

(27)

010707Residences

8 January 2007

750 Weaver Dairy Road #234

Chapel Hill, NC 27514-1468

Mayor Foy and the Town Council, Town Hall
406 MLK Jr. Boulevard
Chapel Hill, NC 27514

Re: **ITEM 7, LUMO TEXT AMENDMENT:
AN ISSUE OF PUBLIC HEALTH, SAFETY, & WELFARE**

Mayor Foy and the Town Council:

If you approve Item 7, it will affect the proposed University Station Development (USD) as follows;

Five illegal and substandard three-story apartment buildings, each containing 24 units will have been made legal but still substandard. These residences should not be constructed because of their proximity to I-40.

How close is too close? Other projects near I-40 have been approved because the dwellings complied with the law, and because of precedent. The USD dwellings do not comply with the LUMO. They have unprecedented proximity to I-40. Building #s 7-11, containing 120 dwelling-units are located between 174- and 224-feet from the centerline of the near I-40 traffic lane. No residence has ever been built this close to I-40 in Chapel Hill.

In March 2000, in connection with the widening of I-40, NCDOT published its Categorical Exclusion. In Table N4, it surveyed traffic noise exposures and distances to receptors in close proximity to I-40, that existed at that time. There were 25 Chapel Hill residences listed from NC 86 to US 15-501. The worst residences were three at Chandler's Green which were 253-, 269-, and 328-feet from the centerline near lane. There were 12 residences between 344- and 394-feet away from the near lane. The nearest Carol Woods cottage was 413-feet. 9 more were listed between 426- and 574-feet from the I-40 centerline near lane. There have been other developments since then, all single family homes, and nothing remotely comparable to the density and proximity to I-40 of USD.

The next worst proximity to USD will be, when built, The Residences at Chapel Hill North, with Building #5 at 296-feet, and Building #3 at 362-feet from the near lane. Consequently, there will be no federal funding to subsidize affordable housing at The Residences due to its "Normally Unacceptable" HUD status.

To further guarantee that USD is the unchallenged worst noise exposure ever in Chapel Hill, I-40 is an elevated roadway at Building #s 8-11. The noise transmission zone for these buildings extends about 800-feet to the east and west. The elevation of this roadway above the ground will vary from 13- and 20-feet for Building #s 8-11. Because of the large percent of heavy trucks, the worst noise will be transmitted eight feet above the roadway elevation. (That is, into the third floor windows of Building #s 9 and 11, and the second floor windows of Build #s 8 and 10.)

Please read my four-page letter and enclosures. They expand my concerns about how a LUMO revision is unnecessary for The Residences, how revising the LUMO negatively impacts the USD, how the USD is in the worst possible level of Unacceptable noise and how this means there will be no federal funding for affordable housing, and why the Board of Education has rejected this site. Mr. Elkins will discuss the asthma study. It is to be noted that the study only went a mere 246-feet of busy highways to find a 50% increase in symptoms. Buildings 7-11 are much closer to the road than the USC study. The developer may be creating an opportunity for UNCCH to scientifically research what the increase in asthma rates will be at 174-, 184-, 194-, 214- and 224-feet from a busy highway. Statistically speaking, I would predict that the asthma rate would be 100% greater than normal at Building #9. Pity the children. This is the last important need for the Town and the Planning Department to deal positively with the I-40 proximity problem.

The LUMO does not permit Building #s 7-11 to be built. They should not be built. Please delay amending the LUMO until after the University Station hearing.

Sincerely,

Seymour Freed
Seymour Freed
Enclosure.

29

010807Residences

8 January 2007

750 Weaver Dairy Road #234

Chapel Hill, NC 27514-1468

Mayor Foy and the Town Council, Town Hall

406 MLK Jr. Boulevard

Chapel Hill, NC 27514

Re: **ITEM 7, LUMO TEXT AMENDMENT:
AN ISSUE OF PUBLIC HEALTH, SAFETY, & WELFARE**

Mayor Foy and the Town Council:

I am commenting on: Item 7 on tonight's Agenda: **LUMO Text Amendment**
This measure before the Mayor and Town Council will not provide for nor improve the basic and minimum requirements for the protection of public health, safety, and welfare. To the contrary, approval of the text amendment will substantially worsen these minimum requirements by increasing the supply of substandard housing in Chapel Hill.

