



**PLANNING COMMISSION: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT TO SECTION 3.4 REGARDING A RESIDENTIAL-2 (R-2) CONDITIONAL ZONING DISTRICT**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
 Judy Johnson, Interim Director  
 Corey Liles, Principal Planner

<p><b>APPLICATION TYPE</b> Zoning Text Amendment</p>	<p><b>MEETING DATE</b> June 2, 2020</p>	<p><b>APPLICANT</b> Byron Peters, Christ Community Church</p>
<p><b>STAFF'S RECOMMENDATION</b> Review the proposed text amendment and forward a recommendation to the Town Council for consideration at the June 10, 2020 Public Hearing.</p>		
<p><b>ITEM OVERVIEW</b> On <a href="#">May 20, 2020</a><sup>1</sup>, Christ Community Church (CCC) petitioned the Council to consider a text amendment that would allow Conditional Zoning for a place of worship in the Residential-2 (R-2) zoning district. This would provide an alternative to approving the project through a Special Use Permit, which as a quasi-judicial review would face procedural difficulties while the Council continues to hold virtual meetings.</p>		
<p><b>ADDITIONAL CONTEXT</b></p> <ul style="list-style-type: none"> <li>The petitioner originally applied for a <a href="#">Special Use Permit</a><sup>2</sup> in September of 2019 for construction of a church. The existing zoning for the site is Residential-2 (R-2).</li> <li>Conditional Zoning is typically an alternative to the Special Use Permit process. However, the Land Use Management Ordinance (LUMO) does not currently provide a parallel conditional zoning district for the Residential-2 (R-2) general use district.</li> <li>Conditional Zoning is a legislative process, which under current State legislation may proceed at a virtual meeting.</li> </ul>	<p><b>PROCESS</b></p> <ol style="list-style-type: none"> <li>Receive and Refer Council Petition</li> <li><b>Planning Commission Review</b></li> <li>Council Public Hearing</li> <li>Consider Action on Text Amendment</li> </ol>	<p><b>FISCAL IMPACT/RESOURCES</b> There are no fiscal impacts with the proposed text amendment.</p>
<p><b>DECISION POINTS</b> The proposal to amend Section 3.4 of LUMO would establish an Residential-2 (R-2) conditional zoning district, with the following limits on its application:</p> <ul style="list-style-type: none"> <li>The Conditional Zoning must be approved prior to July 1, 2020.</li> <li>Only a place of worship use may be permitted.</li> </ul> <p>The text amendment is narrowly defined with the intent that only the petitioner's project may proceed under Residential-2 (R-2) Conditional Zoning.</p> <p>Enacting the text amendment would allow consideration of the Christ Community Church zoning entitlement to proceed while Council meetings are being held virtually.</p> <p>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"> <li>To correct a manifest error in the chapter; or</li> <li>Because of changed or changing conditions in a particular area or in the jurisdiction generally; or</li> <li>To achieve the purposes of the Comprehensive Plan.</li> </ol>		
<p><b>ATTACHMENTS</b></p>	<ol style="list-style-type: none"> <li>Draft Resolution of Consistency with the Comprehensive Plan</li> <li>Draft Ordinance A (Enacting the Text Amendment)</li> <li>Draft Resolution B (Denying the Text Amendment)</li> </ol>	

<sup>1</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4542337&GUID=A08D891E-7F6A-4621-9447-F998AEFB7DB9>

<sup>2</sup> <https://www.townofchapelhill.org/government/departments-services/planning/development-activity-report/christ-community-church>