

BOARD OF ALDERMEN

ITEM NO. D(4)

AGENDA ITEM ABSTRACT MEETING DATE: February 20, 2006

TITLE: Discussion of a Process to Update Implementation of the Northern Study Area Plan and Request to Set a Public Hearing on a Residential Development Moratorium in That Area

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution establishing implementation update process for NSA Plan B. Resolution setting a public hearing C. Excerpt of minutes, February 6, 2007 D. Planning Board recommendation E. Review process proposal F. Draft ordinance and map G. Orange County memo H. Section 2.4 Joint Planning Agreement	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Michael Brough – 929-3905

PURPOSE

On February 6, the Board of Aldermen decided to proceed with establishing a process to review/update the implementation of the Facilitated Small Area Plan for Carrboro's Northern Study Area. A six-month moratorium on residential development was identified as a desired component of the review process. Resolutions defining the review process and setting a public hearing on a draft ordinance to establish a six-month moratorium are provided.

INFORMATION

Background information on this request may be found on the Town's website at http://www.townofcarrboro.org/BoA/Agendas/2007/02_06_2007_D2.pdf.

On February 6, 2007 (*Attachment C*), the Board of Aldermen decided upon a process to respond to the recommendation from several advisory boards regarding development in the Northern Study Area (NSA) since adoption of the small area plan in 1998. The Board expressed its desire to proceed with two actions:

- 1) Initiation of a process to evaluate the type of development occurring in the NSA to determine whether additional or alternative regulatory measures were needed to achieve the goals and objectives set forth there (*Attachments D and E*), and
- 2) Formalize the statement of purpose, scope, land area affected, and schedule of activities for a moratorium on residential development in the NSA.

The staff has responded to these directions and offers a resolution that establishes the review process and a draft ordinance establishing a six-month moratorium on residential development in

the NSA (*Attachments A and F*). A resolution setting a public hearing on the ordinance establishing the moratorium and referring the ordinance to advisory boards and Orange County is also provided (*Attachment B*).

It must be noted that a portion of the NSA is located with the Transition Areas portion of the Joint Planning Area as identified in the Joint Planning Agreement (JPA) (see map, *Attachment F-2*). The JPA allows the enactment of a moratorium, initially for no more than six months in duration (*Attachments G and H*). The moratorium may be extended one time for more than six months following the same procedures. With respect to Carrboro's Transition Areas, the moratorium shall not be effective until adopted by the Town and approved by Orange County following a public hearing conducted by the Town of Carrboro. A joint public hearing is not required. Aside from the public hearing notice required by the JPA, it is anticipated that review of this would be scheduled by the Board of County Commissioners for a meeting soon after the public hearing. Staff has discussed the pending moratorium with Orange County staff and possible scheduling options. April 10 has been identified as a tentative date for formal review by the Board of County Commissioners following a March 27th public hearing.

Review process to update implementation of NSA Plan

Review and update of the implementation of the NSA Plan could occur with or without a development moratorium. The Board of Aldermen has expressed an interest in enacting a moratorium to limit activity, allow staff and advisory board energy to be focused on this matter, and reduce conflicts and uncertainty between actions that are currently acceptable but may not be under future regulations. The review process will consequently have two phases, one which occurs prior to the effective date of the moratorium and one which occurs while the moratorium is in effect. The Board has expressed an interest in completing the process within six months, an aggressive schedule. All steps shown in bold are expected to occur **during** the 6-month moratorium

- 1) February 20 – Board adopts process and sets public hearing on development moratorium for March 27th. Board directs staff to request participation from advisory boards and community members (no more than 50), with the expectation that meetings will be held on the 3rd Thursday of each month in lieu of otherwise regularly scheduled advisory board meetings starting in March (Planning, Appearance, Environmental, Transportation, Recreation and Parks, Economic Sustainability)
- 2) March 6 – Board creates NSA Plan Implementation Review Committee (NSAPIRC) and charges it with carrying out review process
- 3) March 15 – first meeting of NSAPIR. Staff presents overview of NSA Plan and major development activity to date. Community forums, especially structure, agenda, notification, et cetera are discussed
- 4) Staff proceeds with activities needed for May 5 Community Forum. If needed, staff will request that funds be made available by the Board of Aldermen to support the forums.
- 5) March 27 – Public hearing on development moratorium
- 6) April 19 – NSAPIR meets to review agenda, materials, and notification strategies for Community Forum #1
- 7) May 5 – Community forum #1
- 8) May 17 – NSAPIR meets to review outcome of first forum and plan the second.
- 9) June 2 – Community forum #2

- 10) June 3 to July 31– Committee meets to make recommendations based on staff analysis and community input; staff works with committee to prepare ordinance text and map revisions.
- 11) August 1 to August 15 – Final drafts of ordinance amendments prepared by staff.
- 12) August 25 – Staff submits draft ordinance to Orange county by this date in order to provide at least 30 days in advance of public hearing, anticipating the Board of Aldermen action to set public hearing on August 28
- 13) August 28 – Board sets public hearing on proposed ordinance changes and refers ordinance to advisory boards and Orange County.
- 14) September 6 to 20 – Planning Board and other advisory boards review proposed ordinance changes.
- 15) September 8 – First public hearing notice published.
- 16) September 15 – Second public hearing notice published.
- 17) September 25 – Board of Aldermen conducts public hearing and considers adoption of ordinances.
- 18) October 10 (or thereafter, depending on effective date) – moratorium expires

Description of the draft ordinance

See attached (*Attachment C*). As required by North Carolina General Statute 160A-381 (g), the ordinance establishing a development moratorium for Carrboro’s NSA must specify the need, purpose, time frame, applicability, and expected accomplishments. The draft ordinance includes these required features, describes the requirements under the Joint Planning Agreement and also notes those projects or approvals that will not be subject to the moratorium. Despite these exceptions and those otherwise granted by the provisions of NCGS 160A-381 itself, there are several proposed projects that may be affected by the moratorium. Pending applications are noted below (as of information available on Friday morning, February 16). Those shown in **bold** are expected to be affected by the moratorium.

	Type	Concept Review	Plan	Concept Approval	Plan	Subject to Moratorium
Tallyho AIS	Residential	Underway		No		Yes
Litchfield AIS	Residential	Yes		Yes		Yes
Claremont II AIS	Residential	Yes		Yes		Yes
Carolina Commons	Residential	Preliminary stage		Not yet		Yes
Twin Creeks Park	Recreational	No		No		No*
Won Buddhism Ctr	Institutional	N/A		N/A		No*
Ballentine AIS	Residential	Yes		Yes		No
Jones Property AIS	Residential	Yes		Yes		No
Elementary #10	Institutional	N/A		N/A		No
Claremont I AIS	Residential	Yes		Yes		No

* If limitation on residential projects only, otherwise this project would also be affected by moratorium.

FISCAL IMPACT

A cost estimate for the implementation review process, including two community forums and facilitator support, will be determined through the work of the NSAPIRC. A public hearing is required for review of the ordinance establishing a moratorium, with associated published notice costs. Written notice of the public hearing on the proposed moratorium is not required.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider the attached resolutions that 1) establish a NSA Plan Implementation Review process and 2) set a public hearing to establish a six-month moratorium on residential development for the Northern Study Area (*Attachment A*).