

April 27, 2005

Mr. W. Calvin Horton
Manager, Town of Chapel Hill
Town Hall, 2nd Floor
306 North Columbia Street
Chapel Hill, NC 27514

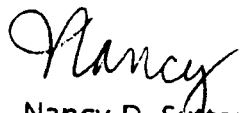
Dear Cal:

In advance of the upcoming public dialogue on the OI-4 zoning district, I am writing to share the University's comments on the nine proposed changes to the zoning ordinance. The University has studied these proposals carefully and either agrees with or can accommodate each of them, as described in the attachment.

Since the OI-4 zoning district resulted from a Town/Gown negotiation that sought to balance the goals, interests, and values of the Chapel Hill community with the state's goals, directives, and timelines for executing University Capital improvements, we are also offering eight proposed changes to OI-4 zoning requirements that will improve the effectiveness, efficiency, and timeliness of reviews. Included are two proposals to add a new expected standard that we involve neighbors in project development when projects are located in a Perimeter Transition Area and to require us to present Development Plan/Modification Applications to Town review boards. We propose these additional requirements to expand opportunities for dialogue with and input from the community. We ask that the University's proposed changes be included with the others that are under consideration. These changes and the rationale for each of them are also described in the attachment.

With the University's concurrence to changes that are important to the community, we hope that favorable consideration will be given to refinements that are important to us in the same spirit of "give and take" that characterized the original discussions that created OI-4.

Sincerely,



Nancy D. Suttentfield
Vice Chancellor for Finance and Administration

Attachment

cc: Chancellor Moeser

**TOWN COUNCIL PUBLIC DIALOGUE
ON OI-4 ZONING DISTRICT**

Planning Board Proposed Changes	UNC Response
<p>1. Require a Concept Plan review with Council (before application).</p>	<p>1. UNC agrees and has already implemented.</p>
<p>2. Allow more time for Council action on UNC Development Plan applications - and -</p> <p>3. Lengthen Council's review period for applications in a Perimeter Transition Area from 90 to 120 days.</p>	<p>2. and 3. With UNC's agreement to review a Concept Plan with Council before application, UNC has agreed to allow more time for Council review before the "clock starts to run." UNC also agrees to lengthen the review period for applications in a Perimeter Transition Area from 90 to 120 days to allow neighbors additional time to comment. UNC requests that the review period for all other projects be shortened from 90 to 60 days since additional unofficial review time results with the new Concept Plan reviews (see below).</p>
<p>4. Require that the Planning Board make a recommendation on UNC Development Plan applications.</p>	<p>4. UNC agrees.</p>
<p>5. Establish a system of quarterly meetings between Town Council and UNC representatives to discuss projects.</p>	<p>5. UNC and UNC Hospitals representatives currently meet quarterly with Town staff to discuss projects and ongoing coordination. Council members or their representatives are welcome to attend and participate in the discussions. UNC prepares a semi-annual report on capital projects for its Board of Trustees that will be provided to Town Council.</p>
<p>6. Require UNC's Development Plan modifications to comply with the Town's Comprehensive Plan.</p>	<p>6. The Comprehensive Plan includes goals and principles but does not contain measurable compliance requirements or standards. UNC believes that OI-4, Development Plan and permit requirements/standards already incorporate pertinent portions of the Comprehensive Plan. UNC is voluntarily going beyond the requirement for a single meeting with neighbors in Perimeter Transition Areas by involving them throughout project development. UNC suggests an amendment to OI-4 that ensures our voluntary actions become a formal expected standard (see below).</p>

**TOWN COUNCIL PUBLIC DIALOGUE
ON OI-4 ZONING DISTRICT**

<p>3. Spell out the specific criteria to be used by Town staff to declare UNC's Development Plan submissions "complete."</p>	<p>3. Although there is ongoing communication between UNC and Town staff in advance of an application package, there are often delays in declaring a package "complete" because of uncertainties about what the Council might want to know. These uncertainties make it difficult to anticipate an endpoint when projects are approved and can be initiated. Although the "clock does not start to run" until the package is declared complete, precious construction time is lost when the Town staff need to seek guidance from the Council because review criteria do not exist.</p>
<p>4. Define in clear terms what constitutes a "minor" modification to the Development Plan.</p>	<p>4. Similar to No. 2 above, without clear criteria, time is lost when it cannot be determined which changes are minor vs. major requiring Council review.</p>
<p>5. Limit questions for which a formal University response is required to matters relevant to protection of community property values and health, safety and welfare.</p>	<p>5. This change addresses the need to use limited budgetary resources and staff time wisely. UNC devotes considerable staff time and often must pay consultants to respond to complex questions concerning topics such as utility needs, how we plan to pay for projects, why we need to build utility capacity instead of conserving energy, etc. Further, such matters are properly the purview of the UNC Trustees and the State. Developing formal and often detailed answers to questions unrelated to community property values and health, safety and welfare costs UNC money and consumes review time that could be spent addressing community concerns.</p>
<p>6. Stipulate that minor modifications of projects located in the Perimeter Transition Area are subject to the same requirements as minor modifications in other areas of OI-4.</p>	<p>6. The Perimeter Transition Area sets forth the appropriate safeguards for neighborhood protection on a project-by-project basis. Should a project require a minor modification, those safeguards will remain in place, thereby allowing a minor modification in a Perimeter Transition Area to be treated consistently with other minor modifications.</p>