Although the text amendment has been presented to the Council as a necessary first step needed for the approval of The Residences at Chapel Hill North, it is, in fact, not needed for that purpose. The addition of the word "clinic" to the text is pointless, as it has always been considered part of "business-office type use". The developer's argument that clinic uses are in a grey area between office and retail-commercial is strained, and not related to the current Design Concept which adds no clinics. The major change in the Ordinance comes from adding the words "and/or residential uses" to Paragraphs C and D. This is not required for the Residences at Chapel Hill North, since, according to the developer, at completion of Phase II, there will be 44.5% residential (200,860 sf of 451,400 sf), against the 45.91% currently permissible under the LUMO. (The LUMO uses an R-5 residential floor area ratio (FAR) of .303 which increases the nominal 40% FAR to 45.91%.) The text amendment is irrelevant for The Residences at Chapel Hill North. However, the text amendment is essential to make the currently proposed illegal University Station Design Concept legal.

The text amendment more than doubles the amount of residential housing permitted on all large Mixed Use-OI-1 (MU-OI-1) undeveloped sites from a nominal 40% (actual 45.91%) to a nominal 85% (actual 97.55%). There are three large undeveloped MU-OI-1 sites that are affected by this change. I do not comment on the other two sites. The text amendment is not good for Chapel Hill at the University Station development. Of the three MU-OI-1 sites, the University Station site is by far the closest and with the greatest length (3/4-mile) with respect to the main I-40 traffic lanes. It is a difficult site to develop because its previous owner, Goforth Properties, Inc. and North Carolina Department of Transportation (NCDOT), shifted the I-40 horizontal alignment toward Weaver Dairy Road in order to fashion the most valuable developable land on the other side of the roadway for the upscale Sedgefield development. The University

Station site is the leftover land carved from a 130-acre farm by its imaginative developer. Fortunately for Chapel Hill, there is no other undeveloped property in Chapel Hill with this unique combination of highway strip length, and combined abnormal geometry and proximity to I-40 due to its I-40 related creation.

The text amendment will make 117 dwelling legal that are currently illegal for a development currently under consideration by the Town- University Station. In response to a query about this development, the Chapel Hill Planning Director stated on December 19, 2006 that: "the applicant has not demonstrated that 374 units are allowed under current zoning regulations. It is possible that future applications for development of this property may include a rezoning request to accommodate the proposed density." The developer's rezoning request should not be surreptitiously inserted as a zoning text amendment for a different project, as appears is being done with Item 15. The site cannot accommodate the added housing units at a habitable distance from I-40.

It might be argued that the measure under consideration does not affect University Station, since the Design Concept lists its mixed-use area at just under 20 acres- 19.96 in fact. University Station must be considered as affected for the following reasons:

The entire site is one piece of property marked by survey property corners and the division into two zones is approximate. The location of the boundaries was probably done by scaling off the Zoning Map. When the Planning Department described the site for the official record, in March 2001, the area was stated as approximately 23 acres.

The LUMO description of use ratios for mixed use parcels between 10 and 20 acres is identical with that under consideration tonight. It is inconsistent to have two different use ratios in the same Zoning District.

FEDERAL MINIMUM LIVEABILITY STANDARDS

The federal Department of Housing and Urban Development (HUD) provides environmental standards, criteria and guidelines for determining project acceptability... to... achieve the goal of a suitable living environment. These standards are universally accepted for public and private housing throughout the United States. It is HUD's general policy to provide minimum national standards... to protect citizens against excessive noise in their communities and places of residence.

This project is in what HUD terms a "high noise area" (in which the day-night average of exterior noise exceeds 65 decibels). HUD assistance for the construction of new noise sensitive uses is prohibited generally, for projects with unacceptable noise exposures (over 75 decibels) and is discouraged for projects with normally unacceptable (65-75 decibels) noise exposures... This policy applies to all HUD programs providing assistance, subsidy or insurance for housing, including Community Development Block Grants, The HOME Investment Partnership Act Program, and the Section * Program. Federal funds will not be available for affordable housing on these sites (these programs require decent housing and a suitable living environment). The Habitat project on Sunrise Ridge is ineligible for HUD funding because of its proximity to I-40.

