

Board of Aldermen

ITEM NO. D(5)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, November 15, 2011

**TITLE: Continuation of a Public Hearing on a Land Use Ordinance Text
Amendment Related to modification of the B-1(g) CZ conditional zoning**

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: A. Consistency Resolutions B. Draft ordinance C. LUO Text Amendment Request D. Section 15-141.4	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

The Board of Aldermen continued a public hearing on Tuesday, September 27, 2011 to consider a draft ordinance prepared in response to a request to amend the Land Use Ordinance to allow additional density in a B-1(g)-CZ zoning district subject to the inclusion of conditions that will create a more vibrant and successful community. The public hearing was continued to allow for consideration of revisions to the draft ordinance and other information requested by the Board of Aldermen.

INFORMATION

A text amendment request has been submitted by Ken Reiter of Belmont Sayre and a draft ordinance making the requested change has been prepared. A public hearing on the draft ordinance was held on June 14th and continued to allow time for additional consideration of the request.

The Board of Aldermen is not required to act within a particular time frame; the Land Use Ordinance urges that consideration proceed as expeditiously as practicable since inordinate delays can result in additional costs to a petitioner. When the Board acts on an amendment to the Town’s land use regulations, it must first adopt a resolution of consistency on the action taken. Consistency resolutions for both approval and rejection of the text amendment, and the draft ordinance, are included as *Attachments A-C*.

As noted in the minutes of the September 27 public hearing, the Board of Aldermen requested that the draft ordinance making amendments in relation to the B-1(g)-CZ district be revised. Italic text describes the changes to the draft ordinance.

- 1) Deletion of item (F) (3), which stated “inclusion of onsite plug-in for electric vehicle charging.” *The item has been deleted from the draft ordinance.*
- 2) Moving item (F)(11) to a new section 15-141.4 (g) and amending it to read “mix of residential and non-residential uses such that gross floor area of building space used for non-residential purposes makes up at least 25 percent of the gross floor area used for all purposes. *The draft ordinance now includes addition of subsection (g) to Section 15-141.4*

specifying that, for projects seeking to increase residential density over that otherwise allowed within the B-1(g) zoning district, 25 percent of leasable or saleable floor area must be for non-residential purposes.

A timing mechanism has also been included, such that certificates of occupancy may not be issued “for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed three to one (3:1).” A project with 25 percent non-residential has a residential to non-residential ratio of 3:1, since there is three times as much residential space as there is non-residential. This mechanism is included to ensure that the non-residential component of any project is constructed and completed in advance of or in conjunction with the residential component.

The concept plan for the Shelton Station project includes approximately 19 percent non-residential square footage. Mr. Reiter has indicated that the 25-percent requirement is not workable in conjunction with the timing mechanism described above as it will be very difficult to obtain financing for such a project. Mr. Reiter has suggested that a 20-percent non-residential component, combined with a limit on issuance of certificates of occupancy that would prevent the residential to non-residential ratio of exceeding 4:1 is acceptable.

- 3) Adding affordable housing to the list of possible ‘vibrant and successful’ community elements. *This element was added to the revised draft ordinance, in keeping with Board and community interest in the provision of affordable housing. Mr. Reiter had noted in the September 22nd continued hearing materials his recommendation and support for inclusion of this item as a possible element.*

Should the Board of Aldermen be in favor of an approach that grants additional density in conjunction with a conditional rezoning, recognizing that the decision and extent to which additional density is granted would result from the approver and requester reaching an agreement on a project’s scope, then staff recommends *Attachment B*. Otherwise, staff recommends that the Board of Aldermen provide further feedback on this or an alternative approach and will respond accordingly.

FISCAL AND STAFF IMPACT.

In and of itself, the requested amendment does not appear to present significant fiscal or staff impacts. Development opportunities in the B-1(g)-CZ district will be shaped by dimensional and other development standards (e.g. parking) that are not affected, as well as the particular proposal offered by an applicant seeking approval of a rezoning to B-1(g)-CZ.

RECOMMENDATIONS

Staff recommends that the Board of Aldermen consider adoption of ordinance amending the text of the Land Use Ordinance. Resolutions of consistency, which are to be acted upon prior to acting on the amendment itself, and the draft ordinance, are attached (*Attachments A and B*).