

BOARD OF ALDERMEN

ITEM NO.: D(6)

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 21, 2005

**TITLE: A REQUEST TO ADOPT A REVISED POLICY STATEMENT FOR COURTESY
REVIEWS OF POTENTIAL CONDITIONAL USE PERMIT PROJECTS PRIOR TO THE
FORMAL SUBMITTAL OF A LAND USE PERMIT APPLICATION**

DEPARTMENT: PLANNING DEPARTMENT AND COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT	PUBLIC HEARING: YES __ No <u>X</u>
ATTACHMENTS: A. RESOLUTION ESTABLISHING A REVISED PROCEDURE FOR THE VOLUNTARY SUBMITTAL OF CONDITIONAL USE PERMIT DEVELOPMENT CONCEPT PLANS B. MINUTES FROM THE FEBRUARY 1, 2005 BOARD OF ALDERMEN MEETING	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333 JAMES HARRIS, 918-7319

PURPOSE

At its February 1, 2005 meeting, the Board of Aldermen adopted a resolution that established a formal procedure for Board review of potential Conditional Use Permit development applications. Since that time, staff has encountered multiple situations wherein a potential applicant wishes to bring before the Board a matter which may be more appropriately considered within a public hearing forum. Consequently, the Board is asked to review the attached information and consider adopting a revised resolution, which would better define and clarify when it is appropriate to seek Board review of potential Conditional Use Permit development projects prior to formally submitting a Land Use Permit Application.

INFORMATION

Background & General Information

Historically, the Board of Aldermen has informally reviewed potential development applications upon request. Recently though, on February 1, 2005, the Board adopted a resolution, which formally established a procedure for Board review of potential Conditional Use Permit development applications. The adopted statement of resolve reads as follows:

***“NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Aldermen that a voluntary procedure is hereby established, which allows individuals to meet with the Board of Aldermen, if they choose to do so, to discuss conceptual project plans prior to formally submitting a Conditional Use Permit Application. Any individuals who wish to take advantage of the opportunity to discuss a Conditional Use Permit conceptual plan with the Board of Aldermen shall contact the Town’s Community & Economic Development Director to coordinate the submittal of information to share with the Board of Aldermen and to schedule a meeting date.”*

In retrospect, the resolution did not clearly specify parameters for when courtesy review requests would be acceptable. In light of this situation, staff essentially has allowed any such request to move forward, with the Town Attorney remarking to the Board, when necessary, to make it clear if an issue should not be formally discussed except in a public hearing. Members of the Board may be comfortable with this approach, in which case no revisions to the adopted policy would be necessary. However, staff has received multiple requests since February 1, 2005 for courtesy reviews that potentially place the Board of Aldermen in a difficult situation by asking for opinion and guidance without the benefit of receiving a complete application or hearing from potential interested parties through the public hearing process.

Potential Revisions to Policy

Staff requests that the Board consider revising the courtesy review policy to stipulate certain situations when such a review would be acceptable. Specifically, it seems clear that a courtesy review would benefit all parties when it is necessary to clarify an existing policy or plan. An example of such a matter may involve a question of whether the Board still wants a road constructed that is shown on the connector roads map. In answering the question, the Board essentially is asked to revisit and reconsider an earlier policy decision, and it is possible to answer the question irrespective of the site plan or project design.

Situations not necessarily appropriate for courtesy reviews involve asking the Board to interpret or determine compliance with certain sections of the Land Use Ordinance (LUO). It also is not necessarily appropriate to solicit either a positive or negative reaction to a specific element of a design, unless the element is clearly linked to a policy or plan issue, as described above. To that end, general renderings of building facades would be discouraged as would detailed site plans. In their place, a potential applicant may choose to discuss proposed building materials, a potential mix of uses, and whether road connectivity will be provided, as examples. Also, Minor Modifications to existing CUPs usually would not be appropriate unless, again, a policy or plan issue is called into question.

With the Board's approval, the revised policy would allow the Town Manager, in consultation with appropriate staff, to determine whether a courtesy review request is acceptable. A decision would be reached after considering the size and complexity of the potential project, the extent to which ambiguities may exist regarding existing policies or plans that relate to the potential project, and the arrangement of facilities or site elements, among other relevant factors.

RECOMMENDATION

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