(3)

ALARMING CURRENT AND YEAR 2017 NOISE LEVELS

I have computed present and year 2017 noise levels at all University Station buildings using the latest NCDOT TNM 2.5 prediction program, the results of a December 21, 2005 noise field survey report at I-40 and Sunrise Road by Noral D. Stewart, (PhD), and NCDOT traffic and vehicle mix predictions. An alarming 202 dwelling units, (Buildings 7-13, and 15) at University Station are clearly Unacceptable (over 75 decibels). Approval of these 202 units by HUD normally requires the filing of an Environmental Impact Statement. Another 24 dwelling units at University Station in Building 4. are Normally Unacceptable (70-75 decibels).

NCDOT published "Traffic Noise Exposures" of residences nearest to I-40 in its Categorical Exclusion, I-40 Widening to six-lanes, in March 2000. Of the 33 residences surveyed between NC 86 and US 15-501, the closest residence (#61) was 270-feet from the center of I-40. 120 dwelling units (Building #s 7-11) are proposed by University Station to be built closer than that one isolated nearest residence. Building #s 7-11 are designed to be located between 215-feet and 265-feet from the center of I-40.

BOARD OF ED: SITE UNSUITABLE FOR SCHOOL USE

In December 2003, the Chapel Hill-Carrboro Board of Education identified the University Station site as a potential school site for inclusion in the Town's Master Land Use Plan. The Board had an 18-month right of first refusal on the University Station site after the filing of a private development application. The Board of Education rapidly determined on March 16, 2006 that:

"Support Services does not believe this site is viable as a school site at any level. This determination is based on the following facts. 1) The site is too close to I-40 presenting noise and air quality issues... 3) The center section is too narrow for a school building... There is not enough room to move the building footprint far enough away to mitigate the I-40 issues." It was resolved "to request from the Town Council... that the... site be removed from the designated school site list on the Town Land Use Plan."

ASTHMA

A study of more than 5,000 children ages 5 to 7 released in May 2006 by the Keck School of Medicine of USC "found that young children who live near a major road are significantly more likely to have asthma than children who live further away. The study found that children living within 75 meters (about 82 yards) of a major road had a 50 percent greater risk of exhibiting asthma symptoms in the past year than were children who lived more than 300 meters (about 328 yards) away."

It is not the high densities of the University Station development that is most objectionable- it is the shoehorning in of an excessive number of dwelling units beyond what the current law permits that are unsuitably close to I-40. The revision to the LUMO, ostensibly related to The Residences, by adding the unnecessary (for The

Residences) words "and/or residential uses" will more than double the number of residential units (all substandard) permitted in the Zoning District.

COMMENT

There is an error in AGENDA #3 Memorandum from the Planning Department to the Town Manager. It confuses apples (the LUMO) with oranges (the Chapel Hill North Master Land Use Plan of 1990). In Discussion of the LUMO page 3, it is stated: "We believe it is in the interest of the application to amend the LUMO is to achieve a greater variety and mix of uses as well as more compatible ratios of uses on the Chapel Hill North site. We also believe that the currently permitted ratio of 60 percent office development and 40 percent commercial development on the site is not ideal for a true mixed-use development and the related benefits..." (NOTE: This is a reference to the Chapel Hill North Master Land Use Plan of 1990, not the LUMO). The LUMO currently permits 45.91% residential use of floor area and not 0% as stated by the Planning Department. Thus the amendment to the LUMO is unjustifiable and unnecessary..


There is no need to amend the LUMO for The Residences at Chapel Hill North. Clinic uses were covered under the original Phase I construction and are not contemplated in Phase II. Residential usage for Phase II is covered within the existing LUMO. The LUMO amendment must be viewed for what it will authorize- a legal justification for over one hundred illegal substandard housing units at University Station.

CONCLUSION

Mayor Foy and the Town Attorney have recently stated that we are bound by the decisions made 16 years ago. Agreed. Those were good decisions and should not be overridden by bad decisions which grossly increase the stock of clearly unacceptable housing.

