

From: Elisabeth Benfey [benfeye@duke.edu]
Sent: Saturday, March 14, 2009 1:29 PM
To: Town Council
Subject: rezoning

Dear Mayor and Council

Please oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input – such as the Community Visioning Task Force you endorsed last Monday night.

It seems that Zinn's proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Town's steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods.

The bottom line is that Developers should not be driving the Town's agenda. Applying this triple density conditional use zone to all parts of Town will encourage projects where you may not want them, and raise needless anxiety by neighbors.

Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone.

Thanks for your time.

Elisabeth Benfey
benfeye@duke.edu

Broadwell.Lampe.Schroeder Letters

A council member has requested that I copy and paste multiple emails about the same subject into one email.

Message sent by vbroadwell@yahoo.com

Dear Mayor Foy and Council,

I request that you oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input such as the Community Visioning Task Force you endorsed last Monday night.

It seems that Zinns proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Towns steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods. It would make for a wonderful city park something we have far too few of in Chapel Hill and indeed, the Triangle.

About 13 years ago I put in many hours as a volunteer on the Chapel Hill East Entranceway Citizens Advisory Committee. Back then, the committee was unanimous in its desire to keep the NC54 entranceway to Chapel Hill clutter free and wooded. What happened to the Comprehensive Plan that included this goal of the citizens? Since then, East West Partners has built an office building right at the top of the meadow at Meadowmont that was supposed to be protected in exchange for the rezoning that the Town gave East West Partners. It seems we make plans only to break them later when the economy takes a downturn.

Developers should not be driving the Towns agenda, although I see this happen again and again. Applying this triple density conditional use zone to all parts of Town will encourage projects where you may not want them, and raise needless anxiety by neighbors.

Zoning brings orderly development and reassures citizens that growth will proceed

Broadwell.Lampe.Schroeder Letters

with predictability. I ask you to oppose the amended language for this zone as did your Planning Board.

Valerie Broadwell
2207 Copeland Way
Chapel Hill, NC 27517
vbroadwell@yahoo.com

Mayor Foy and Council Members,

Please vote to keep the new R-SS-C zone, if required at all, solely in the downtown area.

Further, the Zinn proposal to use the proposed new zoning on Hwy 54 is plain wrong. It is entirely inappropriate for that parcel to be developed with the requested exceptions to existing zoning.

The construction already underway on the south side of Hwy 54 coming into Chapel Hill is one of the ugliest development projects I have ever seen and the Town should be ashamed that it approved it. We will all have to live with that eyesore for years!

I am not against higher density construction, but the Town should certainly insure that the appearance, setback, height, floor area, etc. of such projects are appropriate for the location. It may well be desirable for the Town to use an established citizen committee, or establish a new one, to collect pictures of desirable medium density developments from around the country that would be appropriate for Chapel Hill. It is obvious that local developers generally do not have a clue as to what is acceptable here.

Sincerely,

... Fred Lampe
1710 Michaux Road
Chapel Hill, NC

Dear Mayor and Council

Please oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone

Broadwell.Lampe.Schroeder Letters

with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input - such as the Community Visioning Task Force you endorsed last Monday night.

It seems that Zinn's proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Town's steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods.

The bottom line is that Developers should not be driving the Town's agenda. Applying this triple density conditional use zone to all parts of Town will encourage projects where you may not want them, and raise needless anxiety by neighbors. Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone as did your Planning Board.

Thanks for your time.
Howard Schroeder

From: JB Culpepper
Sent: Wednesday, March 18, 2009 12:26 PM
To: Kendal Brown
Cc: Gene Poveromo
Subject: FW: Email RE: Rezoning and Chapel Hill

Is this for Aydan or for R-SS-C>?

From: Carol Abernethy
Sent: Tuesday, March 10, 2009 5:14 PM
To: Greg Brusseau
Cc: JB Culpepper; Bill Strom; Ed Harrison; Jim Merritt; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Matt Czajkowski ; Sally Greene (w); Amy Harvey; Carlo Robustelli; Catherine Lazorko; Dwight Bassett; Mayors Intern; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: Rezoning and Chapel Hill

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

Carol Abernethy
Executive Assistant
Town Manager's Office

From: Greg Brusseau [mailto:GBrusseau@ci.carrboro.nc.us]
Sent: Tuesday, March 10, 2009 12:51 PM
To: Town Council
Subject: Rezoning and Chapel Hill

Hello,

I am not in favor of increased density away from downtown Chapel Hill. To look what enhanced density means, one only has to look at the hideous East 54 project and that, as of this posting, is not completely built out yet. I urge you all to not vote in favor of specialized zoning, increased density etc. What good are zones if requests are often granted to the exceptions. Then the exceptions become the norm. Please do not undercut our lovely town that up to now has been guided quite nicely.

Greg Brusseau
232 Flmeington Rd.
Chapel Hill

Town of Carrboro, NC Website - <http://www.townofcarrboro.org>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

(ext)

From: JB Culpepper
Sent: Wednesday, March 18, 2009 12:23 PM
To: Kendal Brown
Cc: Gene Poveromo
Subject: FW: Email in favor of FW: Extension of R-SS-C zoning
Attachments: Climate Change Digest 13Mar09.doc

Email for packet and to be filed

From: Carol Abernethy
Sent: Monday, March 16, 2009 12:38 PM
To: Bill Strom; Ed Harrison; Jim Merritt; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Matt Czajkowski ; Sally Greene (w)
Cc: JB Culpepper; Phil Mason; Amy Harvey; Carlo Robustelli; Catherine Lazorko; Dwight Bassett; Mayors Intern; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email in favor of FW: Extension of R-SS-C zoning

From: James Carnahan [mailto:jcarnahan@mindspring.com]
Sent: Monday, March 16, 2009 12:35 PM
To: Town Council
Subject: Extension of R-SS-C zoning

Mayor Foy & Chapel Hill Council:

I support amending your R-SS-C zone to apply along several of your major transportation corridors. I think this gives you a very important tool to help focus future residential and commercial growth where public transit will be provided.

In light of the rigorous approvals process any conditional use zone requires I think the additional flexibility found in Resolution A will not conflict with the Town's desire to ensure suitable & sustainable outcomes. However, I do think that objectives 1 & 2, energy conservation and provision of some affordable housing, should be prerequisite.

In support of the Zoning Amendment The Planning Director's Memorandum cites requirement B, "achievement of the purposes of the Comprehensive Plan."

I believe there is also strong justification using C, necessity "because of changed or changing conditions...in the jurisdiction generally."

