

SUMMARY OF A WORK SESSION HELD BY THE MAYOR AND COUNCIL
OF THE TOWN OF CHAPEL HILL, TUESDAY, MARCH 28, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members present were:

Julie Andresen
Joe Herzenberg
David Pasquini

Arthur Werner
Roosevelt Wilkerson, Jr.

Council Members Godschalk and Wallace were absent.

Also in attendance were: Town Manager David R. Taylor, Assistant Town Manager Sonna Loewenthal, Town Attorney Ralph Karpinos, and Planning Director Roger Waldon.

Development Timing Devices

Planning Director Roger Waldon provided an overview of growth management and related tools. He suggested six growth management tools, as follows: Adequate Public Facilities Ordinance, Transportation Management Ordinance, Micro planning, Development caps, Dual Land Use plans, and "Developer's Choice".

He noted that three of the mechanisms had earlier been recommended to the Council for implementation: Development caps; measures for the reduction of automobile trips, and small area development limits. Mr. Waldon stated that existing development timing devices are reasonably weak and informal.

Mr. Waldon said that the memorandum before the Council this evening highlighted three key issues:

- (1) Effectiveness--How likely is it that a particular mechanism will achieve our objectives?
- (2) Legal Concerns--Defensibility of individual tools if subjected to legal challenge.
- (3) Cost--How much would it cost to implement use of individual tools.

Mr. Waldon stated that caps could be used to protect the Town against major swings in development.

Mr. Waldon noted that small area limitations had held up to legal challenges in other communities. He noted that one community in

the Napa Valley of California required forty acre minimum lot sizes. He concluded his remarks saying that the best development cap systems were grounded in simplicity.

Mayor Howes noted Council Member Godschalk's earlier opposition to the Town's use of development caps. Mr. Waldon noted that some communities had experienced success with the use of caps, while others had less positive experiences.

Brad Torgan, Planner, noted that Davis, California, a community similar to the Town had discarded development caps due to major infrastructure changes. Council Member Preston inquired about what circumstances necessitated the infrastructure improvements. Mr. Torgan noted that the State constructed a major highway with two interchanges. Council Member Andresen said that the State of Florida had recently passed legislation mandating a two percent annual development cap.

Council Member Andresen inquired how many communities employ development caps. Mr. Torgan said that over half of the communities he surveyed having growth management mechanisms, employed development caps. Council Member Andresen asked how the caps were administered. Mr. Torgan responded that project ratings, lotteries, first-come, first-served and other methods were used to determine caps.

Council Member Wilkerson sought elucidation of the Davis, California model. Mr. Torgan said that Davis did not limit the number of units. He stated that phasing of projects was required over several years. Council Member Wilkerson asked what the prior case in Davis had been. Mr. Torgan said that an outright cap had been in place. Council Member Wilkerson asked whether Davis owned its utilities. Mr. Torgan said he did not know.

Council Member Andresen inquired about legislation for the development caps. Mayor Howes noted that California was a home-rule state.

Council Member Werner inquired about the negatives of development caps. Mr. Torgan said that processing overload could result. He added that some communities had experienced speculation in permit issuance, resulting in permit banking.

Council Member Werner said that development caps and small area limitations were not mutually exclusive development timing approaches. Mr. Waldon said this was correct. Council Member Werner said that the small area limitation sounded similar to the Public Facilities Ordinance. Mr. Waldon stated that downzoning was the key to small area planning and dual land use plans.

Council Member Preston inquired whether the Town would be responsible for upgrading inadequate infrastructure under the small area limitations approach. Mr. Waldon stated that the process would be tied to the Capital Improvements Program, with targeting of funds to areas where infrastructure is inadequate. Council Member Preston said that the Town's biggest current problems involved intersections rather than undeveloped areas. Mr. Waldon stated that the Town did have a number of problem intersections requiring prompt attention. Council Member Preston said that the Town's worst development problems were in already developed areas. Mr. Waldon said that priorities of already developed and newly developing areas would be weighed within the CIP process.

Mr. Waldon stated that the Council could proceed in one of three ways in handling timing of development:

- (1) Call for a public hearing on one or more of the proposed timing mechanisms.
- (2) Study one or more of the timing concepts.
- (3) Do nothing, continuing to use the existing timing and pace mechanisms.