Chapel Hill has the most stringent Noise Ordinance in North Carolina. 50 decibels is the threshold for nighttime noise from our neighbors. How can the Town Council reconcile this with approving a text amendment that would change the Zoning Ordinance to allow housing to be constructed over 20-feet beneath an elevated roadway with unprecedented (in Chapel Hill) outdoor noise levels exceeding 75 decibels? Approval of this text amendment will increase the number of units allowable at University Station from approximately 252 to 369. The approximately 117 units added will have the worst proximity to I-40 for the most housing that can ever occur in Chapel Hill. This is the worst I-40 proximity problem the Town Council will ever have to deal with. The Mayor and the Council must not consider this to be an improvement for Chapel Hill's Public Health, Safety, and Welfare. Please table consideration of this unjustifiable LUMO amendment until after the February University Station hearing.

Sincerely,



Seymour Freed, PE, Inactive
Enclosure



PLANNING
Town of Chapel Hill
405 Martin Luther King Jr. Blvd
Chapel Hill, NC 27514

Phone (919) 568-2778 fax (919) 969-2014
www.townofchapelhill.org

December 19, 2006

Seymour Freed and Arthur Wilde
750 Weaver Dairy Road #234
Chapel Hill, NC 27514-1468

Subject: University Station Road Proposal- Concept Plan

Dear Mr. Freed and Mr. Wilde:

Thank you for your letter of interest regarding the University Station Road proposal. At this time, the Town has received a Concept Plan proposal, which received comments from the Community Design Commission on October 25, 2006 and is scheduled to be heard by the Town Council on Monday, February 19, 2007. The Concept Plan process is designed for the applicant to receive preliminary input on the general concept of a development from the Community Design Commission and, in some instances, the Town Council. The Concept Plan review process does not involve staff evaluation of the proposal.

Regarding your question concerning the number of units, the applicant has not demonstrated that 374 units are allowed under current zoning regulations. It is possible that future applications for development of this property may include a rezoning request to accommodate the proposed density.

Should you have further questions, please call Mr. Kai Monast, at (919) 968-2728.

Sincerely,

J.E. Campbell
Planning Director

cc. Kai Monast, Planner

December 12, 2006

750 Weaver Dairy Road #234
Chapel Hill, NC 27514-1468
919-918-3419//919-636-1814
Fax 919-918-2649

Copy of fax to 919-969-2014

J.B. Culpepper, Director
Town of Chapel Hill
Planning Department
Town Hall, 3rd Floor
405 MLK, Jr. Boulevard
Chapel Hill, NC 27514

Re: Request for Information- University Station MU-OI-1/R-3 Design Concept

Dear Ms. Culpepper:

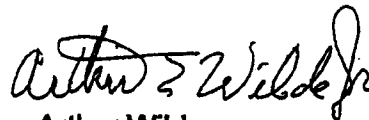
This is a Request for Information regarding the University Station Development, which encompasses the Mixed Use-OI-1 (MU-OI-1) and R-3 Zoning Districts. A thorough review of all publicly available information has led us to the conclusion that the maximum number of residential units allowable by law is 252. The Concept Plan Proposal dated September 19, 2006 states that the combined MU-OI-1/R-3 District Zones permit the construction of 374 Dwelling Units. Verbal discussions with Planning Department representatives indicate that the Department agrees with the developer that 374 units are legally permitted.

If indeed the Planning Department considers approximately 374 units to be legally permissible, please advise us, in detail, of the legal basis for this interpretation. Please forward copies of the documentation substantiating the Planning Department's analysis to the above address.

Sincerely,



Seymour Freed



Arthur Wilde

January 6, 2007

To: Mayor Foy, and
The Town Council:

I am writing to urge you to delay temporarily the vote on Agenda item 12 - "LUMO Text Amendment" etc., until after ^{the} February Council Meeting related to the University Station development.

This is not a "routine, house-keeping item" for approval of the Residences at Chapel Hill North; it has far-reaching changes in the total number of dwelling units that may legally be built, and it must have thoughtful analysis and discussion of the long-term effects on all proposed aspects of the units in question, and of the surrounding neighborhood.

