

## BOARD OF ALDERMEN

ITEM NO. D(4)

### AGENDA ITEM ABSTRACT

MEETING DATE: June 5, 2007

**TITLE: Worksession on Land Use Ordinance Text Amendment to Replace to Open Space Requirement for Developments in the Downtown**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES _ NO <u>X</u></b>
<b>ATTACHMENTS:</b> <b>A. Resolution approving revised staff-proposed ordinance</b> <b>B. Resolution rejecting revised staff-proposed ordinance</b> <b>C. Staff Memo</b> <b>D. May22, 2007 Board of Aldermen Meeting Minutes</b> <b>E. Revised Staff Draft Ordinance</b> <b>F. Map of Downtown and ½ mile radius</b>	<b>FOR INFORMATION CONTACT:</b> Kendal Brown – <b>918-7334</b> Patricia McGuire – <b>918-7327</b> Mike Brough – <b>929-3905</b>

#### PURPOSE

The Board of Aldermen, at its May 22, 2007 public hearing, considered an applicant's draft ordinance to amend the text of the Land Use Ordinance to replace the open space requirement for residential development downtown with requirements for urban amenities. The Board of Aldermen also considered the staff analysis and staff response in the form of a draft ordinance.

This item responds to comments made by the Board of Aldermen at the public hearing.

#### INFORMATION

The item was referred to the Planning Board, Transportation Advisory Board, Environmental Advisory Board, Recreation and Parks Commission, and Economic Sustainability Commission, the Appearance Commission, and Orange County staff. None of the advisory boards recommended adoption of either draft ordinance as written. The Orange County staff had no comments.

A public hearing was held on May 22, 2007 during which the Board heard comments from the public on both the applicant's proposed draft ordinance and the staff-proposed draft ordinance. The Board of Aldermen also commented on the draft ordinances. The attached staff report lists board member comments and corresponding staff responses.

Since the public hearing, the applicant and staff have and found more areas of agreement. The attached revised staff-proposed draft ordinance (*Attachment E*) represents a response to the public hearing comments, including those from the Board of Aldermen, and to the meeting with the applicant. The applicant has stated he finds the revised staff proposed ordinance acceptable and has since withdrawn his application.

### **STAFF RECOMMENDATION**

Possible next steps for the Board are:

- Make no changes to the current ordinance provisions; or
- Adopt the revised draft ordinance which responds to Board of Aldermen comments and is acceptable to the applicant; or
- Give the staff specific direction regarding revising the staff draft ordinance, and set a public hearing to receive public input.

For this work session, we recommend that the Board direct the staff on any follow up action necessary.

### **FISCAL IMPACT**

There are no extraordinary costs associated with holding a Board of Aldermen worksession.