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**ATTACHMENT 2**

**AGENDA #3a(4)**

**PETITION**

**TO:** Mayor and Town Council  
**FROM:** Timothy Dempsey, Planning Board Chair  
**SUBJECT:** Recommendation on Neighborhood Protection District Designation  
**DATE:** February 14, 2005

**INTRODUCTION**

This petition provides a report from the Planning Board regarding the initiation of a Neighborhood Conservation District. The Board recommends that the Council consider creating a Neighborhood Conservation District for the Greenwood Subdivision.

**BACKGROUND**

On February 1, 2005, the Planning Board began consideration of a Minor Subdivision proposal in the Greenwood Subdivision. The subdivision proposes to demolish the existing structure at 907 Greenwood Road and subdivide the property to create two lots. The Planning Board delayed consideration of the proposal until the Board's March 1 meeting. At the February 1 meeting, Board members learned from the applicant that he had accepted an offer to purchase the property. The closing is expected to occur on February 18. If the property is acquired, we understand that the request to subdivide would be withdrawn.

Neighborhood representatives attended the Planning Board meeting and asked the Planning Board to consider recommending that the Town Council initiate a process to establish a Neighborhood Conservation District. A copy of the neighbors' request is attached. The neighborhood representatives indicated that they were in the process of acquiring the necessary percentage of property owner signatures to make the request of the Council, and hoped that the addition of a Planning Board endorsement would encourage the process. The neighbors believe that the establishment of an overlay zoning district tailored to the character of their neighborhood will help to provide some protection from future development and redevelopment that is not in keeping with the neighborhood.

**RECOMMENDATION**

The Planning Board unanimously recommended that the Town Council consider creating a Neighborhood Conservation District for this neighborhood.

**Members Present:** Timothy Dempsey (Chair), Rebecca Boyles (Vice-Chair), Donna Bell, Donna Manley, Nancy Milio, Gene Pease, Ruby Sinreich, Mitch Strobin

**Member Absent:** Julie Coleman

**ATTACHMENT**

- 1) Request to Planning Board from Greenwood neighborhood residents (p. 3).

To: The Chair and Members of the Chapel Hill Planning Board  
From: Greenwood neighborhood residents  
Date: February 1, 2005  
Subject: Requests prompted by the minor subdivision proposal for 907 Greenwood Road

During our statements to the Chapel Hill Planning Board this evening, members of the Greenwood neighborhood will make two requests of the Planning Board.

1. Our first request is prompted by sec. 4.6.4.2(b)(4) of the Land Use Management Ordinance:

The Planning Board shall take action [on a minor subdivision] within thirty-five days of the meeting at which the Town Manager's report is submitted to it, or within such further time consented to by written notice from the applicant or by Town Council resolution.

In light of that authority, we the undersigned respectfully request that the Planning Board make no decision concerning the 907 minor subdivision proposal during tonight's session, but await instead the outcome of Mr. Isenhour's pending sale of the property to Victoria Brawley.

2. For reasons we will have stated during the public comment period this evening - including Greenwood's current status as a "Residential Conservation Area," its distinctive character and historical significance in Chapel Hill, and the already-in-progress threats of subdivision and "mansionsization" - we also respectfully request that the Planning Board be our advocate with the Town Council, and request on our behalf that Greenwood be permitted - immediately - to begin seeking designation as a Neighborhood Conservation District without first gaining 51 percent of residents' signatures.

We are grateful to the Planning Board for hearing and considering our appeal.

- Victoria Brawley (915 Greenwood)
- Alan Klein (915 GREENWOOD)
- Ann Jelkum (904 Stagecoach Rd)
- Art G. Dreyer 222 STAGECOACH RD
- Ramsey Tarbush 904 Stagecoach Rd
- Stephanie Willis 708 Greenwood Rd.
- Bary Howard 902 Stagecoach Rd
- Karl Potent 902 Stagecoach Rd
- Emily R. Scoville 812 Greenwood Rd
- Richard South 812 Greenwood Rd.
- James L. Hogan 904 Arrowhead Road

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*Handwritten signatures and addresses:*  
Sheryl Lee (905 Greenwood)  
Jim & Linda Alexander 210 STAGBROOK CT  
Eral Zeiger 500 Indian Springs Road  
Marion Zeiger 500 Indian Springs Rd.  
Lilly Zeiger & Thomas Anderson 106 Sandy Creek Trail  
Jeep Morrison & Mary Ann Dooley 010 Greenwood Rd  
KEVIN NEEDHAM 758 OLD MILL RD.  
Elizabeth J. Fox, MD 901 Greenwood Rd  
France Alphin 903 Arrowhead Rd.  
Joseph & Andrea Daughtry 814 Greenwood Rd.

