

## Christina Strauch

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**From:** Roger Stancil  
**Sent:** Wednesday, March 21, 2018 1:35 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 8: Conditional Zoning

**Council Question:** Would it be possible to require that properties currently zoned (or so zoned when a project was being considered) R1-R4 would be ineligible for CZ?

**Staff Response:** *By their very nature, the Land Use Plan (or Future Land Use Map) and the Zoning Atlas (or Zoning Map) are living documents that can be changed through legislative decisions made by the Town Council. If the Council doesn't like a particular rezoning request, it can always deny it. At the same, the Council can't legislate so as to prevent future legislation. As a result, it can't select land in certain zoning districts and permanently prevent those areas from being considered for a different zoning designation. However, the Council can require that a Conditional Zoning request be consistent with the Future Land Use Map in order to be considered and approved. That is the text amendment that is before the Council tonight.*

Please let us know if we can provide additional information.

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**From:** Roger Stancil  
**Sent:** Tuesday, March 20, 2018 6:37 PM  
**To:** Allen Buansi; Donna Bell; Hongbin Gu; Jeanne Brown; Jess Anderson; Karen Stegman; Town Council; Michael Parker; Nancy Oates; Pam Hemminger; Rachel Schaevitz; Ross Tompkins; Roger Stancil  
**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; Sabrina Oliver; Sabrina Oliver  
**Subject:** RE: Council Question: Item 8: Conditional Zoning

An additional question:

**Council Question:** Is it appropriate to condition a Land Use Plan amendment upon the approval of a conditional rezoning in order to prevent a scenario in which a change is made to the land use map, only to have the conditional rezoning be denied, with the possibility that a subsequent applicant might take advantage of the land use plan amendment at a later date?

**Staff Response:** *An amendment to the Land Use Plan should be made based on whether or not the proposed change is appropriate for the Town as a whole regardless of the particulars of an application, since the Plan is a forward looking policy document that depicts the Town's desires. In addition, an approved Land Use Plan change could be reversed, if the Council wishes to do so. In addition, even if a Land Use Plan amendment is approved and the anticipated conditional zoning application does not materialize or is denied, the old zoning authorization would remain in place (with any and all of its limitations) until a conditional zoning application is approved by the Town Council to enable a new development project to move forward.*

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**From:** Roger Stancil  
**Sent:** Monday, March 19, 2018 8:54 PM  
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**Cc:** Loryn Clark <lclark@townofchapelhill.org>; Ben Hitchings <bhitchings@townofchapelhill.org>; Amy Harvey <aharvey@townofchapelhill.org>; Beth Vazquez <b vazquez@townofchapelhill.org>; Carolyn Worsley <cworsley@townofchapelhill.org>; Catherine Lazorko <clazorko@townofchapelhill.org>; Christina Strauch <cstrauch@townofchapelhill.org>; Dwight Bassett <dbassett@townofchapelhill.org>; Flo Miller <fmiller@townofchapelhill.org>; Mary Jane Nirdlinger <mnirdlinger@townofchapelhill.org>; Rae Buckley <rbuckley@townofchapelhill.org>; Ralph Karpinos <rkarpinos@townofchapelhill.org>; Ran Northam <rnortham@townofchapelhill.org>; Roger Stancil <rstancil@townofchapelhill.org>; Sabrina Oliver <soliver@townofchapelhill.org>  
**Subject:** Council Question: Item 8: Conditional Zoning

**Council Question:** How do the proposed fees (p. 94) compare to those for an SUP? How were they determined?

**Staff Response:** *The proposed fees for Conditional Zoning match what the Town currently charges for Special Use Permits. Since the structure and extent of the review is similar, we propose making the fee charged to applicants similar.*

**Council Question:** If we believe that it is necessary to have a FLUM amendment made prior to accepting a CZ application if there is an inconsistency between the FLUM and the proposed rezoning, why are we not amending the LUMO to require the same for a typical Conditional Use Rezoning bundled with an SUP?

**Staff Response:** *To date, the conversation has focused on establishing the new Conditional Zoning framework, and not on revising the framework for existing development review processes. However, this is certainly something that the Council could consider.*