

# BOARD OF ALDERMEN

ITEM NO. D(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: February 6, 2007

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

DEPARTMENT: <b>PLANNING</b>	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: <b>A. Resolution</b> <b>B. Revised proposal – examination of Northern Study Area Plan</b> <b>C. Discussion Paper from Alderman Dan Coleman</b> <b>D. Minutes of December 5, 2006 meeting of Board of Aldermen</b> <b>E. Map of the NSA</b> <b>F. Planning Board request and advisory board comments</b> <b>G. NTAAC minutes from June</b> <b>H. Orange County memo</b> <b>I. Section 2.4 Joint Planning Agreement</b> <b>J. Comments and recommendations</b>	FOR INFORMATION CONTACT: Patricia McGuire – <b>918-7327</b>

### PURPOSE

On December 5th, the Board of Aldermen received a presentation from Alderman Alex Zaffron and Planning Board chair James Carnahan to develop a process to re-examine the plan for Carrboro's Northern Study Area.

### INFORMATION

A copy of a report from Alderman Alex Zaffron and Planning Board chair, James Carnahan, is provided (Attachment B).

Alderman Coleman provided copies of a discussion paper on the matter (*Attachment C*). Board members discussed the matter briefly (*Attachment D*); further review was to be scheduled following the Annual Retreat.

### 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 E*). 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 Board of Aldermen considered the Planning Board request and advisory board comments (*Attachment F*) 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 G*). Orange County staff, prior to receiving a memo from the Town of Carrboro, prepared a memorandum on moratoria (*Attachment H*). Section 2.4 of the Joint Planning Agreement, which references development moratoria in the Joint Planning Area, is attached (*Attachment I*). A copy of the comments from the New Horizons Task Force that were distributed on November 14 is included (*Attachment J*).

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.

### **FISCAL IMPACT**

A public hearing is required for review of the ordinance establishing a moratorium, with associated notice costs.

### **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 request (*Attachment A*).