

BOARD OF ALDERMEN

ITEM NO. E(1)

AGENDA ITEM ABSTRACT

MEETING DATE: April 15, 2003

TITLE: Presentation of a Petition: Land Use Ordinance Map Amendment: Rezoning of STGL Property

DEPARTMENT: Planning	PUBLIC HEARING: NO
ATTACHMENTS: A. Resolution B. Land Use Ordinance Map Amendment Request	FOR INFORMATION CONTACT: Patricia McGuire, Planning Administrator -- 918-7327

PURPOSE

Steve Simpson has submitted a request to amend the zoning designation of the STGL, LLC property located off Merritt Mill Road, Guthrie Avenue and Crest Street from R-2 to RHDC. An overview of the request is presented. A resolution that sets a public hearing is recommended for the Board's adoption.

INFORMATION

An application has been submitted for rezoning approximately 8 acres of an 8.8 -acre tract listed on the Orange County Land Records system as Parcel Identification Number 9778-05-4173 from R-2 to Residential High Density Commercial (RHDC) (*Attachment B*). The remainder of the tract, approximately 34,000 square feet, is located within the city limits of Chapel Hill. The property, which was formerly part of the tract that contains the Ready-Mix concrete plant, has been zoned R-2 since February of 1986 when its zoning was changed from M-1 as part of the Comprehensive Commercial Rezoning. The RHDC zone was established at that time and applied to a number of properties lying to the west and north of the Guthrie Avenue property. The RHDC zone is designed to

“provide for the redevelopment of deteriorating commercial and manufacturing areas in a manner that is consistent with commercial development goals of the town, namely, for compact, compressed town center growth, for a substantial increase in residential opportunities near the town center, and for mixed use development in the downtown. Property that lies within this overlay district may be developed in accordance with either the regulations applicable to the underlying district or the following.”

Specific performance standards associated with the RHDC zone are noted below. Comments regarding the request to rezone the STGL property are included in italic text:

1. Lots must contain at least one and one half acres of contiguous land under single ownership. *The property contains 8.8 acres.*
2. Permissible uses from either the R-2 district or the B-1(c) district, or both, are permitted, except that subdivisions other than architecturally integrated subdivisions shall not be allowed. *The applicant is interested in relocating a non-conforming commercial use that is currently located on an adjacent*

parcel and combining the remainder of both tracts to support a principally residential development. Specific details of this would be determined during development plan review and approval.

3. Residential density shall be determined as if the property were zoned R-2. *This requirement would be addressed during development plan review and approval.*
4. Twenty percent of the lot area shall remain as usable open space (see Section 15-198), except that where the development seeks to provide interior open space or indoor hard court, pool, or other active recreation facilities in excess of the basic requirement set forth in Article XIII, the permit-issuing authority may reduce the open space requirement to reflect the quality and amount of such facilities. The developer may substitute grassed areas, lawn, gardens, and shrubbed space for wooded space in meeting the requirements of 15-198(b)(3). *This requirement would be addressed during development plan review and approval.*
5. Subject to subdivision (6), the amount of floor area set aside or used for purposes not permissible within the R-2 district (i.e, commercial uses) may not exceed ten percent of the floor area used for residential purposes. *This requirement would be addressed during development plan review and approval.*

The minor map amendment requested is believed to have merit and be worthy of further analysis and public consideration. The central issue before the Board of Aldermen, generally, will be whether the requested change advances the public health, safety and welfare. Specifically, since the acreage affected by the requested amendment classifies this as a minor map amendment, the Board must note that it shall not, per Section 15-325 (1)

“consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.”

Should the Board decide to proceed with a public hearing on this request, it will be necessary to also refer the request to the Planning Board for its recommendation.

FISCAL IMPACT

The applicant has submitted an application fee and materials that will cover notice costs associated with the public hearing.

RECOMMENDATION

The Administration recommends that the Board that the Board of Aldermen adopts the attached resolution that sets a public hearing to review this request.