

5-40

Carol Abernethy

From: Carol Abernethy
Sent: Tuesday, July 15, 2003 11:37 AM
To: Pat Evans; Bill Strom; Dorothy Verkerk; Ed Harrison; Edith Wiggins (sandewiggs@yahoo.com); Flicka Bateman ; Jim Ward (W) ; Kevin Foy; Mark Kleinschmidt ; 'Jim Ward'; 'Edith Wiggins (rr)'
Cc: Toni Pendergraph; Cal Horton; Flo Miller; Joyce Smith; Ralph Karpinos; Sonna Loewenthal; Kirsten Olson; Bill Stockard; Emily Dickens
Subject: FW: Married Student Housing

Forwarded at request of Flo Miller.

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

From: Roger Waldon
Sent: Thursday, July 03, 2003 6:28 PM
To: 'Margaret Rees'
Cc: Cal Horton; Sonna Loewenthal; Flo Miller
Subject: RE: Married Student Housing

Dear Ms. Rees - -

I have read your email message, below, addressed to Mayor Foy and to me. I am forwarding your message and my reply to the Manager's office, as is typical when staff members are included in correspondence involving Council members. The Manager's office typically then forwards such correspondence to all Council members.

My response: I have answers to some, but not all of your questions below. Here goes.

First, you ask what decision the Council made regarding access to the proposed building west of Ms. Steele's property. I can answer that one. The Council specifically, with a condition of approval, did NOT approve the access plan proposed by the University. That leaves in place a former approved component of the Development Plan, which states that for this proposed new building, "Vehicular access will be through the existing surface parking lot." The University asked specifically for an alternate access to this proposed building, and the Council specifically said it was not approving that proposed change in access.

Then, at the end of the discussion, Bruce Runberg stated that he thought an agreement was forthcoming between the University and Ms. Steele regarding plans for that proposed new building. The Town Manager made a statement that, if the University and Ms. Steele were to return together with a proposed change, that could be processed as a change to the Development Plan. The Council gave the Manager its opinion that, in such a circumstance, the Manager could consider such a proposed change to be minor

and approvable by staff. Conclusion: At present, access must be "through the existing surface parking lot." Anything else would be a change to the Development Plan. If such a change is brought forward with the agreement of both the University and the adjacent property owner most affected, the change can be processed at a staff level. If there is no such agreement, the Manager may not process the request at the staff level.

Regarding your questions about a barrier in Mason Farm Road once a new road is built - - I will need to research that next week. I'll let you know what I conclude after perusing the file.

Regarding the 60 foot buffer adjacent to Ms. Steele's property: it needs to be part of any proposal for that site. The buffer requirement is clear in the Development Plan that was approved in 2001, and I believe there is nothing in the Council's action of last week to change that.

Regarding a road to the north of the proposed buildings: That was an option left open with the 2001 Development Plan approval, and remains an option. Nothing the Council did last week changes that.

Regarding a dumpster during construction: That will be a detail we will look at when a Site Development Permit is submitted. At that time we will discuss both where permanent facilities (like dumpsters) will be located, and also address the issue of construction management. I won't have anything to offer on that until the University submits a Site Development Permit application. (Which, by the way, you will hear about when it is submitted; notice must be mailed to property owners within 1,000 feet when an application comes in.)

Regarding the fence: It is not gone. It is still a requirement. The Council's approval stipulated: "Replacement of the 10' chain link fence to the north of the Family Housing site with a shorter, lockable fence to remain open except during special events."

When I learn more about your barrier questions, I'll write again (probably the middle of next week).

Until then,

Roger

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

From: Margaret Rees [mailto:uncmsr@email.unc.edu]
Sent: Tuesday, July 01, 2003 5:48 PM
To: Kevin C. Foy; Roger Waldon
Subject: Married Student Housing

July 1, 2003

Kevin and Roger,

Things are getting sticky with the property west of Diana's. I'm very confused as to what the council agreed to. Did the council agree that the parking can be to the east of the building, or did it agree with the planning board's decision to keep it to the west?

I've been reading Roger's memo of June 3rd and have a question about the physical barrier to Mason Farm Rd. when the 'new road' is built. Attachment 7 has the statement , [item d) of # 35] in stipulations for the East Perimeter Transition Area.. However, the resolution itself has it under stipulations for the West Perimeter Transition Area - Option 2, 36. d) [page 39]. I can't imagine why it would be put as a stipulation for the west perimeter transition area unless the road is going to come up Otey's Rd. I hope this is just an error in insertion of the paragraph.

One of the big sticking points is that Diana feels she has a 60 foot buffer between her and any drive/building. I see where there is to be a 60 foot buffer between her property and any structure. I assume this was written when it was thought the building was going to be the first 'impact'. Please define 'structure'.

I can't imagine a 4 lane highway to the north of the buildings. (I know, from talking with Ron, that they want the duct bank to be north of the sidewalks so that, if Mason Farm Road is part of this four lane highway, the duck bank will be in the median.)

If you get a chance, check the drawings for the three units. There is a dumpster near Mason Farm Road. Ron told me that it was going to be there just during construction and then it would be handicapped access. Why does it need to be there during construction?

