coker Hills covenant.

Coker Hills is a vulnerable neighborhood as we sit close to the UNC campus, especially since the recent expansion of Sponsored Research, Human Resources, etc. on Airport Road and with the looming Chapel Hill North. The neighborhood sits as a developers dream for infill or teardowns. In speaking with Claudia Brown, Architectural Survey Coordinator for the North Carolina Historic Preservation Office, we are a neighborhood of historical significance. Claudia is familiar with Coker Hills due to her research on Chapel Hill's 1950's and 1960's architecture for a forthcoming publication on the town's historic architecture. She informed me that Coker Hills contains a number of important modernist homes which may be individually eligible for listing in the Historic Register before they reach 50 years of age, if, and this is an important if, if the homes are not significantly altered and there is little infill development in our neighborhood. In order to preserve Coker Hills the two main principles in the covenant, the minimum lot size and the setbacks must be preserved.

As citizens and neighbors we have always tried to conduct ourselves in a respectful fashion. It was unfortunate to find that a small group of neighbors who never bothered to be involved with the NCD have lately been very vocal in Town Hall in trying to undermine the NCD process that CHNA has worked on for almost two years.

If the goal of preserving the character and integrity of the Town's older neighborhoods is important, then Coker Hills should not be abandoned. Maintaining both the lot size and set backs must go hand in hand to preserve our neighborhood.

Consensus in a process like this, while some may think it desirable, is almost never achievable. We are not a fractured neighborhood as some might have you believe. We have a vocal minority to happen to disagree with a process being pursued by the majority. In any process, a single dissenter or a vocal minority can prevent the wishes of the majority from ever seeing the light of day. Had we waited for consensus on Meadowmont to develop, for instance, or curb side pick-up where would we be today?

Elected or appointed officials must make decisions that they believe will yield the greatest good for the greatest number. That is what the CHNA Board has attempted to do in good faith in pursuing the NCD. Discussions have been on-going in the neighborhood for nearly two years. More discussions will not resolve the differences of opinion that exist. We ask you not to abandon your responsibilities to provide leadership when these kinds of issues seek resolution. We ask you to approve the NCD for Coker Hills.

Jill Blackburn  
President, CHNA

Elizabeth Gibson  
Vice President, CHNA

Marc LaBranche  
Secretary, CHNA

Maggie Scarborough  
Treasurer, CHNA

Rudy Juliano  
Member at Large, CHNA

Judith Smith  
Member at Large, CHNA

**From:** Peter M. Pellerito  
**Sent:** Tuesday, May 09, 2006 12:50 PM  
**To:** Kevin Foy  
**Cc:**  
**Subject:** Coker Hills Fractionalization RE: Neighborhood Designation and Zoning

Mr. Mayor:

I am unavailable to attend the May 15, 2006 Town Council meeting but clearly want to provide my perspective on the Coker Hills NCD that I am told will be on the agenda.

Below is my statement and I would appreciate if you could forward to other members of Town Council.

Mayor Kevin Foy  
City Manager Cal Horton  
Town Council  
Town Planning Director

Greetings:

My name is Peter M. Pellerito and I live at 1701 Curtis Road here in Chapel Hill. I have lived in Coker Hills since early 1996 and like other residents, have enjoyed the tranquility of the neighborhood.

I am writing now to note strong concern that previous harmony is being seriously threatened by the proposed Neighborhood Conservation District proposal that will be heard on Monday, May 15, 2006 in Chapel Hill Council Chambers.

This convoluted process has only polarizing this neighborhood and will lead to continued contention in the neighborhood and eventual petitions to the Town Council for future remediation.

I have four items for the Council to consider before any judgment on the value of the district designation that is currently before you and the Council.

First, a year ago I initially signed a petition to only "consider" looking at an alternative to current zoning regulations in this neighborhood, I did not give expressed permission to organizers of the petition effort to present to Town Council, the Planning Department and hired consultants a plan that would significantly move authority of zoning from Town Council to a neighborhood association with unclear mandates on resident priorities in lot size, setback, etc.

