

CHAPEL HILL-CARRBORO CITY SCHOOLS

Lincoln Center, Merritt Mill Road
Chapel Hill, North Carolina 27516
Telephone: (919) 967-8211
FAX: 919-933-4560

Neil G. Pedersen
Superintendent

March 25, 2003

Cal Horton, Manager
Town of Chapel Hill
306 N. Columbia Street
Chapel Hill, NC 27516

Dear Mr. Horton:

Recently, we learned through the media that the Town Council was about to consider an application for a development by Gary Buck on property that has been reserved on the Town's Land Use Plan as a school site (Parcel 9870971299) . We were surprised because Section 17.7.1 of the Development Ordinance requires that notice be given to the Board of Education when a development is proposed for a site reserved in the Town's master plan for a school site. We have since been informed that the Town Council has been told that the school system has released this property. That is not true.

When we inquired of your planning staff about the status of this application, it became clear that your staff is confused about the content of my May 14, 2001 letter in response to your request to release property for Cazco. Documentation of those communications is provided as follows:

1. Attached is a letter from you to me dated May 14, 2001 in which you notified the Board of Education that you had "received an application from Cazco Inc. for a proposal to develop an 85-lot subdivision on a 39.9-acre parcel of land located west of the Northwoods Subdivision (see enclosed area map)." The map identified a triangular-shaped piece of property that actually included two sites that we had reserved as potential school sites. It did not include the Buck property.
2. The request was brought to the Board of Education on May 23, 2001 for its consideration. The documentation that was submitted to the Board of Education is attached. If you read the report, you see that we identified for the Board that there were actually three reserved, adjoining sites in this area. It was important for the Board to be aware of all three parcels because they, potentially, could be used jointly. The Buck property (now in question) was identified as site #3 in the report. The Board approved the administration's recommendation to release the sites that you requested, (sites #1 and #2) but reiterated its interest in holding on to site #3.
3. On June 8, 2001 I wrote to you indicating that we would release sites #1 and #2, which was the property for which you requested a response. You never asked for consideration to release the Buck property (site #3).
4. Since that time, we have not received any request from you that we consider releasing the Buck property.

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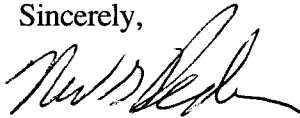
5. I might add that at the time that the Board took this action, Roger Waldon, the Planning Director for the Town of Chapel Hill, served on our Board. Clearly, he was in a position to fully understand the action that the Board of Education took.

My staff informs me that officials in your Planning Department are now saying that the release was not required since Mr. Buck's development is for an apartment complex and does not require subdivision. This is disturbing from our perspective. We, of course, are not particularly concerned with how the property is developed but rather about its availability as a school site. I would appreciate clarification from you and advice as to whether the Board of Education or the Town Council has any recourse that would lead to our having the option to purchase that property. I also will ask the School Board Chair to bring this matter to the attention of the Mayor and Town Council. Perhaps, they have authority that the administration doesn't have to assist us in applying the standards in Section 17.7.1 to an apartment development. Our Board has considered the Buck property to be a prime school site and one that it, in all likelihood, would want to acquire.

As recent events have made us all painfully aware, there is a shortage of school sites in our district. We consider the Buck property to be a prime, potential school location. The Board of Education has never indicated that it has any interest in releasing it from the sites reserved for school purposes. If this development ordinance only applies to subdivisions and not development projects, then the Board's ability to reserve sites is severely limited.

I would appreciate your letting me know if you need any further clarifying information. I also would appreciate from you clarification on the status of the Buck property as a reserved school site.

