



PLANNING COMMISSION: APPLICATION FOR AMENDMENTS TO LAND USE MANAGEMENT ORDINANCE SECTION 4.5.4

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
 Judy Johnson, Operations Manager
 Becky McDonnell, Planner II

<p>AMENDMENT REQUEST</p> <p>Amend Section 4.5.4 of the Land Use Management Ordinance to allow projects on sites encumbered by a Special Use Permit to address documented health, safety, or environmental issues through an administrative approval process.</p>	<p>DATE</p> <p>May 7, 2019</p>	<p>APPLICANT</p> <p>Planning Department Staff</p>
<p>STAFF RECOMMENDATION</p> <p>Staff recommends that the Planning Commission review the proposed text amendments and forward a recommendation to the Town Council in time for the Council’s review at the May 22, 2019 Public Hearing.</p>		
<p>PROCESS</p> <p>The Land Use Management Ordinance requires the Planning Commission to make a recommendation to the Town Council on the proposed text amendment. The Council must consider the three findings for enactment of the Land Use Management Ordinance Text Amendment:</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>DECISION POINTS AND BACKGROUND</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 a Council directive to create an alternative process for projects of a similar nature to the Oaks Condominiums stormwater infrastructure project. 	
<p>PROJECT OVERVIEW</p> <p>This text amendment is in response to a request from Town Council to develop an alternative 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. 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:</p> <p>Section 4.5.4. Modifications of Special Use Permits: “The following shall constitute a modification of the special use permit:</p> <p><u>(9) Changes to infrastructure associated with a site that would:</u></p> <ol style="list-style-type: none"> <u>increase the intensity of the development, including increases to floor area or impervious surface, or</u> <u>would make it nonconforming or increase the nonconformity with the development’s existing Special Use Permit or other standards of this Appendix.</u> <p><u>Infrastructure projects not exceeding these thresholds shall be considered minor changes, provided the projects demonstrate that they are proposed to address a public health, safety, or environmental issue, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures. Prior to issuance of a Zoning Compliance Permit, owners within 100 feet must be notified and given two weeks from the date of notification to transmit comments to the Town Planning Department.”</u></p>		
<p>ATTACHMENTS</p>	<ol style="list-style-type: none"> Resolution of Consistency Ordinance A (Enactment of Land Use Management Text Amendment Proposal) Resolution B (Deny Land Use Management Text Amendment Proposal) 	