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- Ellen Wittig (710 Greenwood Rd.)
- Joseph J. Tuttle (710 Greenwood Rd.)
- George F. Shield 709 Greenwood Rd
- Alfred B. Macruff - 900 Stagecoach Rd
- Richard D. Crest 904 Christopher Rd
- L. H. 713 Greenwood Rd
- Sue E. Gochman 901 Stagecoach
- Kenneth Bell 223 Stagecoach Rd

**MEMORANDUM**

TO: Mayor and Town Council

FROM: W. Calvin Horton, Town Manager

SUBJECT: Consideration of Possible Rezoning Initiative for Greenwood Road Neighborhood

DATE: February 28, 2005

This memorandum follows on a petition received by the Council on February 14, 2005, and subsequent submittal of a related development application. The attached resolution would initiate a rezoning proceeding for the Greenwood neighborhood.

**DISCUSSION**

On February 14, the Council received a petition from the Planning Board, asking the Council to consider initiating a Neighborhood Conservation District process for the Greenwood neighborhood. We reported to the Council that several neighborhoods are in the process of making a similar request, and suggested that the Council refer the petition to the Manager for suggestion of a process and timetable. We are reviewing workload commitments and possible resource needs, and will be reporting back to the Council in April with a proposal.

Four days after the Council received that Planning Board petition about the Greenwood neighborhood, we received an application for a minor subdivision. The application proposes to take the lot at 715 Greenwood Road, demolish the existing dwelling, and subdivide the lot into two parcels, each of which could then be the location of new dwellings. (Maps attached as Attachment 1 and Attachment 2.) This comes in the aftermath of a similar “tear-down, subdivide” proposal for Greenwood that was considered by the Planning Board on February 1, and is scheduled to return to the Planning Board on March 1. (It is our understanding that this application may be withdrawn.)

We agree with the Planning Board and with neighborhood representatives that this pattern represents a potential change in character for this neighborhood. The Town Council’s Goals and Values call for preservation of existing neighborhoods, and we believe it would be consistent with Council objectives to take steps to help preserve the character of this area.

A Neighborhood Conservation District initiative would be a good tool for addressing these concerns, but this type of approach is time-intensive and resource-intensive, and does not result in quick solutions. Given the facts of this case, we suggest that the Council consider taking immediate action to avert such subdivisions in this neighborhood.

Specifically, we believe that the fastest response to these circumstances would be to initiate a rezoning of the Greenwood neighborhood. A rezoning can be initiated by Council resolution. Given the current calendar, if the Council were to adopt such a resolution at tonight's meeting (to consider rezoning the neighborhood from the existing R-1 designation to a district which requires a larger minimum lot size), the rezoning could be accomplished within approximately eight weeks. If this were to occur, and the new zoning for the neighborhood became effective in April, it is likely that the most recent application that has been submitted could not be approved (proposed lots would not be large enough).

We have not performed an evaluation nor prepared plans regarding the long-term future of the Greenwood neighborhood, and would not have the opportunity to do so within the next five weeks. However, a rezoning can be considered and enacted if the Council wishes to do so, and would remain in place until the Council made a subsequent decision regarding zoning and/or plans for this area.

A disadvantage of rezoning the neighborhood to a large-lot zoning district would be that nonconforming lots would be created, because there are lots in Greenwood today that are smaller than what would be the new minimum. We do not know today how many lots are less than an acre in size, but would have that information available for a Public Hearing (along with a description of the implications of nonconforming status) if the Council decides to initiate this process.

The neighborhood is currently zoned R-1 (17,000 square foot minimum lot size). If a hearing is called to consider rezoning the neighborhood to R-LD1 (one-acre minimum lot size), the Council would have the option of rezoning either to R-LD1 or alternately R-1A (25,000 square foot minimum lot size).

We believe that this solution could partially but immediately address some of the current concerns about the "tear-down, subdivide" possibilities. We are not prepared at this time to offer analysis about potential negative impacts of a rezoning of this type, but would be able to offer comments at Public Hearing.

We do not believe that this rezoning action would obviate the need for a Neighborhood Conservation District initiative for this area. That may still be a desirable course of action. But, as described above, such a project takes time to produce. We suggest that the Council consider this as a two-step process, much in the way the Council took a two-step approach the Northside neighborhood. In that case, the immediate concern was over proliferation of duplex dwellings. The Council took immediate action to change development regulations so as to prohibit new duplexes in the zoning district covering Northside. Then the Council, the Planning Board, and the community carefully prepared and implemented a more comprehensive plan for the neighborhood. We believe that model - - take an immediate action to address an immediate concern while simultaneously beginning a longer process to address all concerns - - worked for Northside and can be applied now the Greenwood situation.

