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ATTACHMENT 8

DRAFT
SUMMARY MINUTES OF A WORK SESSION
OF THE CHAPEL HILL TOWN COUNCIL
WEDNESDAY, MAY 4, 2005 AT 7:00 P.M.

Mayor Kevin Foy called the meeting to order at 7:00 p.m.

Council members present were Sally Greene, Ed Harrison (arrived at 7:28 p.m.), Cam Hill, Mark Kleinschmidt, Bill Strom, Dorothy Verkerk, Jim Ward and Edith Wiggins.

Staff members present were Town Manager Cal Horton, Deputy Town Manager Florentine Miller, Assistant Town Manager Bruce Heflin, Town Attorney Ralph Karpinos, Town Information Officer Catherine Lazorko, Traffic Engineer Kumar Neppalli, Planning Director Roger Waldon, Engineering Director George Small, Principal Planner Gene Poveromo, Senior Development Coordinator J.B. Culpepper, Senior Planner Kay Pearlstein, and Town Clerk Sabrina Oliver.

UNC staff present were University Architect and Director of Facilities Planning Anna Wu, Associate Vice Chancellor for Student Affairs Chris Payne, Special Assistant to the Chancellor Jonathan Howes, Associate Vice Chancellor for Facilities and Construction Bruce Runberg, Senior Vice President for Operations at UNC Hospitals Mel Herston, University Arborist and Co-Chair of the recent Task Force on Landscape Heritage and Plant Diversity Tom Bithel, the other Co-Chair of that Task Force and Facilities Planning Landscape Architect Jill Coleman, Historic Preservation Manager Paul Capp, Assistant Director of Public Safety for Transportation Tim Saunders, and Sustainability Coordinator Cindy Pollack Shay.

NOTE: SPELLING OF UNC NAMES NEEDS TO BE CONFIRMED.

Item 1 – Continuation of a Public Hearing: Land Use Management
Ordinance Text Amendment, Office/Institutional-4 (OI-4)

Mayor Foy noted that tonight's meeting was a community dialogue as well as a Council public hearing, but the format would be somewhat different from what was customary. He said this was an opportunity for citizens, Council members, and representatives of the University to come together and have a conversation about the zoning conditions on campus, as well as the way the University was growing and what rules should be used to help accommodate that growth.

Mayor Foy said the University was zoned OI-4, or Office/Institutional-4, and there were several proposals that might be made to the OI-4 zone. He said that Planning Director Roger Waldon would give us a brief history of how that zone was developed. From his perspective, Mayor Foy said, OI-4 which was created and adopted in 2001, was now four years old and there were good reasons to think about making changes based on our experience in working with this zone.

Mayor Foy said we want citizens to participate in the conversations, which was why the meeting was structured in a less formal format. He invited the public to express any concerns they had so

that the Council and University officials could respond. Mayor Foy said there may be other issues that some may want to discuss, but tonight the discussion would be about the OI-4 zone and not about Carolina North. Furthermore, he stated, he did not believe it was the intention of the University or the Town that OI-4 would be the zone applied to Carolina North.

Mayor Foy introduced the members of the Council. Jonathan Howes introduced the University and Hospital representatives.

Mayor Foy noted there were nine items outlined in the materials for tonight's meeting that were noted for discussion, and the University had put forward several items that they wanted to discuss as noted in Attachment 1. He said before hearing from citizens and others, we would hear some history regarding the OI-4 zoning.

Planning Director Roger Waldon as the Mayor had stated, he would provide a brief history of how we got to where we are and also about the information provided for tonight's meeting to help set the stage for the discussion that would follow.

- 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.
- Fall 2000 University representatives brought attention to the fact that construction of facilities on the main campus would soon reach the cap on floor area established in the OI-3 zoning district.
- Spring 2001 The Town Council and University representatives began a series of meetings, discussions, and hearings to create a new zoning district. A joint Town-Gown Committee was formed to discuss creation of a new zone.
- July 2001 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.
- 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.



- Jan 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.
- Feb. 9, 2004 The Council decided to call a Public Forum to hear citizen comments on this topic. The Forum was held on March 1.
- April 2004 The Council adopted a resolution which called a Public Hearing for October 18 to consider specific adjustments to the Office/Institutional-4 provisions of the Land Use Management Ordinance.
- Oct. 18, 2004 The Council held a Public Hearing to consider adjustment to the Office/Institutional-4 zoning district provisions. At the conclusion of the October 18 Public Hearing, the Council asked the Manager to recommend a process for initiating discussions with University officials.
- Nov. 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.
- Dec. 6, 2004 The Council requested that the Mayor and Town Manager make arrangements for additional discussions of the proposed changes.
- Feb. 14, 2005 The Council endorsed a process for further discussion with the Community Dialogue event.

Mr. Waldon stated that the OI-4 zoning district was created following a series of discussions between the Town and the University, with the new zoning district established by the Town Council in July 2001. The end result, he noted, was a negotiated set of regulations that balanced the University's need for certainty, timeliness of consideration, and ability to pursue a development program with the Town's need for community consideration of and mitigation of impacts of such development.

Mr. Waldon noted the key features of the OI-4 District:

- Extensive information required as part of a Development Plan application.
- Review of Development Plan application by staff, Planning Board, and Town Council.
- Public Hearing required, in a quasi-judicial format, with sworn testimony.
- Council required to make two specific findings in order to approve a Development Plan application (Council to approve a Development Plan unless it finds that the proposal would not maintain the public health, safety, and general welfare; or would not maintain the value of adjacent property).
- Staff approval of a final permit (Site Development Permit) authorizing construction in accordance with the Development Plan.
- Specific standards for mitigation of lighting and noise impacts.
- Designation of Perimeter Transition Areas with additional requirements.
- 90-day time frame for Council action on a Development Plan.

- Requirement that Planning Board review application, but no requirement that Planning Board make a recommendation.

Mr. Waldon as we have all had experience now with OI-4, there have been suggestions raised about how it might be adjusted. He said one of the first things suggested to the Council was that the 90-day time frame was too short. Mr. Waldon said over the past eighteen months a number of suggestions had come to the table from the Council, the University, and citizens about changes that might be made to OI-4.

Mr. Waldon said the Council held a public hearing last fall on nine of those changes and briefly described them:

1. Require that a Concept Plan be presented for Council consideration prior to submittal of an application for a Development Plan or Modification of a Development Plan.
2. Allow more time for Council action on an application for a Development Plan or Modification of a Development Plan. The current requirement is that the Council take action on such an application within 90 days of the date of Town acceptance of a complete application.
3. Allow more time for Council action on applications that involve a Perimeter Transition Area.
4. Specify that the Planning Board make a recommendation on such (Development Plan) applications, rather than a requirement that the Board review applications; allow time for two Planning Board meetings to consider such applications, similar to what is specified now for Special Use Permit applications.
5. Establish a system of quarterly meetings with University representatives to review the status of projects in construction, and offer a preview of projects that are planned.
6. Add a finding that the Council must make in order to approve a Development Plan or Development Plan Modification: "That the University's plan/modifications comply with the Town's Comprehensive Plan."
7. Add a finding that the Council must make in order to approve a Development Plan or Development Plan Modification: "That the University's plan/modifications comply with all applicable regulations."
8. Include a section in OI-4 that would establish public Town reviews of projects to see if the developers are adhering to the standards of the Comprehensive Plan as a way of protecting adjacent and near-by neighborhoods.
9. Consider the form that a Transportation Impact Analysis might take for main campus University development. It was suggested that the reports be shorter and less technical.

Mr. Waldon said those nine items were discussed at the public hearing, and the Council determined that more discussion was needed. He said that citizens had come forward asking for an opportunity to weigh in on some of these beyond the standard three minutes allowed during a public hearing. In response to that request, Mr. Waldon said, the Council had scheduled this public hearing. He said he would expect to hear additional ideas this evening.

