



refinement to the proposed amendment, and since that time, staff has worked with the applicant to refine the draft ordinance to respond to Board and advisory board concerns. The staff memorandum (Attachment D) provides short history of the evolution of the draft ordinance from its original version, first shared with the Board as a request-to-set a public hearing agenda item on October 15, 2013, to the present version dated February 13, 2015 (Attachment C).

This new ordinance differs from the previous ones in two important ways. First, after working through the challenges of the site and finalizing the conditional use permit plans, the Woodhill, Inc. has identified areas where they were not able to meet the LUO and have modified their text amendment request accordingly. These changes include the addition of one new land use 16.000 (dry cleaners), and the opportunity allow use 16.000 and use 3.250 (freestanding ATMs) as permitted uses that are not subject to percentages of building and site improvements. The applicants have also asked for flexibility relating to certain street standards for an infill site. These requests have been incorporated into the draft ordinance.

The second change relates to the creation of the new manufacturing zoning district. After exploring different strategies toward a weighted point system and in consultation with the Town Attorney, staff has put forth a draft ordinance that proposes a new M-3 conditional use district rather than a general use district. The conditional use zoning mechanism allows for rezonings to occur under very specific conditions described in an associated conditional use permit application. Conditions are linked to the permit. If adopted, the ordinance would provide the Board with discretion to determine if an applicant has met the performance standard criteria-if the design of the proposed project includes a sufficient amount of site and building elements that will create a more vibrant and successful community/provides essential public infrastructure--to allow the desired amount of restaurants in the development. Conditional use districts can only be established at the request of the owner; as part of their updated application materials, Woodhill Inc. has submitted a petition for rezoning to the new M-3-CU district.

The Board of Aldermen must receive public comment before adopting amendments to the LUO; Planning Board and Orange County review is also needed. Staff has identified other advisory boards in the resolution template that the Board may wish to refer the draft ordinances to as well.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review. The applicant has paid the Town fee associated with processing a text amendment to the Land Use Ordinance.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution (Attachment A), setting a public hearing for April 28, 2015 and referring the proposed amendment to Orange County, the Planning Board, the Transportation Advisory Board, the Appearance Commission and the Economic Sustainability Commission.