We attach a map (Attachment 4) that shows the boundary of the area which we suggest for consideration of rezoning.

## SUMMARY

If the Council determines that the current "tear-down, subdivide" possibilities in the Greenwood neighborhood warrant immediate attention and response, we recommend that the Council act tonight to call a Public Hearing for April 18, with the rezoning proposal to return to the Council for possible action on April 25, to be made effective upon enactment. Resolution A would do so. Resolution A refers to a map of the area to be considered for rezoning.

The earliest possible date for Planning Board action on the minor subdivision application that has been submitted is April 19. The Planning Board would have 35 days from that date to take action. If the Planning Board were to take the full allotted time for action on the application, and if the Council were to act prior to that time to change the zoning of this area, then that Council action would preclude approval of the subdivision application.

We continue to recommend that the Council consider the question of timing and resources for initiation of Neighborhood Conservation District plans at a later date. We intend subsequently to bring a report to the Council with options and recommendations.

## ATTACHMENTS

1. Area Map of neighborhood surrounding proposed subdivision (p. 5).
2. Plat for proposed subdivision (p. 6).
3. Petition submitted to the Council on February 14 (p. 7).
4. Map of Area Proposed for Consideration of Rezoning (p. 12).



**A RESOLUTION CALLING A PUBLIC HEARING TO CONSIDER REZONING THE GREENWOOD ROAD NEIGHBORHOOD (2005-02-28/R-10)**

WHEREAS, the Greenwood Neighborhood in Chapel Hill is designated on Chapel Hill's Land Use Plan as a Residential Conservation Area; and

WHEREAS this designation acknowledges that the Greenwood neighborhood is facing growth challenges and pressures, and should be a candidate for Council attention in considering neighborhood conservation strategies;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Public Hearing for April 18, 2005, at 7:00 p.m. in the Council Chamber, Town Hall, 306 North Columbia Street, to consider a Zoning Atlas Amendment for the rezoning of an area, as shown on a map labeled as Attachment 4 of a memorandum to Town Council of February 28, 2005, from Residential-1 to Residential-Low Density-1 or to Residential-1A.

This the 28<sup>th</sup> day of February, 2005.

**GREENWOOD PETITION FOR NEIGHBORHOOD CONSERVATION DISTRICT STATUS**

We, the property owners of Greenwood, respectfully request that the Chapel Hill Town Council initiate a process to designate the historic Greenwood neighborhood as a Neighborhood Conservation District.

Our goal is to preserve the aesthetic appeal and pastoral spirit of an area that was an integral and significant part of early Chapel Hill history. For over 60 years, Greenwood has held to Paul Green's original intention to create a park-like residential setting with a harmony of external designs in relationship to surrounding structures and the topography of the land. Homes in Greenwood differ widely in style, size, and value, allowing for an eclectic mixture of residents of different ages, family sizes, and economic means. Structures are set far back off wide, tree-lined streets and at a measured distance from each other. Lovely gardens and mature trees scattered over expanses of shaded natural areas provide hospitable habitats for the abundance of native plants and flowers, wildlife, and birds that thrive in this unique urban setting, reminiscent of an earlier, graceful era.

Our request for moving forward as soon as possible on the Neighborhood Conservation District designation process is motivated by recent events which, if left unchallenged, threaten to gain momentum and transform this area into one that will be irreversibly compromised, ecologically and environmentally. If development takes the form of subdividing lots and tearing down existing structures so they can be replaced by two or more huge houses that are disproportionate to lot sizes, the surrounding area will have to be denuded of trees and mature plantings. There will be regrettable economic, social, historical, and aesthetic losses and compromises for the town of Chapel Hill and the Greenwood neighborhood.

All owners and residents will be invited to participate in the process of reaching a consensus on how to preserve the unique look and feel of the Greenwood area. We are already wary of being too restrictive or rigid, thus contradicting the commitment to the very residential essence we want to protect. We anticipate that the dialogue leading to a consensus will be respectful and inclusive of the concerns of all residents and property owners about the economic and aesthetic pros and cons of any restrictions or guidelines that we might adopt.

Name of Owner	Address	Date
Signature <u>[Signature]</u>	<u>804 Old Mill Rd</u>	<u>4/14/05</u>
Printed name <u>John Stephen Burnett</u>		

Name of Second Owner	Address	Date
Signature <u>[Signature]</u>	<u>804 Old Mill Rd</u>	<u>4/14/05</u>
Printed name <u>Amy Burnett</u>		

This petition must be signed by the owner or owners of 51% of the properties in Greenwood and returned to the neighbor who delivered it by April 15, 2005 if it is to be useful in this effort. Any petition that provides only one signature when there is dual ownership of a property will be invalid.