

# BOARD OF ALDERMEN

ITEM NO. D(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: December 4, 2012

**TITLE: Directions to staff regarding request to amend stormwater volume control provisions of the Land Use Ordinance**

<b>DEPARTMENT: Planning</b>	<b>PUBLIC HEARING: YES ___ NO <u>X</u></b>
<b>ATTACHMENTS:</b> A. Resolution B. LUO Amendment Request C. Excerpt of Section 15-263	<b>FOR INFORMATION CONTACT:</b> Christina Moon – 918-7325 Mike Brough – 929-3905 Patricia McGuire – 918-7327

### PURPOSE

The purpose of this item is for the Board to determine whether an ordinance should be prepared in response to a request to amend the stormwater volume control requirements of Section 15-263. A resolution has been prepared.

### INFORMATION

Ken Reiter of Belmont Sayre, LLC submitted a text amendment request on November 2<sup>nd</sup> .(Attachment B). The request seeks a change to Section 15-263 (g) (3), stormwater volume requirements that were adopted in June 2012 (Attachment C). The typical time frame for processing LUO amendments is four to six months. As specified in Section 15-321 (c) (2), staff is forwarding the request to the Board of Aldermen for a determination on whether an ordinance making the requested change should be drafted and a public hearing set.

Section 15-321 (c) (1) indicates that staff may proceed with preparation of an ordinance that makes the requested change if it believes the change to have significant merit and that it would benefit the general public. Staff has not proceeded to prepare an ordinance since, at the time the stormwater volume control provisions were presented earlier this year, it was noted that refinements could be expected as staff and others gained experience with the Jordan Lake accounting tool and the application of the requirements to specific projects/designs. The application for the Shelton Station conditional use permit, now in its second round of review, includes a number of features which appear to indicate that the project is close (within approximately 6%) to complying with the volume control provisions. Several features also appear to help the project meet one of the conditions of the rezoning through the inclusion of building and site features towards LEED silver equivalence.

Staff has identified three possible options for proceeding: 1) continue to evaluate the impact of the volume control provisions on development projects currently in review and consider future modifications to the LUO if warranted; 2) direct staff to prepare an ordinance that provides some flexibility to the volume control provisions in some situations; or 3) direct staff to prepare an ordinance as outlined by Mr. Reiter. Options two or three would involve setting a public hearing on the draft ordinance and would require referring the proposed amendments to Orange County and

the Planning Board. Should the Board choose to direct preparation of a draft ordinance for consideration, it may also wish to refer the ordinance to the Environmental Advisory Board for review.

### **FISCAL AND STAFF IMPACT**

Impacts include staff time associated with continued plan review and monitoring of the requirements, preparation of a draft ordinance and agenda materials for advisory board and Board of Aldermen review.

### **RECOMMENDATION**

Staff recommends that the Board of Aldermen consider the resolution in *Attachment A* and select its desired direction.