

SUMMARY OF COMMUNITY DESIGN COMMISSION ACTION

Subject: 2nd Draft of the Revised Development Ordinance

Meeting Date: September 19, 2001

Recommendation: That the Council incorporate and address the following issues in the Revised Development Ordinance.

- 1) That the existing Concept Plan Review process, including the thresholds regarding which projects are required to have Concept Plan Review, should be maintained. Following Concept Plan Reviews by the Design Commission, an additional phase should be developed to provide the opportunity for the Council to also review Concept Plans, as noted in Attachment A.
- 2) That the individual changes noted in Attachment B, be incorporated into and/or addressed by the Revised Development Ordinance.

Vote: 11-0

Aye: Weezie Oldenburg, Richard Barrett, George Cianciolo, Dale Coker, Terry Eason, Sarah Haskett, Alice Ingram, Charlotte Newby, Scott Radway, Martin Rody, and Polly Van de Velde.

Nay: None

Prepared by: Weezie Oldenburg, Chair, Community Design Commission *Rd for NO*
Rob Wilson, Staff

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Community Design Commission's Recommendation on Concept Plan Review

The Design Commission believes that the single most important change proposed by the new Development Ordinance is the manner in which Concept Plans are reviewed. We believe that Concept Plan Review has clearly established itself as a process that can influence projects at an early design stage. As a significant element in the Town's development review process, we recommend that the Revised Development Ordinance include a revised Concept Plan Review process that would continue to include review by the Design Commission, and that would also incorporate an opportunity for Council review and discussion of Concept Plans.

Background

We note that the Revised Development Ordinance includes alternative options for the Concept Plan Review process, some of which would reduce and/or eliminate the Design Commission's involvement with Concept Plan Review. We are concerned about this potential change because we believe that the Design Commission is uniquely structured to conduct a review of a project in its infancy. The Commission is made up not only of council-appointed design professional and lay citizens, but also includes representatives from several other advisory boards. This diversity of membership provides a wide range of experiences and expertise from which to make comments on the many issues that are often associated with a new project. In addition, as a Town Advisory Board, the Design Commission's meetings offer an informal setting for the Concept Plan Review, which can invite dialogue between citizens, developers and Commission members.

We also believe that it can be very beneficial for the Town Council to have early input with a development plan. Our experiences would indicate however, that this early Council review works best if the Design Commission has already conducted an initial review of the Concept Plan. We believe that the best, most recent example for this type of situation, is "The Homestead" project, which received additional attention from the Council (including a Mayor's Committee), following the CDC review. The Design Commission had felt that the project was heavily flawed in concept, and the proposal was poorly received by the surrounding neighborhoods. Based on the recommendation of the Mayor's Committee, the Council adopted a Resolution stating goals and expectations for development on this site. This early Council input (prior to the submittal of a formal development application) was essential in encouraging significant changes that greatly improved the design of the project.

Recommendation

We believe that "The Homestead" project serves as a solid example where Design Commission review of a Concept Plan helped set the stage for the Council to effectively influence the nature and design of a development proposal, at an early stage. This scenario most closely fits alternative (5) in the block on page 4-2 of the revised ordinance, which is worded as follows:

**"Require concept plan review and recommendations by the
Community Design Commission, with formal review by the Town Council."**

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We believe that this scenario basically matches the existing process, with an additional phase that provides the opportunity for the Council to review the Concept Plan, following the Design Commission's review.

We note that it is difficult to say that Concept Plan Review is a matter where "one size fits all," or that one specific process is best in all cases, whether a project is big or small. However, we believe that a process including Design Commission Concept Plan Review, as well as the opportunity for the Town Council to review Concept Plans with the Commission's comments, would serve to offer many benefits, including the following:

- Providing key opportunities for citizens to become aware of potential development projects early in the design process.
- Providing essential early feedback from citizens and the Design Commission to developers regarding key issues that should influence site design.
- Providing the opportunity for the Council to stay informed about forthcoming development applications; and, to provide commentary and additional feedback as desired, early in the site design process.
- Providing greater certainty for developers at an early stage in the design process, prior to the submittal of a formal development application.

We believe that the Council could choose to define its opportunity to review Concept Plans following Design Commission review as (1) the opportunity to review all Concept Plans; or (2) the opportunity to just review Concept Plans for major developments.

