



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

(20)

received 3/16/05 3:44pm SMO

ATTACHMENT 2

VICE CHANCELLOR FOR
FINANCE AND ADMINISTRATION

300 SOUTH BUILDING
CAMPUS BOX 1000
CHAPEL HILL, NC 27599-1000

T 919.962.3795
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March 16, 2005

Mr. Cal Horton, Town Manager
Town of Chapel Hill
306 North Columbia Street
Chapel Hill, NC 27516

Dear Mr. Horton,

On behalf of The University of North Carolina at Chapel Hill (University) and the UNC Health Care System, I am writing to protest the proposed re-zonings of the Horace Williams Properties known as Carolina North. Previously on October 15, 2004, the Chancellor wrote to Mayor Foy to express his strong objection to this action (attached). We are now submitting the required formal petitions. I also wish to share some of our reasons for these protests.

Article 4.4 of the Land Use Management Ordinance governs amendments, including rezoning, and provides 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."*

Article 4.4 also states:

"It is further intended that, if amended, this chapter be amended only as reasonably necessary to the promotion of the public health, safety, or general welfare, and in conformance with the Comprehensive Plan."

As far as we are aware, there are no manifest errors that require correcting with respect to the Horace Williams properties located on Highway 86 (Airport Road). Nor have the conditions changed in this area so as to warrant the re-zonings. The property is generally bordered by medium and high density residential zoning to the north and east, office and low density residential uses to the south and Carrboro's low density or village center residential zoning to the West. Development in the vicinity of the Horace Williams properties has consistently followed these established zoning patterns.

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As noted above, a third purpose of a zoning amendment may be to bring a property into conformance with the Comprehensive Plan while promoting the public health, safety, or general welfare. There is significant evidence in the Comprehensive Plan that a higher intensity University use has been anticipated and planned for this property by both the Town and the University. A rezoning to a density that does not achieve that vision is not in conformance with the Comprehensive Plan nor is it necessary to the promotion of the public health, safety, or general welfare. The following quotes from the Comprehensive Plan provide ample support for denying the re-zonings:

1. Cooperatively plan with the University of North Carolina at Chapel Hill (from Major Themes): The fulfillment of the missions of UNC and the UNC Health Care System will be accompanied by growth of those institutions. Good communication and cooperative planning are critical to assuring that this growth can be absorbed by and integrated into the surrounding community (page 5)
2. Goal: Provide an environment where the Town of Chapel Hill, UNC, and the UNC Health Care System can collaborate to maximize mutual benefits (page 26)
3. Objective: Enhance on-going joint planning processes between the Town, UNC, and UNC Health Care to address issues of mutual concern (page 26)
4. The Town should continue to be involved in planning for the Horace Williams property, with a focus on exploring ways in which future development can help achieve Comprehensive Plan goals and objectives in areas such as transit, mixed-use development, employment, and University housing (page 29)
5. As part of the strategy to encourage appropriate non-residential development recommended by Strategy 6A-1, the Town and UNC should explore opportunities to establish University related private businesses in Chapel Hill. [...] The Horace Williams tract is a logical candidate for this type of development (page 48)
6. Future use of the Horace Williams and Mason Farm properties should be consistent with the 1998 *Outlying Parcels Land Use Plans Report* developed jointly by UNC and the Town (page 64)
7. Development opportunity areas include the following: [...] Selected sites along Airport Road that are either undeveloped or developed below their zoning capacity, including the Horace Williams tract (page 66)

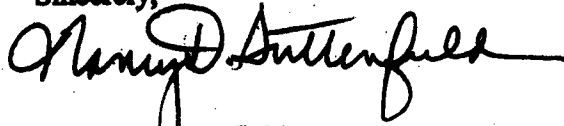
The University of North Carolina at Chapel Hill has undertaken two important initial planning efforts for the approximately 1,000 acre Horace Williams properties. The initial effort was completed in 1998 with the JJR Report which established key elements of the planning and transportation systems for the development of the property. Most recently, the University worked with Ayers/Saint/Gross to develop a comprehensive plan for Carolina North. These plans were both community-wide efforts and the 1998 plan is referenced in the Town's Comprehensive Plan as a guide to growth at the Horace Williams Properties.

To summarize, the University continues to agree with and support the goals and objectives of the Comprehensive Plan with respect to the Horace Williams Properties, as specified above. The spirit of cooperation and communication embodied in that document needs to be brought to these proceedings if we are to move forward in a direction that benefits us

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both. We believe we have an opportunity to work together on this issue to develop a beneficial situation for the Town and the University.