Mr. Waldon stated that this was a formal continuation of the public hearing from last October, and the Council had indicated its intent that the after tonight meeting, this issue would again be discussed in a more formal public hearing format. He said the next available time slot for that public hearing would be June 15, and suggested that the next procedural step would be that the comments from tonight's meeting would be referred to the June 15 meeting. Mr. Waldon said that would allow an opportunity for the Planning Board or other boards to comment.

Jonathan Howes offered a brief overview of the University's position. He mentioned that a new website had just been created from UNC's home page where issues of community interest would be posted, noting the address was www.unc.edu/community.

Mr. Howes said he wanted to go back just a little further than Mr. Waldon did, noting that the University had a long history of campus planning that dated to the earliest days of the campus. He said the original buildings were laid out according to a well thought out plan, noting that McCorkle Place grew out of that original planning. Mr. Howes said his point was that the University had a history of campus planning that was as old as the University itself.

Mr. Howes said the current plan they were working under was the Campus Master Plan developed in 1998, approved in 2001 by the Board of Trustees. One of the key elements in that plan, he noted, was the recognition that the 14 million square foot limitation that was imposed in the OI-3 ordinance had to be changed, and eventually OI-4 was developed in a Town-Gown process with representatives of the University and the Town. Mr. Howes agreed with the Mayor that as they worked with the zoning there were some areas identified that needed to be addressed.

Mr. Howes said in that regard, most of the provisions summarized by Mr. Waldon they were happy to support, although there were some ideas that they had about possible changes they would bring forth tonight. He noted they were in the process of updating the Campus Master Plan, and as was done previously they would look forward to involving citizens in that process.

Anna Wu said as had already been mentioned, the development of the OI-4 zoning district was a collaborative effort between the University and the Town. She said they had learned a lot, and had actually submitted 22 projects for site development permits and modifications to the Development Plan. Ms. Wu said they were mid-way through the plan and as we know the Town had suggested a few changes, and she would like to share some of their suggested changes as well.

Ms. Wu stated they had evaluated the Town's nine proposals and agree with each of them. She said that two of their proposals add a new expected standard that would involve neighbors in our project development and that would present the Development Plan application to Town advisory boards. Ms. Wu said we initiated these changes with our Modification No. 2, noting they had

met with neighbors early in the programming for the Love house renovations and addition at 410 East Franklin Street. She said they had presented a Concept Plan to the Council prior to submitting their application, and had presented their modifications to the Town's advisory boards. Ms. Wu said all of these provided opportunity for valuable additional dialogue and input, which was beneficial to the approval process and they suggested including that in the text amendments.

Ms. Wu said they also proposed to reduce the Council review period for projects internal to the campus from 90 to 60 days, once they have seen the Concept Plan and a Development Plan application was submitted. She said their experience with Modification No. 2 demonstrated that projects such as the addition to Fetzer Gym that were located in the heart of the campus had less neighborhood impact and thus raise few comments.

Ms. Wu said with the campus master plan, they had learned that campus density and environmental stewardship go hand in hand. She said the new developments can address some of the problems with previous development and be more environmentally responsible. Ms. Wu said they were proud of projects completed to date, such as the Rams Head development which embodied their shared values of responsible growth.

Mayor Foy said he wanted the following discussion to be more relaxed than usual, and therefore they were not limiting the time that people could speak or how many questions could be asked. He reminded everyone that the discussion was limited to OI-4 issues. Mayor Foy said they were not abandoning all of the ground rules, noting that he would ask everyone to respect minority voices or unpopular opinions. He asked that there be no clapping, just dialogue.

Council Member Strom asked the staff to clarify the next steps. He said it seemed that June 15 was the public hearing date that tonight's comments would be referred to. Council Member Strom asked what would be the first opportunity for the Council to take action. Mr. Waldon responded that the earliest possible would be on June 15. He said at that meeting the Council could close the hearing and act immediately. Depending on how much additional staff work or discussion was needed, Mr. Waldon stated, the Council had one additional opportunity to act in June, and after that the next meeting would be after the summer break, unless an additional meeting was scheduled.

Mayor Foy asked if the University had any proposed Development Plans that would be submitted prior to September. Ms. Wu said none that she knew of.

Mayor Foy stated these issues were now on the table for discussion, and invited people to comment on them. But in order to get them all addressed, he said, he wanted them to be addressed in order. Mayor Foy said the first one was to require that a concept plan be presented for Council consideration prior to submittal of an application for a Development Plan or Modification of a Development Plan. He noted that the University had agreed to that and had already implemented it. However, Mayor Foy said, what we are talking about is actually putting them into the ordinance, so the ordinance would have to be modified to reflect that.

Julie McClintock said she believed it was a good idea to have a concept plan. Bringing projects early to the public to respond to concerns would make it less expensive for the developers, she stated, and added she was pleased that the University was on board with this.

Ruby Sinreich, representing the Planning Board, stated the Board voted unanimously to support all nine of the recommendations, with one exception which was the 90-day time limit. She said she was the one dissenter on that vote, noting that she did not believe 120 days was long enough, either. Ms. Sinreich said if anyone had questions regarding the Planning Board's decisions, she was available to respond.

Dan Coleman said his comments were regarding the timing and the issues the Town had on the table for over a year. He noted Vice Chancellor Suttentfield's column in the paper this week which noted there were no significant differences between UNC and the Town regarding the proposed changes to OI-4, which was heartening to read. Mr. Coleman said on that basis, he encouraged the Council to focus on the decisions regarding these nine items that so much time had been spent on, and questioned the timeframe that Planning Director had suggested. He said when he looked at some of UNC's proposals, such as developing a definition for a plan's completedness, that sounded simple. But, Mr. Coleman stated, it could be a very tactical definition that took much staff time, may require advisory board review, and then discussion by the Council and comments by citizens.

Mr. Coleman urged that the process not be delayed by consideration of new material, but that the Council make decisions on those issues already discussed and that the length of the process not be deferred.

Council Member Ward said that, regarding the first modification requiring a concept plan review, that had been a good tool for the Council, and added it had been helpful to developers as well. He said in many cases this review saved time and money. Council Member Ward said there were occasions when a concept plan came before the Council and got specific and sometimes harsh response, and that meant that the next time we saw that proposal it would be very different. He wondered if we should consider codifying a second concept plan review in such cases, or merely give a "word to the wise" that it would be helpful to see a concept plan early if it was significantly different from what we first saw. Council Member Ward said this process gave valuable feedback at a stage when it was easier and cheaper to make modifications.

Mayor Foy, referring to UNC's response to the proposed changes, noted he was reading from Attachment 1, pages 1-2 and 1-3. He said the second issue was to allow more time for Council action on UNC Development Plan applications, and the third was to lengthen the Council's review period for applications in a Perimeter Transition Area to 120 days. Mayor Foy suggested that they also look to page 1-3, which was UNC's proposed change No. 1, which was to shorten the Council's review period of projects internal to the campus to 60 days. He said he believed all of those issues were related.

Mayor Foy said that what UNC was stating was that they agree to a lengthening of the Council's review period for applications in a Perimeter Transition Area to 120 days, and requested that the review period for other projects be shortened to 60 days. He asked for comments from citizens.

Mike Collins asked for a clear definition of a Perimeter Transition Area, who defined it, and what the criteria was regarding size. He said it was important to know what that meant in the “grand scheme” of things. Mr. Waldon replied that it was defined through the Development Plan process, stating that what the ordinance said was that as the University is preparing a Development Plan it will suggest in that application what should be the area designated as the Perimeter Transition Area. He said the Council reviews it, and with approval of the Development Plan the Council defines the barriers of the Perimeter Transition Area. Mayor Foy said, then, it was a flexible area. Mr. Waldon replied that was correct.

