

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: March 19, 2002

TITLE: Request-to-set a Public Hearing: Land Use Ordinance Text Amendments Relating to Village Mixed-Use and Office/Assembly Developments

DEPARTMENT: Planning	PUBLIC HEARING: NO
ATTACHMENTS: A. Resolution B. Land Use Ordinance Amendment Request C. Summary of Requested Amendments D. Draft Ordinance – Provisions relating to VMU and O/A Developments E. LUO Sections 15-176.2, 15-177, 15-291 F. LUO Sections 15-136 (10), 15-146	FOR INFORMATION CONTACT: Patricia McGuire, Planning Administrator -- 918-7327 Mike Brough, Town Attorney – 929-3905

PURPOSE

Robert L. Chapman, III of Winmore Land Management, LLC, has submitted a request to amend the text of the Carrboro Land Use Ordinance. A draft ordinance that proposes changes to village mixed-use and office/assembly regulations has been prepared. Should the Board of Aldermen wish to proceed with changes to these provisions, it will be necessary to receive public comment, a Planning Board recommendation, and Orange County comments regarding consistency with the Joint Planning Area Land Use Plan. A resolution that sets a public hearing for May 7, 2002 is recommended for the Board's adoption.

INFORMATION

Robert L. Chapman, III and other associates in the Winmore Land Management LLC have been meeting with staff over several months in conjunction with preparing a development application for a village mixed use (VMU) development. In reviewing the land use ordinance provisions for VMUs, the applicants have identified areas of where adjustments to the regulations would be clearer, consistent, and/or satisfying when incorporated into a development proposal. A land use ordinance amendment request has been submitted (*Attachment B*). The request includes both the customary cover sheet, as well as two memoranda that specify the reasons for fifteen requested changes.

In discussing with citizens the implementation of the NSA plan over the past two and a half years, it has been noted that the lack of retail uses in the O/A conditional use district appears to limit the feasibility of these districts. The lack of retail could result in a largely single-use type of development, from which employees would be forced to travel in order to obtain basic retail services. Since the O/A CU is based on the O/A district, a change to the uses permitted would make a slightly greater mix of uses available for consideration in any potential O/A development.

A summary of the proposed changes has also been prepared and is attached (*Attachment C*). A draft ordinance that responds to Mr. Chapman's request has been prepared (*Attachment D*). Copies of the Land Use Ordinance sections (i.e. Sections, 15-176.2, 15-177, 15-291) to which additions, deletions, or substitutions are proposed are attached (*Attachment E*).

VMU Provisions. While the draft ordinance responds to nearly all of the requested changes, it is the opinion of Michael Brough, Town Attorney, that the adoption of Sections 2, 3, and 4 of the draft ordinance would make most of the other amendments unnecessary. Sections 2, 3, and 4, if adopted, would allow the Board of Aldermen to approve projects whose development standards did not specifically meet all the provisions spelled out in the Land Use Ordinance. These changes would be in keeping with the original language prepared for the VMUs. In the earliest version of the provisions associated with village development, a performance standard approach was used so that particular development standards could be developed and justified on a case-by-case basis.

O/A Provisions. To allow for limited retail use within office/assembly developments, staff has included ordinance changes that, if adopted, would allow limited retail uses. The draft ordinance proposes a maximum for retail uses of 25 percent of the gross square footage of an office/assembly development. Copies of applicable Land Use Ordinance provisions are attached (*Attachment F*).

Should the Board wish to proceed with any changes, it will be necessary to hold a hearing to receive public comment, to provide the Planning Board and Orange County an opportunity to make recommendations or comments.

RECOMMENDATION

The Administration recommends that the Board adopt the resolution setting a public hearing for May 7, 2002.