

MEMORANDUM

TO: Chapel Hill Board of Adjustment

FROM: Judy Johnson, Interim Planning Director
Jake Lowman, Senior Planner
Becky McDonnell, Planner II

SUBJECT: 600 Martin Luther King Jr Blvd: Appeal of Staff Decision
(PIN 9788-39-5200, Project #19-120)

DATE: December 5, 2019

APPEAL SUMMARY

Joe Patterson, represented by Luke Farley, Ellis & Winters, LLP, is appealing a Town Staff decision on September 3, 2019 that the Town is time barred from enforcing conditions of a Special Use Permit (SUP) for the property at 600 Martin Luther King Jr Blvd, owned by the Birgel Family Partnership and currently known as University Apartments.

The appellant's argument is that the staff decision was made in error and that the Town retains the authority to enforce the conditions of the SUP for safety reasons, as specified in detail in the appellant's Statement of Justification (Attachment 4).

EXISTING CONDITIONS

The 6.10 acre subject lot is located at 600 Martin Luther King Jr Blvd, north of the intersection with North Street and N Columbia Street. The property is located in the Residential – 4 (R-4) zoning district and contains University Apartments, as well as a set of stairs leading from the apartments to Cobb Terrace. The stairs are frequently used by pedestrians travelling to and from UNC and Franklin Street to University Apartments and other destinations to the north.

BACKGROUND

December 13, 1964 SUP approved for the Northampton Plaza and Northampton Terrace Unified Housing Developments.

Please see attachment 5, the Record of Town Staff Decision, page 16, "History of Northampton Plaza/Cobb Terrace Steps" for a full timeline of events after 1964.

June 2018 Joe Patterson requested that the Town enforce the conditions of the SUP and require that the stairs be maintained or removed.

September 3, 2019 Ralph Karpinos, Town Attorney, sent an email to Joe Patterson, the applicant, summarizing the Town's position on their ability to require maintenance or removal of the stairs.

October 2, 2019 Applicant submitted an application appealing the Town Staff's decision.

DISCUSSION

Attached materials include two resolutions: Resolution A would grant the appeal and overrule the Town Staff's decision and Resolution B would deny the appeal and uphold the Town Staff's decision.

Additionally, the Board's options are not limited by these draft resolutions. Based on the record of the Town Staff's decision and the Board's own hearing, the Board could consider taking some other action.

ATTACHMENTS

1. Resolution A (overruling the Town Staff's decision)
2. Resolution B (upholding the Town Staff's decision)
3. Procedure for Appeals of Town Staff Decisions
4. Application Materials
5. Record of Town Staff Decision
6. Memorandum from Town Attorney on Standing with attachments
7. Memorandum from Town Attorney on Issues Other Than Standing with attachments
8. Area Map of the Subject Property