Sincerely,



Neil G. Pedersen
Superintendent

Cc: Board of Education
Steve Scroggs
Bill Mullin



TOWN OF CHAPEL HILL

May 14, 2001

Neil G. Pedersen, Superintendent
Chapel-Hill Carrboro City Schools
750 Merritt Mill Road
Chapel Hill, NC 27516

Dear Dr. Pedersen:

Please accept this letter as the Town's official notification, to the Chapel Hill/Carrboro Board of Education, of the Town's receipt and acceptance of an application for a proposed subdivision on property identified as a potential school site on the Town's Land Use Plan.

On May 8, 2001, the Town of Chapel Hill received an application from Cazco Inc. for a proposal to develop an 85-lot subdivision on a 39.9-acre parcel of land located west of the Northwoods Subdivision (see enclosed area map). As you can see from the enclosed copy of the Town's Comprehensive Land Use Plan, this 39.9-acre site was identified as a potential future school site.

Section 17.7.1 of the Town's Development Ordinance requires that the Chapel Hill/Carrboro Board of Education receive notification whenever a subdivision application is submitted on a property that includes part of all of a potential school site.

Below is an excerpt from Section 17.7.1 of the Development Ordinance:

"Whenever a subdivision application is submitted for approval which includes part or all of a school site designated to be reserved on the Town's Land Use Plan, the Town Manager shall immediately notify the Chapel Hill/Carrboro Board of Education, and the Board shall promptly decide whether it wishes the site to be reserved. If the Board does not wish to reserve the site, it shall so notify the Town Manager and no site shall be reserved. If the Board does wish to reserve the site, the subdivision shall not be approved without such reservation. A note indicating such reservation shall be recorded on a final plat. The Board shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the Board has not purchased or begun proceedings to condemn the site within 18 months, the owner may treat the land as freed of the reservation."

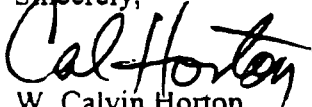
(11)

In accordance with the ordinance provisions, I would appreciate receiving a written response from the School District regarding this site.

As noted, Section 17.7.1 of the Development Ordinance states that a decision by the Board not to reserve the site shall be forwarded to the Town Manager. If the Board wishes to reserve the site for a school the same section of the Development Ordinance outlines the steps and timetable under which such reservation shall proceed.

Please call Gene Poveromo at 919-968-2728 if you have questions about the subdivision proposal.

