

BOARD OF ALDERMEN

ITEM NO.: D(6)

AGENDA ITEM ABSTRACT

MEETING DATE: FEBRUARY 1, 2005

**TITLE: COURTESY REVIEW OF POTENTIAL CONDITIONAL USE PERMIT PROJECTS
PRIOR TO FORMAL SUBMITTAL OF LAND USE PERMIT APPLICATION**

DEPARTMENT: PLANNING DEPARTMENT AND COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT	PUBLIC HEARING: YES ___ No <u>X</u>
ATTACHMENTS: A. RESOLUTION ESTABLISHING A PROCEDURE FOR THE VOLUNTARY SUBMITTAL OF CONDITIONAL USE PERMIT DEVELOPMENT CONCEPT PLANS	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333 JAMES HARRIS, 918-7319

PURPOSE

At its January 11, 2005 meeting, the Board of Aldermen requested that staff explore the establishment of a formal procedure for Board review of potential Conditional Use Permit development applications. Staff has explored the idea and devised a potential procedure for such reviews. The Board is asked to review the attached information and consider adopting a resolution, which would establish a formal procedure for Board review of potential Conditional Use Permit development projects prior to the formal submittal of Land Use Permit Applications.

INFORMATION

Background & General Information

The Board of Aldermen has informally reviewed potential development applications in the past upon request. The idea of establishing a policy for such reviews has been considered, but no formal policy has been adopted. Most recently, at its January 11, 2005 meeting, the Board reviewed a potential redevelopment application for the 301 East Main Street property. Afterwards, the Mayor and Board requested that staff consider the creation of a formal policy and process for such reviews and report back to the Board on the matter. Staff has now considered the matter and offers the following information in response to the Board's request. It should be noted that this item only contemplates the review of Conditional Use Permit Applications, rather than all types of Land Use Permit Applications.

Staff has discovered no particularly difficult issues related to the review of conceptual plans so long as the discussion with the Board of Aldermen takes place prior to the formal submittal of a Conditional Use Permit Application (CUPA). In fact, staff feels that this potential new procedure may improve the overall development process in that it should diminish any potential surprise elements of a project upon reaching the public meetings stage (i.e.: Advisory Boards Meeting and Public Hearing). In short, it should bolster the Town's image as being open and inclusive by removing what may be perceived as an existing barrier between applicants and the elected officials. The potential new process may allow a forum wherein

informal discussion of an upcoming project may take place without the looming pressure of an impending decision on the project and prior to substantial expenditures related to the project.

Staff is suggesting that the process remain voluntary and that any information exchanged (i.e.: anything mentioned by the applicant and/or the Board) be non-binding. In other words, a project would not be required to undergo the new process, and, neither the applicant nor the Board of Aldermen would be obligated to follow through with specific ideas discussed at this meeting. If an applicant chooses to submit an application without having such a meeting, they would do so understanding that they thereby forfeit their opportunity to informally discuss the project with the Board of Aldermen prior to the public hearing for the project.

It is of particular importance that this discussion takes place before the CUPA is submitted, because the Board is subject to the requirements and limitations of quasi-judicial review once the CUPA is submitted. In other words, once the CUPA is formally submitted, the Board must act in accordance with the general tenets of quasi-judicial review as well as the related provisions of the Town's Land Use Ordinance (LUO), specifically language contained in Article IV, Permits and Final Plat Approval.

Procedure

In order to clearly differentiate the conceptual plan discussion from plans attached to a formal CUPA, staff suggests that anyone wishing to take advantage of such a meeting would contact the Town's Community & Economic Development Director (CEDD) to coordinate the submittal of information and to schedule a meeting date. The CEDD would discuss with the applicant what materials and information are appropriate to submit for the meeting. Upon receipt of all information the applicant intends to submit, the CEDD would schedule a time slot on the Board of Aldermen's agenda. Planning Department staff would attend the meeting and be available to answer questions from the Board of Aldermen about whether certain elements of the potential project appear to comply with the LUO (to the degree it is possible to immediately answer such questions), but staff would not conduct any formal analysis of CUP plans prior to the meeting.

RECOMMENDATION

The Town Staff recommends that the Board of Aldermen adopt the attached resolution (**Attachment A**), which establishes a formal procedure for Board review of potential Conditional Use Permit development projects prior to the formal submittal of Land Use Permit Applications.