I would make the following argument in support under C: the text amendment will greatly increase the Town's ability to reduce CO₂ emissions arising from single occupant vehicle dependence by helping to create, over time, walkable, bikable & transit-supportive urban fabric. The final report of the greenhouse gas (GHG) emissions inventory for the towns and Orange County was just released. It shows fully 48% of our emissions from GHG are from transportation. This percentage speaks volumes about our preponderant low intensity land use patterns and lack of a robust local employment sector. I believe it strongly highlights the urgency for creating walkable & transit supportive mixed-use urban fabric as we grow.

I am attaching a "Digest of Climate Change Outcomes" that I think captures the pressing need to reduce CO₂ emissions.

[http://www.co.orange.nc.us/ercd/documents/Greenhouse%20Gas%20Reports/Orange%20County%](http://www.co.orange.nc.us/ercd/documents/Greenhouse%20Gas%20Reports/Orange%20County%20Digest.pdf)

20GHG%20Inventory_Final.pdf is the link to the final GHG report.

Regarding issues that proposals like the Zinn project near environmentally sensitive areas, you might consider reducing the .5 & .7 impervious surface ratios for high-density residential & commercial development options while at the same time raising the 60 foot building height limit in such a way as to produce very compact multi-family and/or mixed use projects.

The following are links to references showing that development containing an amalgam of higher density, mixed use, jobs close by, public transit, interconnected streets and a pedestrian- and bike-friendly streetscape produces reductions in vehicle miles traveled:

See <http://www.smartgrowthamerica.org/gcindex.html> and read the executive summary of "Growing Cooler: The Evidence on Urban Development and Climate Change" (this is a 158 pp document, a 5.6MB download; unfortunately the executive summary is not available separately).

Also: see page 11 of this quick download: www.sierraclub.org/sprawl/transportation/holtzclaw-awma.pdf The author, John Holtzclaw, was at the time of publication the Sierra Club national transportation chair.

James Carnahan
122 Oak St. Carrboro, NC
March 16, 2009
Attachment: "Digest of Climate Change Outcomes"

A Digest of Global Warming Outcomes.

The connection between CO₂ emissions from human activity and global warming is now hardly disputed. The following are citations from newspaper & magazine articles that have appeared over the past 4 years that convey both the catastrophic events that may ensue if we do not make immediate and drastic reductions in CO₂ emissions, and that highlight as well the accelerating progress of global warming effects already observed.

An excellent reprise of Global Warming issues appeared in a National Geographic Special Report, "Changing Climate," in April, 2008. Reprints can be ordered at <http://ngm.nationalgeographic.com/2008/04/climate/table-of-contents>

Great Britain's Chancellor of the Exchequer published a far more complex and lengthy examination of Climate Change, with emphasis on economic impacts and global strategies for addressing the issue. The full report, "The Stern Review on the Economics of Climate Change," can be accessed at http://www.hm-treasury.gov.uk/sternreview_index.htm . The 27 page executive summary is available as a separate download.

a) Species Loss. The most ominous outcome that has been reported is unthinkable for the human species and most other species as well. The geologic record shows at least two instances of widespread species die-offs resulting from what scientists refer to as "thermal maximums," extreme global temperature increases that were triggered by the release of methane from ice-like structures in arctic tundra and the bottom of the polar seas. These events were catastrophic for life on earth. *Baltimore Sun* reporter John Atcheson wrote ("Ticking time bomb," 12/15/2004):

"A temperature increase of merely a few degrees would cause these [methane] gases to volatilize and "burp" into the atmosphere, which would further raise temperatures, which would release yet more methane, heating the Earth and seas further, and so on. There's 400 gigatons of methane locked in the frozen arctic tundra - enough to start this chain reaction - and the kind of warming the Arctic Council predicts is sufficient to melt the clathrates and release these greenhouse gases into the atmosphere.

"Once triggered, this cycle could result in runaway global warming the likes of which even the most pessimistic doomsayers aren't talking about.... Strong geologic evidence suggests something similar has happened at least twice before.

"The most recent of these catastrophes occurred about 55 million years ago in what geologists call the Paleocene-Eocene Thermal Maximum (PETM), when methane burps caused rapid warming and massive die-offs, disrupting the climate for more than 100,000 years.

"The granddaddy of these catastrophes occurred 251 million years ago, at the end of the Permian period, when a series of methane burps came close to wiping out all life on Earth.

"More than 94 percent of the marine species present in the fossil record disappeared suddenly as oxygen levels plummeted and life teetered on the verge of extinction.... It took 20 million to 30 million years for even rudimentary coral reefs to re-establish themselves and for forests to re-grow. In some areas, it took more than 100 million years for ecosystems to reach their former healthy diversity."

Elizabeth Kolbert mentions the PETM in "The Darkening Sea," (*New Yorker Magazine*; Nov. 20, 2006). While the oceans play a vital role in CO₂ absorption, the carbonic acid created in this process may reach a level of acidity that prevents shell formation. "Marine sediments [from the PETM era] show that many calcifying organisms vanished..." The oceans have a built-in buffering mechanism that functions to counter acidification, but in the instance of the PETM the process was overwhelmed.

And today, "CO₂ is being released into the air at least three times and perhaps as much as thirty times as quickly as during the PETM. This is so fast that buffering by ocean sediments is not even a factor." The implications for the productivity of global "marine fisheries" are ominous given the role the smallest calcifying zooplankton play in the food chain. Find Kolbert's article at http://www.newyorker.com/archive/2006/11/20/061120fa_fact_kolbert.

The methane burp scenario was reported more recently in *National Geographic's* "Changing Climate," the chapter headed "Melting Permafrost" page 44.

In a recent story about the acceleration of warming of the Arctic tundra, Associated Press (AP) reporter Seth Borenstein wrote (*Durham Herald Sun*, "Scientists: 'Arctic is Screaming,'" 12/12/07)

"Alaska's frozen permafrost is warming, not quite thawing yet. But temperature measurements 66 feet deep in the frozen soil rose nearly four-tenths of a degree from 2006 to 2007, according to measurements from the University of Alaska. While that may not sound like much, "it's very significant," said University of Alaska professor Vladimir Romanovsky."

The Independent (UK) reported September 2008 that Russian & Swedish scientists who had been measuring methane levels along the Siberian continental shelf since 1994 only began seeing elevated levels in 2003, and very recently have found sites where

"...the release was so intense that the methane did not have time to dissolve into the seawater but was rising as methane bubbles to the sea surface....At some locations, methane concentrations reached 100 times background levels. These anomalies have been seen in the East Siberian Sea and the Laptev Sea, covering several tens of thousands of square kilometres, amounting to millions of tons of methane..."

