

Dear Mayor Foy and Council members:

My name is Mike Collins, and tonight I'm speaking on behalf of the grass-roots citizen group Neighborhoods for Responsible Growth, or NRG.

Many times we are forced to make difficult choices when it comes to changes in our community. Do the benefits of the change outweigh the impact on existing conditions? It is often difficult to see what is right.

This is not one of those times.

The application before you proposes to place a dense residential development adjacent to one of the most environmentally sensitive areas in our community.

On October 20th of last year, NRG urged the Council to reject the Rezoning Application and Special Use Permit for the Aydan Court development for the following reasons:

- 1) the high density development lies directly adjacent to the Upper Little Creek Impoundment with the RCD buffering on part of the tract;
- 2) the tract is in the Lake Jordan Watershed;
- 3) the tract is part of an area designated as a State Natural Heritage area;
- 4) development would require a massive grading of steep slopes, potentially resulting in extensive runoff.

To approve this development, you must vote against the unanimous recommendation of the Planning Board, and against the recommendation of the Town staff. NRG can see no compelling advantages to this proposal that would justify such a vote.

- Construction of Aydan Court will require a variance to permit greater disturbance of steep slopes than is allowable under the LUMO - adjacent to the very watershed that the steep slopes requirements were enacted to protect. While much attention has focused on the slopes >25%, wide areas of other slopes on this rolling tract will be disturbed, with potentially serious consequences for the ecology of the Waterfowl Impoundment.
- The Aydan Court proposal is calling for application of the newly revised R-SS-C zone. For it to qualify under this zone, it must comply with each of the 9 objectives. It fails on most if not all of them:

Zone point 3. Aydan Court will not result in increased balance in our local transportation system. Residents will be relatively isolated, and are likely to be older empty nesters. They will drive to and from their destinations.

Zone point 4. Aydan Court does not promote a healthy downtown district. It is too far away, and it is unlikely that residents will use transit or pedestrian facilities even to access nearby Meadowmont, let alone downtown.

Zone point 5. Aydan Court will not promote public or private art in any measure that will significantly benefit the community. Its very design and location

will discourage access by non-residents, and it will not be visible from the roadway. Any art on display will be seen only by the residents.

- Zone point 6. Regarding protection of adjoining residential uses and neighborhoods, the applicant has suggested that this objective does not apply. While this may be true in the strictest sense, many if not most of us consider the Waterfowl Impoundment to be an important natural 'residential area,' if you will, and the amount of disturbance will not produce something that is '...congruous and sensitive to the surrounding residential areas.'
- Zone point 7. The proposal fails on point #7 most severely. Protection of steep slopes is explicitly called for under this point. The proposed disturbance should not be undertaken adjacent to such a sensitive ecology.
- Zone point 8. It is the opinion of NRG that the very siting of such a development next to such a sensitive area is by definition ecologically unsound. The applicant acquired the property and began planning this development after the stricter steep slopes regulations were enacted and must have been aware of them.
- Zone point 9. Aydan Court does nothing to encourage a community character that promotes environmental protection or social equity. This will not be a development that my family or most of my acquaintances would be able to afford, and if approved, will come to be seen as one of our community's worst examples of disregard for the environment in the name of profit.

We submit that this application does not satisfy any but the most uncontroversial objectives of the R-SS-C zone. For that reason we urge that you vote for denial as the staff has recommended.

Regarding the R-SS-C zone itself, and whether it should be extended to apply to the Meadowmont area, we ask that the Council NOT take that action. When the modifications to this zone first came under consideration, NRG stated its concerns about the fact that this zone appeared to be being designed and applied to accommodate a single development application, rather than the result of a thorough and comprehensive process. We believe extending this zone simply to accommodate Aydan Court would compound this problem, making it difficult to refuse similar future requests from developers. Greater density zones should be the product of careful deliberation and planning with the entire community in mind.

Lastly, NRG has followed the progress of the Aydan Court development closely. Several aspects of the debate have come to concern us greatly, and we believe they deserve explicit rejection by the Council.

Specifically, we have listened with mounting consternation as the threat of a less appealing alternative to the proposed Aydan Court development has been dangled before Council, should Aydan Court fail to be approved.

We urge you to reject this approach in the sternest terms. Any legitimate development proposal placed before the town staff and elected officials deserves respectful consideration. However, to suggest that worse alternatives are in the wings if a proposal is not approved is an approach unworthy of the level of debate to which we are accustomed in Chapel Hill.

You will shortly vote to approve or deny this application; if you choose the latter, the sun will still rise tomorrow, and the applicant will still have the right to attempt another proposal more in line with the wishes of the community and consistent with our ordinances and community values. Whether that or any future proposal for this property will be suitable must be judged on a case by case basis, on its merits and in the context in which it is presented.

Whatever considerations you may weigh in your decision, we urge you to reject the shadow of some future less palatable proposal. Should such occur, you will be able to consider it at that time in the light of day, and so will the public.

Thank you for your consideration.

Mike Collins, NRG