

BOARD OF ALDERMEN

ITEM NO. D(4)

AGENDA ITEM ABSTRACT MEETING DATE: February 19, 2008

TITLE: Consideration of a Request for a Land Use Ordinance Text Amendment to Exempt Day Care Uses from Impervious Surface Limitations in Village Mixed Use Developments

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Request to amend the text of LUO	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

Section 15-321 provides for the initiation of amendments to the text of the Town's land use ordinance. Eric Chupp has proposed an amendment to incentivize the inclusion of child day care uses in village mixed use developments. The Board of Aldermen may set a public hearing date and direct the staff to prepare an appropriate ordinance or may deny the petition.

INFORMATION

A request to amend the Land Use Ordinance was submitted on December 19, 2007 (*Attachment B*) and modified on January 2, 2008. Mr. Chupp, on behalf of Capkov Ventures, Inc, developers of the Winmore Village Mixed Use development, are requested that subsection 15-176.2(f)(5)(d) be revised to exempt child day care uses from the impervious surface limitations that apply to the single-family residential portion of a village mixed use development. These areas are subject to a limit of 50 percent impervious surface, but allow for the transfer of impervious surface from one lot to another. Other portions of the village, including storefront and townhouse use areas, are not subject to impervious surface limits.

The possibility of including a child daycare use has been discussed throughout the review of the Winmore project. Capkov Ventures, Inc. has identified an interested day care provider and, in considering the site plan, has identified a large lot that was designated for single-family residential use. Because of the strict impervious surface limitations for single-family lots, this large lot was viewed as a "bank" for impervious surface; much has been transferred to other lots via the final plat for the development.

During the review of the report from the Town's Childcare Committee in early 2007, there was some discussion by members of the board of Aldermen on the removal of barriers/creation of incentives for developers to include day care uses in their developments. Subsequent text amendments removed some barriers from the inclusion of day care uses in existing developments, but staff has not yet had the opportunity examine the greater question of incentives for this use. Capkov Ventures, Inc. has identified the existing impervious surface limitation as a barrier to the inclusion of a day care use in Winmore and is seeking relief via this text amendment request.

If a text amendment was adopted, it would be necessary for the conditional use permit for Winmore to be modified to reflect the development of a day care on the lot. Information on the impervious surfaces, stormwater management, and other aspects of the site plan would be provided to the Board of Aldermen in support of their considering a modification.

Section 15-321, "Initiation of Amendments" describes the process by which the Board is to consider text amendments to the Carrboro Land Use Ordinance. Subsection (d) specifies that, in the case of petitioners who are other than members of the town staff, administration, or advisory boards, the Board of Aldermen may either deny the petition or set a date for a public hearing on the requested amendment. Should the Board decide to set a date for a public hearing, the Board would direct staff to prepare an appropriate ordinance.

Section 15-322 requires that any proposed amendments shall be referred to the planning board. If applicable, the proposed amendment shall also be referred to the Appearance Commission and/or the Transportation Advisory Board.

FISCAL IMPACT

The petitioner has submitted an application fee, which has been set to capture advertising costs and the average staff time associated with a text amendment request.

The staff involved in processing such a request includes the Town Attorney, GIS Specialist, Planning Administrator, and numerous other planning staff who participate in evaluating the appropriateness of the request, public notice (advertisements) and preparation for the advisory board meeting.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider the provisions of Section 15-321 noted above, and decide whether to accept or deny the petition for a text amendment. Should the Board of Aldermen be inclined to move forward, staff recommends adoption of the attached resolution (*Attachment A*) directing staff to prepare a draft ordinance, sets a public hearing and refers the request to the Planning Board and Orange County.