The full article is still available at <http://www.independent.co.uk/environment/climate-change/exclusive-the-methane-time-bomb-938932.html>

John McPhee is a geologist who contributes regularly to *The New Yorker* magazine. March 12, 2007 in "Season of the Chalk" he described the geological history of the White Cliffs of Dover and the underlying strata of chalk that stretches eastward well into the European continent. He discussed the Permian Extinction referred to in the *Baltimore Sun* article, and the continuing scholarship and speculation about how the Permian and other die-offs, including the demise of the dinosaurs, came about (maybe it was a comet; maybe not). He concludes this digression thus:

"It's enough to ruffle conventional wisdom, unsettling the jury as to who killed whom and what killed what. While the earth moves on toward the first mass extinction caused by a living species, debates about earlier ones are really unresolved."

b) Rising Ocean Levels. It is no longer in dispute that this is happening, and that we'll see significant changes in the contours of the continents. From Associated Press reporter Seth Borenstein, ("Rising seas could overtake lands...", *Durham Herald Sun* 9/23/07):

"In about a century, some of the places that make America what it is may be slowly erased. Global warming...is expected to cause oceans to rise by one meter, or about 39 inches. It will happen regardless of any future actions to curb greenhouse gases, several leading scientists say..."

"...Few of the more than two dozen climate experts interviewed disagree with the one-meter projection... 'We're going to get a meter and there's nothing we can do about it,' said University of Victoria climatologist Andrew Weaver, a lead author of the February [2007] report from the Intergovernmental Panel on Climate Change in Paris..."

"...All told, one meter of sea level rise in just the lower 48 states would put about 25,000 square miles under water, according to Jonathan Overpeck, director of the Institute for the Study of Planet Earth at the University of Arizona. That's an area the size of West Virginia...."

In addition to impending land loss and the economic & social impacts, we have the prospect of greater devastation from storm surges in low-lying coastal areas. The devastation of Hurricane Katrina is attributed to the additional energy the storm gained while passing over the warmer waters of the Gulf of Mexico. Residents of New Orleans & Biloxi may be thought of as the first wave of Climate Change refugees.

c) Crop Loss. The Raleigh *News & Observer* carried an AP story 3/17/07 about worldwide production of cereal crops having declined by millions of tons over the last 25 years as a result of warming. The full negative impact on production has so far been offset somewhat by production gains from better farming practices & genetic modifications, according to a study done by the Lawrence Livermore National Laboratory. "The warming we're already experienced since 1980 [about 0.7 degrees Fahrenheit] is having a major impact on the production of crops,' the lead author, David Lobell, said..." The N&O story mentioned that this was one of the first studies done to quantify the impact of warming on agricultural production. Meanwhile, the cost of fundamental dietary components are being driven up worldwide by the massive diversion of cereal and other crops for the manufacture of ethanol and other transportation fuels.

The "Stern Review on the Economics of Climate Change" executive summary reports that "Declining crop yields, especially in Africa, could leave hundreds of millions without the ability to produce or purchase sufficient food. At mid to high latitudes, crop yields may increase for moderate temperature rises (2 - 3°C), but then decline with greater amounts of warming. At 4°C and above, global food production is likely to be seriously affected." http://www.hm-treasury.gov.uk/sternreview_index.htm

d) Water Scarcity. The March, 2007 Intergovernmental Panel on Climate Change (IPCC) cites numerous global impacts of warming on the declining availability and quality of water for drinking and other essential uses. According to AP's Seth Borenstein, ("Global warming seen leading to water woes," *Durham Herald Sun*, 4/17/07), the US Southwest will have the greatest difficulty providing water for drinking, the Great Lakes will shrink, and California's Great Central Valley will not be able to meet demands for water for drinking and irrigation. A report from a panel of retired military leaders issued concurrently with the IPCC report spoke of the impact on global security of water shortages. "One of the biggest likely areas of conflict is going to be over water,' said [Gen. Charles F.] Wald, former deputy commander of U.S. European Command."

e) Spread of Diseases. At the same time that planetary warming is reshaping plant hardiness zones, it is also making possible the migration of tropical disease-carrying insects towards the north & south poles. An AP story written by Charles J. Hanley ("Report: Warming spurs illness," *Durham Herald Sun*, 11/15/06) reports

"A warmer world already seems to be producing a sicker world, health experts reported...., citing surges in Kenya, China and Europe of such diseases as malaria, heart ailments and dengue fever..."

"In Kenya, where temperature increases have tracked the global average, malaria epidemics have occurred in highland areas where cooler weather historically has kept down populations of disease-bearing mosquitoes..."

"Russian news media reported in September [2006] that larvae of the anopheles mosquito, the malaria carrier, had been found in Moscow."

The same story talks about a global justice issue unfolding here as well as a public health problem, in that under-developed parts of the world that contribute very little CO₂ emissions are already paying a price for activities of the developed nations in the "industrial north."

f) Global Instability. Even if life on earth manages to avoid the worst mass extinction scenario, the aggregate of the other effects of rising temperatures may be extraordinary in its magnitude. Coastal inundations, declining water supplies and food production capacity, severe weather events, spread of disease, species loss, all overlapping, will reinforce each other, and the effects will be felt most strongly in the poorest countries. According to the Stern Review,

"Impacts on this scale could spill over national borders, exacerbating the damage further. Rising sea levels and other climate-driven changes could drive millions of people to migrate: more than a fifth of Bangladesh could be under water with a 1m rise in sea levels, which is a possibility by the end of the century. Climate-related shocks have sparked violent conflict in the past, and conflict is a serious risk in areas such as West Africa, the Nile Basin and Central Asia." http://www.hm-treasury.gov.uk/sternreview_index.htm

g) CO₂ Accumulation & Acceleration of Effects. The rate of accumulation of CO₂ in the atmosphere is increasing while the scientific community has lowered the upper limit believed necessary to avoid the most dire outcomes. A story in the *N&O* ("Carbon dioxide shows sharp rise," 5/22/07) said that week's *Proceedings of the National Academy of Sciences* reported that "emissions from fossil fuels...are increasing at 3 times the rate seen during the 1990's." A co-author of the report lamented that "despite the scientific consensus that carbon emissions are affecting the world's climate, we are not seeing progress in managing those emissions...In many parts of the world we are going backward..."