Too many pieces of paper.

I guess the fence is gone with no stipulation for preventing parking on the neighbors' lawns. Too bad.

Peg Rees.

RECEIVED
JUL 02 2003
Dml

Addition to
UNC issues
mailing list (5-43)

707 Greenwood Rd
Chapel Hill, NC 27514
30 June 2003

Dear Mayor Ly,

May I express my dismay about the composition of the Committee chosen to deal with the Chiller - parking issues.

It seems to me gives the way individuals voted (Higgins, Ly) in favor. (Strom opposed) — Suttentfield, Williams, and Perry all having strong university responsibilities (Vice Chancellor Suttentfield, Perry and Williams both Board of Governors).

They were community representatives not appointed who may represent opposition or neutral? To appoint a Committee representing only one side

of the issue is very disturbing
 and I am very disappointed in
 your lack of sensitivity. Would
 you please issue a "press
 release" explaining your reasons!

Sincerely,

Storace Gray Acetyls

Florence Gray Soltys

(H) 929-4412

(W) 962-6541

5-45

Joyce Smith

From: Sonna Loewenthal
Sent: Thursday, July 03, 2003 4:22 PM
To: Mayor Kevin Foy (kevinfoy@townofchapelhill.org); Council Member Bill Strom (billstrom@nc.rr.com); Council Member Dorothy Verkerk (dverkerk@mindspring.com); Council Member Ed Harrison (ed.harrison@mindspring.com); Council Member Edith Wiggins (edithwiggins@nc.rr.com); Council Member Flicka Bateman (fbateman@nc.rr.com); Council Member Jim Ward; Council Member Mark Kleinschmidt (mark@cdpl.org); Council Member Pat Evans
Cc: Toni Pendergraph; Bill Stockard; Cal Horton (E-mail); Carol Abernethy; Flo Miller (E-mail); Joyce Smith (E-mail); Ralph Karpinos (E-mail); Sonna Loewenthal (E-mail)
Subject: FW: Access to H21

For your information.

Sonna Loewenthal
 Assistant Town Manager
 Town of Chapel Hill
 306 North Columbia Street
 Chapel Hill, NC 27516

phone (919) 968-2742
 fax (919) 969-2063
 www.townofchapelhill.org

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

From: Roger Waldon
Sent: Thursday, July 03, 2003 3:40 PM
To: Cal Horton
Cc: Sonna Loewenthal; Flo Miller; JB Culpepper; Gene Poveromo
Subject: FW: Access to H21

Cal --

I was copied on this message from [REDACTED] to Mayor Foy. I am forwarding it to you for your information.

Roger

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

From: RONAStROM@aol.com [mailto:RONAStROM@aol.com]
Sent: Thursday, July 03, 2003 3:33 PM
To: Kevin Foy
Cc: Roger Waldon; dbachman@fac.unc.edu; LARRY_HICKS@UNC.EDU; bruce_runberg@unc.edu; Christopher_Payne@unc.edu; dean_bresciani@unc.edu; RONAStROM@aol.com
Subject: Access to H21

Dear Kevin:

7/3/2003

5-46

As I mentioned to you in my voice mails, it is my desire to get together with you to discuss access to H21, one of the nine Student Family Housing building sites. Due to the University's desire to have the four buildings along Mason Farm Road available for occupancy July 1, 2004, it is my desire to commence grading September 1, 2003. Consequently, we are finalizing our SDP submittal to the Town and have the matter of accessing H21 to resolve.

The ending of the Council meeting Wednesday night was a bit chaotic for me. I was trying to negotiate a resolution with Diana Steele, the property owner immediately adjacent to H21 to the east, and was being helped by Peg Rees who, it is my understanding, heads the Whitehead-Mason Farm Road Association. I informed Bruce Runberg that I thought we were close to an acceptable solution, Bruce stood up and acknowledged that, and the meeting ended with some agreement between the Town Manager and Council that gave the Town staff some discretion to modify access without coming back to Council for approval.

Let me digress for a moment to say that my design team and I met with the Neighborhood Association on three different occasions between November, 2002 and April of 2003. In February and April of this year, plans showing access to H21 from the eastern side of the property were shown to the neighborhood. While many concerns of the neighborhood were identified and discussed, access to H21 was never brought up to any of my design team members as an issue. Civil drawings were finalized, approved by the Board of Trustees, and submitted to Department of Insurance and State Construction for approval. The purpose of these meetings with neighborhoods was, in part, to agree upon concepts before plans got too far along. We proceeded on good faith that we had the blessing of the neighborhood. Diana's objections could have been negotiated out with the input of the neighborhood during that period of time had I been made aware of them. Now we find ourselves in a very awkward position although we have offered her solutions to the material issues which she expressed at the Public Hearing.

I and my Design Team spent much of Thursday through Monday, attempting to reach an accord with Diana Steele to address the concerns she brought up at the public hearing. I showed her a design which provided her with a 60' plus buffer, eliminated the service court (dumpsters, recycling, etc. from her side of the property and the site, entirely), and shifted the driveway access 70-80' to the west to align with the Kahila Center. Despite these changes, all of which Diana found to be improvements, I was unsuccessful in reaching a compromise agreement with her. I told her I was only willing to make these material changes if she were willing to agree to the revised access into the site.

