

BOARD OF ALDERMEN

ITEM NO. (2)

AGENDA ITEM ABSTRACT

MEETING DATE: May 22, 2007

**TITLE: `Public hearing on Land Use Ordinance Text Amendments to
Replace Open Space Requirement for Developments in the
Downtown**

DEPARTMENT: PLANNING	PUBLIC HEARING: YES X_ NO _
ATTACHMENTS: A. Resolution 196_ adopting applicant's ordinance B. Resolution 197rejecting applicant's ordinance C. Resolution 198adopting staff recommended ordinance D. Resolution 199 rejecting applicant's ordinance E. Applicant's Proposed Text Amendment F. Staff Draft Ordinance G. Text Amendment Application Form H. Staff Supplemental Report I. B-1(f) and Overlay District Subcommittee Recommendation J. Article 13 of the Land Use Ordinance K. Appendix G, Land Use Ordinance L. Comments and Recommendations	FOR INFORMATION CONTACT: Kendal Brown – 918-7334 Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

The Town has received a request to amend the text of the Land Use Ordinance (LUO) to revise the requirements regarding open space for all residential developments in the downtown.

Draft ordinances regarding to this request have been prepared (*Attachment F*). It is necessary for the Board of Aldermen to receive public comment before acting on this item.

INFORMATION

The current requirement for open space in all residential developments in the downtown (the B-1(G), B-1(c), B-2, and CT zoning districts) is to set aside 40 per cent of the land area of the site, or, under certain conditions, provide a payment-in-lieu. (Please refer to Article 13 and Appendix G of the LUO, pertaining to the open space and recreation space requirements, *Attachments J and K*.)

In January of this year, area developers, represented by Mr. Jack Haggerty, recommended several changes to the LUO, including substitution of urban livability amenities for open space, with an option to provide a payment-in-lieu and/or open space to fulfill part of the new amenities requirement. At its March 20, 2007 meeting, the Board of Aldermen reviewed the applicant's proposal and a draft ordinance prepared by staff. The Board set a public hearing for April 24, 2007 and referred the item to Orange County, the Planning Board, the Recreation and Parks Commission, the Transportation Advisory Board, the Environmental Advisory Board, the Economic Sustainability Commission, and the Appearance Commission.

Subsequently, the applicant submitted a revised proposal in ordinance form (*Attachment E*). The public hearing was reset to May 22, 2007 to allow for a second staff analysis. The attached supplemental report (*Attachment H*) is the staff analysis of the applicant's revised proposal, issues raised at the March 20, 2007 Board of Aldermen meeting and subsequent advisory board meetings, town policies relating to the downtown, as well as in the B-1(f) and Overlay District subcommittee 2005 recommendation on providing civic space and civic amenities instead of open space (*Attachment I*). Schematics and cost impacts of the staff's draft ordinance will be provided at the public hearing.

Attached are the recommendations and comments from Orange County and the advisory boards (*Attachments L, M, N, O, P, and Q*). The Environmental Advisory Board did not discuss this item at its May 3rd meeting. Thus, no conclusion or recommendation was developed. However, e-mailed comments from some Environmental Advisory Board members are included in Attachment L. There is no recommendation from the Appearance Commission because it did not meet in May due to lack of a quorum.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached resolution 198 finding the staff ordinance consistent with adopted policy and the staff ordinance (*Attachment C*) that establishes requirements for downtown livability area and urban amenities for downtown developments.