

February 22, 2010

Subject: Planning Board Petition to amend Article 4.7.2 (b) (7)

Dear Mayor Kleinschmidt and Council:

During our last Planning Board meeting of February 16, 2010, members of the Planning Board expressed concern that the period for Site Plan Approval as currently stipulated in the Land Use Management Ordinance, Section 4.7.2 (b) (7) is too short.

The Planning Board resolved to petition the Council to adopt a LUMO text amendment incorporating the following change:

Current text (From Town of Chapel Hill web site):

(7) The planning board shall take action within thirty-five (35) days of the meeting at which a complete application is accepted and the town manager's report thereon is submitted to it or within such further time consented to in writing by the applicant or by town council resolution. Failure of the planning board to reach a decision within the prescribed time limit, or extensions thereof, shall result in the approval of the application as submitted.

Proposed revised text:

(7) The planning board shall take action within ~~fifty thirty five~~ (5035) days of the meeting at which a complete application is accepted and the town manager's report thereon is submitted to it or within such further time consented to in writing by the applicant or by town council resolution. Failure of the planning board to reach a decision within the prescribed time limit, or extensions thereof, shall result in the approval of the application as submitted.

The Planning Board feels this change is warranted and appropriate for the following reasons:

1. The current period of thirty-five days does not in some instances allow enough time to resolve unclear or problematic issues associated with a given application.

For instance, if additional information is requested at the first meeting for an application, and the information provided at the next is not sufficient to clear the matter in the minds of board members, there may not be enough time in the process to request adequate clarification or additional information to make an informed decision.

2. Adding an additional 15 days to the review schedule is unlikely to seriously adversely affect applicants' proposals.

Even at the maximum of 50 days, the period of review for a Site Plan remains considerably shorter than that for a Special Use Permit.

While the board believes that the full 50-day period will not be needed in many cases, the extended period of time would allow it to be more deliberate in its consideration of Site Plan Reviews that concern it, particularly given the circumstance that failure to act within the review period results in automatic approval.

Thank you for your consideration of this issue.

Michael Collins
Chair, Chapel Hill Planning Board