I later reached out to Peg Rees and Ken Broun, the two individuals who I perceive to be spokespersons for the neighborhood, and informed them of my inability to reach an accord with Diana Steele, despite offering her what I thought addressed her concerns expressed at the Public Hearing. Ken was out of town, although I've talked with him several times by phone. Peg asked me to drop off the plans that I shared with Diana.

Peg and I sat down and went over the plans. The only objection Peg had was that I was still showing two handicap parking spaces and five surface parking spaces (all of which would be for residents as we can only squeeze 20 spaces for the 24 units--two of which are handicap spaces) under the building perpendicular to the access road and she would have preferred to see those seven spaces accessed via Purefoy, thereby resulting in two curb cuts. I told Peg if that was what it took to get the deal done and if the town would allow us to utilize that second curb cut, I'd support it and I received UNC's blessing for such a compromise solution. She made contact with Diana over the weekend and Diana remained unwavering in her position. I talked to Diana on Monday and she confirmed her unwillingness to go along with any agreement that had the access road on her side of the property, which, she said, "would bring traffic into the neighborhood". On Tuesday, Diana Steele left the country for three weeks.

On Tuesday, Dianne Bachman, project manager for UNC for this project, myself, and Michael Fiocco, project manager for my civil engineering firm met with Roger Waldon and Gene Povoromo. I submitted to Roger a two and a half page summary of my actions since the Wednesday Public Hearing, and wanted to brainstorm ideas with him that would hopefully lead to a successful resolution of this matter.

I showed him the plan I presented to Diana, along with the modified plan which Peg Rees would have preferred. Roger felt certain that he was not given the discretion to approve either of these plans due to the language of the Resolution. In short, it is Roger's strongly held belief that any means of accessing the site other than via Purefoy would need to be acceptable to Diana Steele or, of course, go back to Council. As I said, I was not paying close attention to the last few minutes of the meeting so I'm not certain what the intent of the Council was to grant to the Town Manager the ability to modify access to H21 without coming back to Council.

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If Roger's perception of the directive he and The Manager received from Council is correct, then effectively Diana Steele has been granted veto power over any relocation of the access point other than via Purefoy. Consequently, she has no incentive to move off of her position, regardless of the modifications I'm making to the site plan to accommodate her expressed concerns.

There are two solutions which my design team and I have come up with that we believe do meet technical compliance with all elements of the Development Plan and the Town's Resolution. One of them has us accessing the site via Purefoy and entering the building along the eastern wall, a requirement given site topography and building envelope dimensions. In the absence of an intervention by you that would enable Roger to have more space or weigh more variables in considering an access point other than Purefoy, this is what will be submitted as part of our Site Development Plan package within two weeks time. The second alternative, accesses the site via Purefoy but does not use the garage under the building (which would be constructed anyway) but, instead, has 28 surface parking spaces mostly in front of the building. If and when two or four lanes of travelway were to be added between Mason Farm Road and the building, those spaces would be eliminated and parking would be under the building.

There appears to be some implicit resistance to allowing us entry to the building along the eastern building wall. I am not aware of anything about such an entry point that would not be in technical compliance with the ordinance, or with the spirit of the University's development plan. Diana Steele would have a 60' vegetated buffer, there'd be no service court no trash/recycling trucks accessing the property, and her interests would be protected. We'd even construct a vegetated berm, creating an opaque screen, to keep headlights from piercing the 60' vegetated buffer onto her property.

While we believe these last two options meet all technical elements of "the box" we've now been placed in, neither is as aesthetically pleasing as the plan I showed to Diana which she refused to endorse. This is the plan Roger doesn't believe he has discretion to even consider. Peg Rees requested that this be one of the plans that I showed to Roger and, it is my belief, she'd prefer rather than either of the ones we'll be forced to utilize. Ken Broun is supportive of my efforts to accommodate Diana's concerns but would support my location of the driveway across from the Kahila Center or up at Purefoy.

I'm sure it comes as no surprise to you that this decision cannot await an August 25 Council determination. In the absence of permission from the staff to locate the driveway 70' further west to align with the Kahila Center, we will access via Purefoy and enter the garage, now or in the future, along the eastern face of the building. The University remains committed to establishing a 60' buffer along the eastern side of the property to address Diana's concerns and to service the trash, cardboard, and recycling needs of H21 from existing facilities nearby in Odum Village.

I have invited Peg and Ken to join us should you care to get involved in this matter. I thought it was the intent of the Council to have the two parties continue to attempt to negotiate a resolution to this matter and, if they couldn't agree, approach the Town Staff for a resolution. What I hear Roger saying is that's not the case; if I can't get Diana's accord, access stays at Purefoy. As you can well imagine, if this was the intent of the Council, it appears as if Diana's holding all the cards and nothing I can offer her short of accessing the site via Purefoy would satisfy her.

