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Owners try to resolve parking conflict

Author: *Daniel Goldberg* dgoldberg@heraldsun.com; 918-1046

Article Text:

CHAPEL HILL -- Two property owners engaged in a dispute over parking at The Courtyard retail center on West Franklin Street have taken steps to resolve their conflict with the town.

But that could be more bad news for Courtyard businesses and customers struggling to navigate the situation.

Property owner P.H. Craig, who owns three parking lots adjacent to The Courtyard, says he wants a legal separation of his spaces from **Spencer Young's** retail complex. The two businessmen are bound by a 1979 special use permit that requires the owner of The Courtyard to provide 79 parking spaces for tenants and customers. At the time of the original SUP, Craig agreed to terms of use for his three lots.

Now Craig says the original SUP has been nullified because Young, who bought the property in 2005, did not renew a lease for parking in 2006 and has ceased to provide parking for The Courtyard. Last Friday, Craig filed a concept plan that redefines uses for his three lots, taking the first step toward asking the town to modify or withdraw the existing SUP.

"We're essentially doing what we need to be doing to divorce ourselves, to extricate myself from Mr. Young," Craig said Tuesday. "I don't want anything to do with him."

As for Young, he has appealed a notice of violation issued by the town inspections department earlier this year, effectively granting him a stay from any fines or penalties levied in relation to improper use of property.

In February, the town notified Craig and Young of Land Use Management Ordinance violations

Town and Others Tried To Help

spurring from the use of one of Craig's lots as a staging area for construction work being done at The Courtyard. A letter sent to Craig stated that the inspections department understood that "another party may be responsible for the unauthorized use of your property."

Young did not return a phone call or e-mails on Tuesday.

The immediate result of the most recent actions taken by Craig and Young is that their dispute continues in an indefinite holding pattern. During Monday's Chapel Hill Town Council meeting, Courtyard tenant Lex Alexander appeared before the council for the second time in a month and asked if the town had made any progress in digging for solutions.

The council had questions and opinions, but no definite answers.

Town Attorney Ralph Karpinos offered council members an update on the actions taken by Craig and Young, stating that there are no fines or penalties "at this time" and that he expected to receive a concept plan for a new SUP from Young within days.

"Could this go on indefinitely?" asked Councilman Mark Kleinschmidt. "They could continue to resubmit applications even if rejected, over and over and over again?"

Karpinos confirmed that "they might do that."

Not a help

As complicated as the Courtyard dispute is already, Mayor Kevin Foy told Alexander that a new special use permit may not help.

"It seems like the solution is going to be just as bad if these applications are made, because what they're going to do is disentangle themselves from each other and then your landlord is not going to have to deal with anything having to do with that parking," Foy said.

The concept plan submitted by Craig states that freeing him from the existing SUP will allow Courtyard tenants to sign leases for parking directly with him. But that's not a simple matter, either. Current leases include parking fees that are paid to Young for spots that Craig says tenants can no longer access.

Alexander has gone a step further, claiming that Young has kept parking fees for spaces that he does not own. In any case, it's hard to say how changes in the SUP would actually affect tenant and customer parking.

"I think P.H. Craig needs to sue **Spencer Young**, I think the tenants of The Courtyard need to withhold rent and I feel that it's ridiculous that the town is held captive by its own process in this situation," said Councilman Cam Hill.

He said that the town is being "manipulated here" and should look harder for a solution.

"We have some ability to do something, but we're just not digging deep enough to find it," Hill said.

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