I did not sign the petition to now have a minority of Coker Hills residents ultimately dictate the private land use of the neighborhood without broader neighborhood support.

Second, I completed an early 2006 survey sent by certified mail where I expressed my continued disagreement with the plethora of "zoning" suggestions offered by the proponents of this conservation district. The results were certainly all over the map in terms of support for the overall plan and that survey reinforced that there is not broad support for either the designation or the manner in which this process is proceeding.

Third, the citizen Town Planning Committee hear testimony from residents in Cokers Hills and then voted to reject the neighborhood designation and advised the Town Planning staff to recommend either rejection of the designation or other remedies.

I also understand that the Planning staff rejected the Planning Committee's recommendation for continued discussion or outright rejection of the proposal and is independently pursuing full endorsement of the designation regardless of community panel input.

I am concerned that there may be some programmatic initiative by staff and consultants to push this proposal forward as a test case, an event that will certainly complicate efforts to create these districts in other Chapel Hill neighborhoods in the future.

Fourth, I have several governance questions that I believe have not been adequately explained to me or many of my neighbors:

- ❖ What organization will provide oversight for enforcement of these zoning changes?
- ❖ Will that organization elect or appoint citizens to enforce those changes in this special neighborhood classification?
- ❖ If these Coker Hills residents are to be elected, will Town Council – as the authorizing unit of government – monitor the process to assure fairness in interpretation of these regulations?
- ❖ Under this neighborhood designation, who will have the authority to issue new regulations on this conservation district in the future?
- ❖ What is the process by which the Town Council will accept official challenges at future Council meetings?
- ❖ Is the neighborhood designation revocable, and if so, what is the new process to recommend reversal options?

These types of efforts to maintain the character of a neighborhood as commendable IF a significant majority of residents are supportive of adding restrictions on the types of homes and neighbors are to be allowed into the area.

I do not feel that there is real clarity on future direction of this neighborhood designation and strongly urge Town Council to reject this Coker Hills proposal.

Peter M. Pellerito  
1701 Curtis Road  
Chapel Hill, NC



**From:** Gordon K. Gold  
**Sent:** Tuesday, May 09, 2006 1:00 PM  
**To:** Town Council  
**Subject:** Coker Hills Neighborhood

**Dear Mayor and Council Members:**

**I've lived in Coker Hills for over 20 years and I am against the proposal to create a Neighborhood Conservation District for the Coker Hills neighborhood.**

**Please vote against this proposal.**

**Thank you.**

**Gordon K. Gold**

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-----Original Message-----

From: The Woodwards

Sent: Wednesday, May 03, 2006 10:12 AM

To: Renee Zimmermann

Subject: Coker Hills NCD

Dear Town Council,

Thank you for the time you have spent working on an NCD for Coker Hills.

I just learned that the present NCD recommendation includes the .6 acre lot size of our covenants but does not include the covenants' generous setbacks.

I hope you will reconsider this. Coker Hills was built with those setback distances, and it's important to continue them in order to keep the neighborhood "feel." The expanse of woods created by the setbacks is one of the things that makes Coker Hills special.

Coker Hills is so close to Franklin Street with its shopping centers and traffic, yet, with our houses set back from the street, we have a sense of privacy and being out in nature which most of us love. If our houses were built much closer to the lotlines, we would lose so many of the trees which give Coker Hills its special character. [Also, trees help buffer some of the noise from Franklin Street and the school.]

Thank you. Sincerely, Clare V. Woodward, 1702 Allard Road

-----Original Message-----

From: Ann Erickson

Sent: Tuesday, April 18, 2006 1:47 PM

To: Renee Zimmermann

Subject: Coker Hills NCD

Dear Colleague:

I would like to thank the Planning Board members for taking their time to hold the public meetings, tonight and in the past months, concerning the Coker Hills Neighborhood Conservation District (NCD). Clearly this neighborhood group needs an outside presence to hold a useful discussion. We appreciate that you are willing to provide the needed forum.

