



CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT – SECTION 4.5.4 SPECIAL USE PERMIT MODIFICATIONS

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT
Ben Hitchings, Director
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BUSINESS MEETING DATE June 26, 2019	PUBLIC HEARING DATE May 22, 2019
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ITEM OVERVIEW

Amend the Special Use Permits Modifications section of the Land Use Management Ordinance to allow an alternative, administrative approval process for projects that would address a documented health, safety, or environmental issue on sites encumbered by a Special Use Permit. Currently, if such projects exceed certain criteria thresholds for land disturbance, impervious surface, and floor area, they must apply for a Special Use Permit Modification, which is typically a 9-12 month process and requires a full Advisory Board review and Council approval.

UPDATES SINCE PUBLIC HEARING

The notification boundary has been increased from 100’ to 500’. Additionally, some changes have been made to the language for clarification purposes and to further specify the applicable project characteristics.

TOWN MANAGER’S RECOMMENDATION

I have reviewed and discussed key issues with Town staff. Based on the information in the record to date, I believe the Council could make the findings required to approve the proposal, and therefore should close the Public Hearing, adopt the Resolution of Consistency, and enact Ordinance A.

<p>PROCESS</p> <p>The item before the Council is for approval of a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the three findings for enactment of the Land Use Management Ordinance Text Amendment applies:</p> <ol style="list-style-type: none"> To correct a manifest error in the chapter; or Because of changed or changing conditions in a particular area or in the jurisdiction generally; or To achieve the purposes of the Comprehensive Plan. 	<p>OVERVIEW</p> <ul style="list-style-type: none"> The Oaks Condominiums proposed a project in 2018 that involved the installation of a storm drainage conveyance system to reduce existing flooding issues. The project required a Special Use Permit Modification, typically a 9-12 month process requiring Council approval. The text amendment is in response to the Council’s interest in creating an alternative approval process for projects of a similar nature to the Oaks Condominiums stormwater infrastructure project.
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DECISION POINTS

The proposed text amendment would modify the Special Use Permits Modifications section of the Land Use Management Ordinance to provide an administrative approval option for certain infrastructure projects, as follows:

Section 4.5.4. Modifications of Special Use Permits:
“The following shall constitute a modification of the special use permit:

(9) Changes to a site that constitute a modification of the special use permit under the above subsections 1-8, and demonstrate that they are proposed to address a public health, safety, or environmental issue, as determined by the Town Manager, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures from the floodplain, shall be considered minor changes, provided the changes do not:

(a) increase the intensity of the development, including increases to floor area or impervious surface, or allowing more intense uses, or

(b) make nonconforming or increase a nonconformity with the development’s existing special use permit or other standards of this Appendix.

Prior to issuance of a Zoning Compliance Permit for a minor change under this subsection 9, owners of property within 500 feet must be mailed notice of the proposed change and offered an opportunity to comment to the Town Planning Department. No Zoning Compliance Permit shall be issued for such a change until two weeks after the date of such notice is mailed.”

ATTACHMENTS

1. Draft Staff Presentation
2. Resolution of Consistency (For proposed Land Use Management Ordinance amendment)
3. Ordinance A (Enactment of Land Use Management Ordinance Text Amendment Proposal)
4. Resolution B (Deny Land Use Management Ordinance Text Amendment Proposal)
5. Planning Commission Recommendation