



CONSIDER ENACTMENT OF LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENTS REGARDING MODIFICATIONS TO FORM DISTRICT REGULATIONS TO ENCOURAGE NON-RESIDENTIAL DEVELOPMENT AND ADDRESS BUILDING SIZE.

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
 Ben Hitchings, Director
 Corey Liles, Interim Principal Planner
 Michael Sudol, Planner II

PROPERTY ADDRESS Blue Hill Form District	MEETING DATE June 27, 2018	REQUESTED BY Town of Chapel Hill
<p>STAFF RECOMMENDATION</p> <p>That the Council 1) close the public hearing; 2) adopt the Resolution of Consistency with the Comprehensive Plan; and 3) enact Ordinance A to amend Section 3.4 and Section 3.11 of the Land Use Management Ordinance (LUMO).</p>		
<p>UPDATES SINCE PUBLIC HEARING</p> <p>Town staff held a meeting with the chairs of the Planning Commission and Community Design Commission, and with urban design consultant Tony Sease, to determine revisions to the proposed text amendments that would reflect the direction received from Council at the May 23rd Council Business Meeting. The revisions were presented to the Planning Commission on June 5th and June 19th. The revised amendments are intended to address residential and non-residential uses throughout the District, rather than focusing on specific properties. As a result, planning staff no longer recommends the establishment of new subdistricts. Planning staff has developed new requirements and incentives for nonresidential square footage in the WX- subdistricts, summarized below and outlined in more detail in the attached Technical Report.</p>		
<p>ITEM OVERVIEW & BACKGROUND</p> <p>At the March 14th Council Public Hearing¹, Mayor Pro Tem Jessica Anderson and Council Members Hongbin Gu and Rachel Schaevitz submitted a petition to identify solutions that address community interests in the Blue Hill (formerly Ephesus/Fordham) District, through adjustments to the Land Use Management Ordinance regarding non-residential development requirements, affordable housing, and building size.</p> <p>On April 18, 2018, Council received an email update regarding the status of the petition and potential options for consideration. At the May 9th Council Public Hearing², Council received further updates regarding the petition, resulting in a request for creation of new zoning districts, the rezoning of specific non-residential parcels within the Blue Hill District, and new building size standards including building footprint and lot coverage.</p> <p>Council opened the Public Hearing at the May 23rd Council Business Meeting³ and provided direction for a more holistic approach to the text amendments.</p>		
<p>PROJECT OVERVIEW</p> <p>The revised LUMO text amendments propose two different measures to encouraging non-residential uses within the Walkable Mixed Use – 5 (WX-5) and Walkable Mixed Use – 7 (WX-7) subdistricts of the Blue Hill Form District. These include:</p> <ol style="list-style-type: none"> 1) An incentive to allow buildings with a non-residential use to have greater upper story floor area; 2) A requirement that residential development only be allowed if an applicant provides a non-residential component in their project, based a menu of options. <p>Additionally, the proposed text amendments would establish new limitations on lot coverage throughout the Blue Hill District by requiring that recreation space be located outdoors, on-site, and at the perimeter of the development. This meets the interest of limiting building size by modifying an existing standard in the Form District.</p>	<p>DECISION POINTS</p> <p>The Council has the discretionary authority to approve or deny a change to zoning regulations. Article 4.4 of the Land Use Management Ordinance establishes the intent of Text Amendments by stating that, "In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town it is intended that this chapter shall not be amended except:</p> <ul style="list-style-type: none"> • to correct a manifest error in this chapter; • because of changed or changing conditions in a particular area or in the jurisdiction generally; or • to achieve the purposes of the Comprehensive Plan." 	

¹ <https://chapelhill.legistar.com/View.ashx?M=F&ID=5878770&GUID=632BEC59-C983-431F-B151-8285ADB6686C>

² <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=582687&GUID=953D16D4-1B71-4ED4-BE87-CFFF60AD32A7&Options=&Search>

³ <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=582689&GUID=CE2668BF-988C-464D-9643-D4D83EF14952&Search>

PROCESS

1. Receive and Refer Council Petition
2. Call Public Hearing
3. Open Public Hearing
4. Seek Feedback from Advisory Boards
- 5. Close Public Hearing and Consider Action**

FISCAL IMPACT/RESOURCES

Tony Sease of Civitech, Inc, has served as an urban design consultant for the development of text amendments, under a contract with the Town of Chapel Hill not to exceed \$9,990.

ATTACHMENTS

- Technical Report
- Resolution A (Consistency with the Comprehensive Plan)
- Ordinance A (Approving the Text Amendment Proposal)
- Resolution B (Denying the Text Amendment Proposal)
- Community Design Commission Recommendations
- Planning Commission Recommendations
- March 14, 2018 Petition to Council