You clearly voiced a willness also to consider written comments. As one who attended the last meeting on Tuesday, March 21, but did not speak, I welcome that opportunity and would like to share thoughts following that session:

1) I was appalled that my neighbors would claim they were not informed and then state they didn't read mail and/or email. A property-owning adult has the responsibility to stay informed about issues. We had ample notification from Clarion, from our own elected Neighborhood Association (CHNA), and through newspapers. Thank you for trying yet again tonight.

2) I was amazed by the comments to the effect that the existing documents have served well to date so we don't need to change them. Again this seems to derive from a failure to stay informed about what is happening in the world around. While it is not evident in our area, there are many examples of neighborhoods being rebuilt. I see this happening on Emerald Isle. My sister complains constantly about such changes to her modest neighborhood in a desirable suburb of Kansas City. Each visit she drives me down her street and points out huge new houses which fill the lots and tower over the neighboring houses, with a loss of trees and gardens. Coker Hills, with its proximity to schools and the university, is a prime target for such redevelopment. By the time the changes are evident, it will be too late to save the character of the neighborhood. How can one complain about traffic and not realize that it results from a growing population that will eventually pressure the housing situation too?

3) Prior to your last meeting, homeowners received a mailing that bolded the words "more restrictive" and "go beyond" and warned that "special zoning restrictions can have an impact on property values" and "NCD zoning can affect your ability to renovate/update your home." There was no mention of "grandfathering" or variances, as discussed in your March 21 document.

Similarly, the survey we received omits any mention of these issues and provides no rationale for the proposal under consideration.

Neighbors seem to be receiving selected information that is scaring them into believing that they will be prohibited from undertaking any remodeling of their existing homes.

4) Taking your suggestion to talk with one's neighbors, I was surprised to learn that one of the Clayton neighbors who went house-to-house and who designed the survey, is actually the same family of a developer who violated the neighborhood covenant several years ago by having three families living in a single-family home they owned. This issue was discussed at Coker Hill Neighborhood Association meetings I attended and likely affected an election of CHNA officials. It's hard not to wonder if there is a personal agenda here.

5) I hope that you will receive the copies of the survey and not just the final numbers of a tally. It is unfortunate that it could not have come from the town with a statement of objectives and an explanation of effects on existing homes and structures. There is no mention that the complete document is available for study by individuals.

In the end I was reassured by the design of our governing bodies and the understanding that the decision will be made by an informed group of individuals. Thank you for your effort on behalf of all of us.

Yours sincerely,

Ann Erickson  
1703 Audubon Road

Ann Erickson, Ph.D.  
Professor  
Department of Biochemistry & Biophysics  
University of North Carolina  
CB 7260, MEJ  
Chapel Hill, NC 27599-7260

Phone: 919-966-4694

FAX: 919-966-2852

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Dear Mr. Culpepper,

I have just received a copy of your Memorandum on the referenced subject. Because of health conditions, it is unlikely that I will be able to attend the May 2 meeting, but I would like to register my opinion. Out of respect for your schedule I will be brief.

It seems to me from reviewing your memorandum that the "Alternate Planning Department Recommendation" is an over-reaction to a small group of very vocal opponents to the NCD who engineered an "impartial" survey and then misrepresented the results.

I hope you will not be offended if I point out the "lying with statistics" evident in the misrepresentation of the survey results presented in the letter from the self-styled "Coker Hills Neighborhood NCD Survey Committee" letter of April 2006 and which you have no doubt already noticed for yourself.

The summary states:

- More than 60% of the Coker Hills property owners responded to the survey
- Only 31% of the (sic) all Coker Hills property owners (less than half of the respondents to the survey) are for having Coker Hills be designated a Neighborhood Conservation District.

And yet a review of the tabulations provided clearly shows:

For the NCD: 64  
Against the NDC: 51  
Not Sure: 11  
Don't Care: 6

If 132 respondents ( 64+51+11+6) represent 60% of the property owners as stated, there are 220 property owners. Therefore, using the same "logic" as Mr. Lampe et al., it would be just as true to say that

"only 23% of all Coker Hills property owners are ~~against~~ the NCD".

