

(179)
from Council Member Harrison
5/20/02

PROPOSAL FOR A MINOR MODIFICATION OF THE SCHEDULE OF USE REGULATIONS, TO REFLECT ORIGINAL COUNCIL INTENT

I brought up this potential change at the Council's Development Ordinance work session on March 18, 2002. At that meeting planning staff guided us through the Schedule of Use Regulations, with the advice that the footnotes were very important.

The proposed Schools Adequate Public Facilities Ordinance (SAFCO) has emphasized for us the need for rapid development of classroom space by the Chapel Hill-Carrboro School District. I think that we would all agree that supplying these public educational facilities for our students is among the highest public purposes for development in our planning jurisdiction.

The Schedule of Use Regulations currently contains a footnote on each page, which exempts the expansions of all existing elementary schools from the threshold set for our Special Use Permit process. All are exempted from the "20/40" threshold – square feet of building/square feet of land. Even if both criteria are met, the expansion is exempt. Site Plan review is the only requirement. No findings must be made by any advisory board or the Council regarding protection of the public's health and welfare are required.

I am convinced that the blanket exemption of all school expansions, not just those in our public school system, does not reflect the original "legislative intent" of a past Council (1987-89) in its action in Spring 1989, when it placed this footnote in the Development Ordinance.

At that time, after successful passage of a Chapel Hill – Carrboro School Facilities bond issue in November 1988, then superintendent Gerry House petitioned the Council to exempt our public schools from the full Special Use Permit Process, in order to allow implementation of facilities supported by the public in the bond issue in time for the 1989-90 school year.

New or expanding facilities in the CH-C School District, and in neighboring Districts such as Orange or Durham, receive significant media coverage. The affected public can speak on the districts' actions in school board meetings and to school board members, who are public officials. The affected public has the right to affect these plans.

The public has no guaranteed ability at all to have similar input into the plans contained in applications by private institutions, which have no obligation to share information beyond a single information meeting recommended by the Town. By contrast, every business, every local and state government facility, and – most notably – every church in Chapel Hill undertaking an expansion of either 20000 square feet of building space or 40000 square feet of land, has to undergo a detailed SUP process before the Town Council, with specific findings required.

Adjacent jurisdictions provide no exemption at all to schools from the development ordinance provisions required of all other developments. Carrboro has a full process for new and expanding schools (Roy Williford, Planning Director, personal communication). The Durham jurisdictions require, at a minimum, a Minor Special Use Permit from the Board of Adjustment, with findings.

Steve Scroogs, chief of support services for the CHC School District, tells me that the only non-System school in our planning jurisdiction to which "public" would apply is Village Charter in the vicinity and Sunrise and Weaver Dairy Roads, which he sees as having limited ability to draw new students. Since this is a publicly-funded body, internal meetings on land use actions would conceivably have to be open to the public.

This amendment could be accomplished by inserting the word "public" in all the relevant footnotes.

I reiterate that I strongly support maintaining the exemption for PUBLIC schools.

Ed Harrison, Town Councilmember, 5/20/02