Julie McClintock said she believed that was the most important thing that the Council and the University should agree on, which was to have a reasonable amount of time to review these projects. She noted she was interested in hearing what the average time was for a small or large development to get through the process. Ms. McClintock said she would wager that six to nine months would be considered fast, and if that was what it took in order to do a good job and get good review from the public, then why should the University not be willing to go along with that. Mr. Howes responded that developments on campus are not typical development projects, and were ones in which the community had a great deal of interest. He said the ones that were sensitive deserved a longer review period and 120 days was appropriate. But, the ones at the heart of the campus and that do not have the same kind of impact on the community were different, noting they all involve public money. Consequently, Mr. Howes said, every minute that was spent on the project was in the end costing the taxpayers of the State money. He said he believed this was a reasonable compromise between appropriate community needs and the fiduciary responsibility the University had to expend public dollars carefully.

Mayor Foy asked as a practical matter, how that would work. He said if the University had a Development Plan that had perimeter development or impact and well as interior development, would it be broken out into separate issues. Mr. Waldon responded that the first attempt would be to bring them forward together. He said if there were two different timeframes, then he believed that Council approval, if required by a particular date for part of an application, would then have to curve for that date. Then, Mr. Waldon said, if there was a Perimeter Transition Area that had a longer time frame, then the approval would not be granted until appropriate. So, he noted, it would be a partial approval for the interior portion, and things on the perimeter portion would not have Development Plan approval and could not move forward until it did.

Council Member Greene said she was pleased that the University agreed that the Planning Board should be able to make a recommendation. She said a 60-day timeframe would not, in reality, give the Planning Board adequate time for review, noting that 90 days didn't, either. Council Member Greene said part of the whole issue here was to give enough time for the whole process to work.

Diana Steele, a resident of Mason Farm Road, said that OI-4 was on one side and the back of her property, and a University house zoned R-2 was on the right side of her property. She said since the construction of student family housing had begun, it had turned into a major construction zone with traffic beginning at 6 a.m. and continuing until well past dark, seven days a week with holidays included. Ms. Steele said there was constant dirt and dust. Ms. Steele said the



University was supposed to build a parallel road in front of their new construction and use that for the construction traffic, but that had not happened as yet. Ms. Steele said they had made an effort to sweep the dirt from the road, but the sweepers made the situation worse.

Ms. Steele said she did not see in these proposed issues any language to protect the neighbors against that kind of disruption and chaos.

Laurin Easthom said that for projects occurring that are not in the Perimeter Transition Area but inside the campus, that maybe the Council should only take 60 days for that review. But, she said, lengthening the other reviews to 120 days provided the Council with extra time for those projects that do warrant extra attention.

Will Raymond stated that on the timing regarding the Bell Tower project, which was internal to the campus, planning began on January 16, 2004, with the projected start date of September 1, 2006, and projected bid date was March 26, 2006. He said that showed that there was five months between the bid date and the start of construction. Mr. Raymond said with five months between those two events, it seemed that 90 days was reasonable for a review.

Mr. Raymond agreed that all of the elements should be adopted. He said in 2001, there was an informal discussion between then Mayor Rosemary Waldorf, UNC and the Board of Trustees, but he was not able to find minutes of that meeting. But, Mr. Raymond said, it was apparent that elements of that meeting had appeared in the OI-4 zoning ordinance, in spite of citizen's concerns. He said the same concerns that citizens had in 2001 are still present, noting the 90 day review limit and the lack of provisions for disasters such as that occurring on Mason Farm Road with no remediation. Mr. Raymond suggested that we freeze OI-4 with the provisions as proposed, then scrap OI-4 and look at a strong ordinance with more teeth, and that addresses the concerns brought up in 2001 and before.

Ruby Sinreich, speaking for the Planning Board, said she was concerned about the idea of discussing both the Town recommendations and UNC's proposals together. She said that the Town's recommendations had been available for over six months, but the UNC proposals were available only this week. Ms. Sinreich said the public needed time to digest it. Ms. Sinreich said she believed it would slow down to process if they were lumped together.

Ms. Sinreich, speaking for herself, said that citizens depend on the staff review just as the Council does, and that was a big reason why the Town needed that review time. She said six months would be an insanely expedited review for Chapel Hill. Ms. Sinreich said that projects that came forward for concept review were better projects for that process, and encouraged everyone to think about the review process as a process that would make the project better for all involved.

Ms. Sinreich said also important was the definition of what a "complete proposal" was. She said proposals were sometimes quite large, in excess of 300 pages, only to learn there were another 100 pages of changes to the proposal. And, Ms. Sinreich said, sometimes even the maps are revised. She said it was important that the information be correct, and that when the Town

requested additional information it was because it was necessary so that everyone understood the proposal.

Ms. Sinreich said regarding the Perimeter Transition Areas, those areas were important, especially the architecture and the potential light and noise which would have impact on neighborhoods. She said she believed that OI-4 encouraged a surface review of the immediate physical impact, but not the systemic impact of it. Ms. Sinreich said we needed to start looking at these projects holistically. She said projects internal to the campus would still have impacts on the community, such as traffic.

Elaine Barney said she was concerned about the proposal to decrease the time to review modifications that pertain to "other projects" because it appeared that an assumption was being made that those "other projects" would not have an adverse effect on citizens, such as noise and light pollution, increased traffic, and emission pollution. She stated that would mean we don't care about those other projects on campus, which she did not think was the case.

Aaron Nelson, Executive Director of the Chamber of Commerce, said that regarding the 60 day review period, it would be helpful if there were a way to segregate projects that would have an impact on the general public. He stated sending projects through the review process protects everyone, but, for instance, connecting Carroll Hall to Gardner Hall or adding a library to the Black Cultural Center were very internal and would not impact the general public. Mr. Nelson encouraged discussion about this issue.

Mr. Nelson said his other concern was that if we were to send every project on the campus through the same review process, it would clog the system and every proposed development in the community would suffer. He said he would be concerned if it took nine months for a project to go through the process, because it would back up everything else in Town. Mr. Nelson said that would be a grave concern.

Council Member Ward stated the timeframes they were discussing were arbitrary, but asked the University to consider setting the timeframe overall to 120 days, regardless of the type of project. He said it would be easy to identify a project that was on the perimeter, but more difficult to identify the impacts. Council Member Ward said it was certainly possible for internal projects to impact the community, so it was not the location of the project but the location of the impacts. He said it seemed that what the University would get out of this was a predictable timeframe.

Council Member Ward said he understood the University's need to move fast, but did not believe it was in everyone's best interest. He said if his hand was forced to make a decision in 90 days and did not believe he had enough information, he would not support it. Council Member Ward said in that respect, it would be to the University's advantage to have the 120 day review period.

Council Member Kleinschmidt agreed with Council Member Ward, noting he favored consistency across the board. He said that citizens had noted that multiple time periods were confusing, and it injected unnecessary complications into the process.

Council Member Kleinschmidt said that if there were a 60 day review period for an internal project and on day 45 it was determined that there were perimeter impacts, then with only 15 days left in the review period it was likely the project would fail. He said that was not a position the University would want to find itself in, and was certainly not one the Council wanted to be in. Council Member Kleinschmidt said regarding the cost to the taxpayers, such a scenario would require another application being submission. He noted this was all needlessly complicated.

Julie McClintock, responding to Mr. Nelson's comments, said we have only so many Planning staff to do this type of work, and it seemed to her that when you had a short review process for University projects it would take up all of the staff time and would cause other projects to suffer.

Mr. Howes stated that many of the internal projects were ones which were hard to imagine having any impacts outside of the campus, although there were exceptions such as the Science complex. He said many of the smaller projects, such as the pavilions built to connect residence halls, were hard to imagine would justify a longer review period. Mr. Howes said he would like to find a way to move those types of smaller projects along.

Anna Wu said regarding the Perimeter Transition Area and whether there would be ambiguity of what projects were interior versus what projects would have a perimeter transit area, she said she believed when they came forward with a concept plan that would already been on the table as part of the proposal and part of the initial review and discussion. She said that conversation would take place outside of any timeframes since it would occur prior to submittal of the application.