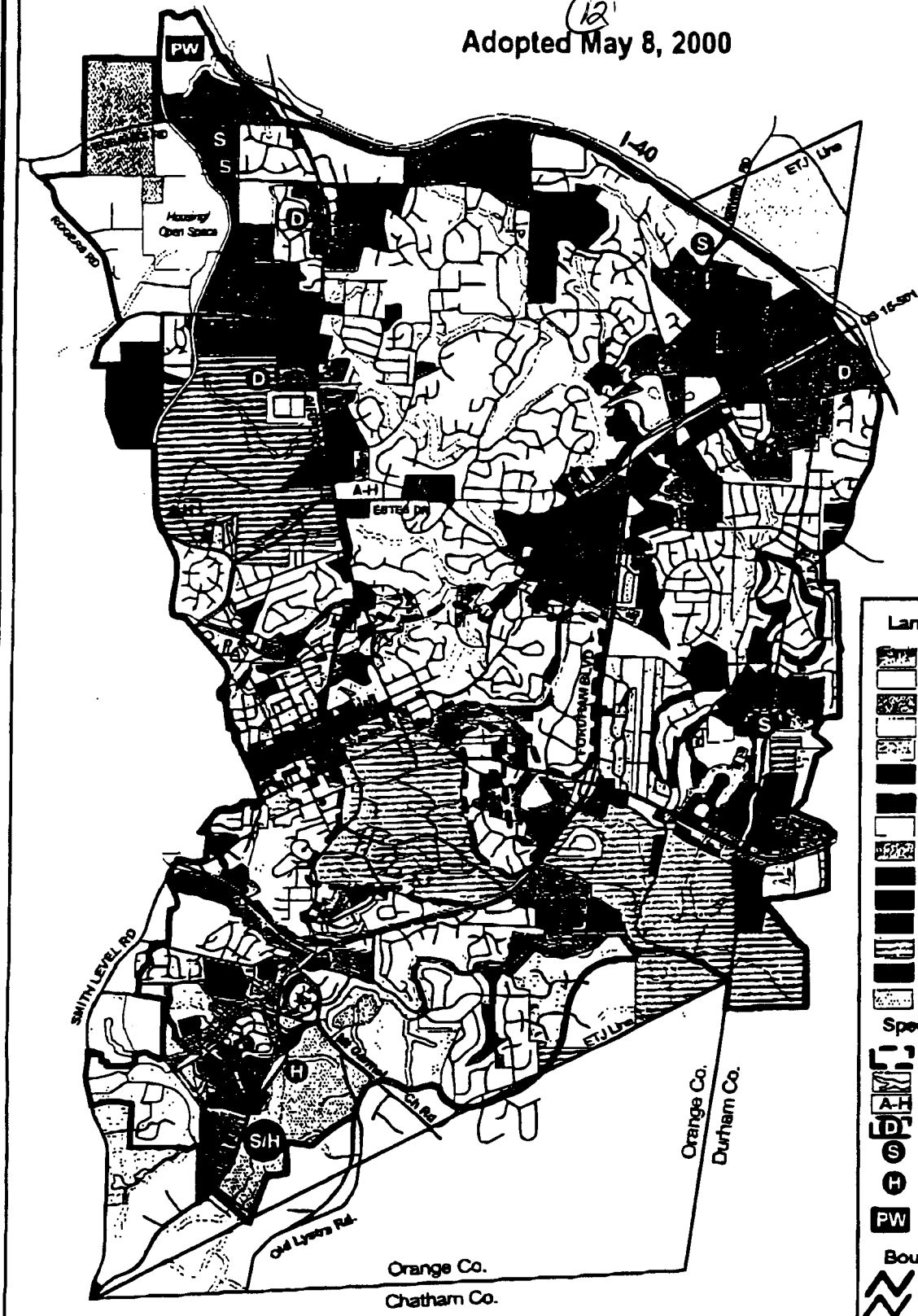
Sincerely,

A handwritten signature in cursive script that reads "Cal Horton".

W. Calvin Horton
Town Manager

cc: Ralph Karpinos, Town Attorney

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 Adopted May 8, 2000



Legend

- Land Use Categories**
- Rural Residential, 1 unit / 5 ac.
 - Rural Residential, 1 unit / 2 to 5 ac.
 - Low Residential, 1 unit / ac.
 - Low Residential, 1-4 units / ac.
 - Medium Residential, 4-8 units / ac.
 - High Residential, 8-15 units / ac.
 - Commercial
 - Mixed Use, Office/Com. Emphasis
 - Mixed Use, Office Emphasis
 - Town/Village Center
 - Institutional
 - Office
 - University
 - Parks/Open Space
 - Landfill Activities
- Special Areas**
- Residential Conservation Area
 - Floodplain with RCD
 - A-H: Airport Hazard
 - Development Opportunity Area
 - Potential School Site
 - Potential Affordable Housing Site
 - Potential Public Works Facility Site
- Boundaries**
- Urban Service Boundary
 - City Limits, 1999

