

# LUMO REWRITE PROJECT INITIATION FINAL REPORT

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## PROJECT INITIATION PROCESS

In April 2017, the Chapel Hill Town Council adopted a resolution to rewrite the Town’s Land Use Management Ordinance (LUMO) so that users have a better tool for planning, managing, and executing the community’s vision for growth and development (i.e., “to protect what the community loves, and add what it needs”). In response to this resolution, the Town Manager’s Office launched a project initiation effort focused on gathering perspectives from various stakeholders in the community on the key priorities and outcomes that the Town Council should use to guide the LUMO rewrite process. The project initiation consisted of:

- 24 in-person interviews with community stakeholders representing Town advisory boards, UNC and UNC Health Care planning and facilities, Orange County planning department, developers, Chapel Hill-Carrboro Schools, and advocates for residents, commercial and small businesses, connectivity, renewable energy, and affordable housing.
- Interviews with 12 Town staff representing planning, code enforcement, engineering, economic development, legal, communications, and housing.
- An online survey framed to test priorities and assumptions collected from stakeholder interviews; shared with select group of stakeholders (128 respondents).

Stakeholder interviews were conducted from June 14 to August 25, 2017 and focused on experience with the current LUMO, thoughts on what a successfully rewritten LUMO would deliver to the community, and community values that need to be preserved or enhanced through development in Chapel Hill. The online survey was open from August 6 to September 6, 2017. A detailed list of stakeholders interviewed and link to the survey are provided in the appendix of this report. Online survey respondents were offered several options for characterizing their relationships to the Town of Chapel Hill (and were able to choose multiple options) and self-identified in the following ways:

<i>Resident = 87</i>	<i>UNC / UNC Health Care employee = 15</i>
<i>Property owner = 64</i>	<i>UNC student = 14</i>
<i>Town Advisory Board member = 24</i>	<i>Orange County employee = 4</i>
<i>Local business employee = 18</i>	<i>Nonprofit employee = 4</i>
<i>Local business owner = 16</i>	<i>Local developer = 3</i>

**MAJOR THEMES EMERGING FROM PROJECT INITIATION**

Feedback gathered during the LUMO Rewrite project initiation points to a need for land use rules, regulations, procedures, and guidelines that are predictable, functional, and intentional. Stakeholder sentiments, along with challenges and opportunities that emerged around these major themes, are outlined below.

**PREDICTABILITY**

*“Institutional change (in terms of staff and board turnover) is inevitable, so what are the guidelines that will retain important procedures and continuity of understanding?”*

*“Continuous modification to existing rules basically demonstrates that the Town doesn’t have rules.”*

<b>Primary challenges identified by stakeholders</b>	The LUMO’s inflexible structure results in case-by-case modifications and special use permits that do not consider variations in use over time and are not easily applied to other projects or requests. This creates a sense that the LUMO is reactive and ad hoc.
	Existing thresholds require Town Council to review small-scale and administrative applications which slows down development application processes and contributes to a sense that development decisions are subjective rather than governed by rules designed to guide the Town toward its vision.
	39% of survey respondents characterized development in Chapel Hill as “Random / unpredictable” versus 13% who characterized it as “Thoughtful / well-planned.”

Consistent stakeholder feedback on the need for predictability in the Town’s LUMO and land use guidelines led to the following assumptions being tested and affirmed through the online survey:

<b>A predictable framework:</b> Build the LUMO so that it allows for updates but maintains predictable procedures.	<b>84 out of 85 agree</b>
<b>Step-by-step guidance:</b> Provide step-by-step guidance on processes related to proposals, requests, permitting, development, etc.	<b>93 out of 95 agree</b>
<b>Clear code enforcement:</b> Establish clear and predictable code enforcement strategies for new and older developments.	<b>88 out of 92 agree</b>
<b>Improve efficiency:</b> Establish guidelines allowing Town staff to manage small-scale and administrative requests.	<b>85 out of 93 agreed</b>

**MAJOR THEMES, Continued**

**FUNCTIONALITY**

*“Write the LUMO from the perspective that it’s a resource for the public.”*

*“Fill the LUMO with clear guidelines and tools that the Council approves so that staff have the resources needed to make decisions and provide guidance on requests.”*

*“Boards without any real power are simply opportunities for disruption.”*

<b>Primary challenges identified by stakeholders</b>	Language in the LUMO is ambiguous, terminology and definitions are used inconsistently, development processes are not well documented, and the ordinance is not easy to navigate.
	The LUMO, as a document, is difficult to manage and approved changes and updates to the ordinance often take a lot of time to be added.
	The LUMO’s inflexible structure results in case-by-case modifications and special use permits that do not consider variations in use over time and are not easily applied to other projects or requests.
	The lack of specificity in the LUMO leaves the town vulnerable to challenges and conflicting interpretations.

