

GLU COMMITTEE, MARCH 16, 2010

Four pages that may facilitate discussion

- Table I: How the proposal duplicates current regulations
- Table II: How the proposal is different -- important
- Table III: Selected concepts from the land use plan
- Last page: Possible committee actions

TABLE I
HOW THE PROPOSAL DUPLICATES CURRENT REGULATIONS

These requirements seem less important for discussion as they apply equally under current and proposed regulations whenever retail is proposed in R40W.

<p><u>Special Use Criteria</u></p> <p>The Board of Adjustment (BOA) must find the proposed use:</p> <ul style="list-style-type: none">• Will not materially endanger public health or safety• Will comply with all regulations and standards• Will not substantially injure the value of adjoining property or is a public necessity• Will be in harmony with the area,• Will be consistent with the land use plan...
<p><u>Maximum Impervious</u></p> <ul style="list-style-type: none">• Little River Watershed – 12%• Smith Creek - 12%• Falls Watershed - 24%• Swift Creek Watershed - 24%• Cape Fear Watershed – 24%• Jordan Watershed – 24%
<p><u>Location in an Activity Center</u></p> <ul style="list-style-type: none">• Required consideration before granting special use permit
<p><u>Standards for</u></p> <ul style="list-style-type: none">• Road access• Lighting• Landscaping and buffers• Site maintenance
<p><u>Stormwater</u></p> <ul style="list-style-type: none">• Neuse rules for nitrogen and peak flow if imperviousness added• Falls rules for nitrogen and phosphorous if imperviousness added after Falls Rules take effect (about August 1, 2013)• Control of first ½ inch of rain if exceed 12% imperviousness
<p><u>Miscellaneous</u></p> <ul style="list-style-type: none">• There are other miscellaneous requirements

TABLE II
HOW THE PROPOSAL DIFFERS FROM CURRENT REGULATIONS

Broad summary. Applies to retail proposed in R40W.

CURRENT REGULATIONS	PROPOSED REGULATIONS
<p><u>Scope</u> Regulations apply to all sites -- vacant, conforming uses and nonconforming uses</p> <p>Developer follows current regulations -- below</p> <p><u>Main Commercial Uses Allowed</u> Neighborhood retail without gas sales.</p>	<p><u>Scope</u> Regulations apply to only nonconforming commercial use and nonconforming industrial use sites</p> <p>Developer chooses: (1) follow all current regulations -- left column -- or (2) follow all regulations below</p> <p><u>Main Commercial Uses Allowed</u> Generally, same uses as allowed under current regulations and most other commercial uses not selling gas including:</p> <p>Outdoor sales and service, animal shelter, drive through restaurant, other eating and drinking establishment (except bars and nightclubs), offices including conference centers and medical offices, labs or clinics, veterinary, drive through financial facilities or other financial services (except pawn shops and payday loans), rooming or boarding houses, and all other retail sales and service. Would prohibit 3 uses now allowed: family burial ground, private cemetery, and private kennel</p>
<p><u>Floor Area Limit</u> 15,000 square feet</p>	<p><u>Floor Area Limit</u> Petitioner has offered two options for today's discussion: (1) redevelopment's floor area must be limited to amount that existed previously on the site or (2) redevelopment's imperviousness must be reduced 10% from amount existing previously on site</p>
<p><u>Nitrogen Limit</u> In all R40W and R80W districts, the Neuse nitrogen limit applies to the part of the redevelopment adding imperviousness. Otherwise no limit for grandfathered redevelopments.</p>	<p><u>Nitrogen Limit</u> Same limit as current regulations (left column.) Also, if the redevelopment is approved in R40W in Falls Watershed before Falls Rules take effect (about August 1, 2013) developer must reduce nitrogen by 60%. Not clear as to other watersheds</p>
<p><u>Phosphorous Limit</u> None today. When Jordan and Falls Rules take effect (about July 20, 2012 and August 1, 2013) there will be phosphorous limits</p>	<p><u>Phosphorous Limit</u> Same limit as current regulations (left column.) Also, if the redevelopment is approved in R40W in Falls Watershed before Falls Rules take effect (about August 1, 2013) developer must reduce phosphorous by 60%. Not clear as to other watersheds.</p>

TABLE IV
SELECTED CONCEPTS FROM THE LAND USE PLAN

These paraphrased concepts seemed as they may be relevant for your discussion. No relative priorities are stated in the plan.

1. Promote nonurban uses and intensities in areas designated nonurban.

(Includes following water supply watersheds: Little River, Smith Creek, almost all of Falls, Jordan Critical Area, and parts of Swift Creek)

2. Promote urban uses and intensities in areas designated urban.

(Includes utility service areas of municipalities and parts of Jordan, Swift Creek, Upper Neuse/Richland Creek, and Cape Fear Watersheds.)

3. Promote mixed use activity centers at the scale and in areas designated by the land use plan

4. Promote tax base

POSSIBLE ALTERNATIVE ACTIONS

No priority implied by order of alternatives.

1. Recommend proposed regulations as written
2. Recommend keeping current regulations in place with no changes
3. Recommend proposed regulations with modifications
4. Recommend staff study and develop proposal
5. Other?

Britt's Notes

Scope

- 2 sets of minimum standards
- Developer gets to choose
 - Examples: range of uses, floor area
 - Choose 1 whole set or another
- Where choice does and does not apply
 - Yes—nonconforming commercial and industrial uses in R40W
 - No—vacant properties, conforming properties, or even nonconforming uses and not in other zoning districts like R30, etc.

Commercial uses allowed

- Range of uses wide (wider than BOC normally allowed in nonurban areas-WSWS)

Floor Area

- No longer limited to 15,000 square feet
- Intensity of uses not normally allowed in nonurban WSWS

Nitrogen

- Currently, limit (10lbs/acre/year, then buy down to 3.6) for added imperviousness
- Proposal: still do that but add provision; development approved before Falls Rules, then 60% N reduction. Applies during window of time and appears to apply only in Falls as written

Phosphorous