

Dear Mayor Hemminger and Members of Town Council:

In recent weeks, there has been a lot of emotion surrounding the Chapel Hill Cooperative Preschool application, and it has been disturbing to see the mounting anger and misinformed accusations directed toward the Planning Commission and nearby neighbors who continue to raise questions about this project.

To be clear, none of the neighbors are hostile to preschools, and particularly not to one with such a long and positive history in Chapel Hill as this one. Our primary concerns are with the very real and serious traffic safety hazards of locating a preschool—especially with the numbers of children and staff that they intend to accommodate—at this proposed site. During the past five years, Chapel Hill Police and Sheriff’s records document that the short stretch of Mt. Carmel Church Road between Bennett Road and 15-501 has experienced more than 40 accidents: more than twice the state average for accidents, and more than three times the average for nonfatal injuries. Many of these have been rear-end collisions; some have been far more dangerous T-bone collisions. We respectfully submit that this is not a trivial concern, or a matter of mere convenience.

Those of you who were serving on Council last spring will remember receiving a packet of e-mails between staff, the applicant and NCDOT which demonstrated serious breaches in the normal site plan review process. These included inaccurate information supplied by the applicant to garner a Traffic Impact Analysis (TIA) waiver; advice from staff to the applicant on work-arounds to bypass an SUP; concerns from the town’s traffic engineers and NCDOT to Planning Staff which were disregarded in the Planning staff’s recommendation to the Planning Commission—that 23 parking spaces would not be sufficient; and more.

At this point, we remain hopeful that the Preschool’s application will be handled through the more transparent and rigorous SUP process, and that the earlier site plan, which has lapsed and which the Planning Commission recently voted not to reactivate, will not be resurrected. Since the Preschool has appealed the Planning Commission’s recent decision to the Board of Adjustment, however, neither we nor Town Council can assume that this will happen.

**With these things in mind, and in preparation for the possibility that this issue may soon come before the Council, we are writing to petition that you ask the Town Attorney to:**

1. Evaluate the validity of the original Site Plan application and approval based on the fact that the application and the applicant attestations included materially significant misrepresentations concerning facility capacity, program enrollment and staffing. We have documented these in previous communications to you and to the Planning Commission. It would seem inappropriate for the Town to consider reactivating a lapsed application that was based on such premises.

2. Be prepared to explain to the Council the basis on which the Town could place a cap of 80 students and 20 staff on the site if the Site Plan is reapproved, as he stated to the Planning Commission was within the Town's authority, and how that would be enforced.
3. Advise the Town Council on what facility capacity and enrollment numbers should be used for evaluating all future applications, including a possible Zoning Compliance Permit. There are significant differences between the numbers provided initially by the applicant, those stated in later versions of it, those proposed by the applicant in more recent Planning Commission meetings, and the actual capacity of the proposed facility.

Sincerely,

Janice A. Farringer

Richard P. Andrews

Harold Lindenthal

Julie Richardson

Brian Mack

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