NASA scientist James Hansen, one of the earliest to warn of planetary warming and the association with carbon emissions, now says we must adjust downward the target for atmospheric amounts of CO₂. Environmental groups and the European Union have long considered 450 parts per million (PPM) acceptable. Bill McKibben covered Hansen's latest findings in *The Washington Post* ("Remember this: 350 parts per million," 12/28/07), writing that because of the acceleration of observed effects such as arctic melting the target must be set lower.

"...the data just keep getting worse. The news this fall that Arctic sea ice was melting at an off-the-charts pace and data from Greenland suggesting that its giant ice sheet was starting to slide into the ocean make even 450 look too high. Consider: We're already at 383 parts per million, and it's knocking the planet off kilter in substantial ways. So, what does that mean?"

"It means, Hansen says, that we've gone too far. The evidence indicates we've aimed too high -- that the safe upper limit for atmospheric CO₂ is no more than 350 ppm..."

The "cascading" of Global Warming effects is seen in the Arctic & Greenland, where expanding pools of meltwater on the frozen snow become heat sinks that turn reflective surfaces into heat absorbers that cause more melting, making bigger pools, and so on. Similar negative feedback is occurring further south, in the Rocky Mountains, where warmer winters have extended the range of pine beetles that are wiping out vast acreage of forests – and reducing vegetation needed to sequester CO₂. "Scientists now predict that escalating droughts, tree die-offs and fires could cause Western forests to contribute more carbon dioxide to the atmosphere than they extract," wrote M. Martin Smith & Fiona Gow in the *High Country News* ("Unnatural Preservation," 2/4/08). <http://www.hcn.org/issues/363/17481>

h) US and local CO₂ Contributions. European nations have already established goals for CO₂ reductions ranging from 60 to 80%. Some US states have set similar goals. Locally there has been discussion by both Chapel Hill & UNC to set a reduction goal of 60%. Carrboro has been awaiting the outcome of the greenhouse gas emissions inventory just completed by Orange County Department of Environment and Natural Resources¹ before setting its goal.

Food for thought for establishing US and local goals, assuming we want to approach this challenge with fairness, are baseline comparisons between US and European per capita yearly production of CO₂ emissions. Other nations are beginning from much lower emissions levels than the US. There are various ways to measure our carbon footprints. One metric is annual per capita CO₂ output. The US average was put at 22.4 tons per person in 2004 and the European average at 10.8 in an article last year in *Conde Nast Traveler*. New York Mayor Michael Bloomberg's green blueprint, PlaNYC, reported the average NYC resident generates 7.1 metric tons of greenhouse gasses a year versus an overall US per person average of 24.5 metric tons² (See also: *Philly.com*; "We would use less energy living closer together;" May 17, 2007).

A somewhat different approach is a metric reported by *New Yorker* magazine's science reporter Elizabeth Kolbert in a July 7, 2008 article, "The Island in the Wind."³ Scientists of the Swiss Federal Institute of Technology have estimated that a sustainable level of global energy use would be 2000 watts per person, which gave them the name for a project they call "the 2000-Watt Society." Their analysis found the Swiss now use about 5000 watts per person and most other Western European countries about 6000 watts per person, while Americans and Canadians use twice that, 12,000 watts per person. India and China use 1000 watts and 1500 watts, respectively, per person. The Wikipedia entry on this is helpful: http://en.wikipedia.org/wiki/2000-watt_society

The Orange County emissions inventory is a useful indicator of where we need to work. On p.23 In the Community Inventory Overview transportation is reported to be our single largest source of CO₂, at 49%. Next is our commercial & institutional sector at 29%, followed by the residential sector at 19%. Industrial activity & solid waste each contributes 2% and 1% respectively. In Orange County our per capita annual emissions are about 22.75 tons per person.

-James Carnahan
13 March 2009

1

http://www.co.orange.nc.us/ercd/documents/Greenhouse%20Gas%20Reports/Orange%20County%20GHG%20Inventory_Final.pdf

² To view New York City's emissions inventory go to

<http://www.nyc.gov/html/planyc2030/html/emissions/emissions.shtml>

(I think it is useful, in light of their much smaller CO₂ footprint, to look at the land use & transportation characteristics of NYC that enable this, as well as the European urban form that contributes to their lower numbers.)

³ To view Elizabeth Kolbert's *New Yorker* article go to

http://www.newyorker.com/reporting/2008/07/07/080707fa_fact_kolbert

From: Patty Courtright [pcourtright@mindspring.com]
Sent: Saturday, March 14, 2009 12:49 PM
To: Town Council
Subject: please oppose conditional use zone

Dear Mayor Foy and Town Council Members:

Please oppose amending the R-SS-C zone. Limiting a high-density zone to appropriate downtown locations certainly makes sense, as you voted on November 23. I understand the need for steering growth toward higher density in downtown Chapel Hill, but new development -- and redevelopment -- need appropriate design and scale and the means to plan for (not react to) additional traffic affecting neighborhoods.

The citizens of Chapel Hill should have the reassurance that their neighborhoods won't end up rezoned for higher density. Instead of a conditional use zone, I'd like to see a review of the zoning map with extensive citizen input, such as the Community Visioning Task Force that you've already endorsed.

Applying a high-density conditional use zone all over town would only serve to encourage projects where you may not want them and create anxiety on the part of homeowners and potential homebuyers.

Please oppose the amended language for the R-SS-C zone. Thank you for your consideration.

Patty Courtright
(919)408-3099
pcourtright@mindspring.com

From: JB Culpepper
Sent: Wednesday, March 18, 2009 12:25 PM
To: Kendal Brown
Cc: Gene Poveromo
Subject: FW: Email RE: Land Use Management Ordinance Admendment

Another

From: Carol Abernethy
Sent: Wednesday, March 11, 2009 10:23 AM
To: btdriscoll@bellsouth.net
Cc: JB Culpepper; Bill Strom; Ed Harrison; Jim Merritt; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Matt Czajkowski ; Sally Greene (w); Amy Harvey; Carlo Robustelli; Catherine Lazorko; Dwight Bassett; Mayors Intern; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: Land Use Management Ordinance Admendment

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

*Carol Abernethy
Executive Assistant
Town Manager's Office*

From: btdriscoll@bellsouth.net [mailto:btdriscoll@bellsouth.net]
Sent: Wednesday, March 11, 2009 9:32 AM
To: Town Council
Cc: btdriscoll@bellsouth.net; planning
Subject: Land Use Management Ordinance Admendment

Dear Mayor Foy and Town Council:

Regarding the upcoming consideration of the Land Use Management Ordinance (LUMO) Text Admendment: You will soon be considering revisions to the Residential Special Standards Conditional Zoning (R-SS-C) . In November (we think), you voted to limit increased residential density to only 1/2 mile from Central Business District.