It is patently dishonest to count "Not Sure", "Don't Care", and "Did Not Respond" as supporting your position in either case.

I was one of the owners who did not complete their survey. It was apparent what their bias was and how the results would be used. I am disappointed to find that my suspicions were correct and that they appear to have succeeded in forcing a "compromise" that achieves nothing except to save face for the planning department. It appears

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to me that the original Clarion Associates proposal has been so emasculated that one can only wonder the point is of making any changes at all.

I urge you to reinstate your recommendation of the Clarion Associates proposal and not to not be hoodwinked by this bogus "Survey Committee".

Very Truly Yours,

S. J. Cunningham  
410 Clayton Rd.

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As a property owner in Coker Hills who will not be able to attend the meeting tonight, I wish to make my views known.

I am most disappointed with the recent survey of neighbors done by an ad hoc group and disagree with the way the results were portrayed to the Planning Board. I live on Michaux and have not received a copy of the results from the group who did it so am grateful to the our local Neighborhood Association for sending us a copy via the latest town communication.

My view is that we should enforce the covenant which we all agreed to by purchasing property in this area.

The covenant was designed to protect the character of the neighborhood. Individuals who want free reign to do whatever they want with their property in violation of the covenants should have exercised their freedom of choice and purchased elsewhere.

I strongly recommend the Planning Board adopt the covenant as the new zoning, not the modified version that does not respect set backs.

It is sad that this issue is causing so much dissention in the community. One would think that we all bought our homes here because we liked the way it is and therefore want to protect our community.

Thank you,  
Celia

Celia Sandford  
Personal and Professional Coach, CPCC  
(919) 932 3436

1706 Michaux Rd  
Chapel Hill NC 27514

**From:** Marc LaBranche

**To:** >>EMAIL ADDRESSES REMOVED AS SPAM PREVENTION<<

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**Cc:** 'Rudy Juliano' ; 'Elizabeth Gibson' ; 'Judith Smith' ; 'Maggie Scarborough' ;

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>>EMAIL ADDRESSES REMOVED AS SPAM PREVENTION<<

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**Sent:** Tuesday, May 02, 2006 3:54 AM

**Subject:** Dismay over today's Planning Department recommendations for Coker Hills NCD

Dear Planning Board,

I am truly shocked at Monday's note from Loryn Clark and J. B. Culpepper indicated the Planning Department is recommending that the setbacks for Coker Hills remain at the R-1. There is little by way of explanation for the change, though the inclusion of the survey results suggests that the survey may have played a role. There is also little time to disseminate that information throughout the neighborhood, I only read the note at 9 PM Monday evening, with the Planning Board meeting scheduled for the next day. How can you expect Coker Hills to respond to such little notice?

Much has been said about how the survey was confusing and biased. Also, the circumstances are such that it's more likely that those who are opposed to the NCD will fill out the survey. But, let me better paint the background. Many in the neighborhood are irritated and angry over the group that had limited involvement in the NCD meetings, then petitioned to pull out of the process. Later, when the Neighborhood Association put together a first proposed survey (in response to their stated concerns that the whole neighborhood was not being counted), some of those same folks would not agree to that survey, claiming bias. In an effort to be inclusive, we brought some of the naysayers into the process, but as the evolving document became too confusing and ominous in tone, and the group became too polarized, I had to withdraw from the survey group and pull my support of the document. I explained my concerns plainly and specifically, both to the members of the survey group, and later (when asked) to others in the neighborhood. Yet, the survey group went ahead and sent the survey out anyway, evidently without even inputs or coordination with the Planning Department or the Planning Board. Given the circumstances, and the tone of the survey and cover letter, you can imagine that many residents have refused to cooperate and have not filled out the petition.

A stated goal of the survey was to get everybody's vote, yet they report only 132 votes. I count about 203 or 212 total property owners – the higher number reflects the fact that some individuals own multiple properties. Take out the duplicate owners, and there are about 203 individuals who are owners. So, at least 71 votes were not collected. I would be very interested to learn why some of those people did not vote. Didn't the survey team follow up with those neighbors, as they had vowed? How many refused to fill out the survey? Shouldn't those refusals to vote be captured and reported? I think the Town Staff is putting too much weight on a flawed document that was put together using a flawed process, and not looking more deeply at the situation.