Sincerely yours,
Elizabeth Wade Grant

ELIZABETH WADE GRANT
750 Weaver Dairy Road, Apt. 176
Chapel Hill, NC 27514-1441

36

Sandy Kline

From: BARBARA ALLEN [barbalen@earthlink.net]
Sent: Friday, January 05, 2007 1:20 PM
To: Town Council
Cc: ruthcy@msn.com
Subject: jan 8 council meeting agenda

I request that the Council delay voting on the density of of the proposed development off Weaver Dairy Road until the after the February Council meeting on this subject.

barbara allen
750 weaver dairy rd

1/8/2007

(37)

Sandy Kline

From: Carol Abernethy
Sent: Monday, January 08, 2007 12:39 PM
To: 'Joe Agusta'
Cc: JB Culpepper; George Small; Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w); Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: Proposed Development at the intersection of Weaver Dairy Rd & MLK Blvd

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.

Carol Abernethy
 Exec. Asst., Manager's Office
 Town of Chapel Hill

From: Joe Agusta [mailto:jagusta@nc.rr.com]
Sent: Sunday, January 07, 2007 12:48 PM
To: Town Council
Subject: Proposed Development at the intersection of Weaver Dairy Rd & MLK Blvd

To Whom It May Concern:

I am a resident in the Northwoods neighborhood behind firestation No. 4. I have lived here for over 10 years. I have lived through the development of Harris Teeter Shopping center, the offices at Timbertyne, Homestead Park, Parkside, the "new" Northwoods, Vineyard Square, and Larskspar. This northern entrance to Chapel Hill off of I-40 is many peoples first impression of our community. Of course, I prefer that this momentum of development ceases. However, I also understand the need for an expanding tax base for the community. What I do ask for is that there be a comprehensive overview of this area before further development is made.

In a recent article in the Chapel Hill News, Town traffic engineer Kumar Neppalli said the town cannot include projects that have not been officially proposed when referring to Chapel Hill North. Although theoretically this is a true statement, I suggest that Chapel Hill North(CHN) be considered thoroughly when reviewing the projects at the intersection of Weaver Dairy Rd and MLK Blvd. I believe CHN will be a reality. The question is mainly the particular timeframe of the project which has at least been addressed to take place over the next 50 years. I plan to live here, hopefully, for the next 50 years so please fully consider CHN when reviewing the proposed northern corridor projects. Thanks,

Joe Agusta
 Email: jagusta@nc.rr.com

Please note that this e-mail transmission, and any documents, data, files, or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is strictly prohibited. If you have received this transmission in error, please immediately notify us and destroy the original transmission and its attachments without reading or saving them. Thank you.

Sandy Kline

From: Carol Abernethy
Sent: Monday, January 08, 2007 12:35 PM
To: 'Seymour Freed'
Cc: JB Culpepper; Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: Project Next Door

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.
Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill

-----Original Message-----
From: Seymour Freed [mailto:ruthsy@msn.com]
Sent: Sunday, January 07, 2007 8:47 PM
To: Town Council
Cc: swingsync@earthlink.net
Subject: RE: Project Next Door

>From: "Jack Behrman" <swingsync@earthlink.net>
>To: <ruthsy@msn.com>
>Subject: Project Next Door
>Date: Sun, 7 Jan 2007 19:34:35 -0500

>
>Sy- I have tried to send this message several times, and my email continues to think I am trying to use an address in my Addressbook; it is not there, so it cannot be sent. Can you send it?

>
>Sirs & Mesdames: After examination of the issues, I request temporary delay of action on the application to re-zone for the benefit of the proposed Project Next Door. More time is needed for a proper assessment of the suitability for low-cost housing and the impact on the neighborhood, as well as compliance with existing regulations. Thanks, Jack Behrman,
>Carol Woods

Sandy Kline

(39)

From: Bencon [Bencon@intrex.net]
Sent: Friday, January 05, 2007 4:02 PM
To: Town Council
Subject: Delay

Please delay the action on Item 12 until the Feb. Council meeting regarding the development of the University Station--PLEASE be responsible to the environment and the people's desires.

1/8/2007

Sandy Kline

10

From: Carol Abernethy
Sent: Monday, January 08, 2007 3:29 PM
To: 'Robert N. Broadus'
Cc: JB Culpepper; Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: LUMO

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.

