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From: "Hee Soo Russell"  
Sent: Wednesday, June 11, 2003 8:47 PM  
Subject: POTENTIAL "CRISIS" FOR THE NEIGHBORHOOD Fw: development ordinance

ATTACHMENT 2

Hi Everyone,

My builder was denied a permit, based on the new annex ordinance that our neighborhood fell under beg 1/31/03. He has been battling the CH Planning Board for the past 2 days, being told that our neighbor CANNOT DO ANY IMPROVEMENT. The information he was provided was that according to the CH city attorney's interpretation of the new ordinance, all property subject to this annex MUST be on city water in order to do ANY building on their property. This is being interpreted as ANY building/changes to your property including cutting down trees, building a porch, etc.

PLEASE HELP!?!? As you can see, this has a severe impact on our property and our ability to resell, if we do not get this interpretation changed. Can anyone suggest what we can do? I am desperate to build, and am sure many of you have plans to do so too. Can we ban together to get this addressed ASAP?

I mentioned this issue to Rikki when I saw her tonight, and she provided the information below.

If anyone would like some more information, or can help my builder, he said he would welcome any phone calls - to share the information/list of people he has spoken to, as well as receive any helpful guidance anyone can provide to jump this HORRIBLE hurdle and interpretation of this ordinance.

His name is Cray Gunn - home 929.8482, mobile 280.3474

Any help anyone can provide would be fantastic.

Thanks from a desperate neighbor!  
Hee Soo

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

From: "Rikki Mangrum"  
To: "'Hee Soo Russell'"  
Sent: Wednesday, June 11, 2003 8:19 PM  
Subject: development ordinance

Hi Hee-Soo,

Here's the relevant text (I think...who can really tell????).

I think your angle might be to state that we do not fall inside Chapel Hill's Urban Services Area, which is defined in the Comprehensive Plan as "the area in which public utilities and services are provided or will be provided in the future." Chapel Hill has no plans to annex us and therefore cannot argue that they will provide "public utilities and services" here in the foreseeable future. I think, if things are not straightened out for you immediately, you should write a letter of

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complaint to the Town attorney and send copies to all the Town council members as well as the local paper.

#### 5.12.1 Water and Sewerage

##### (a) Service by Public Systems

(1) All development within the boundaries of Chapel Hill's Urban Services Area, as defined in the Comprehensive Plan, shall be served by a public water supply and a public sanitary sewer system. No Zoning Compliance Permit or building permit shall be issued for any structure within the Town's Urban Services Area (as defined in the Comprehensive Plan), absent evidence that the structure can be served by public water and sewer facilities. Existing development not served by public water and sewer shall not be considered as nonconforming within the meaning of Article 7 of this Chapter.

Rikki Mangrum

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

**From:** Cal Horton

**Sent:** Tuesday, June 17, 2003 8:09 AM

**To:** 'Hee Soo Russell'

**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: Mr. Waldon't 6/13 Memo

Ms. Russell:

I write to provide more specific information about the process for amending the Land Use Management Ordinance.

In essence, the Land Use Management Ordinance may be amended in a manner similar to that in which it was originally established. The Council must publish notice of its intent to consider an ordinance amendment and conduct a public process that gives all citizens an opportunity to present their views. That process involves consideration by the Planning Board and a subsequent public hearing by the Town Council. After having heard from the public, the Council then is in position to vote on an amendment.

On Monday evening, June 23, we plan to present the Council with a recommendation that it call a public hearing for September 15, 2003 (the next scheduled public hearing date) to consider an amendment to the land Use Management Ordinance that would allow existing development that is in the Urban Services District but outside the Town limits to make additions that would include additional water/sewer requirements, even if public systems are not available so long as public health and other requirements are met. The Council would be in position to vote on such an amendment on September 22, 2003 after conducting the hearing.

In the meantime, we do not believe that the ordinance can be suspended. It is generally applicable and lawfully in force.

I realize that the unintentional effects of a provision in the Land Use Management Ordinance are causing difficulty, but believe that a remedy consistent with the good intent of the Ordinance is close at hand.

Thank you for writing to us.

Sincerely,

Cal Horton

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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:** Hee Soo Russell [<mailto:hrussell@nc.rr.com>]  
**Sent:** Monday, June 16, 2003 9:10 PM  
**To:** Town Council  
**Cc:** northwoodhome@yahoogroups.com  
**Subject:** Mr. Waldon't 6/13 Memo

Hello Mayor and Council,

The Town Clerk recommended that I request that Mr. Waldon amend his memo, to include lifting the water/sewer restriction for Northwood. Per the Town Clerk, she stated that if the memo can be changed prior to distribution on Wed of this week (she predicted Wed would be the final day for this type of request to edit the proposal), Northwood would be in a better position when the Council meets on 6/23 to address this issue.

For the reasons submitted previously, and the detrimental impact this ordinance has on our neighborhood, we would respectfully ask the ordinance be lifted during if at all possible, even if temporarily. Given the Council will NOT be conducting any more business until August, Northwood would request that we not be subject to this delay.

The Clerk also mentioned that this issue may not be eligible for modification under State statute, requiring a public hearing, and that the Council may not be able to do anything until such time. Again, given the reasons submitted from our many emails, we would request that anything that can be done to alleviate this negative impact, be done immediately, to allow the residents to proceed on our improvements in progress. Given that the Council has indicated that the current impact of the ordinance on Northwood was not the intent, we hope for a reasonable and expedient solution.

Thanks again for your attention to this matter,  
Hee Soo Russell