Council Member Hill said we were talking about interior versus exterior projects, but what about major versus minor projects. He said it appeared that the current process allowed a great deal of autonomy on the University's part, noting that the Cobb chiller deck was presented as a minor modification. Council Member Hill said his point was there existed many opportunities for minor projects to come through just at the discretion of the Town Manager, and that classification of a project was what we were really discussing. He said if it was a minor modification it could slip right in, and if it was minor it was minor regardless of whether it was interior or exterior to the campus. Council Member Hill said comments regarding the complicated aspects of the timeframes were valid, but it seemed like there was plenty of opportunity for truly minor projects to proceed.

Mayor Foy said he believed one of the traditions in Chapel Hill that the Council wanted to preserve was summertime. He said if for example a development was proposed now, there would be an expectation that action would be taken by July, and the Council does not normally meet in July and August. Mayor Foy noted that had happened with the Cobb chiller deck proposal, and that was a reality.

Council Member Greene, regarding comments by Ms. Wu, said it appeared to her that one way it would be useful to discriminate in theory although difficult in reality was that she could imagine an interior project that was not in a perimeter zone, but would have a large impact on the perimeter zone because of traffic. She said you may not know that at first, so it may be difficult

to identify that at the concept review stage. Council Member Greene said one thing to think about was what the real impact was of the project to the perimeter zones.

George Cianciolo, who serves on both the Planning Board and the Community Design Commission but speaking as a citizen, said in general he supported the 120 day review period and was glad to see there was support for concept plan review. He said that occasionally a project had flaws that were identified in the concept plan review, which meant it would have to be reworked. Mr. Cianciolo said in that case, you would not want the concept plan review to be part of the 120 day review period. He said the concept plan review was really a courtesy to the applicant and to the citizens to try and identify issues that may need work. Mr. Cianciolo said it was also a time when it could be determined if the project was a major or minor project. He stated the clock should start ticking after the concept plan review when a formal Development Plan was received.

Mayor Foy noted that no one intended for the concept plan review to be included in the suggested timeframe.

Fred Stang said UNC had been talking a good deal about cooperation and citizen input, and said the reality was that it took time for citizens to understand, to discuss, and to come up with intelligent responses. And if the University was interested in true and honest citizen input, he said, they have to allow the citizenry to gather and consider these important issues. Mr. Stang said a longer time span would be a sign of respect and true cooperation on the part of UNC. He said he did not believe UNC wanted to cut off citizens' ability to understand, to research, to learn, and to ask intelligent questions.

Mr. Stang said in every situation where he had interacted with the University or where they had received citizen input, the project had gotten better. Regarding the cost to taxpayers, Mr. Stang commented that speeding a project along was also a prescription for not spending money well. He said the more time and ability to consider would be a sign of respect and true cooperation between Town and Gown.

Diana Steele said with a single, simplified 120 day time limit, you did not have to spend the entire 120 days which meant that easier projects could move through rather quickly.

Mr. Coleman said there was a conundrum here, which was that there were some kinds of projects that would not have an impact on the community. He said the problem was that the University was not in a position to reliably know what those were, because they would not be looking at them from the perspective of the neighbors and/or the community. Mr. Coleman said to know if those impacts were present, the best measure was to have citizens, elected officials, and staff take a look at them and took time.

Council Member Strom said it was important to understand that one of the innovative features of OI-4 which he believed stood as a testimony to successful Town-Gown collaboration was that in order to proceed with a sense of certainty the Town had the opportunity to review a specific Development Plan which coincided with the University's needs. He said it was deviations from

the Town-approved University-submitted Development Plan that kicked in this major/minor alterations determination.

Council Member Strom said in many ways the University was in control of what was major or minor by how close to the original Development Plan their specific site plan requests are. He said it was an important distinction that there was a plan that existed, and if campus development concurred with that plan, all of this was minor and did not rise to Council review but was reviewed by staff. Council Member Strom was that was the real concession that the Town made because the University wanted certainty, predictability, and a sense of confidence that the bond-supported projects would proceed. He said the option was always available to not deviate from the Development Plan in a significant way which meant it would need only staff review.

Mr. Raymond, responding to Council Member Ward's comments, said he did not believe the timing was in any way arbitrary because the timing was dictated by how much time it took to conduct an adequate review. He said there was an arbitrary distinction which was interior versus perimeter development, noting we were looking at multi-million dollar projects. Mr. Raymond said on large projects, between the time you let it out to bid and the time you actually start construction, there was adequate time to present information to the public and to the Council and advisory boards.

Mr. Raymond said regarding internal versus perimeter development, he remembered when coming into Town from various directions you could not see the campus. Now, he said, he lived two ½ miles from campus and he could see it, and was directly affected by it by lights, noise and traffic. Mr. Raymond said the distinction regarding internal versus perimeter was a false one, especially in terms of traffic, light, noise and water. He said there was no internal or external, that we were all affected.

Council Member Harrison said regarding the usefulness of the concept plan, right now the process was an incredibly useful tool for everyone, particular the applicant. He said in several instances that review had saved projects that otherwise would not have been approved. Council Member Harrison said he wondered if we would need a more complex concept plan evaluation on the part of the Council, noting that the plans come to the Council with no staff review, and if we were going to use the concept plan process to evaluate where in the hierarchy we place a project then it would have to be a more incisive tool that it was now. He said the "abject misery" he had experienced during the chiller deck deliberations could have been avoided if there had been a concept plan review.

Council Member Harrison said he did not believe the concept review process could remain as simple as it now was, noting he believed it would have to have an evaluation criterion included so that the applicant emerged from the process knowing where in the hierarchy of projects the Council expected to see it come back as an application.

Council Member Verkerk said she believed that UNC students should be involved, and it occurred to her that there was no process for students to become involved in the zoning unless they get appointed to an advisory board. She said she believed it would be advantageous to the University and to the students if a student group could be involved at the concept plan level.

Council Member Verkerk said students who lived in the interior of the campus were directly affected, and believed this would be an opportunity to create a student group and have it serve as a teaching opportunity as well.

Mayor Foy moved to suggestion No. 4, which was to specify that the Planning Board make a recommendation on Development Plan applications, rather than a requirement that the Planning Board review applications. He said the distinction was recommendation versus just review. Mayor Foy said the suggestion included to allow time for two Planning Board meetings to consider the applications similar to what was now specified for Special Use Permits.

Mayor Foy said that the staff had indicated that this change would require that the Planning Board make a recommendation, and would give the Planning Board 35 days from receipt of a staff report to make a recommendation. He said it was noted that this time allocation typically could be accommodated within the present 90-day review period, but there could be circumstances where, if the Planning Board were to take the full 35 days, the Council's time for consideration of the Planning Board's recommendation might be limited. Mayor Foy said that UNC had agreed with that statement, and he believed that changing it from the 90 days to 60 days would be problematic.

Ruby Sinreich said that during Planning Board meetings, occasionally questions are asked that cannot be answered right away, so it would come back at the next meeting. She said that was why it sometimes took two meetings to get a full recommendation, and it was important to have that time. Ms. Sinreich said often squeezing everything in to that 90 day period was tight.

Mayor Foy then moved to No. 5, which was to establish a system of quarterly meetings with University representatives to review the status of projects in construction, and offer a preview of projects that are planned. He said that UNC's response was that the UNC and the Hospitals meet quarterly with staff to discuss ongoing projects and coordination. Mayor Foy said that UNC also prepared a report on capital projects for its Board of Trustees and would provide that to the Town Council.

Mayor Foy asked if those meetings were public. Mr. Runberg responded that the Board of Trustees' meetings were public. Mayor Foy asked if the quarterly meetings with UNC and the Hospitals were public. Mr. Runberg responded they were. Mayor Foy asked if those meetings were advertised. Mr. Runberg said those meetings were not noticed for the public, but they could be, or at least the timing could be made available to the Town Council.

Ms. Sinreich said she was sure those meetings were important, but they were most likely too technical for the average citizen. She said she believed what the recommendation was getting at was relationship building, especially given these tight timeframes. Ms. Sinreich said she believed this recommendation got to a higher level of discussion that was more political and more conceptual, and more relationship building between the entities.