We have figured out two solutions that do just that, although it is my opinion that neither would be as pleasing to the neighborhood or the town....yet this is the position that I and the University finds ourselves in. Our preference would be to minimize impervious surface, hide parking, minimize runoff while exceeding the setback and buffer requirements of the ordinance and doing everything that could reasonably be expected of us. I believe I'm quoting Peg exactly when I showed her the plan that Diana turned down: "If you relocate those seven surface parking spaces to access the site from Purefoy, I'd say you're being reasonable and have done everything you could do to meet Diana's concerns." Even without relocating those spaces, she hoped that I would show that plan to Roger as one of the options we were considering.

I thank you for whatever assistance you can offer in this matter. If none, the University will proceed with its SDP and the project will still be one we can move ahead with and be proud of! Thanks for listening! Best wishes, Ron

7/3/2003

5-48

Joyce Smith

From: Cal Horton
Sent: Monday, June 30, 2003 8:12 AM
To: [REDACTED]
Cc: Mayor pro tem Pat Evans (patevans@bellsouth.net); Council Member Bill Strom (billstrom@nc.rr.com); Council Member Dorothy Verkerk (dverkerk@mindspring.com); Council Member Ed Harrison (ed.harrison@mindspring.com); Council Member Edith Wiggins (edithwiggins@nc.rr.com); Council Member Edith Wiggins (sandewiggs@yahoo.com); Council Member Flicka Bateman (fbateman@nc.rr.com); Council Member Jim Ward (W) (wardjl@email.unc.edu); Council Member Jim Ward (windsorcircle@mindspring.com); Council Member Mark Kleinschmidt (mark@cdpl.org); Mayor Kevin C. Foy (TCH) (kevinfoy@townofchapelhill.org)
Subject: RE: Discussions about Building H21

Ms. Steele:

Thank you for letting me know of your discussions with Mr. Strom. I will forward a copy of your notes to Planning Director Roger Waldon for inclusion in the record. I also will forward a copy to the Council, as you requested.

The Council's recent action confirmed the west end as the vehicular entrance to the family housing which the University proposes to develop. The Council's action also continued the 60' setback requirement adjacent your property.

I will be pleased to work with you and the University if there are changes that you agree upon and which you wish to have considered as a minor amendment to the [REDACTED] Development Plan.

I will begin a family vacation this week and will ask Acting Manager Flo Miller to assist you while I am away. She will receive any e-mail regarding this subject and respond to you promptly. I understand that you will be out of town, also, for most of July.

Please call on us if we may be of assistance. We will do our best to help you.

Sincerely,

Cal Horton

 W. Calvin Horton, Town Manager
 306 North Columbia Street
 Chapel Hill, North Carolina 27516
 919-968-2744 Bell South
 919-682-8636 Verizon
 919-969-2063 FAX
 919-967-2626 Home
 <mailto:calhorton@townofchapelhill.org>

Note: Mail sent to or received from the Town Manager is subject to publication under the provisions of the North Carolina open records law.

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

From: Diana Steele [mailto:dianabet@bellsouth.net]

6/30/2003

(5-49)

Sent: Monday, June 30, 2003 12:04 AM
To: Manager
Subject: Discussions about Building H21

Hello, Cal,

Ron Strom and landscaper Marty Linn and I got together last week. They were able to restore most of the sixty foot buffer next to me and get rid of the trash collection setup, but Ron mis-heard me regarding the location of the vehicular access, so we will probably be talking some more about how to get that back where it belongs, at the west end. Here are my notes from Friday's meeting. They can be shorter, next time, if that is more appropriate.

Thanks, Diana

PS: Should I send this, or a condensed version, to Kevin and the Council?

Meeting regarding requested changes in Building H21's Design Diana Steele, Ron Strom and Marty Linn

Diana Steele's Notes:

On Friday, 27 June, 2003, Ron Strom and Marty Linn came to my house on Mason Farm Road to discuss the construction of student family housing along Mason Farm Road. This meeting was a follow-up to some of the issues that were raised at the ongoing public hearing relating to the University's request for various modifications to the approved development plan. Of particular interest in this meeting was the design of Building H21 and its grounds.

UNC's requested modified design for Building H21 as presented at the public hearing showed the vehicular access and parking relocated from the west end to the east end of the building, next to me. It showed a row of recycling bins and at least two dumpsters located at the east end. It showed the driveway entrance for the 24 families and visitors and the trash collection service moved to the middle of the block, closely juxtaposed to the entrances to Willow Hill Preschool, the Spanish Immersion Preschool and the Kehillah. It lacked the required buffer and fence between the building and my property. As I said at the hearing, I think that these changes are all for the worse.

Ron Strom and Marty Linn brought a rendering addressing some of these problems.

We first discussed the plantings that Marty had indicated for most of the original 60 foot buffer between the University's lot and mine. He had clearly put in some thought about what might go there. I said that I hoped they would also enlist the knowledge of Ken Moore and the Botanical Garden people and place a strong emphasis on native plants. Then I said let's look at the new drawing.

Ron told me that he expected me to be very happy with this new plan because it addressed all three of the concerns that he heard me express at the public hearing [as he heard them]:

- 1) **the dumpsters' location** at the east end of the building,
- 2) **the buffer** on the east side of their property, next to my playground.
- 3) **vehicular access** to the building.

