

Amy Harvey

From: Town Council
Sent: Wednesday, September 25, 2024 4:43 PM
To: Elizabeth Losos
Cc: Adam Searing; Amy Ryan; Camille Berry; Elizabeth Sharp; Jeanne Brown; Jess Anderson; Karen Stegman; Melissa McCullough; Paris Miller-Foushee; Theodore Nollert; Amy Harvey; Ann Anderson; Carolyn Worsley; CHRIS BLUE; James Baker; Loryn Clark; Mary Jane Nirdlinger; Ross Tompkins; Sabrina Oliver; Susan Brown; Britany Waddell; Charnika Harrell
Subject: RE: Addendum to Planning Commission vote on Aquabella subdivision

Hello Elizabeth,

Thank you for your email re: Planning Commission. I have copied the Mayor, individual Councilmembers and appropriate staff on this message.

Thanks,

Shay Stevens



Shay C. Stevens | She/Her
Community Relations Manager
Manager's Office
[Town of Chapel Hill](https://www.townofchapelhill.org)
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514-5705
Phone: (919) 968-2833

From: Elizabeth Losos <elizabethlosos@gmail.com>
Sent: Wednesday, September 25, 2024 8:59 AM
To: Town Council <mayorandcouncil@townofchapelhill.org>
Cc: Jacob Hunt <jhunt@townofchapelhill.org>
Subject: Addendum to Planning Commission vote on Aquabella subdivision

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Dear Mayor and Councilmembers, I

believe you are voting soon on the subdivision for aquabella. The minutes from the Planning Commission's vote on this topic did not make it into your materials due to timing, so I am sharing the explanation that accompanied our vote. Thanks for your consideration.

Yours truly,

Elizabeth. Losos, Planning Commission Chair

"The Planning Commission ("PC") received public comments from neighbors objecting to the proposed subdivision on that basis that, among other things: (1) the parcels in question are currently out of compliance with stormwater

requirements (a fact conceded by the applicant); (2) it would violate HOA covenants; and (3) the proposed subdivision would effectively preclude saving certain "rare and specimen trees" currently present on the parcels.

The PC discussed the scope of its review under the LUMO and how the three objections described above tie to this remit. Under LUMO Section 4.6.5(a)(7), review of major subdivision applications focuses on "conformity with all applicable regulations listed in [the LUMO]."

Regarding the stormwater objection, PC members understand that the applicant's obligation to remedy current non-compliance with LUMO stormwater regulations exists regardless of the proposed subdivision, and neither the applicant nor any future owners of the parcels may obtain a zoning compliance permit to disturb land or erect structures without first establishing compliance with these requirements. PC members did not see fit to recommend to the Town Council a condition of approval restating what the applicant is already required to do, with or without further subdivision of the parcels. However, **this decision in no way minimizes the seriousness of the stormwater issues or the importance of timely and effective enforcement of stormwater regulations by the Town, about which neighbors have raised serious concerns.**

HOA covenants fall outside the scope of the LUMO.

Finally, staff advised PC members that LUMO requirements concerning rare and specimen trees (see LUMO section 5.7.6(b)) apply at the time of development (at which point landscape protection plans are required) and do not pertain to subdivision applications -- notwithstanding the possibility that the manner in which land is subdivided may impact the feasibility of saving rare and specimen trees. The PC's vote to recommend Draft Resolution A was based on this understanding of how the LUMO works. That said, **it would be valuable for Town staff to evaluate the location of the rare and specimen trees in relation to the proposed sub-division to ensure that the act of dividing the parcel doesn't lead to future development constraints. Minor modifications made early in the process is preferable to major conflict and costly restoration at a later stage of development."**

Best,