Mayor Foy said proposal No. 6 states that it should be required that UNC's Development Plan modifications comply with the Town's Comprehensive Plan. Mayor Foy said this should be discussed in conjunction with No. 8, which was to require public reviews of UNC projects to see

if they adhere to the standards of the Comprehensive Plan. Mayor Foy said the University's response was that the Comprehensive Plan contained goals and principles but did not contain measurable compliance requirements or standards. He said the University believed that OI-4, Development Plan and permit requirements and standards already incorporated pertinent portions of the Comprehensive Plan. Mayor Foy said that UNC was voluntarily going beyond the requirement for a single meeting with neighbors in the Perimeter Transition Areas by involving them through project development, and that UNC suggested an amendment to OI-4 that ensures their voluntary actions become a formal expected standard.

Mayor Foy said he took that to mean that UNC did not agree that it was necessary or desirable to require that UNC's Development Plan modifications comply with the Comprehensive Plan. He asked if that was accurate. Ms. Wu responded that was not accurate, that they did intend to do that.

Ms. Barney stated that in the packet there was information from the public hearing of July 2, 2001, and referred to page 6-4, number 12. She said that statement noted that the staff recommended against adding a third finding, i.e. compliance with the Comprehensive Plan, to OI-4. She said in the Manager's memorandum from the fall of 2004 noted that the University had requested an exemption from this finding during the early formation of OI-4.

Ms. Barney said it was not clear if there was discussion that ensued at the 2001 meeting, but the end result was that it was still present and alive today, that the University at this point did not have to comply with the Comprehensive Plan. She said her concern was that this action exempting the University from compliance with the Comprehensive Plan resulted in allowing the University to proceed with the planned destruction of the Mason Farm/Whitehead neighborhood. She urged the Council to vote in favor of including this third finding. Ms. Barney said with all the building taking place now and planned, neighborhoods needed more protection, not less.

Mr. Collins seconded what Ms. Barney had said, and was pleased that UNC had agreed to comply with elements of the Comprehensive Plan. He said the idea of this finding having no measurable criteria may be a good thing, in that it may bring the planning level down closer to those who were directly affected by it, and provides more perspective.

Mayor Foy said he would like to hear an affirmative statement from the University that they were agreeable to this finding. Ms. Wu said yes, they would accommodate that finding as one of the findings for a Development Plan approval.

Council Member Strom asked was that only for a Development Plan approval or for a site plan approval as well. Ms. Wu said the findings apply to Council action on the Development Plan, and our individual projects are identified in that Development Plan. She said when they put their plans together where they have to address the findings, currently the findings were health, safety and welfare, and property values. Ms. Wu said they would accommodate the additional finding that they would be in compliance with the Comprehensive Plan.

Council Member Strom said would that include a major modification to the Development Plan. Ms. Wu said yes, because it would come before the Council for action.

Barbara Beechwood said that the Comprehensive Plan included goals and principles but did not contain measurable compliance requirements or standards. She said that sounded like it would open the door to different interpretations, and that was the point of putting that in there. Ms. Beechwood said her guess was that of course the University would be willing to go along with it and be in accordance with it, but how would you know if there were no measurable standards.

Mayor Foy said it was important to understand that the Comprehensive Plan was vague in many ways, but it was a blueprint. He said he envisioned that it was the overarching concept of growth and development in our community, and as we get progressively closer to a development then more strict controls kick in. Mayor Foy stated OI-4 was the zoning law, and there would be specific site plans submitted under that law, all of which had to adhere to traffic impact statements, traffic mitigation, stormwater controls, lighting, noise, and other kinds of issues that would be specific to a project. But, he said, in the overall approval of a Development Plan the idea was does it conform to the blueprint.

Ms. Easthom quoted a statement from the Comprehensive Plan. She said, "We recognize that the University's future development and wellbeing are inexplicably tied to the growth and wellbeing of Chapel Hill and the Triangle. Thus, campus plans for housing, parking, transit, utilities and growth must be coordinated with the Town and region."

Mayor Foy moved on the No. 7, which was to require UNC's Development Plan modifications comply with the Town's Land Use Management Ordinance (LUMO). He said the University's response was that it already meets the applicable LUMO requirements and they are, in essence, embodied within OI-4. Mayor Foy said that UNC agreed with the Manager's assessment that the LUMO did not accommodate institutional buildings, thereby creating the possibility of conflicting regulations.

Mr. Raymond said he had concerns about the blanket statement that the University complied with LUMO, noting that one way they did not comply with LUMO or Town ordinances in general was that there was no enforcement provision in OI-4. He said there had been a number of violations, particularly along Mason Farm Road. Mr. Raymond said he had spoken to the Engineering and Inspections Departments, and had been told they believed their authority ended at the property line.

Mr. Raymond he had then called the State Insurance Department since UNC fell under their provisions, and it was curious that there had been no complaints from citizens about UNC development and they would only deal with Fire Code violations. He said he then called the Contracts Office, but they had not received any complaints, thought he was told that they expected UNC to funnel any complaints received to them. Mr. Raymond asked what would happen if UNC was not in compliance with Town ordinances, and the response was they would be concerned but would take no action.

Mr. Raymond stated it was debatable as to whether UNC adhered to LUMO, noting that in Article 23 of LUMO the University was basically exempted. So, he said, he would like to hear

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from UNC if they were willing to allow the Town to cross that line and inspect or comment on potential violations, particularly those that occurred during construction.

Mr. Runberg asked if he could have examples of the supposed violations. Mr. Raymond responded one was the road that Diana Steele had mentioned that would be built to carry construction traffic on Mason Farm Road. Mr. Runberg said they had conducted at least ten meetings with Mason Farm Road residents, and it was stated at those meetings and was in the site plan that there would be a haul road. He said it was stated that it would not be a parallel road at all times as Ms. Steele had indicated, because it was possible to do that.

Mr. Runberg said there was a haul road built and was extensively used. Another agreement, he stated, was that when construction was started that there would be an extra road built close to US 15-501 on Mason Farm Road for construction traffic, and that was done. Mr. Runberg said they had worked diligently to be neighborly, but there had been many comments about what they had not done. For example, he said, just today a neighbor just across the access road had asked if the damage caused to Mason Farm Road because of construction would be repaired. He said he had assured the neighbor that the damage would be repaired and it would include an overlay of asphalt and sidewalk and curb and gutter. Mr. Runberg said the neighbor had indicated she was pleased with the response from UNC and the contractor.

Mr. Runberg said he was at that site at 8 a.m. this morning and spoke with a neighbor who had experienced some dust and inconvenience. She complimented him on UNC's response and their availability, and noted that the contractor had responded to any situations she had brought forth.

Mayor Foy asked Mr. Waldon to give the staff's rationale for its position. Mr. Waldon said first he wanted to correct an inaccuracy that it was not the case that the Planning Department's enforcement stops at the property line. He said building inspections on State property were conducted by the State, so Town building inspectors did not inspect buildings on the UNC campus.

Mr. Waldon said with respect to the substance of the idea about the finding that a Development Plan would have to meet LUMO was problematic. He said the OI-4 was a self-contained district with its own set of procedures and standards that do not apply to other development, and there was other development that did not apply to the OI-4 district. Mr. Waldon said including a finding that the Development Plan would have to meet everything in the ordinance before it could be approved was problematic because that was not the way it was structured.

Mr. Raymond said he trusted the University in their hearts to do the right thing, but saw no problem with verifying that with our own staff, just to make sure that when they say their were compliance, that we know that for sure. He said that along Fordham Boulevard he had thought that the buffer zone created under OI-4 on campus would be a true buffer, and that there was be lots of trees. Mr. Raymond said he thought that under OI-4 a lot of the construction would be hidden, but that was not the case because of the number of trees that had been removed. He asked how you would answer those concerns in regards to enforcement.