Regarding these three items:

Item 1) Trash:

Ron said that the **dumpsters and recycling** next to me would be removed and that the building's residents would have to walk over to Odum Village for those services.

I said that, since the proposed building is surrounded by and partially within Odum Village, using the

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adjacent west end dumpster/recycling area would not be much of a hardship. The current west end location in fact appears closer for them and on more level ground, instead of down the hill next to me.

I said that I appreciate the removal of those trash related services in this revision.

Item 2) Buffer:

Ron said that they would maintain a purely vegetative sixty foot **buffer** between UNC's property and my preschool playground, "up from the 20 foot mandated depth."

I said, good, but I questioned his 20 foot figure, remembering it as 60 feet; he questioned my 60 foot figure. I said we appeared to differ. He said that the 20 was a fact. I said that the 60 was a fact. We moved on.

I asked about the missing NE corner on the map he brought me, where UNC has its power lines and road which currently exit their property there and then run across the width of my lot before exiting north to the closest Odum Village Building.

Marty replied that they have not planned to continue the buffer there because there is nothing currently growing on that road [oddly enough]. He then suggested some plants that could go there.

Unanswered Question: IF they have a right-of-way across my property in the back, as Bruce Runberg says he thinks is the case, then why are they delaying bringing me the details?

[I later realized that on the Building H21 map presented to the Town Council last week the buffer shown was primarily on my property. Friday morning's map shows most of the buffer on UNC property.]

Fence: We did not address the issue of the six foot east side fence.

I said that I appreciate the restoration of the uninvaded vegetative 60 foot buffer.

Item 3) Vehicular access:

Ron said that he had moved H21's **driveway** out of the buffer area and proposed to have it leave Mason Farm Road directly across from the Kehillah and the Spanish Immersion Preschool, still entering building H21 at the right hand/eastern end. He said that that's what he heard me say at the hearing.

I said that I never proposed putting the driveway entrance across from the Kehillah and that he apparently misheard my request. At the hearing, I did refer to the considerable and welcome vehicular traffic in and out of the Kehillah facility in order to support my opinion that the original development plan, as approved, shows the best location for locating the additional 24 family traffic and the trash collection pickup. I have always supported H21's entrance at the west end, as an extension of Purefoy Road.

Ron said that they had spent a lot of time planning this new driveway to please me.

I said that I wished that they had spent that same amount of time, expense and effort on planning the west end entrance, as originally approved.

He said that I was being unreasonable and that since he was 'giving' me two things that I requested, I should 'give' him the one thing he really wants --- the east end driveway entrance.

I said I wasn't in the position of 'giving' him a driveway, but that I must continue to express my concerns about any attempts to relocate it to the east, which would generate considerable traffic congestion, with 24 families' worth of additional cross traffic turns in the middle of the block instead of at the logical west end open area.

I said that I thought that they had done some excellent work on the two other problem areas that he had noted:

- 1) Removing the unnecessary (redundant) **trash** collecting area.
- 2) Restoring the 60 foot vegetative **buffer**.

(5-51)

I said that I have faith that as he pursues designing the entrance at the west end across from Purefoy Road, that he will find a way to make that approach work.

He said that he might just have to make thirty surface parking spaces, then.

[Note: They currently have c.27 parking spaces at that west end location, on the raised Purefoy extension parking lot created by depositing the dirt that they dug out for the Odum Village foundations during the original construction of the Village.]

[Not remembering the above] I asked where he would put those thirty parking spaces. North of the building?

He said no, they have to preserve that area for the transit corridor.

I said that the transit corridor was considerably farther north, and I pointed out its location.

Ron said that if I didn't give him the driveway I couldn't have the buffer and the removal of the dumpsters. That it was all or none.

I repeated that I was not in a position to 'give' him a driveway. I said that I thought that the other two changes were definite improvements in terms of **logic** (why two trash collection areas when one will do?) and adherence to the development **guidelines** (buffer). Both are also **aesthetic** improvements.

[Note re guidelines: Later I measured the apparent setbacks for building H21 on this last map. It appears to be set back c.105' from UNC's southern property line. The NE corner of the building appears to be set back c.75' from the eastern property line, between UNC and me].

ADDITIONAL TOPICS:

Utility Duct:

I asked Ron where they proposed to locate the utility duct.

He said that they are planning to run the utility duct **alongside** the north side Mason Farm Road sidewalk, instead of **under** the sidewalk.

I said that I was surprised that they had the room to do that. The existing north side easement extends approximately ten feet in from the road in front of my house. It takes 9.5' for an 18" curb-and-gutter plus 3' of grass plus 5' of sidewalk. I asked if the 4' utility ditch would go under the 3' of grass and if so, how? He said that they would have to talk to the Town about that.

I asked him to point out on the map where the utility duct would go in front of my house.

He pointed not to the sidewalk area but to an area well into my front yard and said that it would go in that easement there.

I told him that there is no easement through my front yard and that I have met with UNC representatives and have told them I do not want to sell an easement for the utility duct. I said that it was my understanding that the Egans said the same thing about their property.

Ron said "Then we'll have to put it somewhere else."

Sidewalk:

Ron told me that they would not need the five extra feet of land previously discussed by a UNC representative for the sidewalk in front of my house, but that they might need up to three feet for parts of the Egan's frontage (apparently in the area of their western driveway entrance).