**TOWN COUNCIL PUBLIC DIALOGUE
ON OI-4 ZONING DISTRICT**

<p>3. Spell out the specific criteria to be used by Town staff to declare UNC's Development Plan submissions "complete."</p>	<p>3. Although there is ongoing communication between UNC and Town staff in advance of an application package, there are often delays in declaring a package "complete" because of uncertainties about what the Council might want to know. These uncertainties make it difficult to anticipate an endpoint when projects are approved and can be initiated. Although the "clock does not start to run" until the package is declared complete, precious construction time is lost when the Town staff need to seek guidance from the Council because review criteria do not exist.</p>
<p>4. Define in clear terms what constitutes a "minor" modification to the Development Plan.</p>	<p>4. Similar to No. 2 above, without clear criteria, time is lost when it cannot be determined which changes are minor vs. major requiring Council review.</p>
<p>5. Limit questions for which a formal University response is required to matters relevant to protection of community property values and health, safety and welfare.</p>	<p>5. This change addresses the need to use limited budgetary resources and staff time wisely. UNC devotes considerable staff time and often must pay consultants to respond to complex questions concerning topics such as utility needs, how we plan to pay for projects, why we need to build utility capacity instead of conserving energy, etc. Further, such matters are properly the purview of the UNC Trustees and the State. Developing formal and often detailed answers to questions unrelated to community property values and health, safety and welfare costs UNC money and consumes review time that could be spent addressing community concerns.</p>
<p>6. Stipulate that minor modifications of projects located in the Perimeter Transition Area are subject to the same requirements as minor modifications in other areas of OI-4.</p>	<p>6. The Perimeter Transition Area sets forth the appropriate safeguards for neighborhood protection on a project-by-project basis. Should a project require a minor modification, those safeguards will remain in place, thereby allowing a minor modification in a Perimeter Transition Area to be treated consistently with other minor modifications.</p>

**TOWN COUNCIL PUBLIC DIALOGUE
ON OI-4 ZONING DISTRICT**

<p>7. Require UNC's Development Plan modifications to comply with the Town's Land Use Management Ordinance.</p>	<p>7. UNC believes it already meets the applicable Land Use Management Ordinance requirements and they are, in essence, embodied within OI-4. UNC agrees with the Town Manager's assessment that the Land Use Management Ordinance does not accommodate institutional buildings, thereby creating the possibility of conflicting regulations. (See www.fpc.unc.edu for comparison of all applicable requirements.)</p>
<p>8. Require public reviews of UNC projects to see if they adhere to the standards of the Comprehensive Plan.</p>	<p>8. See comments for No. 6 above.</p>
<p>9. Proposal added by Town Council: Provide annual traffic reports of 10 pages or less that the general public can understand.</p>	<p>9. OI-4 requires more extensive traffic mitigations than apply to other zoning districts, thus reflecting the distinctions associated with institutional development. OI-4 requires a Traffic Impact Analysis every two years and a Transportation Demand Management Plan every three years. (The estimated cost of developing each of these reports is \$50,000.) UNC provides clear, concise executive summaries with both. Of special note, OI-4 requires UNC to assume permanent responsibility for maintenance of any new roads, which is not required in other zoning districts.</p>



<p>UNC Proposed Changes</p>	
<p>1. Shorten Council review period for projects internal to the campus from 90 to 60 days.</p>	<p>1. See Responses 2 and 3 in section above.</p>
<p>2. Require the University to present Development Plan applications to Town review boards during the 60 or 120 day Council review period.</p>	<p>2. The University is willing to appear before review boards after it submits the Development Plan application to assure that board members have the opportunity to contribute their input to the Council's deliberations.</p>

