

Little & Cloniger, LLP

1700 East Franklin Street
Chapel Hill, NC 27514

Dear Council Members,

Since the 1950s, my family has owned the property in Blue Hill District commonly referred to as “the Staples property”. We have followed closely the debates around rezoning our property. We were dismayed and understandably upset when initially our property was singled out for significant rezoning. Our understanding now is the proposed map rezoning is no longer being considered and any rezoning will be uniform throughout the district.

As a longtime property owner and local resident, we share your concerns around the impact of the rising tax burden on the residents of Chapel Hill. We also share your goals of increasing the tax base in a sustainable, responsible manner that fosters smart development, encouraging the creation of more attractive, vibrant, and accessible places where diverse populations will choose to live, work and play while remaining connected to the larger town and area. You were elected to codify policies and processes which foster such development. That is no easy feat with differing factions and voices petitioning you. The bottom line is...we simply cannot expand accessibility or services unless we increase the tax base.

Your challenge is to find the “sweet spot” that encourages smart growth without placing so many requirements and restrictions that the outcome is NO growth. No growth will not accomplish our mutual goals.

We are only 4 years into BHD and it has been largely successful, reaching projections. Thoughtful adjustments to the form-based code may be appropriate as we now can see concretely what the code is yielding. Changes which halt, delay or stymie activity in the BHD will be 180 degrees from its purpose and counter productive to our mutually-held goals.

We are still very early into the development potential of BHD. Does it make sense to change or further restrict the growth it was created to encourage?

Therefore, we urge you to carefully consider using incentives alone to encourage commercial growth. Requiring a percentage of commercial space may be detrimental to any development. As minimums are included - be they 5% or 10% - the appeal to developers decreases. It is my understanding that the Berkshire has roughly 5% devoted to commercial. All potential developers will consider their vacant commercial spaces as a strong disincentive. Vacant is the opposite of vibrant.

The commercial real estate landscape continues to undergo significant upheaval. Few initially foresaw the disruption that would result from the advent of the internet. Internet sales have shifted the retail establishment in ways large and small. There are vacant storefronts throughout our city and county...and rumors of more to come. Is it smart to require any percentage of commercial space when Sears, Kroger, Toys R’Us, Subway, GNC, Starbucks, Macy’s, Sam’s Club, and many others have announced major store closings?

It is our firm belief that by far the path most likely to achieve our mutual goals in the Blue Hill District and for the Town of Chapel Hill is to use incentives alone and allow developers to use their industry expertise to design the square footage to maximize usefulness, attractiveness, and value.

Respectfully,
Crowell Little
Little & Cloniger managing partner