Because stakeholders consistently expressed a desire for improved functionality in the Town’s LUMO, the following assumptions were tested and affirmed through the online survey:

<b>Write for the end user:</b> Use simpler language, consistent formatting and definitions, and make the LUMO easy to search.	<b>98 out of 99 agreed</b>
<b>Improve defensibility:</b> Clearly document and clarify the intentions behind rules, regulations, and standards.	<b>96 out 98 agreed</b>
<b>Simplify rules:</b> Simplify rules; offer clarity on when and how they apply to different types of development processes.	<b>92 out of 94 agreed</b>
<b>Incorporate graphics:</b> Incorporate graphical descriptions to make rules more understandable and easier to apply.	<b>86 out of 93 agreed</b>

**MAJOR THEMES, Continued**

**INTENTIONALITY**

*“The Town needs an affirmative strategy, rather than a defensive posture.”*

*“Development (in Chapel Hill) lacks a coherent long-term vision that represents the Town’s character, strengths, and values.”*

<b>Primary challenges identified by stakeholders</b>	The complexity of the LUMO favors those with the time and resources to interpret or request modifications to regulations, which creates a barrier to entry and a sense that the development process in Chapel Hill is exclusive and inhibits creative and progressive options for development and redevelopment.
	Some of the priorities aspired to in the Town’s comprehensive plan and Council goals aren’t feasible under current regulations such as variations in use.
	The current review process contributes to a sense that development decisions are subjective rather than governed by rules designed to guide the Town toward its vision.

Consistent stakeholder interest in land use policies and guidelines that are intentional generated the following assumptions which were tested and affirmed through the online survey:

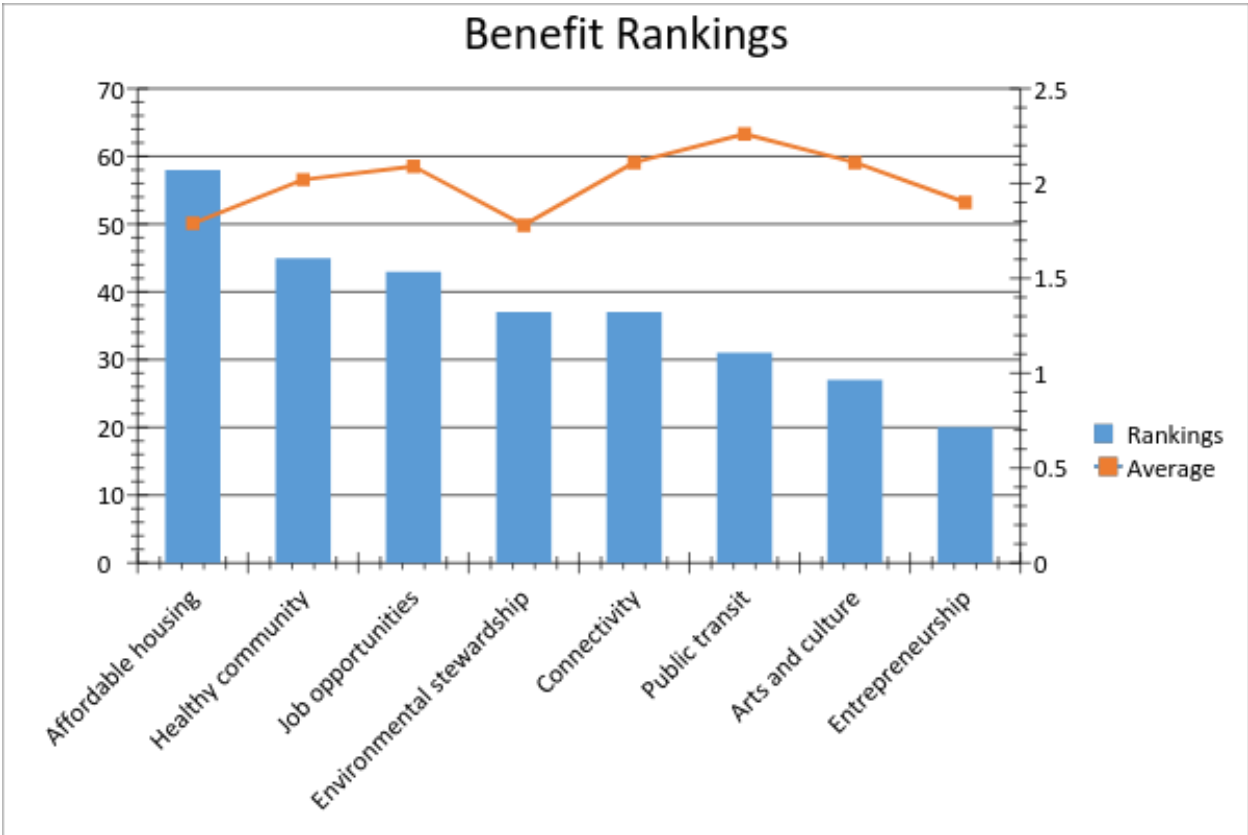
<b>Consistent processes:</b> Establish clear procedures and zoning standards in order to rely less on case-by-case board reviews.	<b>89 out of 96 agreed</b>
<b>Benefits the Town desires:</b> Revise regulations to attract qualities valuable to the town (e.g., green design, sustainability, inclusionary housing).	<b>90 out of 98 agreed</b>
<b>Target development:</b> Identify areas to target for specific types of development in the LUMO.	<b>87 out of 94 agreed</b>
<b>Align to Comp Plan:</b> Tie policies in the LUMO to goals and intended outcomes set in the Comprehensive Plan.	<b>80 out of 88 agreed</b>

