

BOARD OF ALDERMEN

ITEM NO. A(4)

AGENDA ITEM ABSTRACT MEETING DATE: February 23, 2010

TITLE: Public Hearing on a Land Use Ordinance Text Amendment Relating to the Alternative Design Review Process for Downtown Developments

DEPARTMENT: PLANNING	PUBLIC HEARING YES <u>x</u> NO <u> </u>
ATTACHMENTS A. Resolutions finding consistency B. Draft ordinance C. Section 15-178 D. Excerpt of minutes, 9-16-08 and condition #20 E. Comments and recommendations	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

A draft ordinance establishing a two-tiered approach to the approval of alternative architectural designs in downtown developments has been prepared. The Board of Aldermen must receive public comment before taking action on the amendment.

INFORMATION

A draft ordinance (*Attachment B*) amending Section 15-178 to establish a two-tiered approach to alternative architectural design review for downtown developments has been prepared so that for projects needing a zoning permit, the Appearance Commission certifies their use of the alternative design review process. For projects needing a special or conditional use permit, the Appearance Commission reviews and makes a recommendation to the permit issuing authority regarding the appropriateness of alternatives to the downtown architectural standards; authority to approve the alternative design will reside with the permit issuing authority.

At the present time, 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.

The draft ordinance was prepared in follow-up to the review of alternative architectural design associated with Phase B of the 300 E. Main Street project. Following approval of the modification, 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.

In 2008, the applicant for Phase B of the 300 E. Main Street project was seeking approval of the project without having fully designed the buildings, so a condition was drafted to clarify how the ordinance provision would still be met. A condition was needed 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 in the following manner. First, the condition reiterated 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 without the need for other review, presentation of a design to the Board of Aldermen was included in the condition. Though this step deviated from the provisions of the ordinance, the applicant accepted the 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 (*Attachment D*).

The draft ordinance was referred to the Planning Board, Appearance Commission, and Orange County for review. Comments and recommendations are attached (*Attachment E*).

FISCAL AND STAFF IMPACT

None noted with adoption of the draft ordinance.

RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the resolution finding consistency and the draft ordinance (*Attachment A*).