

BOARD OF ALDERMEN

ITEM NO. (2)

AGENDA ITEM ABSTRACT

MEETING DATE: March 28, 2006

TITLE: Public Hearing on Rezoning Proposal for R-2 District/Establishment and Placement of OR-MU Zoning District

DEPARTMENT: Planning	PUBLIC HEARING: YES or NO <input checked="" type="checkbox"/>
ATTACHMENTS: A. Draft Ordinance and Map B. Staff Memo C. Certification of Mailed Notice D. Map of Adjacent Land Uses E. Excerpt of the Table of Permissible Uses F. Excerpt of Article IX Zoning Districts G. Letter from David Rooks re: Hunt Property H. Section 15-124 (g) Expansion of Nonconforming Uses I. Planning Board Recommendation J. Resolution regarding Plan/Policy Consistency	FOR INFORMATION CONTACT: Patricia McGuire -- 918-7327 Mike Brough – 929-3905

PURPOSE

The Board of Aldermen enacted a 180-day moratorium on land use permit review of certain developments in the R-2 zoning district on August 23, 2005 and subsequently directed staff to prepare an ordinance that established a new zoning district in that area. It is necessary for the Board of Aldermen to receive public comment before taking action on the draft ordinance.

INFORMATION

On June 21, 2005, the Board of Aldermen discussed rezoning options in the Brewer Lane area and identified several strategies that would benefit from further consideration. The Board of Aldermen also indicated their interest in establishing a moratorium for the R-2 zoning district to provide time to consider alternatives and enacted a six- month moratorium on August 23, 2005. The moratorium expired on February 23, 2006. On September 20th, the Board of Aldermen considered zoning alternatives for the R-2 district. As included in the minutes of the meeting:

It was the consensus of the Board to request that town staff prepare an R-2 rezoning proposal based on the RHDC overlay zone with some modifications, specifically requiring mixed use by establishing a minimum amount of nonresidential development, especially office/service type uses not retail/restaurants/bars/nightclubs.

A draft ordinance that responds to this request was prepared and presented on January 10, 2006. The draft ordinance has been reviewed by staff and was referred to the Planning Board and Orange County staff, per the requirements of the Land Use Ordinance and the Joint Planning Agreement respectively.

The draft ordinance was also provided to the Economic Sustainability Commission (ESC). The ESC did not complete its review of the proposed rezoning, but did express some concerns, particularly in reference to the rezoning of the town cemetery to R-7.5 and the possible interrelationship of this action with the Downtown Neighborhood Protection Overlay district. The ESC expressed a strong desire to spend additional time considering the proposal and has requested that staff convey to the Board of Aldermen its interest in completing the review at its meeting on April 13th, after which time comments would be provided to the Board of Aldermen.

Please see the attached staff memo, maps and relevant Land Use Ordinance provisions, Planning Board recommendation and other materials (*Attachments A -J*) for a description of the draft ordinance and additional information on the proposed rezoning.

FISCAL IMPACT

The draft ordinance, if adopted, establishes a foundation for mixed use development that is considered desirable in this area. The opportunity should result in an increase in the underlying property values, contributing to increased tax revenue. Development of affected properties that seek to utilize the mixed use provisions should result in further increases in property values from both residential and non-residential sectors and would be expected to have a positive impact on the town's tax base. As with any development, there will be the need to provide appropriate town services in proportion to the development.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider action option one, adoption of the draft ordinance (*Attachment A*) with the changes noted by the staff in the staff report and that the Board of Aldermen also consider adoption of the plan/policy consistency findings resolution (*Attachment J - 1*).