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ATTACHMENT 3

AGENDA #12

MEMORANDUM

TO: Mayor and Town Council

FROM: W. Calvin Horton, Town Manager

SUBJECT: Office/Institutional-4 Zoning District, Land Use Management Ordinance Text Amendment: Discussion Process

DATE: December 6, 2004

This memorandum identifies alternative processes for discussions of proposed changes to the Office/Institutional-4 zoning district of the Land Use Management Ordinance. We recommend that the Council determine how it wishes to proceed and authorize the Manager to initiate a process.

BACKGROUND

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 following a March 1, 2004 Public Forum at which citizen and University comments were received. At the October 18 Public Hearing, we reported that the University had submitted a protest petition regarding these proposed changes, triggering a statutory provision that a $\frac{3}{4}$ affirmative vote would be needed to enact any of the proposed changes (seven affirmative Council affirmative votes). At the conclusion of the October 18 Public Hearing, the Council asked the 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.

PROCESS DISCUSSION

We have identified several alternative ideas for a process to further consider changes to the Office/Institutional-4 zoning district. The Town has successfully used various models for promoting public discussions, varying according to circumstances. We describe seven options, based on these experiences.

Option 1: Model used for original OI-4 discussions: At the November 22 meeting, we recommended that the Council ask the Mayor to appoint three Council members to participate with him in discussions with University officials about proposed changes to OI-4 zoning district regulations. The discussions would be conducted in open public meetings. We also

recommended that the Manager and Attorney provide support for the Mayor and Council members in these discussions. The Committee would report back to the full Council following discussions with University officials.

With this proposal, the Council would ask the Mayor to write a letter to Chancellor Moeser requesting discussion of changes to the Office/Institutional-4 zoning provisions and asking that University representatives be designated.

Option 2: Lot 2/Lot 5 model for public input: Meetings were held as part of the process for developing strategies for Town Parking Lots 2 and 5. Meetings were open, informal, and advertised. The consultant presented ideas, and citizens asked questions directed to the Chairman of the Lot 2/5 Committee, to the consultant, and to Town staff. No formal report was prepared, but ideas were fed into ongoing discussions of the Lot 2/5 Committee.

Option 3: Montessori School Model for discussions with neighbors: A Mayor's Committee was appointed, which started with an open forum for people to express ideas and concerns, followed by separate individual meetings with neighbors, and then with school officials. The Committee prepared a list of principles for consideration (and eventual adoption) by the Town Council.

Option 4: Horace Williams Model for developing recommendations: The Council appointed a large, representative committee, including University representatives, Town Council members, advisory board members, and citizens to meet and review the University's preliminary plans for development of the Horace Williams property. The Committee prepared a report with opinions and recommendations for consideration by the Town Council. This model was also used for development of the Northside Neighborhood Conservation District.

Option 5: Joint Planning Model for dispute resolution: In the mid-1980's, a working group was assembled to address land use conflicts that had arisen regarding areas immediately outside the corporate limits of Chapel Hill and Carrboro. Elected officials from each affected jurisdiction were appointed by their respective boards to enter into negotiations. The format followed dispute resolution protocols, beginning with each party identifying interests, followed by attempts to craft solutions addressing key points. The result was preparation of a Joint Planning Agreement that was subsequently executed by Chapel Hill, Carrboro, and Orange County.

Option 6: Airport Road Renaming model, using professional facilitator: The Town Council appointed a large committee made up of individuals representing different points of view, and retained the services of a professional facilitator to manage group discussions. A report of the discussions is being prepared and will be presented to the Town Council this evening.

Option 7: Public Dialogue Meeting: An alternate, less structured approach would be to ask the Mayor to host a public dialogue meeting, inviting University officials and anyone with interest in this topic to engage in a discussion. One possibility would be to convene such a meeting in the Council Chamber, with Council members and University representatives providing comments on proposals. Council and University representatives would be seated as a panel. Following a staff introduction of the status of considerations thus far, and an opportunity for University and

Council representatives to offer comments, citizens would be invited to offer comments and ask questions of staff, Council members, and/or University representatives. 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.

RECOMMENDATION AND NEXT STEPS

We suggest that the Council set a process in motion that offers additional opportunity for citizen comments, and also for discussions with University representatives. Particularly in the context of a protest petition and a requirement for seven affirmative votes, we believe that additional discussions are warranted. We recommend that the Council consider the options outlined here and decide how best to proceed with discussions of proposed changes to the OI-4 regulations. We have prepared a template resolution for use by the Council. We believe that the circumstances of this case argue for Option #7, a Public Dialogue Meeting, which we believe would be a constructive and productive next step. Following such a meeting, a written report would be prepared for the Council's use in considering subsequent action.

If there is consensus about one of the options described in this memorandum, adoption of the attached resolution would set the process in motion.

ATTACHMENT

1. Letter from Vice Chancellor Nancy Suttentfield regarding proposed changes (p. 5).
2. Statement from Coalition of Neighbors Near Campus (p. 8).
3. Statement from Mr. Michael Collins (p. 10).
4. November 22, 2004 memorandum and its related attachments (p. 11).
5. Letter from Chancellor James Moeser (p. 40).

A RESOLUTION INITIATING DISCUSSIONS WITH UNIVERSITY OFFICIALS AND CITIZENS, ASKING FOR PARTICIPATION IN DISCUSSION OF PROPOSED CHANGES TO THE OFFICE/INSTITUTIONAL-4 ZONING DISTRICT (R-15)

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 requests that the Mayor and Town Manager make arrangements for additional discussions of these proposed changes, as described in Option 7 of the Town Manager's December 6, 2004 memorandum on this topic.

BE IT FURTHER RESOLVED that the Council affirms its interest in using this new process as an opportunity to engage with the University in discussions that will lead to suitable proposals for modification to the OI-4 zoning regulations.

This the 6th day of December, 2004.

Amended 12-06-04 ath