I said that it was my understanding that the Egans and I had already said no to selling extra footage for the sidewalk.

I asked about the **timing** of sidewalk construction.

Ron said that they would do the part from the bypass to the Baity Hill entrance first and he didn't know about the rest.

Ron asked if we could we get together or talk some time next week. I said yes, but then I will be leaving on Tuesday for three+ weeks (1-25 July). Ron said that I should not be surprised if while I'm gone he

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submits the plan he showed me (60 foot buffer restored + trash stuff gone = both good, but bad driveway location remaining. "All-or-none" apparently mislaid.) thus putting myself "at the mercy of the Manager's whims". I said that I did not think of the Manager as whimsical and that I trusted the Town.

We all shook hands, and they left.

Additional Commentary:

I went into this current process expecting that Building H21 would be built next to me as part of the current approved development plan and as specified therein. The more that I see of the difficulty that the contractor is having squeezing this structure into UNC's currently available land, while trying to honor the Town's development guidelines, the more I question the timing of building this unit now.

When I asked Ron at last Wednesday's hearing "Is this really the building you want to be building?" he answered "No, we would rather be building a much larger structure that would extend over your lot."

I said, "Wouldn't it make more sense and be more economical to go ahead and build the eight buildings around the Baity Hill loop and up the eastern end of Mason Farm Road first? Learn from that, and you would then be that much closer to being able to finish out the remaining Mason Farm Road buildings when you own more of the property. Then you could build the larger units that you say you actually prefer. Why rush to shoehorn a 24 unit structure into an inconvenient space? Much of the effort and expense of this phase of the western Mason Farm project is a direct consequence of planning to build H21 as a single isolated structure".

Ron said that UNC needs all the units that it can get, now.

I pointed out that those eight buildings around Baity Hill and on east Mason Farm Road will provide 373 units, a respectable increase up from the 306 units in the development plan.

[**Semi-irrelevant note on building size:** the development plan's 12 buildings averaged 25 units each; the new modification's eastern 8 buildings average 46 units each + the 24 units in H21]

Conclusion:

I was pleased and relieved by the removal of the east end trash collection area and by the restoration of the 60 foot vegetative buffer. I still feel that the vehicular access for the building should be at the west end, as a logical extension of Purefoy Road.

I would expect the buffer to be completed all the way to the back of the lot in the site development plan unless UNC does indeed have a recorded easement over my land there.

I would expect the fence to show up in the site development plan.

I assume the Town knows what the setback guidelines are.

I appreciate Ron Strom and Marty Linn's willingness to discuss this with me.

The Town staff, planners, Mayor and Council have been very helpful in keeping the Chapel Hill citizens and interested others informed during this process. I, for one, appreciate it. I look forward to continued thoughtful cooperation. Thank you.

Diana Steele

Cal Horton

From: Diana Steele [dianabet@bellsouth.net]
Sent: Monday, June 30, 2003 8:20 AM
To: Manager
Subject: 'Condensed' Version of meeting, somewhat more readable, I hope

03-06-27 Meeting of Diana Steele, Ron Strom and Marty Linn regarding requested changes in Building H21's Design——Somewhat condensed version:

Diana Steele's Notes:

On Friday, 27 July, 2003, Ron Strom and Marty Linn came to my house on Mason Farm Road to discuss the construction of student family housing along Mason Farm Road. This meeting was a follow-up to some of the issues that were raised at the ongoing public hearing relating to the University's request for modifications to the approved development plan. Of particular interest in this meeting was the design of Building H21 and its grounds.

The modifications requested by UNC relating to Building H21, as presented at the public hearing, included: locating a row of **recycling bins and two dumpsters** at the east end of the building, next to me, removing the required **buffer and fence** between H21 and my property, relocating the building's **vehicular access and parking** from the west end to the east end, relocating the **driveway entrance** for the 24 families and visitors and the trash collection service to the middle of the block, closely juxtaposed to the entrances to Willow Hill Preschool, the Spanish Immersion Preschool and the Kehillah,

I think that all of these changes are for the worse, and said so at the hearing,

Ron and Marty and I met to discuss these problems. Ron brought a new plan. Ron told me that he expected me to be very happy with this new plan because it addressed three of the concerns that he heard me express at the public hearing [as he heard them]:

Item 1) Trash:

Ron said that the **dumpsters and recycling** next to me would be removed and that the building's residents would have to walk over to Odum Village for those services.

I said that, since the proposed building is surrounded by and partially within Odum Village, using the adjacent west end dumpster/recycling area would not be much of a hardship. The current west end location in fact appears closer for them and on more level ground.

I said that I appreciate the removal of those trash related services in this revision.

Item 2) Buffer:

Ron said that they would maintain a purely vegetative sixty foot **buffer** between UNC's property and my preschool playground, "up from the 20 foot mandated depth."

I said, good, but I questioned his 20 foot figure, remembering it as 60 feet.

I asked about the missing NE corner on the map he brought me, where UNC has its power lines and road, which currently exit their property there and then run across the width of my lot before exiting north to Odum Village. Marty replied that they did not plan to continue the buffer there because there is nothing currently growing on that road [oddly enough]. He then suggested some plants that could go there.

