

MEMORANDUM

TO: Mayor and Town Council

FROM: W. Calvin Horton, Town Manager

SUBJECT: Proposed Process for Continuing Discussions Regarding Changes to OI-4 Zoning District Regulations

DATE: February 14, 2005

This memorandum proposes a process for continuing discussions of possible adjustments to the OI-4 Zoning District.

BACKGROUND

In 1981, the Chapel Hill Town Council created a zoning district called Office/Institutional-3, and applied this zoning to several large parcels of land that were owned by the University of North Carolina at Chapel Hill. Among those parcels was the University's main campus. The OI-3 district allowed University facilities to be built with special standards related to height of buildings, intensity of use, buffers, and transition areas, reflecting the unique circumstances of University facilities. A floor area ratio was set to regulate intensity. At the time, the amount of floor area that could be permitted on the main campus, derived by applying this ratio, greatly exceeded the total of existing facilities.

In the fall of 2000, University representatives brought attention to the fact that the 1981 floor area ratio had become a constraint to future University development. Discussion followed about raising the OI-3 floor area ratio. Instead of raising the floor area ratio, the Town Council entered into discussions with University representatives, with a goal of creating a new zoning district to apply to the main campus.

In the spring of 2000, the Town Council and University representatives began a series of meetings, discussions, and hearings to create a new zoning district. The Council amended the Development Ordinance in July 2001, to create this new district: Office/Institutional-4 (OI-4). Also in July 2001, the Council rezoned the main campus to apply this new district. The provisions of the OI-4 district were carried over intact when the Town Council, in January 2003, enacted the Land Use Management Ordinance.

In June 2003, the Council received a petition asking for reconsideration of the required action time limits specified in the OI-4 district for Town Council review of a Development Plan. The Council referred this petition to the Town Manager and, in September 2003, the Town Manager submitted a report to the Town Council for consideration. In January 2004, at its annual Planning Session, the Council discussed whether and how a reconsideration of provisions of the

OI-4 zoning district might be undertaken. On February 9, 2004, the Council decided to call a Public Forum to hear citizen comments on this topic. The Forum was held on March 1.

On April 26, 2004, the Council adopted a resolution which called a Public Hearing for October 18, 2004, to consider specific adjustments to the Office/Institutional-4 provisions of the Land Use Management Ordinance.

On October 18, 2004, the Council held a Public Hearing to consider changes to the Office/Institutional-4 zoning district. The proposed changes were developed with consideration of comments received at the March 1 Public Forum. At the October 18 Public Hearing, the Council asked the Town Manager to recommend a process for initiating discussions with University officials.

On November 22, 2004, the Council considered a proposed process for discussions about the Office/Institutional-4 text amendments. The Council requested additional ideas for a process that might better include citizens, and asked the Town Manager to bring ideas to the Council's December 6 meeting.

On December 6, the Council requested that the Mayor and Town Manager make arrangements for additional discussions of these proposed changes. The Council indicated a preference for a process that would be structured approximately as follows: Ask the Mayor to host a public dialogue meeting, inviting University officials and anyone with interest in this topic to engage in a discussion. Convene such a meeting in the Council Chamber, with Council members and University representatives providing comments on proposals. This would not be a mechanism to reach conclusions or agreements, but could be effective in helping all interested parties understand the ideas and concerns and interests of all other parties. At a subsequent Council meeting, the Town Council would receive a report of this discussion and decide what next steps are appropriate. The Council also added two issues to the list of ideas to be considered.

A copy of the December 6, 2004 Council memorandum is attached. The Council asked the Town Manager to initiate steps to begin this process.

PROPOSED PROCESS

The starting point for continued consideration of these ideas would be to schedule a community meeting as early in March as is possible given the Council's regular meeting schedule. We suggest the following: The meeting would be convened in the evening, cable-cast, be jointly hosted by the Town and UNC, and be advertised as a Community Dialogue meeting. The meeting would be in the Council chamber, and be relatively informal. The Mayor would moderate. The Town Council and University representatives would sit at small tables in front of the Council table. Initial presentations would be offered by Town staff and University staff to cover background and set the stage. A hand-held microphone would be available to audience participants, who would be invited to offer comments, ideas, and suggestions regarding provisions of the OI-4 Zoning District. The Mayor would call on people and moderate the discussion. If a question is asked by an audience participant, the Mayor would either turn to staff to invite an answer, or turn to Council/University representatives to invite comment.