In the revisions, it appears that the R-SS-C zone will be applicable to all of Chapel Hill.

We urge you to reconsider a piecemeal approach to allowing the use of this zoning. If use of this zoning is a good idea, then let us consider it carefully and have a plan (and include it in our town's Comprehensive Plan) for its use. We should not be allowing the use of this zoning without discussing its impacts on the environment and quality of life (such as traffic). We should not be reconsidering revisions to the use of R-SS-C for one developer who bought property with an existing zone and before the R-SS-C zone existed. This is a slippery slope (so to speak) issue. Once the use of this zoning is allowed, then it will be difficult and inequitable to not allow its use for all other developers. Also, if we continue to completely disregard the town's Comprehensive Plan and its tenets, then we should revise it to reflect how this town will grow.

Thank you for your consideration.

Yours,

Barbara and Thomas Driscoll
504 Redbud Rd.
Chapel Hill, NC 27514

Kendal Brown

From: Debbie Finn [dfinn@earthlink.net]
Sent: Sunday, March 15, 2009 11:05 AM
To: Town Council
Subject: amending the R-SS-C zone

Dear Mayor and Council

Please oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input – such as the Community Visioning Task Force you endorsed last Monday night.

It seems that Zinn's proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Town's steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods.

The bottom line is that Developers should not be driving the Town's agenda. Applying this triple density conditional use zone to all parts of Town will encourage projects where you may not want them, and raise needless anxiety by neighbors.

Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone.

Sincerely,
Debbie Finn

From: Mary Butler [marybutler@hotmail.com]
Sent: Saturday, March 14, 2009 3:11 PM
To: Town Council
Subject: re-zoning

Dear Mayor and Council,

The following letter written by Julie McClintock expresses many of my thoughts. In particular the point about letting developers drive decisions in town. The entryway on 54 has been significantly damaged by the Meadowmont project and hardly adheres to the codified provisions of the appearance of the entryway passed by town govt. prior to the development of this project. If you leave zoning applications alone, they will have a better chance of doing what they were intended to do. Once you adjust them for developers there is no certain adherence and apparently (look at Meadowmont) no enforcement of violations.

Philip Goodman

Dear Mayor and Council

Please oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input – such as the Community Visioning Task Force you endorsed last Monday night.

It seems that Zinn's proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Town's steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods.

The bottom line is that Developers should not be driving the Town's agenda. Applying this triple density conditional use zone to all parts of Town will encourage projects where you may not want them, and raise needless anxiety by neighbors.

Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone as did your Planning Board.

Thanks for your time.

Julie McClintock

Hotmail® is up to 70% faster. Now good news travels really fast. [Find out more.](#)

Graham Letter

From: Web Site
Sent: Saturday, March 14, 2009 3:48 PM
To: Town Council
Cc: graham@email.unc.edu
Subject: R-SS-C zone

Message sent by graham@email.unc.edu

Dear Mayor and Council

Please oppose amending the R-SS-C zone.

New development and redevelopment should utilize good design elements and traffic controls that protect neighborhoods from additional traffic.

The bottom line is that Developers should not be driving the Towns agenda. I already have grave concerns about what I see happening to 54. East 54 is a travesty. Let's not add to it. I bike down 54 and the wind tunnel that East 54 has created is very noticeable. I also lament the loss of the horizon.

Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone.

Thank you for listening.

Sherry Graham
56 Oakwood Dr.
Chapel Hill, NC

From: JB Culpepper
Sent: Wednesday, March 18, 2009 12:26 PM
To: Kendal Brown
Cc: Gene Poveromo
Subject: FW: Email RE: Residential Special Standards Conditional Zoning

another

From: Carol Abernethy
Sent: Tuesday, March 10, 2009 5:14 PM
To: Wes & Jane Hare
Cc: JB Culpepper; Bill Strom; Ed Harrison; Jim Merritt; Jim Ward; Jim Ward (w) ; Kevin Foy; Laurin Easthom; Mark Kleinschmidt; Matt Czajkowski ; Sally Greene (w); Amy Harvey; Carlo Robustelli; Catherine Lazorko; Dwight Bassett; Mayors Intern; Roger Stancil; Sabrina Oliver; Sandy Kline; Bruce Heflin; Flo Miller; Ralph Karpinos; Toni Pendergraph
Subject: Email RE: Residential Special Standards Conditional Zoning

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

*Carol Abernethy
Executive Assistant
Town Manager's Office*

From: Wes & Jane Hare [mailto:jhhare@earthlink.net]
Sent: Tuesday, March 10, 2009 12:18 PM
To: Town Council
Subject: Residential Special Standards Conditional Zoning

Dear Mr. Mayor & Council Members; We cannot understand why there needs to be increased density near this upper little creek area. This sounds to us like an illadvised impact that is not appropriate for this end of Chapel Hill. We further are troubled that this same action will place risk on the Glen Lennox apartments residential issue and our efforts to develop a successful NCD. Any response that you will & care to make is welcome. Our ph is 929-3316

Wes & Jane Hare

Hawkins Letter

From: Jane Hawkins [jhawkins@email.unc.edu]
Sent: Sunday, March 15, 2009 11:27 AM
To: Town Council; Jane Hawkins
Subject: R-SS-C zoning issue

Dear Mayor and Council,

Please oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input - such as the Community Visioning Task Force you recently endorsed.

It seems that Zinn's proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Town's steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods.

Developers should not be driving the Town's agenda. Applying this triple density conditional use zone to all parts of Town will encourage projects where people do not want them, and raise the anxiety of the Chapel Hill residents.

Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone as did your Planning Board.

Thanks for your time.

Sincerely, Jane Hawkins

Jefferson Letter

From: madeline jefferson [mailto:madeline_jefferson@yahoo.com]
Sent: Wednesday, March 11, 2009 10:10 PM
To: Town Council
Subject: Aydan Court Re-zoning

Dear Mayor and Town Council Members:

I ask that you deny the re-zoning of the Aydan Court property for the following reasons:

Under the Chapel Hill Land Use Management Ordinance, Section 5.3.2 Steep Slopes:

Purpose Statement: The purpose of this section is to minimize the grading and site disturbance of steep slopes by restricting impervious surfaces and land disturbance in such areas, and by requiring special construction techniques in steeply sloped areas in order to:

- protect water bodies (streams and lakes) and wetlands from the effects of erosion on water quality and water body integrity,
- protect the plant and animal habitat of steep slopes from the effects of land disturbance, and
- preserve the natural beauty and economic value of the town's wooded hillsides.

