



## Legislation Details (With Text)

**File #:** 14-0045      **Version:** 1      **Name:**  
**Type:** Agendas      **Status:** Passed  
**File created:** 2/8/2014      **In control:** Board of Aldermen  
**On agenda:** 2/18/2014      **Final action:** 2/18/2014  
**Title:** Request-to-set a public hearing on Land Use Ordinance Amendments to Allow Additional Uses in the M-1 Zoning District with a Conditional Use Permit

**PURPOSE:** The purpose of this item is for the Board to consider setting a public hearing on potential text amendments to the Land Use Ordinance to allow additional uses in the M-1 zoning district with a conditional use permit, subject to certain criteria. A draft ordinance has been prepared for the Board's consideration. A resolution setting a public hearing date for March 25, 2014 and requesting advisory board review prior to the hearing has also been prepared.

**Indexes:****Code sections:**

**Attachments:** 1. Att A - Resolution, 2. Att B - Text Amend Request, 3. Att C - Draft Ordinance\_Certain Uses in M-1 District, 4. Att D - LUO Article IX-Manufacturing

Date	Ver.	Action By	Action	Result
2/18/2014	1	Board of Aldermen	approved	Pass

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**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Marty Roupe - 919-918-7333; Mike Brough - 919-929-3905

**INFORMATION:** In May of 2013, Runyon Woods of Woodhill, Inc. LLC submitted a text amendment request to allow restaurants, banks with drive-thru windows and freestanding ATM tellers within the M-1 Zoning District (*Attachment B*). During the request to set a public hearing, the Board of Aldermen removed banks with drive-thru windows as a potential new use from the draft ordinance. Staff presented the revised ordinance to Town advisory boards at the November joint review meeting. A public hearing was held on November 19, 2013. The Planning Board and Economic Sustainability Commission had a number of questions and suggestions for refining the draft ordinance. The Board of Aldermen, likewise, had a number of questions during the public hearing and requested additional information.

On January 14, 2014, the Board held a work session item to further discuss the implications of adding new uses to the M-1 Zoning District. Prior to the work session, discussions relating to the text amendment have focused on allowing some higher return land uses in exchange for site improvements and/or building elements that would provide essential public infrastructure and create a more vibrant and successful community. The Town adopted similar performance standard language as part of the establishment of the B-1(g) conditional zoning district (Section 15-141.4) in 2011. Discussions have not included much attention toward potential ways to encourage or even require light manufacturing as a component of a development project in exchange for access to additional land uses. The January work session was designed to facilitate such a discussion based on a series of alternatives for moving forward.

The Board directed staff to modify the draft ordinance to incorporate the recommendations from the advisory boards, in particular: requiring site improvements or building elements that would contribute to a more vibrant and successful community for any percentage of additional uses and to adopt a cap the total amount of new uses (*Attachment C*). The Board expressed interest in exploring ways to encourage or even require light manufacturing as part of a future agenda item that could involve a more comprehensive analysis of the Town's long-term needs.

The Board of Aldermen must receive public comment before adopting amendments to the LUO; Planning Board and Orange County review is also needed.

**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, setting a public hearing for March 25, 2014 and referring the proposed amendment to Orange County, the Planning Board, the Transportation Advisory Board and the Economic Sustainability Commission.