

## **MEMORANDUM**

TO: Mayor and Town Council

FROM: Roger L. Stancil, Town Manager

SUBJECT: Carolina North Development Proposal:

- Land Use Management Ordinance Text Amendment creating the University-1 (U-1) Zoning District
- Zoning Atlas Amendment to rezone a portion of the Horace Williams Tract to the University-1 (U-1) zoning district
- Carolina North Development Agreement

DATE: June 22, 2009

### **PURPOSE**

Tonight the Council continues the May 11, 2009 and June 15, 2009 Public Hearings associated with the Carolina North Development.

<http://townhall.townofchapelhill.org/agendas/2009/06/15/3/>

I recommend that the Town Council enact the attached ordinances and adopt the attached resolution authorizing development at Carolina North. I make this recommendation with confidence based on the extensive involvement by the Town's senior staff leadership in the oversight and direction of the process of writing the Development Agreement to reflect the interests of the community as expressed by the public, the Town's advisory boards, the guidance of the Horace Williams Citizens Committee Report and the discussions by the Council and Trustees.

### **BACKGROUND**

During the June 15, 2009 Public Hearings and the June 16, 2009 Council, UNC Board of Trustees Work Session, several topics were discussed with respect to the Development Agreement. The primary focus of these discussions included: activities permitted in the conservation areas, transportation and parking, design guidelines and bikeways/greenways.

Attached to this memorandum is a revised copy of the Development Agreement. This document includes edits responding to the Council discussion on June 15 and the Council Board of Trustee discussions on June 16, 2009.

Also attached for the Council consideration is a resolution directing the Town Manager to report back to the Council on a process that would implement a plan for continued public participation.

## PROPOSED ORDINANCES

As part of the University's Carolina North submittal, three proposals are before the Town Council for consideration:

1. Land Use Management Ordinance Text Amendment: Enactment of the proposed text amendment would create a new zoning district: University-1 (U-1). Town and University staffs working together have developed the proposed text amendment to create the new zoning district.
2. Zoning Atlas Amendment Application: The Zoning Atlas Amendment application proposes to rezone approximately 643 acres of the Horace Williams Tract from Office/Institutional-2 (OI-2) and Residential-2 (R-2) to the proposed University-1 (U-1) zoning district. The applicant for the proposed rezoning is The University of North Carolina at Chapel Hill.
3. Carolina North Development Agreement Application: The Development Agreement application proposes that the Town of Chapel Hill and The University of North Carolina at Chapel Hill enter into a Development Agreement for development of the Horace Williams Tract. The applicant for the proposed Development Agreement is The University of North Carolina at Chapel Hill. This application is consistent with the Town Council agreement that a new zone and development agreement is the preferred process for guiding development at Carolina North.

### ***1. Land Use Management Ordinance Text Amendment creating the University-1 (U-1) Zoning District***

Text Amendment Analysis: Article 4.4 of the Land Use Management Ordinance establishes the intent of Zoning Amendments (including both atlas and text amendments to the Ordinance) by stating that, "In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that this chapter shall not be amended except:

- a) to correct a manifest error in the chapter; or
- b) because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- c) to achieve the purposes of the Comprehensive Plan."

We believe the justification of the text amendment application is to achieve purposes of the following major themes of the Comprehensive Plan as it relates to:

- **Conserve and protect existing neighborhoods;**
- **Conserve and protect the natural setting of Chapel Hill;**
- **Cooperatively plan with the University of North Carolina;**
- **Provide quality community facilities and services; and**
- **Develop strategies to address fiscal issues.**

Recommendation: We recommend approval of the proposed Land Use Management text amendment creating the University-1 zoning district. We believe the text amendment can be justified based on Finding C, as described above, associated with goals and objectives of the Comprehensive Plan described above.

Attached for Council consideration is an Ordinance amending the Chapel Hill Land Use Management Ordinance regarding the establishment of a new University-1 (U-1) zoning district.

## ***2. Zoning Atlas Amendment application to rezone a portion of the Horace Williams Tract to the University-1 (U-1) zoning district***

Zoning Atlas Amendment Analysis: Article 4.4 of the Land Use Management Ordinance establishes the intent of Zoning Amendments (including both atlas and text amendments to the Ordinance) by stating that, “In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that this chapter shall not be amended except:

- a) to correct a manifest error in the chapter; or
- b) because of changed or changing conditions in a particular area or in the jurisdiction generally; or
- c) to achieve the purposes of the Comprehensive Plan.”

We believe the justification for the zoning atlas amendment application is to achieve the purposes of the themes of the Comprehensive Plan as described in the applicant’s April 29, 2009 rezoning Statement of Justification.

Staff Recommendation: We recommend approval of the application to rezone 643 acres of the Horace Williams Tract, from Residential-2 (R-2) and Office/Institutional-2 (OI-2), to the proposed University-1 (U-1) zoning district. We believe the rezoning could be justified based on Finding C associated with goals and objectives of the Comprehensive Plan.

Attached for Council consideration is an Ordinance to rezone the Horace Williams Tract and amend the Chapel Hill Zoning Atlas for the Carolina North Development.

## ***3. Carolina North Development Agreement Application***

Proposed Development Agreement: The Carolina North Development Agreement application proposes that the Town of Chapel Hill and The University of North Carolina at Chapel Hill enter into a Development Agreement for the Chapel Hill portion of the Horace Williams Tract.

During the June 16 Town Council, UNC Board of Trustee Joint Work Session topics further refined included activities permitted in the conservation easement areas, transportation and parking, design guidelines and bikeway/greenways.

Staff Recommendation: We recommend that the Council adopt the attached ordinance approving a Development Agreement between the Town of Chapel Hill and the University of North Carolina at Chapel Hill.

### **RECOMMENDATION**

The purpose of this cover memorandum is to forward the three proposed ordinances associated with the Carolina North Development:

- An ordinance (text amendment) amending the Land Use Management Ordinance creating the University-1 (U-1) Zoning District;
- An ordinance (zoning atlas amendment) to rezone a portion of the Horace Williams Tract to the University-1 (U-1) zoning district; and
- An ordinance approving a Development Agreement for Carolina North.

I recommend that the Council adopt the attached ordinances in this order.

I also recommend that the Council adopt a resolution directing the Town Manager to report back to the Council on a process that would implement a plan for continued public participation regarding the development of the first 800,000 square feet of floor area at Carolina North.