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Sept. 22, 2003
Statement regarding OI-4 time frames

I encourage you to reopen discussions with UNC on the time frame for decisions under OI-4. I have some comments on the staff's report and some suggestions on how you might think about proceeding.

The way I read the ordinance, an "amendment" or modification to the Development Plan should get the same full treatment as a brand new Development Plan.¹

It's helpful to recall the "purpose and intent," of the OI-4 district, sec. 3.5.2(a):

The objective . . . is to allow for growth and development while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying major new development. A key feature of this district is the preparation of a Development Plan that would allow the property owner, immediate neighbors, and the larger community to understand specifically what levels of development are being proposed, and what impacts would likely accompany the development, so that mitigation measures can be designed and implemented.²

Can all that be done in 90 days? I think we've just seen that it can't. Since I made this petition in June, we have all lived through the evidence. The mitigation that was done, the concessions that persuaded a majority of council members to vote for the plan, were not in place, would not have been in place had not both parties agreed a couple of months more time. If the council had been forced to vote on the plan as it existed on day 90, it very likely would have failed.

So it's in the university's interest, as well as the town's, to take more time. The suggestion in the staff report that what we have is "a carefully constructed set of

¹ The 90-day clock applies to "applications for a Development Plan, Special Use Permit, or Site Development Permit." LUMO ¶ 3.5.2(g). Something as large as what we recently went through was properly considered "an amendment to the Development Plan." ¶ 3.5.2(b). The fact that there is no distinction, in the discussion of the process, between a "Development Plan" and an "amendment" (or modification) tells us that the modification should get just as much process as a whole new development plan. If it's not a minor, staff-level modification, then in terms of process it's like starting over.

² LUMO ¶ 3.5.2(a).

regulations that balanced the University's need for certainty, timeliness of consideration, and ability to pursue a development program with the Town's need for community consideration of and mitigation of impacts" has just not been borne out in reality.

I don't know what the answer is and I'm not here to suggest a new time frame. I think this question is important enough that there ought to be a public hearing on it.

One more note: the staff report specifically addresses my complaint as a Planning Board member. It points out that although the development plan (or amended plan) shall be "reviewed" by the Planning Board, there is "no requirement that [the] Planning Board make a recommendation."

It may be news to you all that you don't want a recommendation from the Planning Board. It was to me. I think that marginalizes the Board and makes the time it spends almost meaningless. So please think about that too as you focus your attention on how to make this process work more smoothly and more productively for everybody.

I encourage you to talk seriously about this and to invite comments in a public hearing.