Ms. Wu said the construction Mr. Raymond had referred to on Fordham Boulevard was nearly complete but was not 100% complete. She said they had already begun to plant in that area and would continue to do so through the next planting season.

Council Member Kleinschmidt said he was confused about the way No. 7 appeared in the chart on page 1-3, which specifically mentioned LUMO. He said the Manager's memo it said basically the same thing, and asked if that had been consistent in previous documents. Council Member Kleinschmidt said he had believed that OI-4 was the first part of LUMO approved, and did not understand had that could be controversial when we were talking about this compliance with the applicable regulations. He asked Mr. Waldon how that got transferred over to LUMO, and even if it did why the OI-4 wasn't a part of LUMO, and why it did make it difficult for us to find that it was in compliance with applicable regulations.

Mr. Waldon said that that OI-4 was a part of LUMO. He said if it were worded to say all applicable regulations in the OI-4 district part of LUMO that would be fine, but there were provisions in LUMO that were higher than those contained in any other district. Mr. Waldon said that meant that the standards were not the same.

Council Member Kleinschmidt said when you parcel out a zone, you were looking at a different set of regulations, but nonetheless wouldn't those other things be inapplicable to the OI-4 development and therefore not covered by this finding. Mr. Waldon replied that you could possibly make that argument, noting it was certainly less clear to have that way. He said there were lots of zones, such as OI-1 and OI-2, R-3 and R-4, Town Center, Neighborhood Commercial and Community Commercial, all of which are governed by a common set of standards and procedures in LUMO. But, Mr. Waldon stated, OI-4 was different.

Council Member Kleinschmidt said that was what made that zoning different, that the procedures in that just changed. He said it was a part of LUMO so why was it hard or controversial to say that a development change must be in compliance with the applicable regulations.

Ms. Sinreich said she did not understand what the University meant when it said that LUMO was embodied in OI-4, but did understand that in this case complying with LUMO meant complying with the regulations of OI-4. She said what seemed to be at issue here was enforcement, and thought that might be why the question of having it comply with LUMO had come up. Ms. Sinreich said they wanted to know how to ensure that it complied, since LUMO appeared to have more teeth than just OI-4 alone.

Ms. Sinreich said regarding the Mason Farm Road issue, she had no idea whether or not the University was doing all that it had promised, but what mattered to her was whether there was a process where we could evaluate if they were doing what they were suppose to. She said if everything Mr. Runberg had said was correct and there was an enforcement mechanism, then there would be a way to evaluate it and agree that all had been done.

Mr. Waldon said they do enforce. He said if the University obtained approval of a Development Plan, and then gained approval of a site Development Plan, and then started construction and something happened that violated any of the provisions in those processes, then they would

enforce. Mr. Waldon said they were in very frequent discussions with the University in person and by phone.

Mr. Runberg added that when they were in the process of removing trees, the Town's urban forester was present and he approved all of the fencing relative to where the trees would be removed and the placement of the fencing.

Council Member Kleinschmidt said one place where we had "missed the boat" on Mason Farm Road was in the initial approval regarding what would take place. He said they were in compliance with what was approved, but the Council and the community was not diligent in pushing to make sure that what happened there would be compatible with the neighboring community. Council Member Kleinschmidt said that was a failure of that part of the process.

Council Member Greene said she had wondered what was behind No.7 and where it had come from. She said the concept of enforcement was important, but she believed there was much in OI-4 that was inconsistent with other parts of LUMO. Council Member Greene said she would like for that to say that it complied with all other applicable regulations, not just with LUMO. She said they may comply with LUMO, but there were other issues in that development that were regulated within LUMO that should come in to play.

Mayor Foy said that was along the same lines as compliance with the Comprehensive Plan, noting there were gap, and what do you refer to if an issue arises that was unanticipated. He said you have to be able to go back something, so an applicable regulation does not seem unreasonable. Mayor Foy said we need to be sure of what applicable means.

Mr. Nelson said there were parts of OI-4 that governed the development, but if we were to say that LUMO was to be applied to the entire development, then that would mean for example that a minimum number of parking places would have to be supplied. He said what we say with OI-4 was different, in that UNC could provide parking in off-campus park and ride lots.

Ms. Easthom said in her opinion OI-4 had failed miserably on Mason Farm Road. She said it was amazing what had occurred there, and she did not think the Town should fault itself. Ms. Easthom said this neighborhood had not been protected, and she hoped that the changes that come from these discussions would prevent another Mason Farm debacle.

Mr. Raymond asked Mr. Waldon to clarify exactly what enforcement meant. He said he had called the Inspections Department and requested records of any citations or enforcement actions in the last five years against UNC and was told nothing existed. Mr. Waldon stated again that the Inspections Department was not involved in inspecting buildings on campus, because it was State property. Therefore, he said, there were not records.

Mr. Waldon said in terms of compliance with zoning requirements and requirements of the Development Plan and site development permit, that was the concern of the Planning Department and was something they were concerned about and paid attention to in order to make sure that the development that was occurring was according to the conditions of approval and the ordinances that were applicable.

Mr. Raymond asked were there records of enforcement actions against UNC over the last five years. Mr. Waldon said if we get a phone call from someone asking about development going on at a site, we would then call Mr. Runberg who would meet us at the site. He said we would contact the caller who would also meet us at the site and we would go over what was taking place. Mr. Waldon said was there a record of those calls or site visits, probably not.

Mr. Raymond said then there was no law regulating this or legal documents in existence. Mr. Horton said the Town maintains public records, so there were public records of communications with the University as well as with other developers. He said they were available for inspection, and were kept in the Town Clerk's office. Mr. Horton said what Mr. Raymond was asking was if there was a record the violations and if UNC had been fined. He said that UNC had cooperated and corrected violations when they had been discovered.

Mr. Horton said there was a regular process for discovery. He said they review the University's plans, and did not issue them site plan approval until those plans met all of the requirements established by the Council and by the ordinances. Mr. Horton said their Inspectors make sure that driveways are constructed where the plans call for, that roadways are built to the standards that are required, and that sidewalks are installed where they were called for.

Mr. Horton said the University had an excellent record of meeting the Town's requirements. On those occasions when we believe they have not, he said, it has been very easy to get a quick, prompt response.

Ms. Barney said in statement No. 6 UNC had agreed to comply with the Comprehensive Plan. She stated she would now like to hear from someone regarding No. 7, and asked if they were saying they would agree with the requiring the Development Plan modifications to comply with LUMO. Ms. Barney said she asked that because she was puzzled by the last sentence in the UNC response, which pointed out that LUMO did not accommodate institutional buildings thereby creating the possibility of conflicting regulations. She asked for clarification as to whether the University was in agreement with No. 7 or had reservations.

Ms. Wu said they agreed with the applicable requirements, and that had been the nature of this discussion. She said that OI-4 was a district unto itself. Ms Wu said they had provided a matrix to compare what the OI-4 requirements were relative to the LUMO requirements, so that people would understand how the two stack up. Ms. Wu said that was why the word "applicable" had been added, noting it was not an inconsequential word. She said they were complying with the applicable parts of LUMO, and that was as clear as she could say it.

Mayor Foy said it sounded like there was no objection to that language. Ms. Wu said that was correct.

Joyce Brown asked for clarification on a point that Council Member Greene had made regarding applicable regulations outside of the OI-4 but within Town regulations. Council Member Greene replied she had said what it would mean was if there was a building project and OI-4 had done all that it could do to regulate that project, then there was a certain element of that project that

was not regulated under OI-4 for whatever reason but was regulated elsewhere within LUMO, that would be what she called “gap filling” where LUMO would fill in to pick up the regulation that was missing from OI-4.

Ms. Brown said that was her understanding as well, and asked if the University agreed with that description. Ms. Wu said it without a project in question, it was hard to agree to such an open statement. She said they would have to look at how the ordinance applied. Ms. Wu said Council Member Greene was speculating that in an instance that might occur that that was how it would be applied, but that was conjecture because we don’t have a project that we can cite as an example. She said without a specific example, it was difficult to say yes or no.