[Note re guidelines: Later I measured the apparent setbacks for building H21 on this last map. It appears to be

The provision states that a unit of local government (NOT the implementing agency) must provide the same or better level of health insurance benefits to a public safety officer who retires or is separated from service, as a direct or proximate result of a personal injury sustained in the line of duty while responding to a hot pursuit or emergency situation, as the officer was receiving while on active duty.

A public safety officer is an individual serving a public agency in an official capacity (with or without compensation) as a:

- * Law Enforcement officer(1)
- * Firefighter
- * Rescue squad or ambulance crew member

If a unit of local government is not in compliance with this provision, it is still eligible for funding from BJA, but will forfeit 10 percent of the eligible amount.

Criteria for Compliance

To be in compliance, a unit of local government must:

- Use the definitions provided for public safety officer, law enforcement officer, firefighter and public agency as defined by section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

- Use State statutory law, or, in the absence of State law, use State case law, local law, or have established written policy for defining "injury suffered as a direct result of a personal injury sustained in the line of duty while responding to an emergency situation or hot pursuit." State law definitions of the terms "emergency situation" and "hot pursuit" must be used.

- Have an established written procedure or process for reviewing cases of injuries suffered in the line of duty.

- Be able, upon request, to document that the same or better level of health insurance benefits as received while on duty is paid at the time of retirement or separation due to an injury suffered as the direct and proximate result of a personal injury sustained in the line of duty while responding to an emergency situation or hot pursuit.

(1) Section 1204(5) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, defines a law enforcement officer as "an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, but not limited, to police, corrections, probation, parole and judicial officers.

5-55

Cal Horton

From: Cal Horton
Sent: Monday, June 30, 2003 8:12 AM
To: 'Diana Steele'
Cc: Mayor pro tem Pat Evans (patevans@bellsouth.net); Council Member Bill Strom (billstrom@nc.rr.com); Council Member Dorothy Verkerk (dverkerk@mindspring.com); Council Member Ed Harrison (ed.harrison@mindspring.com); Council Member Edith Wiggins (edithwiggins@nc.rr.com); Council Member Edith Wiggins (sandewiggs@yahoo.com); Council Member Flicka Bateman (fbateman@nc.rr.com); Council Member Jim Ward (W) (wardjl@email.unc.edu); Council Member Jim Ward (windsorcircle@mindspring.com); Council Member Mark Kleinschmidt (mark@cdpl.org); Mayor Kevin C. Foy (TCH) (kevinfoy@townofchapelhill.org)
Subject: RE: Discussions about Building H21

Ms. Steele:

Thank you for letting me know of your discussions with Mr. Strom. I will forward a copy of your notes to Planning Director Roger Waldon for inclusion in the record. I also will forward a copy to the Council, as you requested.

The Council's recent action confirmed the west end as the vehicular entrance to the family housing which the University proposes to develop. The Council's action also continued the 60' setback requirement adjacent your property.

I will be pleased to work with you and the University if there are changes that you agree upon and which you wish to have considered as a minor amendment to the University's Development Plan.

I will begin a family vacation this week and will ask Acting Manager Flo Miller to assist you while I am away. She will receive any e-mail regarding this subject and respond to you promptly. I understand that you will be out of town, also, for most of July.

Please call on us if we may be of assistance. We will do our best to help you.

Sincerely,

Cal Horton

5-56

W. Calvin Horton, Town Manager

306 North Columbia Street

Chapel-Hill, North Carolina 27516

919-968-2744 Bell South

919-682-8636 Verizon

919-969-2063 FAX

919-967-2626 Home

<mailto:calhorton@townofchapelhill.org>

Note: Mail sent to or received from the Town Manager is subject to publication under the provisions of the North Carolina open records law.

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

From: Diana Steele [<mailto:dianabet@bellsouth.net>]

Sent: Monday, June 30, 2003 12:04 AM

To: Manager

Subject: Discussions about Building H21

Hello, Cal,

Ron Strom and landscaper Marty Linn and I got together last week. They were able to restore most of the sixty foot buffer next to me and get rid of the trash collection setup, but Ron mis-heard me regarding the location of the vehicular access, so we will probably be talking some more about how to get that back where it belongs, at the west end. Here are my notes from Friday's meeting. They can be shorter, next time, if that is more appropriate.

Thanks, Diana

PS: Should I send this, or a condensed version, to Kevin and the Council?

Meeting regarding requested changes in Building H21's Design

Diana Steele, Ron Strom and Marty Linn

Diana Steele's Notes:

On Friday, 27 June, 2003, Ron Strom and Marty Linn came to my house on Mason Farm Road to discuss the construction of student family housing along Mason Farm Road. This meeting was a follow-up to some of the issues that were raised at the ongoing public hearing relating to the University's request for various modifications to the approved development plan. Of particular interest in this meeting was the design of Building H21 and its grounds.