The 0.6 acre minimum lot size and the Coker Hills Covenant setbacks were the two key reasons for embarking on the NCD in the first place. The value of the Covenant setbacks is to provide the visual space between the homes that contributes to the desirable character of the



neighborhood. I expect homes in Coker Hills to get larger, but I don't want them towering close to each other as we see in newer neighborhoods.

The Covenant setbacks are not hardships, many people in the neighborhood have remodeled and enlarged their homes and respected these setbacks. There is one very visible project currently going on at the corner of Elliott and Old Oxford roads where the homeowner (after learning about the Coker Hills setbacks) has gone to considerable effort to ensure that his project meets the neighborhood covenants. However, sadly, not everyone wishes to respect this legally binding document that has shaped our neighborhood. We ask the Town to help us in this effort by adopting the Covenant setbacks in the NCD. Otherwise, we are left to trying to protect the neighborhood through private lawsuits, or to simply let the neighborhood degrade.

Oddly, one of the issues being floated is the ability to add garages. One Clayton Road resident has even made reference to the "garage issue." A casual walk through the neighborhood (and yes, including Clayton Road) shows that most homes have either a garage or a carport already. One Clayton Road resident has complained that he would like to build a carport on the side of his house but the Coker Hills setbacks would not allow it. Yet, he already has a garage! Evidently, the house has been remodeled to convert the garage into an interior room or workshop, yet many are jumping on this case as a kind of poster-child for the problems of the Coker Hills setbacks.

From the discussions at the April 18 informational meeting, I had expected the follow-up to focus on the process of obtaining a variance. I left that meeting with the impression that the Board of Adjustment is relatively strict when petitioned for a variance, requiring a demonstration of hardship. One of the points made at the April 18 meeting was whether there could be an easier/streamlined process for getting a variance. I somewhat nervously agree. I would hate to see a variance automatically be given to anyone who requests, since it defeats the purpose of adopting the Covenant setbacks. But, there may be situations where some element of judgement could be brought to bear. Another neighborhood example that might be relevant also involves a garage, this time with a resident who genuinely does not have one. I was told that the obvious place to put the garage interferes with the Coker Hills setbacks, though I'm not sure if it's the side or the street setback since the house is at an angle to the street. There is plenty of property in the back of the home, but some large oak trees would have to be removed. So, would a variance be granted by the Board of Adjustment in a situation like this? Should it be granted as a kind of more flexible NCD variance process? I'm not sure I have the answers, but if there is some kind of compromise, I think it should be in how variances are viewed as opposed to completely throwing out the Covenant setbacks.

One more detail – at the April 18 meeting, one resident claimed that the Covenants allow for a variance if the immediate neighbors agree. That is false, there is no such provision in the restrictive covenants. However, there originally was a 5-person review committee set up for approving house construction or remodeling projects. Initially it included the Secretary and Treasurer of Coker College for Women, Louise V. Coker, William Joslin, and H. R. Totten (of UNC Botanical Gardens fame). The committee had the authority to appoint replacements on the death or resignation of any member. Clearly, this group seriously took on the task of ensuring that the neighborhood was aesthetically laid out. The Covenants had a provision for the review committee to continue until Sept. 15, 1990, at which time the neighborhood would have had to vote to continue it. To the best of my understanding, this was never pursued, and the review committee is no longer active.

Given the discussion of a possible "NCD variance" process, I'm not sure that a revival of something like the old review committee would be good for Coker Hills. The NCD process has been divisive enough. Having neighbors on a review committee taking more criticism would only make these issues continue to go on unabated, even if the scope of such a committee was

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limited to requests for variances. I would prefer to see the variance process stay within the realm of the Town.

I thank you for your patience in reading my long email,

Sincerely,

Marc LaBranche

Secretary, Coker Hills Neighborhood Association

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The Planning Board recommendation that appeared on my computer today is so disappointing. The point of the NCD application was to preserve the covenant, thus the spirit and appearance of the neighborhood. The process was carried out in good faith with opportunity for all to participate. If some did not do so it was not for lack of neighborhood association efforts.

