

# City

## Council questions Gateway, North plans

By CAMERON TEW  
Staff Writer

Several Chapel Hill Town Council members said Monday that the Chapel Hill Gateway and Chapel Hill North projects are not adhering to the spirit of the mixed-use zoning ordinance.

In a work session, council members expressed their fears to the developers so they can make the necessary changes to have their projects approved.

Mayor Jonathan Howes said Gateway's master-use plan was an example of ordinary strip, commercial development. "It's not the kind of thing we envisioned would occur when we allowed mixed-use," he said.

Gateway, a 50-acre site between U.S. 15-501 and Old Durham Road, has drawn criticism from nearby resi-

dents who say the project will cause traffic and pollution problems.

Council member Nancy Preston said she thought the land uses should be integrated, innovative and tailored to the land.

"My idea of mixed-use was some people might live there, work there or even play there," Preston said.

The mixed-use zoning ordinance states that 60 percent of the space must be used for office buildings and 40 percent for commercial or residential development. Both projects have ignored residential development in their master plans.

The key issue discussed was how specific a developer should be in a master land-use plan. The ordinance provides for the developer to outline a plan of intended uses for the land.

As buildings and land changes are

made, special-use permits must be approved by the council based on the conditions approved upon in the master plan.

Many council members said this puts the burden on the council to make sure all concerns are addressed in the master plan stage, since the burden of proof not to allow a special-use permit falls on the town after a master plan is approved.

The ordinance does not require a developer to specify what type of establishments will locate on a site, but council member David Pasquini wants the council to require developers to be as specific as possible, so the town knows exactly what it is approving.

"I don't want to see two fast-food

restaurants coming off N.C. 86," Pasquini said, referring to the North project.

John Callaway, developer of Gateway, has been specific in designating types and names of establishments. Establishments he has mentioned include Sears and Phar-Mor.

Ron Strom, developer of North, has not been as specific as Callaway, but he has met the requirements of the mixed-use zoning ordinance.

The Gateway project has been criticized for separating its retail section from office buildings by a road that cuts through the site. Callaway said this was done in anticipation that Blue Cross and Blue Shield of North Carolina might use the office space, since it is near its offices.

Callaway said he could rework the design to integrate the office and commercial uses to create a "village-like" atmosphere.

"It is not my desire to build a strip shopping center here," Callaway said. "I'm a mediator between your needs and the needs of the users."

Council members said they wanted the project to respond to Chapel Hill's needs and not national trends. "We are not trying to build a regional shopping center," Werner said.

Mayor Howes agreed. "We would welcome national merchants, but only on our terms," he said.

The two projects will be discussed in a public hearing Aug. 29 before the council votes on them.

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## Commission sets standards for town newspaper racks

By D'ANN PLETCHER  
Staff Writer

The Chapel Hill-Carrboro Downtown Commission's appearance commission, in a step to promote newspaper rack orderliness, notified newspaper publications of new rules regulating racks and penalties for rule violations Tuesday.

The new rules provide detailed standards for keeping vending racks in good condition, but they do not address the more conflict-ridden issue of whether or not the number of distribution sites and the number of racks at each site should be limited.

The escalating number of newspaper distribution sites and number of racks were the original complaints which prompted the organization of

the appearance committee, according to Cassandra Sloop, chairwoman of the appearance commission.

Sloop said the appearance commission has discussed limiting the number of racks, but because of legalities, has decided not to go forward with that.

Jim Casey, circulation manager at the Chapel Hill bureau of the Raleigh News and Observer, said that though newspapers will cooperate with the new rules aimed at cleaning up the racks, they would not cooperate to limit the number of sites where papers are distributed or the number of racks at each site.

But Kevin Schwartz, general manager of The Daily Tar Heel and a member of the subcommittee in

charge of inspecting racks and issuing violations, said there is a legal scenario in which the town would be able to legally limit newspaper distribution sites.

"There has to be an overriding governmental interest in regulating racks, and this is a fairly arbitrary thing," Schwartz said. "For instance, the government may not like the way the racks look, and in this town, aesthetics overrides our first amendment rights."

Schwartz said he would go along with a limited number of distribution sites, but not with any limitation on the number of racks at a given site. "It's unconstitutional to shut a publication off from a distribution site," he said.



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