

Date: May 16, 2019  
To: The Mayor and Town Council  
From: Joe Patterson

Re: Petition requesting modifications to the Town of Chapel Hill Noise Control Code

The residential neighborhoods surrounding the Lark (formerly Lux) student apartments, a 197 unit high-rise building, have experienced problems with excessive noise emanating from the property's pool and recreation common areas since its initial opening in late 2014. This is evidenced by the attached complaint from 3/4/17. Large raucous crowds of residents and guests (invited and uninvited) have crowded the pool deck and surrounding outdoor entertainment areas (combined total capacity 442 people) on a regular basis. Volleyball and basketball games from adjacent courts are generally accompanied by shouting and yelling throughout the games. Noise levels from all of these activities, as a rule, substantially exceed the legal noise levels specified in the Town's Noise Control Code ("NCC").

For years, neighbors have been working with the Town Staff and the CHPD in an effort to bring the property and its residents into compliance with the NCC. During this effort, it has become clear that the NCC, in its current form, is not designed to address and control noise levels generated by groups gathered in common areas in high density residential properties. The NCC only addresses actions by individuals who are violating the Code. It does not provide a means by which the Town can hold the owner and/or manager of properties accountable for noise violations by groups of people using common areas controlled by the owner/manager. This is clearly an issue that needs to be addressed town-wide as the number of high-density residential properties increases throughout the Town.

The residents listed below, all of whom have been and continue to be negatively affected by the Lark Apartments noise issues, have authorized me to pursue a solution to the problem with the Town. On their behalf, as well as that of the rest of the community, I hereby petition the Town Council to re-draft or amend the NCC (or draft a new ordinance, if necessary) to give the Town Staff and the CHPD a legal mechanism by which owner/managers of multi-family residential (and similar) properties are made responsible and accountable for controlling noise levels created by the use of their common areas by tenants and/or guests (as well as any other individual or group on their property), and insuring that noise levels from the property do not exceed maximum levels specified in the NCC.

Joe Patterson  
7 Cobb Terrace

Chris and Sharon Ringwalt  
8 Cobb Terrace

Elizabeth Okun  
213 Friendly Lane

Chris Belcher  
5 Cobb Terrace

Melissa McCollough  
6 Cobb Terrace

Katherine Polk  
13 Cobb Terrace

Chris Donahue  
7-A Cobb Terrace

Date: March 4, 2017

## Noise Complaint

To: Chief Chris Blue and the Town of Chapel Hill Enforcement Staff

From: Joe Patterson (7 Cobb Terrace), Katherine Polk (11 Cobb Terrace), and Chris Belcher (5 Cobb Terrace)

As the three full time owner/residents of houses on the north eastern side of Cobb Terrace which face the Lux Apartments pool area, volleyball court, and the apartments and balconies on that side of the building ("the pool area"), we hereby file a joint complaint concerning the frequent instances of excessive noise levels coming from the pool area. The noise levels regularly interfere with our ability to reasonably enjoy outdoor activities on our property as well as our ability to sleep undisturbed.

They have occurred with regularity since the opening of the apartments a few years ago. The types of noise include, but are not limited to, loud parties, amplified music, singing, yelling, and shouting. Most daytime occurrences appear to be centered around large groups of people at the pool, or during many volleyball games. These are at their worst when combined with alcohol and amplified music at management sponsored events, or simple ad hoc resident gatherings. Nighttime disturbances are generally (but far from exclusively) on weekend evenings and take the form of loud parties or drunken yelling from individual apartments. These last well past midnight.

We would like the Police Department and Town to take whatever steps are necessary to put an end to these disturbances, insure that the residents of the Lux Apartments do not exceed legal noise levels in the future, and continue to defend our right to the quiet enjoyment of our properties.

Thank you.