Mayor Howes inquired about the legal adequacy of holding a public hearing at this point. Town Attorney Karpinos stated that greater specificity was needed concerning the types of mechanisms to be discussed. Mayor Howes asked about the possibility of discussing development caps in the hearing. Town Attorney Karpinos expressed doubt that caps could be adopted without benefit of local legislation. Town Manager Taylor noted that the Town might be able to amend the bill before the Legislature. Mayor Howes said that if the local legislation were amendable, swift action would be needed to handle this matter. Town Attorney Karpinos noted that statutory (General) authority could be used to incorporate dual land use plans and small area limitations.

Council Member Andresen inquired whether the University campus would be considered a "small area" for development mechanism purpose. Mr. Waldon said he was uncertain.

Council Member Werner asked how other communities had handle the commitment of funds relative to Adequate Public Facility Ordinances. Mr. Waldon said that Carlsbad, California employed a long horizon (26 year) CIP, with funding derived from impact fees. Council Member Werner inquired how the money to be expended would be impact by this approach. Mr. Waldon said that impact fees would need to be quite high to make the system workable.

Council Member Werner inquired about the use of State monies for road construction in Carlsbad. Mr. Torgan said that Carlsbad

chose not to use State funds for highways. Mayor Howes noted that California had a greater reliance on local roads. Town Attorney Karpinos noted that downzoning could be employed in areas where infrastructure was inadequate. He noted that the Interim Land-Use plan permitted some use of all parcels of land.

Mayor Howes suggested that a dual land use plan approach might work in Chapel Hill. Town Manager Taylor noted that the odds were good that developers would wait until adequate facilities were in place before initiating development. He added that downzoning of large areas of Town had occurred several years ago.

Mayor Howes inquired about the proposed timetable for consideration of development timing mechanisms. Town Manager Taylor said that it would be helpful to protract the process, getting the Comprehensive Plan in place as soon as possible. He stated that a public hearing could be held in mid-May with action taking place in mid-June. Council Member Werner said that action could wait until September. Town Manager Taylor concurred that the item could receive Council consideration at this time. Mayor Howes expressed hope that the Comprehensive Plan could be adopted prior to July.

Town Manager Taylor said he would present a proposed timetable to the Council at their April 10th meeting.

SUMMARY OF A WORKSESSION ON THE PROPOSED COMPREHENSIVE PLAN
HELD BY THE MAYOR AND COUNCIL OF THE TOWN OF CHAPEL HILL,
WEDNESDAY, APRIL 5, 1989, 7:30 P.M.

Mayor Howes called the meeting to order.

Council Members in attendance were:

Julie Andresen
David Godschalk
Joe Herzenberg

David Pasquini
Nancy Preston
Arthur Werner
Roosevelt Wilkerson, Jr.

Council Member Wallace was absent.

Chris Berndt, Long-Range Planning Coordinator, stated the Comprehensive Plan was composed of five technical information reports, supplemented by a Strategic Report, suggesting programs that the Town might implement. She cited six major problems of the Town, including increased traffic congestion, lack of affordable housing for those in low and middle income brackets, and vanishing open space.

Ms. Berndt outlined the need to balance policy tradeoffs related to the Comprehensive Plan. She said that the next key steps in the Comprehensive Plan process were the development of a detailed implementation plan complemented by revisions to the Town's land use plan.

Council Member Andresen stated that the Town staff had done a good job of laying out the Comprehensive Plan document. She noted that the document was readable and clear. Council Member Andresen inquired about the genesis of recommendations in the Comprehensive Plan. Mr. Rimer said that three groups were involved in the process: Town citizens, the Planning Board and Town staff. Mr. Rimer stated that staff prepared a series of policy issue responses based on summations of public comments to the proposed Comprehensive Plan. Following this process, Planning Board met with Town staff to review drafts of the Comprehensive Plan.

