

BOARD OF ALDERMEN

ITEM NO. D(5)

AGENDA ITEM ABSTRACT MEETING DATE: December 5, 2006

TITLE: Discussion of Planning Board Recommendation for a Development Moratorium in the Northern Study Area

| | |
|---|---|
| DEPARTMENT: PLANNING | PUBLIC HEARING: YES _ NO <u>X</u> |
| ATTACHMENTS: A. Resolution B. Proposal for initiating process to update and implement NSA Plan C. Planning Board request and advisory board comments D. NTAAC minutes from June E. Orange County memo F. Map of the NSA G. Section 2.4 Joint Planning Agreement H. Comments and recommendations | FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 |

PURPOSE

On November 14th, the Board of Aldermen continued its consideration of a proposal from the Planning Board and advisory board comments regarding a moratorium on rezonings, major subdivisions, and special and conditional use permit applications to be established in Carrboro's Northern Study Area. The Board of Aldermen scheduled further discussion for December 5 to allow for Alderman Zaffron and Planning Board chair James Carnahan to refine the proposal based on the Board's discussion.

INFORMATION

A copy of the proposal from Alderman Alex Zaffron and Planning Board chair, James Carnahan, is provided (*Attachment B*). The Board of Aldermen considered the Planning Board request and advisory board comments (*Attachment C*) on October 3, 2006 and referred it for review by the New Horizons Task Force and the Northern Transition Area Advisory Committee. Copies of the proposal and advisory board comments were also submitted to the Town of Chapel Hill, Orange County, and the UNC-CH. It should be noted that the NTAAC considered the proposal in June, but did not prepare a recommendation. A copy of the minutes from the meeting outlining their discussion in June is attached (*Attachment D*). Orange County staff, prior to receiving a memo from the Town of Carrboro, prepared a memorandum on moratoria (*Attachment E*). Section 2.4 of the Joint Planning Agreement, which references development moratoria in the Joint Planning Area, is attached (*Attachment G*). A copy of the comments from the New Horizons Task Force that were distributed on November 14 is included (*Attachment H*).

Background

The request is described in the Planning Board recommendation dated May 4, 2006 and revised May 17, 2006, with comments from the Transportation Advisory Board, Recreation and Parks Commission, Environmental Advisory Board, and Economic Sustainability Commission. A map showing the boundaries of the Northern Study Area (NSA) is also attached (*Attachment F*). A previous development moratorium was adopted from November 1997 to December 1998 for the NSA while ordinance

amendments implementing the *Facilitated Small Area Plan for Carrboro's Northern Study Area* were in preparation.

The statutory authority regarding moratoria has been modified as part of the 2005 changes to planning and development provisions. The changes require a statement of rationale at the time a moratorium is adopted, exempt certain projects from coverage, limit coverage and provide for prompt judicial review. The Planning Board request includes a statement of rationale for the proposed moratorium. Under the revisions to statutory authority pertaining to moratoria and according to David Owens of the UNC School of Government,

Unless there is an imminent threat to public health and safety, moratoria do not apply to projects that have already received a vested right under current law; nor do they apply to preliminary or final plats or to special and conditional use permit applications that have been accepted for review prior to the call for a hearing on the moratorium.

The Zoning Division has accepted applications for three projects seeking conditional use permit approval in the NSA. The projects are Ballentine Subdivision, Elementary School #10, and Carrboro Greens Subdivision. Other projects under discussion or preliminary review include Claremont II, Carolina Commons, Wheeler/Oaks Subdivision, Won Buddhism Temple, and Twin Creeks Park. All of the projects in the second group would be subject to the moratorium; if enacted, development review of those projects would be suspended. A development moratorium, as a temporary suspension of the Land Use Ordinance provisions, is enacted using the text amendment process meaning that an ordinance must be drafted and a public hearing set. Should the Board of Aldermen wish to proceed, it will be necessary to prepare a draft ordinance detailing the need for a moratorium, describing the area and types of development affected, specifying the timeline, and outlining the tasks that will be accomplished. The Board of Aldermen must also set a public hearing and refer the ordinance to the Planning Board and Orange County for review. It should be noted that the Joint Planning Agreement provision states the following regarding adoption of a moratorium:

With respect to the CJDA [Carrboro Joint Development Area], any proposed moratorium shall not be effective until adopted by the Town of Carrboro and approved by Orange County following a public hearing conducted by the Town of Carrboro...Any such adopted moratorium shall initially be no more than six months in duration and may be extended one time for no more than six months for the reasons and following the procedures prescribed [in the agreement].

FISCAL IMPACT

A public hearing is required for review of the ordinance establishing a moratorium, with associated notice costs. Costs have not been estimated for the process outlined in the proposal submitted by Alderman Zaffron and James Carnahan.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider the attached resolution providing an opportunity to specify follow-up in response to the Planning Board proposal for a development moratorium in the NSA (*Attachment A*).