*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill*

From: Robert N. Broadus [mailto:RNBroadu@Intrex.net]
Sent: Monday, January 08, 2007 2:11 PM
To: Town Council
Subject: LUMO

Please do not consider at tonight's meeting Agenda Item 12, "Lumo Text Amendment."
Bob and Eleanor Broadus

1/8/2007

Sandy Kline

(4)

From: Janet Campbell [janbeth173@hotmail.com]
Sent: Friday, January 05, 2007 9:26 AM
To: Town Council
Subject: Item 12

As I understand it, the Council will act on Item 12 at its Feb meeting. I urge that action on Item 12 be delayed because of the serious problems involved in building units adjacent to I-40 and its attendant serious noise pollution at the University Station proposed development. This problem needs attention because of the apparent lack of consideration til now of this barrier to building.

Janet Campbell,
resident of Carol Woods where the noise problems of I-40 are well known.

From photos to predictions, The MSN Entertainment Guide to Golden Globes has it all.
<http://tv.msn.com/tv/globes2007/?icid=nctagline1>

Sandy Kline

(42)

From: Carol Abernethy
Sent: Monday, January 08, 2007 3:28 PM
To: 'Chris Clemmons'
Cc: JB Culpepper; Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: chapel hill north

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.
Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill

From: Chris Clemmons [mailto:chris_clemmons@yahoo.com]
Sent: Monday, January 08, 2007 2:23 PM
To: Town Council
Subject: chapel hill north

Dear Mayor and Members of the Chapel Hill Town Council,

I am writing to you as a resident of the Northwood neighborhood and Vice President of the Northwood Homeowners Association Board. I am unable to attend the Council meeting tonight, so just wanted to pass along a few comments regarding the Residences at Chapel Hill North. I have written to you in the past regarding traffic and related pedestrian safety/access issues surrounding this and other proposed developments in our area. Please allow me to reiterate my concern that proposed and potential development will create an unsightly and unsafe traffic quagmire. I hope that you will seriously consider a moratorium on further development in Northwest Chapel Hill until a comprehensive planning study of the area can be conducted.

Thank you for your time,

Chris Clemmons
207 Hunter Hill Rd.
Chapel Hill, NC 27516
919-928-8390

I'm the man with the \$140 hair.
--Jay Brown

Sandy Kiline

43

From: Carol Abernethy
Sent: Monday, January 08, 2007 12:42 PM
To: 'Bea Dulberg'
Cc: Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthorn; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kiline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email re University Station

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.

*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill*

From: Bea Dulberg [mailto:bead@intrex.net]
Sent: Friday, January 05, 2007 4:44 PM
To: Town Council
Subject:

I am a resident of Carol Woods and feel that the voting of University Station development should be postponed until after the the February Council meeting related to the University Station development. Beatrice Dulberg

1/8/2007

Sandy Kline

44

From: Carol Abernethy
Sent: Monday, January 08, 2007 12:40 PM
To: 'Selma Froom'
Cc: JB Culpepper; Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: suspend voting on Item 12

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.

Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill

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

From: Selma Froom [mailto:sfroom@mac.com]
Sent: Saturday, January 06, 2007 1:24 PM
To: Town Council
Subject: suspend voting on Item 12

Dear Members of the Chapel Hill Town Council Please suspend voting on item 12, LUMO text amendment until after the February Council Meeting.

Thank You
Selma Froom
750 Weaver Dairy Rd. #2209
Chapel Hill, N.C. 27514

Sandy Kline

45

From: Elizabeth Hewitt [ehewitt@nc.rr.com]
Sent: Friday, January 05, 2007 2:12 PM
To: Town Council
Subject: 8 Jan Town Council Agenda Item #12

Dear Mayor and Town Council,

I am writing to ask that you delay acting on Item #12 until after the February Council Meeting related to the University Station Development.

Sincerely,
Elizabeth K. Hewitt
750 Weaver Dairy Rd., Apt. #107
Chapel Hill, NC 27514-1439

1/8/2007

Sandy Kline

46

From: Carol Abernethy
Sent: Monday, January 08, 2007 12:37 PM
To: 'torwood@juno.com'
Cc: JB Culpepper; Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: Agenda item #12

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.

Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill

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

From: torwood@juno.com [mailto:torwood@juno.com]
Sent: Sunday, January 07, 2007 1:29 PM
To: Town Council
Subject: Agenda item #12

Dear Mayor Foy and Council Members

It is my understanding that a "routine" request will come before you on Monday, January 8, that could significantly change the types of construction and use possible at the proposed University Station development. It seems unwise to grant approval of this request prior to full discussion of the intentions of the developer of the University Station project. We ask that you delay this matter until after fuller discussion of the University Station proposal in February.

Sincerely,
Barbara and William Koch

Sandy Kline

(47)

From: Eva Lynch [evalynch@earthlink.net]
Sent: Friday, January 05, 2007 11:05 AM
To: Town Council
Cc: ruthsy@msn.com
Subject: voting on Item 12

I am opposed to the passing of January 8th Agenda Item #12 and respectfully request that voting on this item be suspended until after the February Council Meeting related to the University Station development.
evalynch@earthlink.net

1/8/2007

Sandy Kline

(4/8)

From: Carol Abernethy
Sent: Monday, January 08, 2007 12:39 PM
To: 'Jai Nayar'
Cc: JB Culpepper; Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Hefin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: January 08, 2007, Town Council Agenda, Item # 12.

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.

*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill*

From: Jai Nayar [mailto:jainayar@yahoo.com]
Sent: Sunday, January 07, 2007 11:41 AM
To: Town Council
Subject: January 08, 2007, Town Council Agenda, Item # 12.

Honorable Council Members:

We, the residents of Weaver Dairy Road in Chapel Hill, understand that on January 8, 2007, Town Council Agenda, Item 12. "LUMO Text Amendment - Modification to the Permitted Mix of Uses in the Mixed Use Office/Institutional-1 Zonning District" is to be presented to the Council as a routine "housekeeping" item needed for the uncontested approval of the University Station Housing Project to the Project of The Residences at Chapel Hill North.

It is apparent to every resident that auto traffic on Weaver Dairy Road is very heavy. Approval of above mentioned projects will add several problems for the residents and all traffic that crosses over from Erwin Road to Route 86 (Martin Luther King Road) and vice versa. It will end up to be a traffic nightmare.

We highly recommend that voting on this item should be delayed until after the February Council Meeting related to the University Station development and preferably after the traffic situation on Weaver Dairy Road is remedied.

We would appreciate consideration of our request. We will remember your voting on this item in the future.

Sincerely

Jai and Gisela Nayar

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<http://mail.yahoo.com>

1/8/2007

Sandy Kline

49

From: Carol Abernethy
Sent: Monday, January 08, 2007 12:42 PM
To: 'carol142@earthlink.net'
Cc: JB Culpepper; Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: University Station Development

Thank you for your email. A copy has been forwarded to each Council Member and to senior staff members.

*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill*

From: Carolyn Powell [mailto:carol142@earthlink.net]
Sent: Friday, January 05, 2007 6:52 PM
To: Town Council
Subject: University Station Development

Please, we wish the voting to be suspended on the University Station agenda until after the February Council Meeting.

We know that this property will be used and developed, but to put so many units on this amount of land so close to I-40 with such a number of potential cars and people seems unthinkable. This all deserves more and closer scrutiny.

Thank you.

Carolyn and Charles Powell, 40 year residents of Chapel Hill.

Carolyn Powell
carol142@earthlink.net
EarthLink Revolves Around You.

Sandy Kline

50

From: Howard Smither [hes@email.unc.edu]
Sent: Friday, January 05, 2007 11:09 AM
To: Town Council
Subject: Item 12

To the Mayor and Town Council of Chapel Hill:

I urge you to postpone the January 8, 2007, Town Council Agenda Item 12, "LUMO Text Amendment - Modification to the Permitted Mix of Uses in the Mixed Use Office/Institutional-1 Zoning District" until after the town council meeting (scheduled in February) related to the University Station Project. I believe passage of Item 12 would seriously compromise the intent of current law by allowing five additional three-storey apartment buildings to be included in the University Station Project, thus increasing density of population in an area that is already verging on substandard, and would be unacceptable by federal liveability standards because of the project's proximity to I-40.