The injustice of the planning board's apparent acceptance of a biased survey that some of us, including my husband and I, protested to the planning board and others boycotted because of its bias is a mockery of the democratic process we believed we were part of. I will be at the Planning Board meeting tonight and I hope you will reconsider or prove my concerns unfounded.

Judith Smith

Dear Members of the Planning Board

I am writing in response to the 2 May 2006 memo from JB Culpepper, which suggests alternative recommendations for a Neighborhood Conservation District in Coker Hills.

I appreciate that there is not unanimity among residents about the specific NCD guidelines for redevelopment of land in Coker Hills. That said, there are currently more than 10 homes for sale in Coker Hills: the residents who were living here two years ago are not the same as the current property owners, and no doubt two years from now there will be different property owners and neighbors. I believe that the Planning Board has an obligation to make wise decisions for the entire Town of Chapel Hill, recognizing and anticipating future pressures that will effect how Chapel Hill looks and feels to residents, property owners, and visitors. Among these pressures is the development of Carolina North, just two blocks away from the entrance to our neighborhood.

Based on personal conversations with almost 15 property owners in Coker Hills, everyone would like to preserve the "look and feel" of this neighborhood. I believe that Mr Whybark's survey confirms this opinion, and that the brisk sale of pending properties in the market in Coker Hills reinforces this understanding. Although this is easier said than done, maintaining the restriction of a single family home on the 0.6 acre minimum lot size and strong setbacks does indeed preserve this historic characteristic. To remove this important attribute, which for 40 years has kept Coker Hills distinct from other neighborhoods, would obliterate the unique quality of Coker Hills and open the door for redevelopment that looks and feels like almost every new housing development in America.

I encourage you to keep the historic street and interior setbacks, OR limit the FAR, maximum building heights, and the maximum size for a single family dwelling to under 5,000 square feet. I believe that the historic setbacks most easily accomplish the goal of preserving the nature of this older neighborhood, as described in the NCD resolution. Its enforcement is also easier because of the topography throughout Coker Hills, which can necessitate building multiple stories against a hill.

Succumbing to R-1 zoning for Coker Hills (albeit with single family homes on 0.6 acre lots) would destroy the original vision of Coker Hills as designed by our community's first botanists. Please vote for stronger setbacks! Thank you.

Janet Kagan  
406 Lyons Road  
Chapel Hill

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Dear Planning Board,

I am also concerned about the Planning Department's conclusion that the R1 setbacks are suitable for Coker Hills. This may be the path of least resistance, but as pointed out by Marc and Margie it is not in keeping with the intentional design of Coker Hills and may not be sufficient to fulfill the goals of the Neighborhood Conservation Districts as set out by the town.

I am concerned that the "results" of the survey are being given undue weight. Surveys, as with any market research, are very tricky things and unless very carefully crafted can lead to particular responses. In this particular circumstance, for example, the invitation to not answer all questions in the survey provides for data not to be collected from a certain population(s) of individuals, and may allow for the "interpretation" of what the missing answers to those particular questions might be. At best, the answers to each question can only be tallied, and the "no response" for each question can only be tallied and taken as such.

In addition, a stated goal for the survey was 100% participation by the entire neighborhood. To my knowledge this has not been achieved, nor is there any documentation of efforts to obtain 100% participation. In fact, 100% participation was also the goal of the NCD process from its outset, and to that end there were repeated USPS mailings to every address and every homeowner, as well as e-mails, to provide information about upcoming meeting and about discussions at the meetings that were held. Not paying attention to your mail and/or e-mail should not be viewed as a valid excuse for lack of participation.

I would like to explore the possibility of including some variance approval language that would be relevant to our neighborhood in the NCD, but would strongly support the town retaining governance over the variance request/approval process. Delegating this to members of the neighborhood will not provide the consistent, overarching view that would support the town's long-range vision for development.

