

# BOARD OF ALDERMEN

ITEM NO. B(1)

## AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, June 24, 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**

DEPARTMENT: <b>PLANNING</b>	PUBLIC HEARING: YES <u>X</u> NO <u>  </u>
ATTACHMENTS: <b>A. Resolutions of consistency and Draft ordinance</b> <b>B. Request to amend the text of LUO</b> <b>C. Staff Memo</b> <b>D. Comments and Recommendations</b> <b>E. Excerpt of minutes, April 22, 2008 meeting of the Board of Aldermen</b> <b>F. EAB recommendation</b>	FOR INFORMATION CONTACT: Patricia McGuire – <b>918-7327</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. The Board of Aldermen must receive public comment before deciding on the amendment.

### INFORMATION

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 considered this request on February 19, directed staff to prepare a draft ordinance responding to the request, set a public hearing, and referred the draft ordinance for Planning Board review. A staff memo provides additional details on the request and describes the draft ordinance (*Attachment C*).

The draft ordinance was referred for review by the Planning Board and Orange County. Comments and recommendations are attached (*Attachment D*). The Board of Aldermen opened a public hearing on this matter on April 22 and referred the draft ordinance to the Environmental Advisory Board for a recommendation (*Attachment E*). The EAB completed its recommendation on June 19<sup>th</sup> (*Attachment F*).

### FISCAL IMPACT

No fiscal or staff impacts have been identified with the adoption of this amendment.

**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 attached draft ordinance (*Attachment A*) with the additional provision regarding the mitigation of environmental impacts encouraged but not mandated.