Mr. Runberg said it would be of great value since there had been so much discussion with little understanding, that people visit the website and read the somewhat lengthy document. He said he believed it would be helpful to see that though there were differences, in general the OI-4 was as stringent in general as the rest of LUMO.

Ms. Wu said she had brought a number of copies of that document and they were available to those present. She said she had found it to be helpful to understand that finding, and encouraged everyone to take a look at that point by point matrix.

Council Member Kleinschmidt said although it may be difficult to think of a particular project, it was not difficult to think about the process that would go into the policy-making aspect. He said that generally the OI-4 rules would preempt and determine the applicable regulations. Council Member Kleinschmidt said in the absence of this being made part of OI-4, what else do the policy makers of the Town have to rely on other than the other development rules already in place. He said it would be unreasonable to go anywhere else to regulate an unregulated aspect of OI-4. Council Member Kleinschmidt said it appeared common-sensical that even if we did not put that statement in, and it was challenged because we were relying on a well-founded, supported principal or regulation that was already in place that filled the gap, and then the University sued us over that, where else would we have gone? He said there was no where else it could come from, and it was not unreasonable to get it from other long-standing development regulations. Council Member Kleinschmidt said if we put that in there, then that would state that that was what it would be.

Mayor Foy moved to No. 9, which said to provide annual traffic reports of 10 pages or less that the general public could understand. He said the UNC response was that OI-4 required more extensive traffic mitigations than apply to other zoning districts, thus reflecting the distinctions associated with institutional development. Mayor Foy went on to say the UNC response stated the OI-4 required a Traffic Impact Analysis every two years and a Transportation Demand Management Plan every three years, and the estimated cost of preparing each of these reports was \$50,000. He said UNC said they provide clear, concise executive summaries with both.

Ms. Brown said the whole statement that was in the proposed changes was to require the holder of an approved Development Plan to submit an annual transportation report to the Town that was 10 pages or less, clear and concise and using language easily understandable to the general public, identifying impacts, proposed mitigation measures, and implementation plans. She said

much of that language was taken directly from OI-4. Ms. Brown continued, saying the report would give an assessment of what had been done to mitigate adverse traffic impacts and whether and to what extent these measures were working. She said informational basis for the assessment should be included, and she noted that much of that language had been taken directly from OI-4 was well.

Ms. Brown said that had been put forward because the traffic information that had come to the Town was long and detailed and not generally understandable. She said there did seem to be support for this proposal, to make the statements short, clear, and understandable to the public. Ms. Brown encouraged the Council to adopt this. Ms. Brown said one of the impacts on the community was traffic, and it was important that the information regarding impacts and mitigation measures being proposed be monitored to see if they were working. She stressed that this was "extremely, extremely important."

Mr. Collins agreed with Ms. Brown's statements, noting when Modification No. 2 was released it came in a thick binder, but, it was fairly easy to understand. He said the one part of it that was not easy to understand was the traffic section, so it seemed reasonable to ask that a summary be available to point citizens to areas they may want to look at more closely.

Mayor Foy noted that an executive summary was prepared, and asked if a summary of the impact analysis could be made a part of it. Ms. Wu said they would take a look at that. She said that there was a traffic impact analysis and guideline that was part of the OI-4, similar to stormwater guidelines. Ms. Wu said that guideline had very specific intersections that had to be modeled, and they utilized those guidelines to produce the traffic impact analysis. She said when they met with the Town staff that was the guideline that was used.

Ms. Wu said they did have an executive summary that was more appropriate for lay people, and that was part of the report. But, she said, there was much data contained in the report that was technical information.

UNC Assistant Director of Public Safety for Transportation Tim Saunders stated that the transportation studies were comprehensive and detailed, and could not overemphasized the amount of time needed to put that information together. He said a typical traffic impact analysis took a minimum of 12 months to gather the information, catalogue it and produce an analysis so they could attempt to identify changes in traffic patterns and changes in traffic signal timing plans. Mr. Saunders said the reason that this analysis was required every two years was that NCDOT conducted its studies every two years as well.

Mr. Saunders said as far placing a summary of traffic in the executive summary, they would certainly take a look at that. He encouraged interested persons to contact them and let them know specifically what they wanted that summary to contain to assist them in determining how to go about it. Mr. Saunders said it would be impossible to do that annually because of the time involved.

Mr. Howes said that having so much information on the website would help to make some of this information more transparent, and urged the Council not to be arbitrary and specify 10 pages or

whatever, so that it could be put in whatever form was necessary so that people could understand it regardless of its size.

Council Member Harrison said this had originally been a request from former Council Member Joyce Brown, and he agreed that a concise summary was necessary. He agreed with Mr. Howes that requiring an arbitrary number of pages would probably not be helpful, but added the summary needed to be available elsewhere other than the website since not all citizens had access. Council Member Harrison said he thought pulling it out as a short report would be helpful to the public, noting the citizens present tonight were certainly interested and they could use a more simple method of extracting the information.

Ms. Brown said several years ago she had meet with the Planning Director and other staff, as well as the Planning Director of Seattle. She said she had complimented the Seattle Director on their solid waste management plan, because the plan was readable. Ms. Brown said he had replied that all of their planning documents were prepared in that way, that they hired someone who was an expert in the English language to take whatever the information was write the report in such as way as to be understandable to the public.

Joe Capowski said he was intrigued by the UNC response that according to OI-4, UNC would assume the maintenance of any new road. He stated that the Town had a lot of major roads that ran through the campus that were in "abysmal" condition. Mr. Capowski said it was obvious that was caused by two situations, construction and the repeated use by buses. He said these were old roads that were not designed for the type of use they were receiving, both in the Hospital area and the main campus.

Mr. Capowski said it did not do any good to say, for instance, don't repair Mason Farm Road until the construction was over, because as long as he has watched the construction on South Columbia Street it was never over and would never be over. He said it did no good to say those were NCDOT roads and it was its responsibility, because NCDOT had no money designated to do that, and UNC was part of the State just as NCDOT was.

Mr. Capowski said something was broken in the system. He asked why we could not get some maintenance of the main roads, stating that there should be a line item in the budget for every campus building to repair the road in front of that building. Mr. Capowski asked if that would require some Town regulation, or could UNC appeal to NCDOT for help. He asked what we could do to correct the abysmal condition of the roads on campus.

Mr. Runberg said they had a fair number of State roads that crossed the campus, as well as a fair number of Town roads, with each entity responsible for the operation and maintenance of those roads. He said currently there were only a couple of roads the University was responsible for, Stadium Drive and one other. Mr. Runberg said on new roads, for which there was an agreement and they were building a new road now, those would be UNC's responsibility. However, he stated, the real issue was that no one had enough funds to do repairs and maintenance properly.

Mr. Saunders added that a lot of the road conditions were a result, as stated, of construction traffic and repeated bus trips, noting that buses in particular damaged the gutter lanes. He said

he had met with Town and NCDOT staff on a number of occasions to discuss how to deal with that, stating that NCDOT had been able to acquire some funds periodically to repair the gutter lanes. Mr. Saunders said an example was repairs done last year on Columbia Street near Carrington Hall, and also on Pittsboro Street near the State Employees Credit Union.

Mr. Saunders said as they looked at infrastructure improvements, NCDOT had been in partnership with the Town and UNC so that as utility projects were completed repairs could be made. He said as an example of the partnership with the Town was repairs made to Raleigh Road between South Road and Country Club Road to Cameron Avenue. Mr. Saunders said the Town had allowed them to close the road for the summer, utility work was done, and then we jointly paved that road.

Mr. Saunders said currently there was an ongoing project on South Road, and as part of that project UNC, NCDOT and the Town would combine resources to repair that road. But, he said such things did not happen overnight. Mr. Saunders also mentioned the construction taking place on NC 54 in front of the General Administration Building, noting that roadway would be repaired in a similar fashion.

