

BOARD OF ALDERMEN

ITEM NO. C(8)

AGENDA ITEM ABSTRACT

MEETING DATE: **October 20, 2009**

TITLE: Request to Set a Public Hearing on a Land Use Ordinance Text Amendment Allowing 5.110 Uses as Permissible in the B-4 Zoning District

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. LUO Amendment Request – Sara Macko C. Draft ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

Sara Macko has submitted a request to amend the Land Use Ordinance to allow 5.110, elementary and secondary schools, as a permissible use in the B-4 zoning district. A draft ordinance has been prepared. A resolution setting a public hearing on the draft ordinance and referring the ordinance for advisory board and Orange County review is provided for the Board's use.

INFORMATION

Ms. Macko's family owns property in the B-4 zoning district that is under consideration as the new site for Pace Academy, a charter school that provides secondary education to children in Chatham, Orange, and Wake counties. Elementary and secondary schools are not currently permitted in this district, and Ms. Macko has prepared an amendment request to make this use permissible (*Attachment B*). The staff proceeded with preparation of a draft ordinance for the following reasons:

- 1) The B-4 zoning district supports a wide range of uses; at the time the physical sites were selected and regulations codified, small, charter-type schools were not known;
- 2) The B-4 district is limited in area; 67 acres of the Town's 4,160 acres are zoned B-4 and 25 remain undeveloped.
- 3) Vocational schools are already permissible uses in the B-4 district. Due to their small student populations and programs, and ability to meet academic and other needs through facilities on and off campus, charter schools are a compatible use with existing or newly developing/redeveloping areas in the B-4 district. The synergy between secondary charter schools and the job training opportunities in retail and office enterprises within or near the B-4 zoning district is of particular value.
- 4) Small, charter schools expand the diversity of the local elementary and secondary education system. In so doing, these uses promote education, a benefit to citizens and communities.
- 5) If the text amendment is approved, the Macko family can proceed with upfits to its property in the B-4 zoning district. The review window this fall is rather narrow due to the municipal elections. Drafting an ordinance shortened the review /decision time.

FISCAL AND STAFF IMPACT

The application fee associated with this request covers the cost of the public hearing notice. Administrative costs of the review process are also involved.

RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing for November 24th and referring the draft ordinance for advisory board and Orange County review (*Attachment A*).