

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: J.B. Culpepper, Planning Director
Gene Poveromo, Development Manager
Kendal Brown, Principal Planner

SUBJECT: Rezoning Hearing for Proposed Elementary School #11 at 350 Caldwell Street Extension (File No. 9788-18-1797)

DATE: September 21, 2009

INTRODUCTION

Tonight's public hearing has been called to consider an application from the Chapel Hill-Carrboro City Schools for rezoning an 8-acre site located at 350 Caldwell Street Extension.

For many years, the first local public school for African Americans, the Orange County Training School, operated on this site and served 7th to 12th grade students. The Orange Person Chatham (OPC) mental health clinic opened here in 1980, followed by the addition of The School for People Under Six in 1999.

We recommend that the Council open the public hearing, receive comments and consider the attachments associated with this application.

DESCRIPTION OF THE APPLICATION

The site, currently zoned Residential-3 (R-3), would be rezoned to Office/Institutional-3 (OI-3). The school system has also requested a modification to the site's Special Use Permit, proposing a three-story 100,000-square-foot elementary school with 84 parking spaces. (See accompanying Special Use Permit memorandum.)

REZONING REQUEST

The applicant has submitted a general use rezoning application. The applicant asserts that placing a new elementary school in the heart of this community will strengthen the traditional character of the neighborhood, in which transient rental properties have been replacing owner-occupied residences and family homes. The applicant also states that the building the school would fit into the town's comprehensive plan and the goals of the Northside neighborhood conservation district. So far, no statements in opposition have been submitted.

To date, no one has filed a protest petition against the project. For information on how to file a protest petition, please refer to the following web page link on the Town's Web site:

<http://www.townofchapelhill.org/index.aspx?page=556> .

ANALYSIS OF THE APPLICATION

Analysis of an application to amend the zoning atlas is organized around the requirement of the Land Use Management Ordinance as stated in Article 4.4. Article 4.4 states that the Land Use Management Ordinance (including the zoning atlas) shall not be amended except:

- a) to correct a manifest error in the chapter; or
- b) because of change or changing conditions in a particular area in the jurisdiction generally; or
- c) to achieve the purposes of the Comprehensive Plan.

Each of these requirements, with respect to this proposed rezoning application, is discussed below:

A) A zoning atlas amendment (rezoning) to the Land Use Management Ordinance is necessary to correct a manifest error in the chapter (zoning atlas).

Staff Comment: We believe the information in the record to date can be summarized as follows:

- Argument in Support: The applicant has not offered arguments to support this circumstance. We were unable to identify any arguments in support of a manifest error.
- Argument in Opposition: To date no arguments in opposition have been submitted.

B) A zoning atlas amendment (rezoning) to the Land Use Management Ordinance is necessary because of changed or changing conditions in a particular area or in the jurisdiction generally.

Staff Comment: We believe the information in the record thus far can be summarized as follows:

- Argument in Support: Arguments in support of this finding are offered in the applicant's statement of justification, attached. Excerpts from this statement include:
 - "...as residential properties in the neighborhood have begun to be more highly valued as rental property than as owner-occupied residences or family homes, a more transient neighborhood demographic has evolved. This transition has resulted in a noticeable loss of neighborhood cohesion and identity, and has begun to diminish Northside's traditional family-oriented character. These changes run contrary to the Town's intentions to protect and preserve the historic character of the Northside neighborhood. The location of a new elementary school in the heart of this community will strengthen the traditional neighborhood character in several important ways...." [*Applicant's Statement*]
- Arguments in Opposition: To date, no arguments in opposition have been submitted.

C) An amendment to the Land Use Management Ordinance is necessary to achieve the purposes of the Comprehensive Plan.

Staff Comment: We believe the information in the record thus far can be summarized as follows:

- Arguments in Support: Arguments in support of this finding are offered in the applicant’s statement of justification, which references several themes in the Comprehensive Plan:
 - “Conserve and protect existing neighborhoods: The new elementary school will provide a protective effect within the Northside neighborhood by increasing the attractiveness of the neighborhood for families and owner-occupants, and encouraging longer-term residents to occupy the neighborhood residences, naturally leading to a neighborhood population that is more stable and invested...”
[Applicant’s Statement]
 - “The proposed school will reinstate the historic educational usage of the property and will support the historic family-oriented composition of the neighborhood.”
[Applicant’s Statement]
 - “In accordance with the neighborhood preservation objectives of the Comprehensive Plan, the Northside Neighborhood Conservation District was adopted by Town Council. The Vision Statement contained in the Plan outlines several objectives to be accomplished by development in the neighborhood.” [Applicant’s Statement]
 - “Encourage desirable forms of non-residential development: The new school... will serve vital public educational purposes, express leadership in sustainability and environmental responsibility, and provide a valuable neighborhood venue for secondary activities that will contribute to neighborhood identity and quality.”
[Applicant’s Statement]
 - “Provide quality community facilities and services: “...the new school facility will continue the CHCCS record of providing a high level of service to the local community, within a facility that will be recognized for leadership in sustainability.”
[Applicant’s Statement]

Please refer to the applicant’s Statement of Justification for more detail.

Arguments in Opposition: To date, no arguments have been submitted indicating that this development would not be consistent with the Comprehensive Plan.

Additional Information: We note that the Land Use Plan, another component of the Comprehensive Plan, adopted on May 8, 2000, indicates this area as “Institutional.”

We believe that based on elements of the comprehensive plan, the rezoning could be approved by the Council. However, input from the public and the Council at the hearing will inform the Town Manager’s ultimate recommendation.

RECOMMENDATION

We recommend that the Council open the public hearing, receive comments and consider the attachments associated with this application. After receipt of public comment at the hearing, further recommendations may be made when the hearing is reconvened at a later date.

The attached draft ordinance would approve the rezoning application. The attached draft resolution would deny the rezoning request.

ATTACHMENTS

1. Draft Ordinance (p. 5).
2. Denial Resolution (p. 6).
3. Planning Board Action (p. 7).
4. Zoning Notice Certification (p. 8).
5. Q & A Rezoning and Special Use Permits (p. 9).
6. Applicant's Materials (p. 10).
7. Area Map (p. 15).