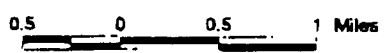
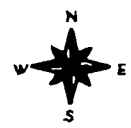
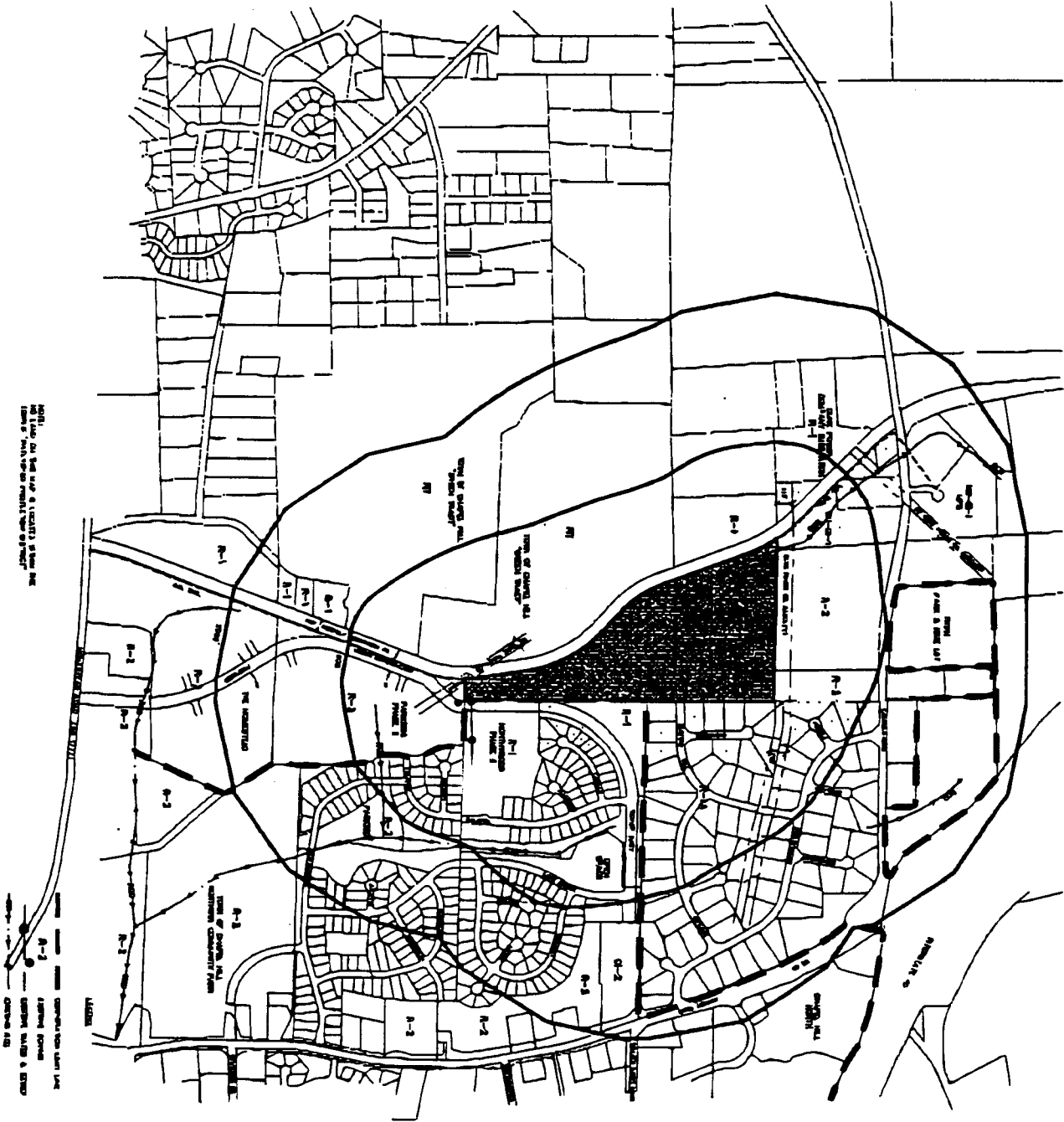


Figure 11
The Land Use Plan
Comprehensive Plan
 Chapel Hill, North Carolina
 May 8, 2000



NOT TO SCALE
 ALL DIMENSIONS AND LOCATIONS SHOWN ARE APPROXIMATE AND SHOULD BE VERIFIED BY FIELD SURVEY

LEGEND
 - - - - - CONCEPTUAL LOTS LINES
 - - - - - EXISTING ROADS
 - - - - - EXISTING WATER & SEWER
 - - - - - EXISTING UTILITIES