UNC's requested modified design for Building H21 as presented at the public hearing showed the vehicular access and parking relocated from the west end to the east end of the building, next to me. It showed a row of recycling bins and at least two dumpsters located at the east end. It showed the driveway entrance for the 24 families and visitors and the trash collection service moved to the middle of the block, closely juxtaposed to the entrances to Willow Hill Preschool, the Spanish Immersion Preschool and the Kehillah. It lacked the required buffer and fence between the building and my property. As I said at the hearing, I think that these changes are all for the worse.

Ron Strom and Marty Linn brought a rendering addressing some of these problems.

We first discussed the plantings that Marty had indicated for most of the original 60 foot buffer between the University's lot and mine. He had clearly put in some thought about what might go there. I said that I hoped they would also enlist the knowledge of Ken Moore and the Botanical Garden people and place a strong emphasis on native plants. Then I said let's look at the new drawing.

Ron told me that he expected me to be very happy with this new plan because it addressed all three of the concerns that he heard me express at the public hearing [as he heard them]:

- 1) **the dumpsters' location** at the east end of the building,
- 2) **the buffer** on the east side of their property, next to my playground.
- 3) **vehicular access** to the building.

Regarding these three items:

Item 1) Trash:

Ron said that the **dumpsters and recycling** next to me would be removed and that the building's residents would have to walk over to Odum Village for those services.

I said that, since the proposed building is surrounded by and partially within Odum Village, using the adjacent west end dumpster/recycling area would not be much of a hardship. The current west end location in fact

appears closer for them and on more level ground, instead of down the hill next to me.

I said that I appreciate the removal of those trash related services in this revision.

Item 2) Buffer:

Ron said that they would maintain a purely vegetative sixty foot **buffer** between UNC's property and my preschool playground, "up from the 20 foot mandated depth."

I said, good, but I questioned his 20 foot figure, remembering it as 60 feet; he questioned my 60 foot figure. I said we appeared to differ. He said that the 20 was a fact. I said that the 60 was a fact. We moved on.

I asked about the missing NE corner on the map he brought me, where UNC has its power lines and road which currently exit their property there and then run across the width of my lot before exiting north to the closest Odum Village Building.

Marty replied that they have not planned to continue the buffer there because there is nothing currently growing on that road [oddly enough]. He then suggested some plants that could go there.

Unanswered Question: IF they have a right-of-way across my property in the back, as Bruce Runberg says he thinks is the case, then why are they delaying bringing me the details?

[I later realized that on the Building H21 map presented to the Town Council last week the buffer shown was primarily on my property. Friday morning's map shows most of the buffer on UNC property.]

Fence: We did not address the issue of the six foot east side fence.

I said that I appreciate the restoration of the uninvaded vegetative 60 foot buffer.

Item 3) Vehicular access:

Ron said that he had moved H21's **driveway** out of the buffer area and proposed to have it leave Mason Farm Road directly across from the Kehillah and the Spanish Immersion Preschool, still entering building H21 at the right hand/eastern end. He said that that's what he heard me say at the hearing.

I said that I never proposed putting the driveway entrance across from the Kehillah and that he apparently misheard my request. At the hearing, I did refer to the considerable and welcome vehicular traffic in and out of the Kehillah facility in order to support my opinion that the original development plan, as approved, shows the

best location for locating the additional 24 family traffic and the trash collection pickup. I have always supported H21's entrance at the west end, as an extension of Purefoy Road.

Ron said that they had spent a lot of time planning this new driveway to please me.

I said that I wished that they had spent that same amount of time, expense and effort on planning the west end entrance, as originally approved.

He said that I was being unreasonable and that since he was 'giving' me two things that I requested, I should 'give' him the one thing he really wants --- the east end driveway entrance.

I said I wasn't in the position of 'giving' him a driveway, but that I must continue to express my concerns about any attempts to relocate it to the east, which would generate considerable traffic congestion, with 24 families' worth of additional cross traffic turns in the middle of the block instead of at the logical west end open area.

I said that I thought that they had done some excellent work on the two other problem areas that he had noted:

- 1) Removing the unnecessary (redundant) **trash** collecting area.
- 2) Restoring the 60 foot vegetative **buffer**.

I said that I have faith that as he pursues designing the entrance at the west end across from Purefoy Road, that he will find a way to make that approach work.

He said that he might just have to make thirty surface parking spaces, then.

[**Note:** They currently have c.27 parking spaces at that west end location, on the raised Purefoy extension parking lot created by depositing the dirt that they dug out for the Odum Village foundations during the original construction of the Village.]

[Not remembering the above] I asked where he would put those thirty parking spaces. North of the building?

He said no, they have to preserve that area for the transit corridor.

I said that the transit corridor was considerably farther north, and I pointed out its location.

Ron said that if I didn't give him the driveway I couldn't have the buffer and the removal of the dumpsters. That it was all or none.

I repeated that I was not in a position to 'give' him a driveway. I said that I thought that the other two changes were definite improvements in terms of **logic** (why two trash collection areas when one will do?) and adherence to the development **guidelines** (buffer). Both are also **aesthetic** improvements.

[**Note re guidelines:** Later I measured the apparent setbacks for building H21 on this last map. It appears to be set back c.105' from UNC's southern property line. The NE corner of the building appears to be set back c.75' from the eastern property line, between UNC and me].