Howard E. Smither

Sandy Kline

(51)

From: Carol Abernethy
Sent: Monday, January 08, 2007 12:36 PM
To: 'sjdsnow@msn.com'
Cc: JB Culpepper; Bill Strom; Bill Thorpe; Cam Hill; Ed Harrison; Jim Ward; Jim Ward (w); Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Sally Greene (w); Adam Schaefer; Catherine Lazorko; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email FW: LUMO text amendment
Attachments: Email for Jan 8, 07 Meeting.doc

*Carol Abernethy
Exec. Asst., Manager's Office
Town of Chapel Hill
(919)968-2844
(919)969-2063 (FAX)*

From: Del Snow [mailto:djdsnow@msn.com]
Sent: Sunday, January 07, 2007 4:16 PM
To: Town Council
Subject: LUMO text amendment

I am forwarding the attachment for inclusion in the 1/8 Town Council Meeting packet on behalf of Richard Wasicko.
thanks-
Del Snow

1/8/2007

Town Council Regular Business Meeting
Monday, January 8, 2007, 7:00 p.m.
Chapel Hill Town Hall

Land Use Management Ordinance Text Amendment Modifications to the Permitted Mix of Uses in the Mixed Use Office/Institutional-1 Zoning District

These modifications have been proposed by the applicant for a Chapel Hill North Phase II Special Use Permit for a residential development titled "The Residences at Chapel Hill North." Because Chapel Hill North already has constructed and occupied office and commercial (retail) buildings, it is a special situation. The Mayor and Town Council should be fully aware that the proposed LUMO amendment modifications, if approved, will be applicable not only to Chapel Hill North but to ALL SUBSEQUENT DEVELOPMENTS IN ALL MU-OI-1 ZONING DISTRICTS.

The mix of uses at the end of the Chapel Hill North Phase II Development, according to the applicant in a September 28, 2006 document, would be 23% office, 33% retail (commercial) and 44% residential based on floor area. The corresponding numbers for the Total Chapel Hill North Development would be 37%, 31% and 32%. These interim and final mixes of uses are very laudable for a Mixed Use zoning district.

The concern is that, if this LUMO Text Amendment is approved, the potential mix of uses permitted for a FUTURE development on undeveloped land might be very different. For example, the amended LUMO would permit a development with 80% residential, 15% commercial and 5% office uses. The Mayor and Town Council are tentatively scheduled on February 19th to learn about a Concept Plan Proposal named University Station which could easily evolve into such a development.

It would seem prudent for the Mayor and Town Council to postpone a decision on this Agenda Item until they fully understand and deliberate on all of its implications.

There is an alternative LUMO Text Amendment approach which might satisfy the concerns of the Chapel Hill North Phase II Special Use Permit applicant and at the same time prevent a skewed mix of uses such as in the above example. Referring to the draft ordinance attached to Memorandum AGENDA #7:

1. In 3.5.1(e)(2) change C. to the following:

C. Office ("business, office-type" and "clinic") uses, commercial uses, and residential uses individually shall not utilize more that 55% of floor area.

2. In 3.5.1(e)(2) delete D.

To be consistent for development tracts of between ten and 20 acres, the same change and deletion should be applied to subparagraphs E. and F. in 3.5.1(e)(5).

53

Sandy Kline

From: A. Woodward [uncamw@mindspring.com]
Sent: Friday, January 05, 2007 10:07 AM
To: Town Council
Subject: Item 12

To the Mayor and Town Council of Chapel Hill:

I urge you to postpone the January 8, 2007, Town Council Agenda Item 12, "LUMO Text Amendment - Modification to the Permitted Mix of Uses in the Mixed Use Office/Institutional-1 Zoning District" until after the town council meeting (scheduled in February) related to the University Station Project. I believe passage of Item 12 would seriously compromise the intent of current law by allowing five additional three-storey apartment buildings to be included in the University Station Project, thus increasing density of population in an area that is already verging on substandard, and would be unacceptable by federal liveability standards because of the project's proximity to I-40.

Ann Woodward
750 Weaver Dairy Rd, Apt 217
Chapel Hill, NC 27514