

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION FOR HOUSING REGULATIONS AND HOUSING CHOICES FOR COMPLETE COMMUNITIES LUMO TEXT AMENDMENT

January 17, 2023

Recommendation: Approval Approval with Conditions Denial

Motion: By general consensus the Planning Commission recommend that the Council adopt Resolution A (Resolution of Consistency).

Vote: 7 – 0

Yeas: Jonathan Mitchell (Chair), Elizabeth Losos (Vice-Chair), Wesley McMahon, Chuck Mills, John Rees, Louie Rivers, Stephen Whitlow

Nays:

Recommendation: Approval Approval with Conditions Denial

Motion: By general consensus the Planning Commission recommend that the Council adopt to recommend that the Council approve Ordinance A (LUMO Text Amendment), with the attached comments as supplements to their recommendation.

Vote: 7 – 0

Yeas: Jonathan Mitchell (Chair), Elizabeth Losos (Vice-Chair), Wesley McMahon, Chuck Mills, John Rees, Louie Rivers, Stephen Whitlow

Nays:

Commission Notes to Council: The Planning Commission wishes to convey the following comments on the proposed LUMO text amendment titled "Housing Regulations and Housing Choices for a Complete Community":

We support this proposal's intent. We are cognizant of the Town's housing needs and the problematic history of single-family zoning.

We expect that the impact of this proposal will play out over a long period. We also expect that the new regime may require future adjustments, depending on the specific impacts (or lack of impacts) yielded. Accordingly, the Town should set up an annual monitoring and reporting process to help officials and citizens understand the impacts and to help officials consider ways the new regime might be tweaked to further desired outcomes. The reporting should cover, at a minimum, the types and quantities of net new housing units applied for, approved, and constructed pursuant to the zoning change (including data on tear-downs).

Before finalizing the current text amendments, we urge the Council to consider the following points:

- The Council should understand which neighborhoods will be affected (i.e., in light of applicable covenants and other conditions that could override the text amendments). We understand that Town staff is currently working to develop this information comprehensively. The results potentially could raise new questions or concerns about the scope of application.
- Some members raised concerns about categorically exempting neighborhood conservation districts (NCDs). One approach could be for the Town to periodically review NCDs in light of the Town's evolving context.
- Commissioners discussed the possibility that the proposal will draw some UNC students into R-1 neighborhoods. One commissioner expressed concern that this could dilute the proposal's effectiveness in increasing "workforce" housing options. Based on input from Town staff and subsequent input from UNC legal faculty, it appears that the Town lacks authority to incorporate identity-based characteristics (e.g., student status, age) into its zoning scheme. (We understand that such authority is generally not implied as a component of NC municipalities' delegated zoning authority.) Commissioners also discussed impacts of student occupancy in traditionally single-family neighborhoods. Commissioners who currently live in mixed student/non-student neighborhoods reported that most students are good neighbors and may in some cases contribute positively to local neighborhoods. Staff pointed out that the likelihood of student occupancy in specific neighborhoods depends on walkability to campus or proximity to transit. Commissioners discussed the potential interplay between: (1) the Town's development policies regarding purpose-built student apartment developments, and (2) demand for student occupancy in R-1 neighborhoods.
- One commissioner suggested that the Town should consider: (1) reducing minimum front setbacks, and (2) not only allowing property owners to build the kinds of structures described in the proposal, but also incentivizing these structures in relation to large single family structures.

Prepared by: Jacob Hunt, Planner II