



## Legislation Text

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**File #:** 15-0070, **Version:** 1

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### **TITLE:**

Request-to-Set a Public Hearing on Land Use Ordinance Amendments to Create a New M-3-CU Special Light Manufacturing District

**PURPOSE:** The purpose of this item is for the Board to consider amending the Land Use Ordinance to create a new M-3-CU special light manufacturing conditional use district. A draft ordinance has been prepared for the Board's consideration. A resolution setting a public hearing date for April 28, 2015 and requesting advisory board review prior to the hearing has also been prepared.

**DEPARTMENT:** Planning

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

**INFORMATION:** On May 28, 2013, Runyon Woods of Woodhill, Inc. LLC, submitted a text amendment request to allow additional uses, such as restaurants, in the M-1 zoning district subject to a conditional use permit (Attachment B). In response to the request, staff crafted an ordinance that would allow 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.

On November 19, 2013, the Board of Aldermen held a public hearing on the draft amendment, which had been modified during the advisory board review process. The Board requested additional information and 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.