**POLICY PRIORITY AREAS EMERGING FROM PROJECT INITIATION**

Based on conversations with stakeholders, several potential community benefits of development in Chapel Hill were identified and tested in the online survey. Benefits were defined as:

- *Affordable housing*: A variety of affordable and inclusionary housing options available to current and future residents.
- *Healthy community*: Safe neighborhoods and ample access to parks, greenways, and recreational spaces.
- *Job opportunities*: Opportunity and space for commercial and retail businesses that create jobs in town.
- *Environmental stewardship*: Protection for natural habitats, sensitive lands, and green infrastructure.
- *Connectivity*: Ample roads, parking, bike and pedestrian pathways, and clear signage and wayfinding around town.
- *Public transit*: Robust and reliable public transportation services for Chapel Hill residents and visitors.
- *Arts and culture*: A variety of high-quality public arts and cultural spaces and events that foster community interaction.
- *Entrepreneurship*: Co-working and incubator space to support new and entrepreneurial enterprises.

**FINDINGS**



## POLICY PRIORITY AREAS, Continued

### Key take away

Of the benefits tested, stakeholders were most likely to rank **affordable housing** as a top priority, followed by **healthy community, job opportunities**, and **environmental stewardship**.

### Stakeholder comments:

*“Chapel Hill is becoming a location where folks who support city infrastructure can no longer afford to live. This creates a have/have-not societal divide which is ultimately unsustainable.”*

*“I would advocate for policies that create housing for a wide range of incomes to create a community that is appealing to a wider range of demographics than we currently attract.”*

*“Job opportunities and Entrepreneurship are intrinsically the same thing. Supporting growth of business started in the community and efforts to bring new, complimentary business to the community should not be siloed off from each other.”*

*“Environmental stewardship goes without saying always. No health without it, no matter how many health resources we build.”*

*“Note that most of the new development in recent years (i.e., luxury apartments) delivers few if any of the benefits on this list.”*

## RECOMMENDATIONS

Stakeholders did not say, “Give me what I want,” they said, “Tell me what I need to know.” This unambiguous feedback provides a solid path forward for the LUMO rewrite effort. The LUMO and all associated maps, guides, documents, and processes are opportunities for the Town to better serve stakeholders – whether as concerned citizens, developers, or staff members – so they know what to expect when it comes to land use in Chapel Hill and what the reasonable rationales are behind rules governing development and land use processes.

