

# BOARD OF ALDERMEN

ITEM NO. (1)

## AGENDA ITEM ABSTRACT

MEETING DATE: **October 28, 2008**

**TITLE: Continuation of a Public Hearing on a Land Use Ordinance Text Amendment to Modify Impervious Surface Limitations for Day Care Uses in Village Mixed Use Developments**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING YES <u>X</u> NO <u>  </u></b>
<b>ATTACHMENTS:</b> <b>A. Resolutions of consistency and draft ordinance</b> <b>B. Request to amend the text of LUO</b> <b>C. Excerpt of minutes, April 22, 2008 and June 24 meetings of the Board of Aldermen</b> <b>D. Comments and Recommendations from June 24, 2008 Public Hearing</b> <b>E. Staff Memo</b> <b>F. EAB recommendation – October 16, 2008</b>	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – <b>918-7327</b> Henry Wells – <b>859-2243</b>

### PURPOSE

A draft ordinance which would, if adopted, amend the text of the Land Use Ordinance to modify impervious surface limitations for day care uses in village mixed use developments has been prepared and revised, per directions from the Board of Aldermen. The Board of Aldermen has received public comment on the draft ordinance and must adopt a resolution of consistency in conjunction with any action on the draft ordinance.

### INFORMATION

Background. A request to amend the Land Use Ordinance was submitted on December 19, 2007 (*Attachment B*) and modified on January 2, 2008. Eric Chupp, on behalf of Capkov Ventures, Inc, developers of the Winmore Village Mixed Use (VMU) development, has requested that subsection 15-176.2(f)(5)(d) be revised to exempt child day care uses from the impervious surface limitations that apply to the single-family residential portion of a village mixed use development. The Board of Aldermen opened a public hearing on this matter on April 22<sup>nd</sup> and referred the draft ordinance to the Environmental Advisory Board (EAB) for a recommendation, continuing presentations and the receipt of public comment to June 24<sup>th</sup> (*Attachment C*). On June 24<sup>th</sup>, the Board of Aldermen received staff and applicant presentations and public comment, and reviewed comments and advisory board recommendations (*Attachment D*). The Board directed staff to work with the applicant and EAB to revise the draft ordinance to incorporate EAB comments. A response to these directions is provided below. The Board also requested that staff provide information on the revisions to the VMU requirements that had been requested and adopted in 2003 (staff has determined that amendments were adopted in 2002). A staff memo addressing this request is provided (*Attachment E*). On August 24<sup>th</sup>, the applicant requested that the Board of Aldermen continue consideration of the draft ordinance to allow for additional review with neighbors and EAB members.

Revisions to draft ordinance from April and June Public Hearings. The EAB offered five comments related to approval of the draft ordinance and, subsequently, development of the site that Winmore has identified as desirable for a daycare facility. The table below summarizes two iterations in the development of these

provisions. The EAB reviewed the revised ordinance in August and offered modifications to the recommend provisions, and again in October (*Attachment F*).

<b>EAB comment – May 08</b>	<b>How addressed in August 08 draft ordinance</b>	<b>EAB review – August 08</b>	<b>Provisions presented to EAB – October 08</b>
Require, rather than allow, additional environmental mitigation	Changed per recommendation	Satisfactory	No change
Open space dedication	A measure requiring dedication of substantial open space, wherever practicable, is included.	Satisfactory	No change
Placement of SW mitigation and BMPs outside primary conservation areas and diffuse flow requirement.	A measure specifying these requirements is included.	Recommended alternative language	Staff supports ALTERNATIVE language.
Match of pre- and post-development hydrograph	A measure requiring capture and reuse of roof drainage, to the extent needed to provide for a daycare's landscaping needs, is included.	Recommended alternative language	Staff supports ALTERNATIVE language.
Consideration of Jordan Lake N and P in development	A measure requiring that nutrient loads contributed by the development of the daycare to the receiving water not exceed the limits included in the draft rules for Jordan Lake is included.	Satisfactory	No change.
Collaboration with Town on educational demonstration site	A measure requiring that on-site signage, brochures, or other educational materials on storm water management practices be prepared and displayed in association with the development is included.	Satisfactory	No change.
		Reintroduced measure to require match of pre- and post-development hydrograph, with qualifying language. Staff drafted for 8/26/08 as measure (f).	Staff offered ALTERNATIVE language for (f). EAB recommends in favor of alternative.

### **STAFF AND FISCAL IMPACT**

None noted at present.

### **STAFF RECOMMENDATION**

In relation to the Board's interest in creating incentives for the inclusion of day care uses in developments, staff recommends that the Board of Aldermen adopt the resolution finding consistency and the attached draft ordinance (*Attachments A-1 and A-3*), including provisions (a), (d), and (e) and ALTERNATIVE provisions (b), (c), and (f) in Subsection 15-263 (c) (3).