Mayor Foy moved to changes that UNC proposed, the first one being that the Council review period for projects internal to the campus be shortened from 90 to 60 days. He said he believed a thorough discussion had already taken place on that issue. Mayor Foy said the second proposal was to require the University to present Development Plan applications to Town review boards during the 60 or 120 day Council review period, whichever that review period was. He noted UNC's response was that it was willing to appear before Town review boards after it submits that Development Plan application to assure that board members have the opportunity to contribute their input to the Council's deliberations. Mayor Foy noted this referred to boards other than the Planning Board.

Ms. Easthom, a member of the Transportation Board, said it would be good if a synopsis could be prepared regarding traffic impact such that the Town staff would not be burdened with trying to decipher that information to the boards. She said it would be helpful if someone from UNC attended their board meetings and provided more than just a preliminary introduction.

Mayor Foy noted the third proposal was to spell out the specific criteria to be used by Town staff to declare UNC's Development Plan submissions as complete. He said UNC's response was that it was difficult to tell, that there was uncertainty about what constituted completeness. He continued, saying UNC believed it was difficult to anticipate an endpoint, and although the clock did not start ticking until the plan was declared complete, valuable construction time was lost when Town staff needed to seek guidance from the Council because review criteria did not exist.

Mayor Foy said these were proposals that UNC had put forth as modifications to OI-4, and Town staff had not had an opportunity to review these so were not prepared to comment at this time. He said UNC could comment if they chose, but it seemed clear what they were suggesting.

Mayor Foy said proposal four was to define in clear terms what constitutes a "minor" modification to the Development Plan. He said his experience had been that UNC was not the

only entity that sought minor modifications to such plans, and with Special Use Permits that could be at the discretion of the Town Manager. Mayor Foy stated he believed that part of the difficulty here was that we wanted to make sure that the Manager had that discretion and not make it too solid.

Mayor Foy said proposal five proposed to limit questions for which a formal UNC response was required to matters relevant to protection of community property values and health, safety, and welfare. He said the University's rationale for this was that this change addressed the change to use limited staff time and resources wisely, noting UNC devoted considerable staff time and consultant fees to respond to complex questions concerning topics such as utility needs, how they plan to pay for projects, why they need to build utility capacity instead of conserving energy, etc. Mayor Foy continued UNC's response, saying that such matters were properly the purview of the UNC Board of Trustees and the State, and developing formal and often detailed answers to questions unrelated to community property values and health, safety and welfare cost money and consumed review time that could be spent addressing community concerns.

Ms. Sinreich said she believed all of the last three points by the University were appropriate, but reemphasized her earlier concern that there were some important questions asked by the Council, Town staff and the public. She said it was a good idea for UNC to ask for clear criteria, but to keep in mind that many questions were important.

Ms. Barney said as a point of information that since the University had agreed to comply with the Comprehensive Plan would that also be added to proposal No. 5 regarding a formal UNC response, since it was looking at matters relevant to Findings No. 1 and No. 2. She wondered would it also apply to the Finding No. 3, and should that language be added to the Comprehensive Plan.

Mr. Nelson said in that respect as a lay person, he did not know what the University was requesting or what would be accomplished. He said the Comprehensive Plan would allow you to asked almost any question and require a formal response. Mr. Nelson said he understood UNC's point to limit questions, but if you applied the Comprehensive Plan then you may very well get into questions about energy capacity or others.

Council Member Greene responded that one point that was implicit but not as yet articulated was that the University agreeing to say in principle that it agree with the Comprehensive Plan was no more than the Town asked of any other developer, and that was a sticking point with citizens. She said this was to put all developers on an even playing field, and they were not asking the University to do anything that other developers were not required to do.

Council Member Kleinschmidt said at the time a Development Plan arrived that might propose a change to a University function and the University function became a point of inquiry, either at the time of approval or a prior modification was approved, it appeared that questions about that function would be relevant. He said it was hard to imagine that it would not be a part of the contemplation of the initial approval. Council Member Kleinschmidt said he would like a response from the staff on this, and that it would be interesting to know how much these other kinds of issues were implicated in prior Development Plan approvals. He said they do not cease

to be relevant with a modification was proposed, adding it was reasonable to expect those types of questions to arise.

Mayor Foy said the sixth proposal was to stipulate that minor modifications of projects located in the Perimeter Transition Area were subject to the same requirements as minor modifications in other areas of OI-4. He said the University's response was that Perimeter Transition Areas set forth the appropriate safeguards for neighborhood protection on a project-by-project basis, and should a project require a minor modification those safeguards would remain in place, thereby allowing a minor modification in a Perimeter Transition Area to be treated consistently with other minor modifications.

Mayor Foy asked was it the case that there was currently a stipulation in OI-4 that minor modifications were treated differently in the Perimeter Transition Area. Ms. Wu responded no. Mayor Foy said then this was just a clarification.

Mayor Foy moved to proposal number seven, which was to allow minor modifications to be submitted simultaneously with the Site Development Permit request. He said the University's response was that the requirements for a minor modification were stipulated in LUMO, and if a project meets those requirements a minor modification should be considered with the project Site Development Permit application. Mayor Foy said he did not completely understand that.

Ms. Wu replied there were three or four findings in LUMO that had to be addressed to be considered a minor modification. She said currently the process required that they submit a request, receive a response, then submit the application. Ms. Wu said they were requesting to compress that into one step.

Ms. Sinreich said it would make it easier for UNC's application to compress the two into one step, but she would like to hear a response from the staff about whether it made sense to process them simultaneously. She said it made sense to determine if the modification was minor and then look at the proposal, but it may not be a problem to submit them together.

Mr. Raymond asked if "minor" were the changes that fell under the five percent rule. Ms. Wu said they related to floor area increases or parking numbers, circulation and circulation access, and open space. Mr. Raymond said then that these changes would fall under the purview of the Town Manager. He said that five percent of a small number was a small number. Ms. Wu stated that they keep a running tally of the square footage approved with the Development Plan and any subsequent modifications.

Mr. Waldon clarified that was one of the four criteria listed in LUMO to describe the difference between a major and a minor modification. He said the first one was any change in the boundaries of the Development Plan was automatically a major change. Secondly, he said, was a substantial change in the floor area or the number of parking spaces, with the general rule noted as more than a five percent increase in floor area or parking would be considered as a major change. Mr. Waldon noted that three and four go beyond that, to say that any substantial changes in pedestrian or vehicle access and circulation was automatically a major change, and a

substantial change in the amount or location of open areas approved would constitute a major change.

Mr. Waldon said any one of those things would trigger a major change, if it was a change to the boundary, an increase of more than five percent in floor area or parking, if it was a substantial change in pedestrian or vehicle circulation, or a substantial change in open space configuration.

Mayor Foy noted that the final proposal was to require UNC to involve neighbors in Perimeter Transit Areas throughout project development, versus one meeting, and their comment was that what the University was now doing as a voluntary action would become an expected standard.

Ms. Steele commented that was an excellent opportunity to exchange ideas for the mutual benefit of the neighbors and the developers. She said it might have more teeth if the word "involved" was defined, as well as what the goals would be. For instance, Ms. Steele said, was it just to relate information, or was it to get ideas or incorporate ideas that may come up during the course of discussion.

Mayor Foy asked if there were any further comments or questions from the panel or from the public.

Ms. Barney asked if the protest petition filed by the University in October 2004 regarding the proposed changes was still valid or had it been withdrawn. Mayor Foy stated it had not been withdrawn.

Mayor Foy thanked the public and the panel for its participation, stating he hoped it had been useful. He said he believed the Council needed to take a formal action to refer the comments from this meeting to the Manager and Attorney.

COUNCIL MEMBER STROM MOVED, SECONDED BY COUNCIL MEMBER WARD, TO REFER COMMENTS TO THE TOWN MANAGER AND TOWN ATTORNEY, AND TO RECESS THE PUBLIC HEARING TO JUNE 15. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

The meeting was adjourned at 9:47 p.m.