<b><i>Project charge</i></b>	<ul style="list-style-type: none"> <li>● Create a project charge focused on creating a land use map and land use ordinance that delivers predictable, functional and intentional rules and expectations for development in Chapel Hill.</li> <li>● Incorporate into the project charge the opportunities and confirmed assumptions laid out above about what a rewritten LUMO should deliver to the community.</li> </ul>
<b><i>Project design</i></b>	<ul style="list-style-type: none"> <li>● Regularly assess and clarify the roles and expectations of members of the current project team, and those of project committee members should one be established.</li> <li>● Anticipate invisible and project life-cycle needs and costs so that resources do not have to be pulled from other projects or departments unexpectedly.</li> <li>● Incorporate long-term assessment, stewardship, and technical management of the rewritten LUMO into the project design.</li> <li>● Prioritize functional improvements to the structure and organization of the LUMO that will provide clarity to users and stakeholders.</li> </ul>
<b><i>Communications plan</i></b>	<ul style="list-style-type: none"> <li>● Establish a plan for communications that create and manage expectations for this project effort.</li> <li>● Consider the opportunity to better manage the narrative of the Town’s historic vision and how land use policies contribute to an ongoing vision for how the town will evolve.</li> <li>● Use proactive communication as the primary vehicle for customer service that anticipates and delivers relevant and timely information to the public about the LUMO rewrite effort.</li> </ul>
<b><i>Public input</i></b>	<ul style="list-style-type: none"> <li>● Focus public discussions and input on the high-level priorities, goals, and the tradeoffs inherent to development and change.</li> <li>● Identify the target audiences to be reached and set reasonable engagement goals that will allow for productive and relevant feedback.</li> <li>● Close the loop on public feedback by communicating back to the public what they said (“here is what we heard”) and how that input will be used (“here is how we’re using what we heard”).</li> </ul>

## Appendix

### Stakeholder details

Stakeholder types	Representing	Individuals
<b>University Administration</b>	Facilities/operations/energy management	<i>Anna Wu, Associate Vice Chancellor for Facility Services</i> <i>Evan Yassky, Executive Director of Facilities Planning and Design</i>
	Medical Center	<i>Karen McCall, CCMO</i> <i>Ray LaFrenaye, VP, Facility Planning</i>
<b>University students</b>	Graduate and undergraduate student governments	(sent MetroQuest survey)
<b>Chapel Hill-Carrboro City Schools</b>		<i>Todd LoFrese, Assistant Superintendent</i>
<b>Nonprofit and Advocacy Groups</b>	Affordable Housing	<i>Robert Dowling, Community Home Trust</i>
	Solar/renewables	<i>Rob Pinder, Founder of NextClimate</i>
<b>Local Business</b>	Chamber of Commerce	<i>Aaron Nelson, President</i>
	Downtown Partnerships	<i>Meg McGurk, Executive Director</i> <i>Bobby Funk, Assistant Director</i>
	Real Estate	<i>Katherine Kopp</i>
<b>Development Professionals</b>	General contractors/builders (commercial and residential)	<i>DB Bryan</i>
	Home Builders Assoc of Durham, Orange & Chatham Counties	<i>Holly Fraccaro, CEO</i>
<b>Residents</b>	HOA leadership/neighborhood associations	(sent MetroQuest survey)
	Neighborhood advocacy groups	<i>Julie McClintock</i>
<b>Faith Community</b>	Interfaith Council	<i>Jackie Jenks, Executive Director</i> <i>Kristin Lavergne, Community Services Director</i>
	Local clergy (esp. those who reach underrepresented populations)	(sent MetroQuest survey)
<b>County Agencies / Utilities</b>	OWASA	<i>Ruth Rouse, Planning and Development Manager</i>
	Orange County Planning Department	<i>Perdita Holtz, Planner</i>
<b>Development Advisory Boards</b>  (all members of these)	Planning Commission	<i>Amy Ryan, Chair</i>
	Housing Advisory Board	
	Board of Adjustment	<i>Phillip Lyons, Chair</i>
	Community Design Commission	<i>Dixon Pitt, Chair</i>



boards were sent MetroQuest survey)	Environmental Stewardship Advisory Board	<i>John Wallace, Chair</i>
	Stormwater Management Utility Advisory Board	
	Transportation and Connectivity Advisory Board	<i>Paul Neebe, Chair</i>
	Former board members	<i>Rosemary Waldorf</i>
<b>Town staff</b>	Planning	<i>Judy Johnson Eric Feld Kay Pearlstein Phil Mason Jay Heikes</i>
	Fire/safety/code enforcement	<i>Tiffanie Sneed</i>
	Engineering	<i>Chris Jensen Chris Roberts</i>
	Economic development	<i>Dwight Basset</i>
	Legal	<i>Ralph Karpinos</i>
	Communications/public affairs	<i>Amy Harvey</i>
	Housing and Community	<i>Faith Thompson</i>

**MetroQuest online survey link:** <https://lumo-visioning-demo.metroquest.com/>