I urge you, the Planning Board, to consider carefully the intentional design of Coker Hills and the intent of the Neighborhood Conservation District plan in your recommendations to Town Council.

With best regards,  
Celia C. LaBranche  
1500 Michaux Road  
Chapel Hill

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**Please forward this e-mail to all planning board members prior to tonight's meeting.**

Dear Planning Board Members:

I've lived in Coker Hills for over 20 years and I am against the proposal to create a Neighborhood Conservation District for the Coker Hills neighborhood.

Please vote against this proposal.

Thank you.

Gordon K. Gold

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I was surprised and disappointed to receive late last night a copy of the Town staff's recommendation concerning the Coker Hills Neighborhood Conservation District. The report provides no explanation for why the staff is backing away from almost all of the elements of the NCD recommendation it previously made. At the informational meeting on April 18 there was a good discussion of possible compromises that might be made to reach common ground among the varying viewpoints in the neighborhood, but the current staff recommendation makes no attempt to suggest such changes. Instead, it represents almost a total retreat, apparently in response to a vocal but distinct minority in the neighborhood.

If the staff recommendation is based on the survey results that it attaches, I believe that is completely misguided. First, I question the accuracy of their results. My husband and I both filled out surveys supporting the NCD, and we mailed them from the Estes Hills Post Office on the Monday after we received it. Weeks later we received a call from the survey group saying that they hadn't received our survey. We assured them that we had sent it in and never heard anything more. We never received the report that they said they sent to everyone who submitted a survey, so I assume that our surveys were never found or included in their tabulations.

More significantly, I don't think even the results they do report support the staff's recommendations. It appears that only 24% of the neighborhood has indicated that they oppose the NCD. Some of those opponents apparently oppose any restrictions on their home ownership rights, including the current zoning restrictions.

The action that the Planning Board and the Town Council take with respect to this neighborhood will set a precedent for others. I feel sure that similar protests will be raised in other neighborhoods when their NCD proposals are presented. If the goal of preserving the character of the Town's older neighborhoods is important to the Town, then it can't be abandoned just because some don't want to be restricted in how they use their property.

I do not oppose an attempt to seek some compromises that will make the NCD more widely accepted in our neighborhood, but I do oppose the staff's proposal to eliminate all provisions except the one relating to lot size.

Sincerely yours,

Elizabeth Gibson  
1506 Michaux Rd.



Dear Planning Board:

I'm sure you're frustrated with the dissension within Coker Hills concerning the NCD. I find it disheartening, but I think much of the animosity towards the NCD is due to a misunderstanding of what the designation means. The NCD protects the rights that we've previously had under our covenants.

I don't think that the neighborhood as a whole understands that the many accessory apartments that exist in our neighborhood will become non-conforming if we don't have the NCD. And in the future, the addition of an accessory apartment will be prohibited because the lots are too small to do so under R-1. I don't think the dissenters realize that the reason we have space between the houses and aren't looking out our windows into someone else's windows or garage wall is because we have generous setbacks. No new in-town developments have these setbacks. I see that as a characteristic worth preserving. It's one of the reasons I chose to live here rather than in a new subdivision.

I encourage you to look at the results of the neighborhood survey rather than the summary. Most of this neighborhood is in favor of the NCD designation.

If our neighborhood becomes R-1 without NCD designation, the town will betray this neighborhood by taking away the protections afforded by our covenants - the covenants we thought were legally binding when we purchased our homes.

Thank you for reading my letter.

Sincerely,

Margaret Scarborough  
209 Wood Circle



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dear Loryn,

In case I don't make it to tonight's meeting, I want to express that my family would be comfortable with the Coker Hills NCD with the setback provisions left out.

Thank you very much for your hard work on this. I have not been at all dissatisfied with the process, but feel that we've been given every opportunity to be involved in it, and am only sorry that my personal circumstances (as a caregiver) and my misunderstanding of the principle issue (the distinction between neighborhood covenants and zoning laws) caused me to be one of those who prolonged the process by expressing concerns belatedly.

warm regards,

Fritzi Ross  
211 N. Elliott Rd.  
942-0818