Sincerely,



Nancy D. Sattenfield
Vice Chancellor for Finance and Administration

cc: Chancellor James Moeser
William Roper, UNC Health Care



THE UNIVERSITY
of NORTH CAROLINA
at CHAPEL HILL

(23)

JAMES MOESER
Chancellor

103 SOUTH BUILDING
CAMPUS BOX 9100
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October 15, 2004

The Honorable Kevin Foy
Mayor, Town of Chapel Hill
Town Hall
306 N. Columbia St.
Chapel Hill, NC 27516

Dear Mayor Foy:

I write to register, in the strongest possible terms, our objection to the action taken by the Town Council on Monday, October 11, initiating the rezoning of the University's Carolina North property to OI-2. No such action item was included in the Council's agenda for the meeting, so we were surprised to see the Council act in this way. For the record, the University has not submitted a request for rezoning of the Carolina North property, and when it does, we expect to consult with the Town to identify appropriate ways to proceed with any rezoning consideration. I would also note that we have no intention of making any application under the current OI-3 zoning.

When the main campus was rezoned in 2001, the town-gown process we used resulted in the creation of a new zoning district, OI-4, which required the University to submit a new instrument, the Development Plan, for consideration by the Town Council. Since approval by the Council in October 2001, the Development Plan has guided the renovation and building program under way on the campus.

The town and the University worked cooperatively to develop the OI-4 zoning, and I would hope that the same kind of cooperation would exist as we approach the development of Carolina North. We respectfully request that the Council not proceed with rezoning at this time. Instead, let us use this time to work together to further our mutual goal of building a better community and University.

Sincerely,


James Moeser

cc: Richard "Stick" Williams and members of the Board of Trustees
Members of the Chapel Hill Town Council
Cal Horton

PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND

- I. Description of property proposed to be rezoned.
- II. Names and signatures of property owners.
- III. Date and time of receipt by Town Clerk (Clerk's Certification).
- IV. Information on requirements for validity of protest petitions under State law and the Chapel Hill Development Ordinance.

I. DESCRIPTION OF PROPERTY PROPOSED TO BE REZONED:

Note: Tax map, block and lot information is required.

To get tax map, block, and lot information, please write to, call or visit the Planning Department (306 N. Columbia Street, Chapel Hill, NC 27516; (919) 968-2728 or 682-8636 from Durham exchanges; top floor of the Municipal Building next to the Fire Station at Airport Road and N. Columbia Street).

<u>County</u>	<u>Tax Map</u>	<u>Block</u>	<u>Lot(s)</u>
Orange	7	29	1A
Orange	7	29	1B

(24)

(Please attach additional sheets if necessary.)

*** ADDITIONAL OPTIONAL INFORMATION ON LAND PROPOSED TO BE REZONED:**

Owner(s) of land proposed to be rezoned:
The University of North Carolina at Chapel Hill and The University of North Carolina at Chapel Hill acting administratively for the State of North Carolina

PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND

Current Zoning: OI-3

Proposed Zone: OI-2

Street Address(es): Various west side Airport Road, north of Estes Drive Extension (Horace Williams Tract) Chapel Hill, NC

General description of location (nearby streets, landmarks, buildings): same as above



Established date of public hearing on proposed rezoning: March 21, 2005

II. NAMES AND SIGNATURES OF PROPERTY OWNERS WHO PROTEST REZONING:

** Please see attached general information regarding signatures of co-owners, signatures for corporations, etc.*

(25)

We protest the proposed change of zoning on the property described in I. hereof.

Name	Signature	Date Signed	County	Tax Map	Block	Lot(s)
Nancy D. Suttienfield, Vice Chancellor for Finance and Administration		MAR 16 2005	Orange	7	29	1A
		MAR 16 2005	Orange	7	29	1B

PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND

III. TOWN CLERK'S CERTIFICATION OF RECEIPT OF PROTEST PETITION:

I hereby certify that I received this protest petition on 3-16-05 at 3:45 p.m.
 (Date of Receipt) (Time of Day)



Town Clerk



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<u>County</u>	<u>Tax Map</u>	<u>Block</u>	<u>Lot(s)</u>
Orange	7	29	1B
Orange	7	24	49C
Orange	7	24	43C

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(Please attach additional sheets if necessary.)

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Owner(s) of land proposed to be rezoned:
The University of North Carolina at Chapel Hill and The University of North Carolina at Chapel Hill acting administratively for the State of North Carolina

PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND

Current Zoning: R-2 Proposed Zone: OI-2

Street Address(es): Various
West side Airport Road,
North of Estes Drive Extension (Horace Williams tract)
Chapel Hill, NC

General description of location (nearby streets, landmarks, buildings): same as above




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