The Mayor, in opening remarks, would

1. Articulate the objectives for this meeting: to hear community comments and suggestions regarding provisions in the Office/Institutional-4 Zoning District.
2. Outline the ground rules for this discussion.
3. State that the next step, following this meeting, would be for the Town Council and UNC representatives to meet again to review the ideas and discuss the proposals for changes to OI-4. Following this discussion, a report would be presented to the Town Council, at which time the Council would be in a position to proceed to consider changes to the OI-4 provisions.

Following the Mayor's opening remarks, the floor would be open for comments and suggestions from the audience, with discussion moderated by the Mayor.

This would not be a hearing on plans for Carolina North, nor a hearing on proposals to rezone the Horace Williams property. The focus would be on the provisions, existing and proposed, contained in (or proposed to be added to) the OI-4 Zoning District.

ADDITIONAL REQUEST

The Council also requested, on December 6, that the Manager provide documentation on public discussions that occurred during the original Town-University discussions on creating the OI-4 Zoning District in the spring of 2000, regarding issues connecting OI-4 and the Comprehensive Plan. The specific issue of interest is what information prior Councils had access to regarding a rejection by the University that the compliance with the Comprehensive Plan be a finding in the OI-4 approval process. We are researching this question, and will bring a report to the Council prior to the date of the Community Dialogue meeting.

RECOMMENDATION

We recommend that the Council endorse this proposed process, and request the Mayor and Town Manager to proceed with plans for the Community Dialogue meeting. One of the first tasks, if the Council endorses this process, would be to schedule three dates:

1. Date for the Community Dialogue meeting.
2. Date for a meeting with Town and UNC representatives to discuss ideas raised at the Community Dialogue meeting.
3. Date for submitting a report on these discussions to the Town Council for consideration at a regular Town Council meeting. (At this meeting, a date could be set to continue the Public Hearing process, if the Council chose to do so.)

Adoption of the attached resolution would start this process.

ATTACHMENTS

1. List of Possible Amendments to OI-4 Provisions (p. 6).
2. December 6, 2004 Memorandum to Town Council (p. 7).

A RESOLUTION INITIATING DISCUSSIONS WITH UNIVERSITY OFFICIALS AND CITIZENS, ASKING FOR PARTICIPATION IN DISCUSSION OF PROPOSED CHANGES TO THE OFFICE/INSTITUTIONAL-4 ZONING DISTRICT (2005-02-14/R-14)

WHEREAS, the Chapel Hill Town Council held a Public Hearing on October 18, 2004 to consider changes to the Office/Institutional-4 zoning provisions of Chapel Hill's Land Use Management Ordinance; and

WHEREAS, the Council is interested in meeting with University officials and citizens to discuss the proposed changes to the Office/Institutional-4 zoning provisions;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby endorses a process for further discussion, as outlined in a memorandum to the Mayor and Council from the Town Manager dated February 14, 2005, with the Forum adjusted to replace a proposed Town-University meeting with a re-convened Public Hearing; and requests the Town Manager to make arrangements for discussions as outlined in that memorandum.

This the 14th day of February, 2005.

Amended 2-14-05 ath

ATTACHMENT 1

Proposed changes to the Office/Institutional-4 Zoning District

List compiled and endorsed by the Town Council on December 6, 2004.

- 1. Require a Concept Plan Review*
- 2. Allow more time for Council action on a Development Plan application*
- 3. Lengthen review period for applications in a Perimeter Transition Area from 90 to 120 days*
- 4. Require that the Planning Board make a recommendation on applications*
- 5. Establish a system of quarterly meetings with University representatives*
- 6. Add a finding that the Council must make: "That the University's plan/modifications comply with the Town's Comprehensive Plan"*
- 7. Add a finding that the Council must make: "That the University's plan/modifications comply with all applicable regulations"*
- 8. Require public Town reviews of projects to see if the developers are adhering to the standards of the Comprehensive Plan*
- 9. Require the holder of an approved Development Plan to submit an annual Transportation Report to the Town that is 10 pages or less, clear, and concise, using language easily understandable to the general public, identifying impacts, proposed mitigation measures, and implementation plans. The report will give an assessment of what has been done to mitigate adverse traffic impacts and whether, and to what extent, these measures are working. The informational basis for the assessment should be included.*