

# BOARD OF ALDERMEN

ITEM NO. B(3)

## AGENDA ITEM ABSTRACT MEETING DATE: October 24, 2006

**TITLE: Public hearing on a Land Use Ordinance Text Amendment to Establish a Concept Plan Review Process**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES <u>X</u> NO</b>
<b>ATTACHMENTS:</b> A. Approval template for plan/policy consistency findings B. Denial template for plan/policy consistency findings C. Draft ordinance that establishes concept plan review requirement D. Alternative draft ordinance that establishes concept plan review requirement E. Joint advisory board subcommittee recommendation F. Comments and recommendations	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – 918-7327 Michael Brough – 929-3905

### PURPOSE

The Board of Aldermen is considering the establishment of either a voluntary or a mandatory concept plan review process. Two draft ordinances have been referred to advisory boards for review and an opportunity for public comment must occur prior to taking action on this matter.

### INFORMATION

On May 16, 2006, the Board of Aldermen requested that staff prepare a draft ordinance that would establish a concept plan review process. Board members had been discussing the development of a concept plan review process as an alternative to or as part of the modification of standards for the design of downtown development. Those discussions touched on local examples of concept plan review approvals that involve either the governing body itself or a separate board/process established only for this purpose.

During its review of the land use ordinance text amendments establishing architectural standards for the downtown area, a joint subcommittee of the Planning Board, Economic Sustainability Commission and Appearance Commission recommended that a concept plan review process modeled on the courtesy review process being following by advisory boards be developed. As it continued its review of the draft ordinance on downtown architectural standards on June 20<sup>th</sup>, the Board of Aldermen requested that staff prepare an alternative, voluntary concept plan review process for consideration at the public hearing. Copies of the May 10<sup>th</sup> joint advisory subcommittee recommendation and two draft ordinances establishing concept plan review processes, one mandatory and one voluntary, are attached (*Attachments C, D, and E*).

## **Draft Ordinances**

Introduction. The proposed process seeks to formalize a voluntary “courtesy review” process that advisory boards have been following for a few years. The existing process developed from advisory board members expressing concerns when they received applications just prior to a scheduled public hearing. At that point, though advisory board members were being asked to make recommendations, the scope of their comments was fairly limited and could only rarely have a substantial effect on a proposed site design. Advisory board members stated and applicants sometimes concurred that some of the issues could have been considered and addressed, if desired by an applicant, if they had been raised much earlier in the review process. Those advisory board members asked staff to invite any and all prospective applicants to meet with them and present their projects. The idea was shared with other boards and it was suggested that these “courtesy” reviews be scheduled as part of the “Joint Review Meeting” agenda.

Background on Joint Review Meeting. A number of years ago, the regular meetings of the advisory boards that routinely review development applications and/or land use regulations were rescheduled so that the boards could, if necessary, easily meet together to review development permit applications and other matters. Rather than requiring applicants and staff to meet separately with each board, on different nights and at different times, the “Joint Review” meeting format allowed staff and applicants to make one presentation to the whole group and then rotate from board to board to discuss particular issues and concerns. Joint Review is typically held the first Thursday of each month. Occasionally, a mid-month meeting (the third Thursday of the month, when most of the boards/commissions have their second meeting of the month) is held in response to conflicts on the calendar due to holidays/special events or to accommodate projects and public hearings scheduled. The Joint Review meeting has been an efficient and effective way to provide for communication between development applicants, staff and advisory board members.

Description. With the exception of the voluntary or necessary nature of the proposed process for all new special or conditional use permit applications, the draft ordinances are identical and include the following steps:

- 1) Attendance at a regularly-scheduled Development Review meeting with staff to discuss plan concept.
- 2) Attendance at a regularly- scheduled Joint Advisory Board Review meeting.
- 3) As deemed appropriate, advisory boards may provide feedback to the applicant.
- 4) When an application comes back for advisory boards recommendations prior to a public hearing, any advisory board that has provided comments previously shall review its comments and may ask a developer to explain how/why/why not the comments have been addressed.

A list of the information that is needed to illustrate the concept is included in the draft ordinance. In keeping with the model, the existing courtesy review process, the concept plan review is light on information requirements and procedures.

Voluntary or Mandatory. The current voluntary process has had good participation and many applicants for special and conditional use permits have accepted the invitation to a courtesy review.

Advisory board members have been open and forthright. The process has been informally judged by applicants and advisory board members alike as one that is neither difficult nor lengthy, but is instead, convivial, creative and helpful. Some applicants have chosen not to participate and therein lies the risk of keeping the process voluntary.

A mandatory process would clearly communicate the community's expectation that early feedback is important and will likely result in improvements to the formal application, and that the advisory boards are a valuable resource that should be included more fully in the development review process. The risk of the mandatory approach is that the friendly, "y'all come" atmosphere is significantly, if not entirely, diminished. Despite the simplicity of the process, the creation of another requirement could strengthen apparent perceptions that the development process in Carrboro is difficult. In recognition of the value of advisory board input in the development review process and the Board's desire to provide a formal mechanism within the Land Use Ordinance for early feedback on development applications, staff is recommending adoption of the mandatory approach.

#### **FISCAL IMPACT**

None expected to the Town. Some cost savings may accrue to applicants as a result of the identification of concerns and selection of alternative designs early in the development review process.

#### **STAFF RECOMMENDATION**

The staff recommends that the Board of Aldermen adopt the ordinance establishing a mandatory (*Attachment C*) concept plan review process. It will also be necessary to adopt Attachment A/Option A specifying the consistency of this action with existing policy.