

BOARD OF ALDERMEN

ITEM NO. D(4)

AGENDA ITEM ABSTRACT

MEETING DATE: May 17, 2005

TITLE: Request-to-set a public hearing on Downtown Neighborhood Protection Overlay Zoning District

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO _X_
ATTACHMENTS: A. Resolution B. Map of overlay zone and Draft ordinance C. Sections 15-140, 15-184, and 15-185 of the Land Use Ordinance D. B-1(f) subcommittee recommendation E. Staff memo F. List of owners of affected property G. Letter from David Ripperton	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905 Dave Clinton - 967-6631

PURPOSE

In February 2005, the Board of Aldermen reviewed a proposal to establish a new downtown overlay district. It is necessary for the Board of Aldermen to receive public comment on the new district provisions and boundaries prior to taking action. A resolution that sets a public hearing for June 28, 2005 is recommended for the Board's adoption.

INFORMATION

In late December, the B-1(f) Review subcommittee decided on an approach that would result in the creation of an overlay zone in order to minimize the impact of building height changes in fringe commercial areas on adjacent residential districts. The overlay zone would include properties that are within commercial zoning districts where such properties are across the street from or adjacent to properties in residential zoning districts. These changes would involve both a major map amendment and land use ordinance text amendments.

A map illustrating the location of the proposed overlay district and the draft ordinance establishing it are attached (*Attachment B*). Applicable existing Land Use Ordinance provisions related to the draft ordinance are also attached (*Attachment C*). A recommendation from the B-1(f) subcommittee is also provided (*Attachment D*). A staff memo on the draft ordinance is provided (*Attachment E*). A list of the owners of affected property is also attached (*Attachment F*). David Ripperton, Architect, has submitted a letter expressing his concerns with the proposed overlay zone (*Attachment G*).

The subcommittee also was charged with considering open space requirements for residential development in the downtown. That task was completed on May 4th and the subcommittee recommendations will be provided to the Board of Aldermen at a worksession in June.

Should the Board of Aldermen proceed with setting a public hearing on this item, it will be necessary to refer the draft ordinance to Orange County and the Planning Board. An estimate of square footage reduction of commercial development associated with the change will be prepared for consideration at the public hearing.

FISCAL IMPACT

A public hearing is required for both the map and text amendments proposed by the B-1(f) subcommittee, with associated notice costs.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing and referring the draft ordinance to the Planning Board and Orange County for review (*Attachment A*).