



Legislation Details (With Text)

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Title:	Public Hearing on a Land Use Ordinance Amendment Regarding Civic Assembly in Village Mixed-Use Developments PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider a text amendment to the Land Use Ordinance regarding civic assembly in village mixed-use developments. A draft ordinance has been prepared. The Board must receive public input before reaching a decision on the draft ordinance.				

Indexes:

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Attachments: 1. Attachment A - Consistency Resolution Civic Assembly, 2. Attachment B - Draft Ordinance Civic Assembly in VMU, 3. Attachment C - Application, 4. Attachment D - Comments Combined

Date	Ver.	Action By	Action	Result
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TITLE:

Public Hearing on a Land Use Ordinance Amendment Regarding Civic Assembly in Village Mixed-Use Developments

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider a text amendment to the Land Use Ordinance regarding civic assembly in village mixed-use developments. A draft ordinance has been prepared. The Board must receive public input before reaching a decision on the draft ordinance.

DEPARTMENT: Planning

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INFORMATION: The Town has received a request from Eric Chupp of Capkov Ventures to modify a provision in Article XI of the Land Use Ordinance relating to the design and development requirements for village mixed use developments (*Attachment C*). Section 15-141.2 indicates that one of the objectives of such a development is the “provision of buildings for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community.” In his request, Mr. Chupp has asked to expand the provision for buildings *or structures*, to allow outdoor facilities to qualify for this requirement.

In considering the request, two aspects of the Winmore development are worth noting. First, the master plan and conditional use permit for Winmore identifies potential civic assembly uses and a particular lot where the civic assembly use is to be located. Mr. Chupp has indicated that Capkov Ventures has been unable to find a tenant who would be interested any of the potential uses on the civic assembly parcel, in part, because of limited parking in proximity to the site. Second, over the course of the last several years while the project has developed, residents have come to use the swimming pool and associated amenities as their main gathering area. This tendency to congregate outdoors at the pool and walking trails has occurred organically. The

applicants believe that a defined outdoor area might provide a better civic assembly space and enhancement to the community than one that is enclosed within a building. Approval of the text amendment would allow the Capkov Ventures to apply for a CUP modification to design and install an outdoor civic assembly space elsewhere in the Winmore development.

The draft ordinance was referred to Orange County and presented to the Planning Board and Economic Sustainability Commission at their regular meetings in May. Comments are provided (*Attachment D*).

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review. The applicant has submitted the appropriate fees for a text amendment review.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolution for consistency (*Attachment A*) and the draft ordinance (*Attachment B*).