LARKSPUR SUBDIVISION

EXISTING CONDITIONS MAP



PHILIP
 POST
 &
 ASSOCIATES

DATE: 10/15/2011
 TIME: 10:00 AM
 PROJECT: LARKSPUR SUBDIVISION
 SHEET: 13 OF 14

(14)

Chapel Hill – Carrboro City Schools

Lincoln Center, Merritt Mill Road

Chapel Hill, NC 27516

Telephone: (919) 967-8211

Fax: (919) 933-4560

Neil Pedersen, Superintendent

Ray Reitz, Chief Technology Officer

Nettie Collins-Hart, Assistant
Superintendent for Instructional Services
Stephen A. Scroggs, Assistant
Superintendent for Support Services

To: Neil G. Pedersen
Superintendent
From: Stephen A. Scroggs
Assistant Superintendent for Support Services
Re: Town of Chapel Hill Site Reservation
Date: May 23, 2001

The Town of Chapel Hill has officially notified the district of the receipt and acceptance of a subdivision application that is presently identified as a school site. A letter from the Town Manager and three different plot maps are attached. The Town ordinance concerning the reservation of the site is also included for your review. In summary, the ordinance stipulates that the Board “shall promptly decide” if it wishes the site to be reserved and if so provides the Board with 18 months to acquire the site or start condemnation proceedings.

On the attached map you will see three sites identified. Sites #1 and #2 are the two sites included in the request. Site #3 is not included and would still be reserved as a school site.

Several factors should be considered in regard to the three sites. Their combined acreage is 59.5, which would make either a small high school site or a large middle school site. These sites are located close to both CHHS and East, making it less desirable. The district is in need of a southern site for an additional high school. Two of the sites combined would make an adequate middle school site. Contiguous sites would be approximately 40 acres in size. Both sites #1 and #2 are on the request making splitting of the two properties difficult. The site location is also relatively close to Smith Middle School. With the recent purchase by the county of the 44-acre Hunter property, a combination elementary school and middle school site is possible there. The retention of one of the sites for a future elementary school is a possibility. Of the three sites, site # 3 would best be suited for a school site. This site is not included in the Town’s request. It has frontage on Eubanks Road, has more usable space and is relatively flat.

The staff would recommend that the district release the sites in question. If development continues to expand, we could be facing another request to release site #3. The district should make every effort to retain that site for future expansion.

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Mr. Scroggs will be present to answer any questions you may have.

Resolution: Be it, therefore, resolved that the Board of Education directs the Superintendent to respond to the Town Manager and release the sites indicated on the map from further consideration as school sites in the Town's Land Use Plan.

Eubanks Road Property Town of Chapel Hill Master Plan

Owner
Acreage
Valuation
Parcel Number



Lincoln Center, Merritt Mill Road
Chapel Hill, North Carolina 27516-2881
Telephone: (919) 967-8211
FAX: 919-933-4560

Neil G. Pedersen
Superintendent

(17)

Nettle Collins-Hart, Assistant
of Instru

Raymond J. Reitz, Chief Technology Officer

Stephen S. Scroggs, Assistant
of S

June 8, 2001

Mr. Cal Horton, Town Manager
Town of Chapel Hill
306 N. Columbia Street
Chapel Hill, North Carolina 27516

Dear Cal:

Following the receipt of your letter of May 23, 2001, notifying the school system that the Town has received and accepted a subdivision application from Cazco Inc. for property that is presently identified as a school site, an item on this matter was placed on the agenda for the Chapel Hill-Carrboro City Board of Education's June 7th meeting.

At its meeting last evening, the Board of Education voted to release Eubanks Road Property Sites 1 and 2.

If you have questions regarding this action, please do not hesitate to contact my office.

Sincerely,



Neil G. Pedersen
Superintendent

NGP/asw

C: Board of Education