

82

Process for Consideration of Development Applications

This site is outside of Chapel Hill's municipal boundary, but within the portion of the Joint Planning Area in which Chapel Hill's Development Ordinance applies. A previous petition submitted by Habitat suggests that an application will be prepared to seek rezoning of the site to the Residential-Special Standards zoning district, along with an accompanying application for a Special Use Permit to authorize construction of the proposed development.

Accordingly, the process for consideration of a proposal of the type described in the petition would be as follows:

- Applications for rezoning and Special Use Permit may be submitted and evaluated concurrently.
- The rezoning application would need to be considered at a Joint Public Hearing involving the Chapel Hill Town Council and the Orange County Board of Commissioners. Both boards would need to approve a rezoning in this area for it to become effective.
- Following joint action on the rezoning component, consideration of and action on the Special Use Permit application would be by the Chapel Hill Town Council.
- In order to approve a Special Use Permit, the Town Council would need to make four findings: That the proposed development
 1. Would be located, designed, and operated so as to maintain or promote the public health, safety, and general welfare;
 2. Would comply with all required regulations and standards;
 3. Would be located, designed, and operated so as to maintain or enhance the value of contiguous property, or be a public necessity; and
 4. Would conform with Chapel Hill's Comprehensive Plan.
- The expected time frame for consideration and action under this process would be approximately 12-18 months.

A rezoning in this Joint Planning Area takes place within the context of Orange County's zoning authority. Accordingly, there are no protest petition provisions that would apply, because county zoning authority in North Carolina does not contain protest petition provisions. Actions by the Council to facilitate or not to facilitate the purchase of the property by Habitat should not be interpreted as a decision by the Council to favor or not favor a particular form or type of development. The Council is required by law to make judgments about applications for Special Use Permits based on evidence presented through the public hearing process.

-Excerpt from November 25, 2002 Memorandum to the Mayor and Town Council