Under 5.4.1.

The purpose of this section is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds with this jurisdiction....

--minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and streambank erosion and maintain the integrity of stream channels;

--minimize increases in non-point pollution caused by stormwater runoff from development that would otherwise degrade local water quality.

I believe on these two points the development cannot meet the Land Use Management Ordinance criteria.

I ask you again to deny the re-zoning.

Dr. Jefferson letter

Town Manager's Office

From: madeline jefferson [mailto:madeline_jefferson@yahoo.com]
Sent: Thursday, March 12, 2009 10:58 PM
To: Town Council
Subject: R-SS-C Zone Change

On Monday evening you will be considering new language for the R-SS-C zone. In my opinion, this will be one of the most important votes that you will take. It could change the Town of Chapel Hill forever. The R-SS-C zone may well be right for some areas in the downtown area, but to use the zone in other areas of town is inappropriate at this time.

Last week you voted to form a Visionary Task Force. Let them do their job. Let them take a look at appropriate places for density with sufficient public input before making this decision.

I ask that you let the R-SS-C zone stand as it is.

Thank you.

Henry D. Jefferson, MD
34 whitley Drive
Chapel Hill, NC 27517
929-9024

From: Rudy Juliano [rudyjuliano@hotmail.com]
Sent: Sunday, March 15, 2009 2:06 PM
To: Town Council
Subject: R-SS-C zone.

Dear Mayor Foy and Council

I write to state my opposition to wide-spread use of the R-SS-C zone concept. While high density development in certain selected areas may be good for the town, broadcast use of the R-SS-C zone will negatively affect the integrity of neighborhoods.

In particular I think that the development proposed by Ms Zinn on E 54 is a bad idea. It would be a high density complex totally isolated from other highly developed areas, and not linked to any current public transit.

Thanks

Rudy Juliano

Windows Live™ Groups: Create an online spot for your favorite groups to meet. [Check it out.](#)

Kendal Brown

From: julie [mcclintock.julie@mindspring.com]
Sent: Saturday, March 14, 2009 12:07 PM
To: Town Council
Subject: Comment for public hearing for amending R-SS-C zone

Dear Mayor and Council

Please oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input – such as through the assistance of the Community Visioning Task Force you endorsed last Monday night.

It seems that Zinn's proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Town's steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods.

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Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone as did your Planning Board.

Thanks for your time.

Julie McClintock
614 Beech Tree Ct
Chapel Hill, NC 27514
h. 919-967-3661
c. 919-259-0036

614 Beech Tree Ct.
Chapel Hill, NC 27514
February 17, 2009

Dear Planning Board,

The text amendments offered on the R-SS-C zone offered for your consideration contain serious problems. I would like to make the following comments on the proposed changes which I oppose.

- (1) Floating zones such as the R-SS-C zone are awkward and don't serve the public well because they undercut the zoning map which was carefully chosen by the Town Council when the Comprehensive Plan and Land Use Ordinances were updated. Zoning brings orderly development to the review of new development and reassures citizens that growth will proceed with a certain amount of predictability. In November 2008, the Council somewhat mitigated the concern with this zone by applying the R-SS-C only to the downtown.
- (2) The proposed language would again open up the scope of this zone to float to any point in Town the Council voted to put it. It is unfortunate that this change is being made with one project in mind – Aydan Court. The language you are reviewing tonight resembles the original language proposed by the Manager to the Council early in 2008 which was subsequently tightened in November 2008. Changing the zone again is unfair to residents who assumed the matter was settled at the last public hearing on the R-SS-C zone in November.
- (3) The manager's memo points out the basis under which a zoning change can be made: a) to correct a manifest error in the chapter; or b) because of changed or changing conditions in a particular area or in the jurisdiction generally; or c) to achieve the purposes of the Comprehensive Plan. First, these changes do not achieve the purposes of the Comprehensive Plan (see second page). In addition, the proposed language weakens considerably the existing R-SS-C zone so that only several objectives need to be met. The objectives are not quantifiable and lack standards. It would now be possible to pass the hurdle for the amended R-SS-C high intensity zone by providing public art, a buffer (already required in the LUMO), and implementing an approved storm water program. These objectives are not nearly demanding enough to merit the floor area ratios allowed in the R-SS-C zone.
- (4) The Manager's memo further states that this chapter be amended only "as reasonably necessary to the promotion of the public health, safety, or general welfare, and in conformance with the Comprehensive Plan." It is clear that when the Council asked for a change to the zone to come back to them, they had only one project in mind. While possibly inadvertent, zoning for one project undermines the Town's orderly processes of planning and zoning.
- (5) If the Town Council wishes to approve more intensity outside of Downtown, the Council needs to conduct a comprehensive review of the goals of high intensity zoning and the Zoning Map with significant public input.

Please recommend that the zone remain as it is.

Thank you.

Julie McClintock
Mcclintock.julie@mindspring.com
919 967-3661

Footnote

The R-SS-C zone will not meet the purposes of the Comprehensive Plan for the following reasons:

- (1) allowing this zone to apply outside of Downtown will not “develop a balanced multi-modal transportation system that will enhance the mobility for all citizens, reduce automobile dependence and preserve and enhance the character of Chapel Hill.” I do not believe this goal can be met by developments that are built away from central services. For example, in the case of Aydan Court, most residents will drive to and from their destinations. A higher intensity use of this property will increase traffic congestion on the Highway 54 corridor, not reduce it.
- (2) the zone does not meet the comprehensive goal “to identify, protect and preserve open spaces and critical natural areas and enhance the area’s air quality and water resources.” One of the strategies of this goal is to improve tree preservation and planting efforts along entranceway corridors and to enhance local air quality. In the case of Aydan Court, wildlife depends on the adjacent waterfowl impoundment area. Chapel Hill should be protecting our natural resources, not putting them at risk. As written, the environmental impacts could be ignored.
- (3) These amendments do not support the Comprehensive Plan goal to “protect the visual character and design quality of entranceways into Chapel Hill.” The Comprehensive Plan specifically includes Highway 54. Our entranceways are important visual gateways to our Town. Retaining woods and fields in the right places gives us our identity and sense of place.

McConnell.Huffman Letters

Monday March 22, 2009
 To: The Mayor & Town Council
 From: Molly McConnell, resident, Chapel Hill, NC
 Re: R-SS-C zone. Please vote NO!

I have seen "the enemy" and it is US!!

