

From: Roger Stancil
Sent: Tuesday, February 20, 2018 10:20 PM
To: Allen Buansi; Donna Bell; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Town Council; Michael Parker; Nancy Oates; Pam Hemminger; Rachel Schaevitz; Roger Stancil; Ross Tompkins
Cc: Loryn Clark; Ben Hitchings; Amy Harvey; Beth Vazquez; Carolyn Worsley; Catherine Lazorko; Christina Strauch; Dwight Bassett; Flo Miller; Mary Jane Nirdlinger; Rae Buckley; Ralph Karpinos; Ran Northam; Roger Stancil; Sabrina Oliver
Subject: Council Question: Item 7: Conditional Zoning

Council Question: Section 4, division 4.4.3 (e) (2) mentions that if the manager doesn't submit a report to council within 30 days on whether or not an application conforms with various plans in place (Land Use, Comprehensive...) that it shall be construed as a favorable recommendation. This seems problematic to me. Can you please explain?

Staff Response: *Division 4.4.3 (e)(2) is existing language that mirrors other procedural language in the Land Use Management Ordinance. The 30-day clock starts with the completion of the initial public hearing before the Council for a given proposal. In most instances, the Town Council receives the Town Manager's report and recommendation within the prescribed time frame. However, if the prescribed time frame does expire without the Town Manager's report, the presumed favorable recommendation does not limit the Town Council in the exercise of its legislative authority.*

Council Question: For the Conditional zoning item, my understanding during the public hearings before we passed the conditional zoning was that the conditional zoning tool was only available in certain places that had been indicated on a map that we were shown. After approval, I understood that conditional zoning was in fact allowed anywhere... does this amendment address that inconsistency?

Staff Response: *Yes. This amendment is an attempt to address that concern. Rezoning, conditional or otherwise, may be requested by an applicant on any parcel in the Town. To make sure that conditional rezoning only occurs in places that have been planned for the specific uses for which conditional zoning was identified (non-residential, mixed use, multi-family), the proposed CZ amendments are structured to specifically require that conditional zoning districts be consistent with the Land Use Plan (or Future Land Use Map) included in the Chapel Hill 2020 Comprehensive Plan. This requirement helps to insure that proposed conditional zoning districts conform to the Town's vision of its future, as indicated on the Land Use Plan. In instances where proposed conditional zoning districts are not consistent with the Land Use Plan, the proposed amendments permit an applicant to request a change to the Land Use Plan. However, any requested change must be considered and approved by the Council prior to the applicant applying for a conditional zoning district.*