

Queens University Expansion Update

January 17, 2014

TO: Members of the Myers Park Homeowners Association and Neighbors of Queens University

FROM: MPHQA Litigation Committee

RE: Various efforts to bring reasonable limits and balance to the University's future density and expansion plans

Members and Neighbors: we are providing this update on developments regarding Queens University's facilities' expansion since our last update of July 10, 2013. As you are aware, the University was able in 2010 to have a Text Amendment on parking decks passed by the City Council and separately a zoning interpretation reversal to what had always been in place for dormitories. Both had significant implications for the neighborhood and were accomplished without effective notice to the surrounding neighbors or the Board. Even on the City's most protected zoning class (R-3 single family), as to the main restriction (floor area ratio or "FAR"), the Text Amendment allows unlimited parking deck construction and the zoning interpretation reversal allows unlimited dormitory construction. With no re-zoning hearing, and no effective notice or opportunity to be heard by the Board or neighbors, the University was able to increase construction on campus by 400,000+ square feet over the original structural limit of just 543,000 square feet. Most alarming is that going forward these "FAR" exclusions allow far more space to be constructed.

It is this last point, or our concern around virtually unlimited future density for dorms and decks (and the traffic that naturally follows) that has been at the heart of our efforts to have the University agree to reasonable limitations going forward. Other primary issues we have attempted to address with the University include unrestricted third party use of the 3000 seat Levine Center and *exclusive* access to the Levine Center and new five story parking deck, and old parking deck onto Wellesley Avenue (19' width at the single point of access). Lastly, if current or future University leadership acquires the Myers Park Traditional School campus, that R-3 land would likely also allow for the same development capacity as the current campus.

All of our efforts and your support, litigation and otherwise, have been designed to effect a good faith conversation with the University on its future expansion plans and reasonable limitations regarding future campus density, access/parking and third party use of the Levine Center. The Board and over 175 Myers Park families have financially supported this effort. To date, the University has not accepted our offer to sit down and discuss a meaningful resolution that addresses these concerns.

This has left us no choice but to pursue relief through the courts, which is never a preferred choice for resolution of issues or differences.

Unfortunately, our efforts in litigation have not proved successful to date, which is often the case once a governmental resolution like the Text Amendment has been passed. Having the courts overturn such an administrative action is generally very difficult, and is likely one reason the University pursued an amendment to the Zoning Ordinance rather than a re-zoning hearing as would typically be required.

As previously reported, the Board and neighbors have pursued two legal actions through appeal. The appeal of the first case contesting the University's ability to provide single access to the Levine Center and newly constructed parking deck to Wellesley Avenue, as well as unlimited future dormitory and additional parking deck development on the campus, was denied by the NC Court of Appeals. The second case, identifying procedural defects in how the Text Amendment was passed, is currently under appeal and will likely be determined in the mid to latter part of this year.

The Board and Litigation Committee has also continued to pursue its conversations with local City Council members on the *actual* effects of the Text Amendment and why it should be reconsidered or amended. These conversations have been well received and will continue. We encourage all Myers Park neighbors to contact their Council representatives, contact info provided below, and tell them you support a balanced solution and amendment to the original Text Amendment to provide for standard limitations on parking deck development in R-3 zoning for future development as well as reasonable restrictions on future dormitory construction. Ultimately, we continue to believe that such a solution is in the best of *all* parties, including the University. The Board and neighbors continue to support the University's efforts to grow and develop into a world class university. We only seek the University's commitment to do this in a manner that balances both the interests of the school and neighborhood, and that preserves the unique environment and community that Myers Park provides to its residents and the University.

Thank you for your continued support.

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