It is would be ill-conceived and shooting ourselves in the foot if Town Council votes to amend the R-SS-C zone so that it can apply to areas outside of 1/2 mile from the CBD (Central Business District, aka "downtown" Franklin Street.).

we already lack the water/sewer resources, the roads, the schools, the police & fire protection for the folks here now & we have a \$3.5 million dollar budget deficit. I suppose some are thinking "if you build it they will come" and THEN you can build the infrastructure NEEDED NOW. However that is very short-sighted and putting the cart before a horse we have yet to see even get on the field much less into the starting gate.

It is already mind-boggling that Council voted to approve the removal of 115 moderately priced rental housing units at Town House Apts in favor of very dense housing that will serve only wealthy folks with only 15% token housing classified "affordable".

In addition to clean water/sewer, safe roads, trees, green space, wildlife habitat, schools, fire & police service becoming "endangered species", Chapel Hill is rapidly causing the Middle Class to become completely EXTINCT!

wrt the proposed Aydan Court project on NC 54 that changing the R-SS-C zone would permit, I do not understand how anyone was even allowed to sell anyone that land with the idea that it could be developed much less with dense development. It is on the very sensitive Upper Little Creek watershed that flows into Jordan Lake where state regulations have increased wrt storm water run-off and sediment and nutrient studies, and where OWASA is talking about putting a pipe line for our drinking water. It is on the environmentally protected "steep slopes" conservation ordinance and the environmentally protected vulnerable waterfowl Impoundment and environmentally sensitive wildlife area and Upper Little Creek watershed.

while the other neighborhoods this developer has created are beautiful and desirable--though they do cater to the wealthy, they have created the most desirable 15% affordable houses that I have seen anywhere in Chapel Hill, the placement of Aydan Court on NC 54 and the Upper Little Creek and waterfowl Impoundment and in violation of the steep slopes ordinance makes no common sense to me any way you look at it. The town and non-profits need to figure out how to buy that land and conserve and protect it for the sake of our environment and natural resources and wildlife habitat. And we do not need to create any

McConnell.Huffman Letters

additional and unchangeable life-threatening traffic and pedestrian nightmares on NC 54 than already are there and will be even worse when East 54 is completed, not to mention the challenges to our fragile water/sewer resources and extremely limited green environmentally fragile green space.

In addition we don't yet know the actual impact of the East 54 development other than by looking at its magnitude and knowing that approximately 1,000 parking spaces will be there, and the gridlock now at rush hour is already extreme, and 1,000 more cars coming and going is going to be an absolute horror show. There is no way to widen 54 without taking REMOVING housing of Middle Class folks who own and/or rent in the neighborhoods along 54 now.

Not to mention there is an elementary school right next to East 54 and it is not safe for them to even think of walking to/from school anymore. Pedestrians already are taking their lives in their hands trying to cross the street at NC 54 and Hamilton Road.

I can pretty much guarantee that no one at Aydan Court would be walking down to Meadowmont or Glen Lennox--it would be much too dangerous in terms of the traffic and NC 54 is not compatible with foot-traffic, because it is on a highway and nowhere near the Central Business District.

Please vote NO to amending the R-SS-C zone.

Please take a deep breath and think about what you are doing to our infrastructure, our water/sewer, our schools, our roads, our air, our fire and police services, our moderately priced housing for our Middle Class (we are the "wheels of the bus" folks-- who make it possible for our town, gown, community to hum and tick and run), and our natural resources--including waterfowl and wildlife, our trees and green space, before you drive our Community "bus" over the cliff with no way to save us from ourselves.

Think about it: The ENTIRE Planning Board voted AGAINST amending this zone!

I am not opposed to all development and all redevelopment, and I am not an extremist. My opposition to amending the R-SS-C zone is about having common sense and vision to create SMART development and NOT make every single aspect and part of our Community and its Resources an Endangered Species--and even EXTINCT!

Thank you for your thoughtful consideration.

Respectfully,

Molly McConnell; 62 year old NC native who has lived 39 years in Chapel Hill area & will live the rest of my life in Chapel Hill.
chirpybird.mac@mindspring.com

McConnell.Huffman Letters

Dear Mayor and Council,

Please oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input - such as the Community Visioning Task Force you endorsed last Monday night.

It seems that Zinn's proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Town's steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods.

The bottom line is that Developers should not be driving the Town's agenda. Applying this triple density conditional use zone to all parts of Town will encourage projects where you may not want them, and raise needless anxiety by neighbors. Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone as did your Planning Board.

Thanks for your time.

Ms. Andrea M. Huffman
1340 Daventry Ct., Chapel Hill, NC 27517
919-960-3370

From: Joe Patterson [mailto:joepatterson@mindspring.com]
Sent: Monday, October 27, 2008 6:08 PM
To: Town Council
Cc: Lacy Reaves; David Morris; Roger Stancil
Subject: Proposed modifications to RSS zoning district

Mayor and Council Members,

I will be unable to attend tomorrow's public hearing, but I would like to offer a comment on the proposed text modifications to the RSS zoning district.

I have reviewed the language proposed by the staff and note that in two of the three requirements for approval of such a rezoning (see below), the applicant must comply with or exceed the Council's "current policy" in regards to affordable housing or energy conservation. I would like to point out that the Council has no written policies (other than the Comp Plan) in regards to these issues. I would go so far as to say that the Council has no unanimous opinion on what these "policies" are. They are a moving target, and seem to change with every new project proposed. How in the world can a developer be expected to have any idea what his costs might be in two years when neither the staff nor the Council have any idea what the "policy" will be when his SUP finally comes up for a vote?

I submit that the only reasonable requirement would be that the applicant meet the requirements of LUMO that were in effect when the SUP application was submitted.

Thank you for your time.

Joe Patterson

From: Nancy Poole [npoole@carolina.rr.com]
Sent: Sunday, March 15, 2009 9:43 PM
To: Town Council
Subject: please do not amend!
Attachments: Planning Board Response to Proposed Ordinance Amending the.doc;
ATT00001.htm

Dear Mayor and Council:

Please oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown and did not set a precedent that could forever have negative consequences for Chapel Hill.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input – such as the Community Visioning Task Force you endorsed last Monday night.

It seems that Zinn's proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Town's steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods. Amending the zoning here or elsewhere would be to set a precedent that could change Chapel Hill for the worse.

The bottom line is that Developers should not be driving the Town's agenda. Applying this triple density conditional use zone to all parts of Town will encourage projects where you may not want them, and raise needless anxiety by neighbors.

Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone as did your Planning Board.

Thanks for your time.

Nancy Hinsdale Poole
1405 Michaux Rd

March 16, 2009

Dear Mayor and Council,

On behalf of CURB, I would like to tell you why we feel that you should not vote to amend the existing R-SS-C zone.

1. The LUMO establishes legitimate reasons for amending a zone.

An amendment to the LUMO can be justified in order to achieve the purposes of the Comprehensive Plan. However, the amendment actually contradicts the Comprehensive Plan on at least three key points:

a. COMPREHENSIVE PLAN GOAL: Identify, protect, and preserve open spaces and critical natural areas and enhance the area's air quality and water resources.

Mitigating damage caused by development, especially in a fragile environments, should not be seen as protection and preservation.

b. COMPREHENSIVE PLAN GOAL: Conserve and protect existing neighborhoods.

This text amendment could allow density anywhere in Town, including low density areas, before possible impacts have been tested at Grove Park, and before a Community Visioning process has been completed.

c. COMPREHENSIVE PLAN GOAL: Develop strategies to address fiscal issues.

Because we know that residential growth does not pay for itself, dense residential outside of downtown probably will not be fiscally neutral and will end up costing the Town money.

2. The original R-SS-C zone intended to provide 100% affordable housing. The amendment you passed in November 2008 added 9 objectives to the zone so that an applicant using the zone would be held to a high standard in exchange for not providing 100% affordable housing.

We applaud those objectives, and in fact would encourage you to strengthen them further in exchange for density.

But, if an applicant is not required to meet all of the existing objectives, as proposed in Ordinance A, environmental concerns about a project can effectively be ignored. This is contrary to Chapel Hill values.

Additionally, the use of terminology such as "encouragement, support, and promotion," to define goals is not concrete. How can the Town hold an applicant accountable with words that are so

open to interpretation and non-quantifiable? Flexibility in standards does not equal predictability, which is what the LUMO should provide. As such, specific benchmarks are needed.

3. Background information refers to Council's request for an R-SS-C text amendment that would be appropriate for the proposed Aydan Court development. In our opinion, this is an example of spot zoning at its worst. It turns the process around. It lets any applicant determine the project THEY WANT to build, and then the Town amends the zone to accommodate the applicant's vision. We believe that, for the most part, applicants should make their plans to fit existing zones, not the other way around. Allowing applicants to have zones created for their developments sets a very risky precedent.

4. Today's Mayor & Town Council may indeed be judicious about applying this zone. Tomorrow's might not be. Approving an ill-defined text amendment would not be a service to Chapel Hill of the present or the future.

Del Snow for

CURB

CITIZENS UNITED FOR RESPONSIVE BUILDING

From: Alexis Thompson [nsi929@earthlink.net]
Sent: Saturday, March 14, 2009 3:45 PM
To: Town Council
Subject: thanks for your time

Dear Mayor and Council

Please oppose amending the R-SS-C zone. On November 23 you voted to apply the zone to downtown areas. I feel you acted wisely to limit a high density zone to appropriate locations in downtown.

I understand the Council is looking for flexible tools to steer growth toward more density in Town. However new development and redevelopment must utilize good design and scale, and traffic controls that protect neighborhoods from additional traffic. A floating zone with vague public purposes and no metrics will not reassure neighbors that this zone will not end up next to them. I believe a better approach to a conditional use zone is a review of the zoning map with extensive citizen input – such as the Community Visioning Task Force you endorsed last Monday night.

It seems that Zinn's proposed 6-acre expensive condo project on Rt. 54 has provided the rationale to bring this back for discussion. This parcel is an unlikely and difficult choice for a high density project. Troublesome aspects include: violating the Town's steep slope ordinances, the square foot restrictions of the underlying zone and resource conservation areas. Located next to a fragile wildlife impoundment, the wooded slopes on this parcel become a refuge for a variety of non-aquatic species during floods.

The bottom line is that Developers should not be driving the Town's agenda. Applying this triple density conditional use zone to all parts of Town will encourage projects where you may not want them, and raise needless anxiety by neighbors.

Zoning brings orderly development and reassures citizens that growth will proceed with predictability. We ask you to oppose the amended language for this zone. The traffic situation coming into Chapel Hill in the morning is already extremely backed up from the light at the entrance at the Bill Friday Center through the Barbee Chapel light passed the crossover to Little John Rd. And in the afternoons it is backed up from the light at Falconbridge Rd to the light at Barbee Chapel Rd. With all of the already approved construction in the area, this will only worsen this situation along Hwy 54 with the car wrecks and sirens we have to list to due to the worsening traffic backups with more cars in this area.

Thanks for your time.

Alexis Thompson

"Life is not measured by the number of breaths we take, but by the number of moments that take our breath away!"

From: Sandy Kline
Sent: Monday, February 16, 2009 1:45 PM
To: Cianc002@mc.duke.edu; jweseman@springmail.com; michaeljgerhardt@gmail.com; djdsnow@msn.com; jager@nc.rr.com; mmcc.collins@mindspring.com; jason@jasonbaker.us; arohrbacher@earthlink.net; jrstroud2@yahoo.com; sally@ibiblio.org; JB Culpepper; Gene Poveromo; Renee Moye; Carol Abernethy
Cc: Mary Frances Vogler
Subject: rezoning requests for higher density

Thank you for your email. A copy has been forwarded to the Planning Board and senior staff members.

From: Mary Frances Vogler [mailto:mfvogler@nc.rr.com]
Sent: Monday, February 16, 2009 1:17 PM
To: All Agenda Materials
Subject: rezoning requests for higher density

Please forward this email to members of the Planning Commission.

Members of the Planning Commission:

I wrote Town Council in opposition to the rezoning for what I have always known as the Town House Apartments which were under construction the year I arrived in Chapel Hill. The relaxed density precedent that by now has been established is already a dangerous one. I strongly oppose reopening that rezoning request for extension to other areas in Chapel Hill. This action will jeopardize or even eradicate established residential areas that deserve to be maintained as well as their often delicate ecological balances. Allow density in established commercial areas that are languishing because of lack of business -- downtown or University Mall, for example -- but do not ruin other areas by allowing highrise construction or new commercial strips to encroach.

I feel that the density rezoning for Ayden Court on 54 is dangerous because of the Waterfowl Empoundment Area that is adjacent. These are above all environmental concerns. It is also my understanding, however, that hunting is allowed in the empoundment. Bullets do not stop at fences.

Sincerely yours,
Mary Frances Vogler
17 Rogerson Drive
CH 17517