

BOARD OF ALDERMEN

ITEM NO. C(4)

AGENDA ITEM ABSTRACT

MEETING DATE: January 19, 2010

TITLE: Request to Set a Public Hearing on a Land Use Ordinance Text Amendment to Revise the Review Requirements Associated with Alternative Building Design Approval

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Excerpt of minutes, 9-16-08 C. Section 15-178 D. Draft ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

On September 16, 2008, as part of the review of Phase B of the 300 E. Main Street project, Aldermen Coleman expressed a desire for the Board of Aldermen to consider revising the alternative design review requirements. Information on this topic has been compiled for the Board's consideration. A resolution that sets a public and referring the draft ordinance for advisory board and Orange County review is provided for the Board's use.

INFORMATION

During the continuation of the public hearing on a major modification to Phase A of the 300 E. Main Street permit to incorporate Phase B, questions were raised about the existing Land Use Ordinance provisions pertaining to the alternative review of downtown building design. At the conclusion of the meeting,

Alderman Coleman asked for a clarification of Condition #20 regarding the design of buildings and expressed a desire for the Board of Aldermen to consider revising the land use ordinance whereby the Board of Aldermen would ultimately approve the design of buildings (*Attachment B*).

Condition 20 states as follows:

That the applicant must receive from the Appearance Commission certification of an alternative design for each building, per LUO Section 15-178(b), for each individual building, prior to issuance of each building permit required and that the design subsequently will be presented to the Board of Aldermen. If upon deciding final architectural details for any building the applicant and staff agree that the building adheres to all architectural details in LUO Section 15-178, then the design shall be presented to the Appearance Commission for a courtesy-level review, then approved by the Board of Aldermen prior to issuance of its building permit.

The buildings in Phase B of the 300 E. Main Street had not been fully designed at the time the conditional use permit modification was requested. The condition above was drafted to clarify that

compliance with the ordinance provisions dealing with review of architectural designs for compliance with Section 15-178 would be determined at the building permit stage for each building.

Section 15-178 (*Attachment C*) specifies six architectural design requirements for buildings in the B-1(c), B-1(g), CT, M-1, and B-2 districts. Subsection (b) of the section establishes a voluntary process allowing applicants to participate in a review with the Appearance Commission. If the Appearance Commission finds that a building substantially achieves the purpose outlined in the section, its certification to the permit issuing authority supersedes the need for a development to comply with the specified standards. As the applicant was seeking approval of the project without having fully designed the buildings, the condition was drafted to clarify how the ordinance provision would still be met. First, the condition reiterates the option of an alternative process. Recognizing the Board's concern that this process could allow the Appearance Commission to approve a building design that did not comply with the architectural standards, presentation of a design to the Board of Aldermen was included. The applicant accepted this condition. The condition also specifies the process that would be followed should a design comply with the architectural standards. In these instances, the development application would be submitted for courtesy review to the Appearance Commission before submission to the Board of Aldermen for approval.

A draft ordinance (*Attachment D*) that establishes a two-tiered approach to alternative design review has been prepared. Should the Board wish to amend the land use regulations to incorporate this two-tiered approach, it will be necessary to refer the draft ordinance to the Planning Board and to Orange County for review. The Board of Aldermen may also wish to refer the draft ordinance to the Appearance Commission.

FISCAL AND STAFF IMPACT

Costs of the public hearing notice and administration of the review process are involved with authorizing the draft ordinance to move forward for public review.

RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing and referring the draft ordinance for advisory board and Orange County review (*Attachment A*).