Council Member Preston asked whether the Goals and Objectives in the document were the same as those adopted by the Council in 1986. Kimberly Brewer, Planner, responded by noting that some minor additions and modifications had been made to the 1986 Goals and Objectives statements. Council Member Preston stated that the goals and objectives should be examined carefully as a starting point in consider the Comprehensive Plan document. She expressed concern about specifying numerical objectives within the

goals and objectives. Council Member Andresen noted the importance of the Town delivering on its promises, if specific numerical objectives are adopted. Mayor Howes stated that the approach of including specific numerical goals in the report should be further discussed, due to potential long-range ramifications.

Council Member Werner proposed that the Council discuss goals and objectives first, in an effort to identify the level of controversy associated with various proposals.

Council Member Godschalk noted that substantiation for numbers in the goals and objectives might assist the Council in further evaluating these proposals. He noted the difficulties of debating issues in the abstract.

Alan Rimer, Chairperson, Planning Board, noted that there were one hundred and twenty-seven policy elements contained in summary tables in the Comprehensive Plan. He stated that eighty-one of these would require changes in policies. Mr. Rimer added that the Planning Board needed guidance in some of these areas.

Mr. Rimer noted that the Comprehensive Plan provided a basis for the Strategic Report. Mayor Howes noted the importance of a public dialogue focusing on goals and objectives and related policies. Council Member Godschalk requested that Town staff identify "old" (1986) and "new" (1989) goals and objectives in the Comprehensive Plan.

Council Member Preston inquired about the University's responsibility relative to Town Zoning regulations. Mr. Waldon responded that the University must obtain Zoning Compliance Permits (ZCPs) when erecting new structures on the campus. Council Member Andresen asked whether the University always came to the Town to obtain ZCPs. Mr. Waldon said yes, noting that ZCPs are not required for parking lots. Council Member Andresen asked whether any prescribed setbacks or other requirements were relative to ZCPs. Mr. Waldon said that zoning compliance permits had broad criteria including setback requirements from the edge of campus and no height limitations.

Mr. Waldon said that the draft Comprehensive Plan provided a statement of what is important to the Town.

Council Member Andresen noted that some developers may argue that some improvements suggested in the Comprehensive Plan may add to the cost of housing in Town. Mr. Waldon said that the policies outlined in the Comprehensive Plan were not binding, but were intended to provide direction.

Council Member Andresen noted that newer neighborhoods in Town were developed using an internal loop street system. She stated

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her preference for this type of planning. Mr. Rimer added that the most consistent way to handle neighborhood traffic was to provide one or two principal access points. He noted that traffic patterns presented hard choices such as the creation of cut-through streets. Mayor Howes noted that the importance of completing a collector roads plan for some neighborhoods.

Council Member Pasquini noted the staff's proposal to employ small area plans as a mechanism for orderly development. Council Member Godschalk said this approach would be a good tool for dealing with problems in growth areas.

Council Member Preston expressed hesitancy at building roads in previously undeveloped areas. Council Member Godschalk stated that it was less expensive to build collectors on undeveloped land. He noted that impact tax proceeds could be used, if enabling legislation were passed by the Legislature. Council Member Godschalk noted that the Town had been reactive to growth in the past. He suggested that the Council could be proactive in the future.

Council Member Werner said that the biggest problem facing the Council was development's impact on existing infrastructure, rather than road systems in new developments.

Council Member Godschalk suggested using current resources for a Town traffic control system. He added the importance of providing infrastructure to pace development. Mayor Howes noted the potential dilemmas posed by adopting an Adequate Public Facilities (APF) Ordinance. Council Member Werner noted the possibility that the APF could slow the pace of development until adequate facilities were in place. Council Member Godschalk inquired whether most undeveloped land would be downzoned. He noted that this would have a significant impact on slowing development.

Town Manager Taylor stated that monies from the proposed impact tax could be used to fund traffic control projects.

Mayor Howes noted the need to identify deficiencies relating to growth and development policies. Town Manager Taylor said that a plan of action would be laid out to address this situation.

Council Member Wilkerson noted the importance of structured planning in currently undeveloped areas of Town.

Mr. Rimer requested that Council provide continued direction to the Planning Board concerning the Comprehensive Plan.

Mayor Howes concluded the meeting by remarking that the Comprehensive Plan would be best approached and adopted in phases.

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Town Manager Taylor noted that staff would present a proposed timetable and work plan to the Council on April 10th.