A Revised Concept Plan Review in Detail...

As previously noted, we propose to extend the existing Concept Plan review process, to also include an additional opportunity for the Council to review of some or all of the Concept Plans following the Design Commission's Concept Plan Review. Thus, the revised Concept Plan Review process would have the following steps:

Concept Plan Submittal (Existing Step)

Applicant submits materials for Design Commission Review. Staff distributes notice of meeting to all property owners within 1,000 feet of the site. (Presently submittals are due by the first business day of each month.)

Design Commission Review (Existing Step)

The Design Commission meets and conducts Concept Plan Review. Applicant and citizens have opportunity to speak with regard to the Concept Plan. The Design Commission discusses the Concept Plan submittal, and attempts to identify concerns and/or key issues. We note that the Design Commission does not typically recommend approval or denial of a project, rather seeking to identify key issues and areas where site design could be improved. Following the meeting, the staff coordinates with the Design Commission Chair to prepare a written "Summary of Concept Plan Review." (The Design Commission typically meets on the 3rd Wednesday of each month.)

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Town Council Review (New Step)

The Town Council would meet and have the opportunity to conduct its own Concept Plan Review. In addition to the applicant's submittal, the Council would also have the Design Commission's "Summary of Concept Plan Review." These items would be included on the Council's agenda, and the Council would have a chance to review the applicant's submittal and the Design Commission's comments, prior to discussing the item. The Design Commission's comments should serve to help prepare the Council for each Concept Plan Review.

We note that Council review of Concept Plans would also provide the opportunity for citizens to approach the Council and present comments regarding Concept plans. In addition, applicants would have the opportunity to speak to the Council and seek clarification on any key issues associated with a Concept Plan. Most importantly, we believe that this process would maximize the Council's opportunity to interact with developers, and to endorse or discourage development plans for a particular site, at an early, conceptual stage (prior to submittal of a formal development application). This feedback would provide additional certainty for both the Council and potential developers early in the design process.

As previously noted, there are a couple of key questions related to this proposed scenario:

- (1) Does the Council wish to review all Concept Plan submittals?
- (2) If the Council chooses to only review "major" Concept Plans, then which types of submittals should go on to the Town Council for continuation of Concept Plan Review?

Under this scenario, we would suggest consideration of the following guidelines:

- All proposals for a new Special Use Permit would go on to the Council;
- Proposals seeking to modify an existing Special Use Permit would not go on to the Council, unless the proposed development involves more than 40,000 square feet of land disturbance on the site (changes to existing development on a site would be included as land disturbance); and
- All subdivision proposals involving the creation of more than 25 lots would go on to the Council.

Summary

We believe that Concept Plan Review functions as a very important part of the design process for the Town of Chapel Hill. Citizens have the opportunity to learn about projects at an early stage, and to share their concerns and suggestions. Developers benefit from the opportunity to get early feedback on a project, including key issues that they will need to address as part of a formal development application. Our experiences would suggest that when Concept Plan Review is properly utilized by citizens and developers, it functions to help encourage excellent project design in the Town of Chapel Hill. We recommend that the Revised Ordinance be designed to maintain the existing Concept Plan Review by the Design Commission, followed by the opportunity for the Council also to review Concept Plans.

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Community Design Commission's Recommended Individual Changes for Revised Development Ordinance

<u>Page</u>	<u>Section</u>	<u>Topic/Issue</u>
1-2	1.5	Incorporate the Downtown Area Plan as a major theme.
2-12	2.3.10(a)	Referenced tables are missing.
2-40	2.7.11	<i>Urban Design</i> does not offer any methodology to protect and preserve existing historical structures and sites that are important to the Town's heritage, but are also non-conforming in terms of use and or dimensional requirements.
2-42	2.7.11(g)	Language needs to be revised to address the view from the front property line and "the view from the public right-of-way." There are many instances where the side and rear elevations, and the rooftops of buildings, need special attention based on the view from the other side of the adjoining street(s).
3-80	3.9.2	The Transfer of Development Rights concept is not relevant or applicable in Chapel Hill's jurisdiction (given the largely built-out nature of our community), and thus should be removed from the Revised Ordinance. Furthermore, a TDR program would be an administrative nightmare for Town staff.
3-90	3.10.4 3.10.5	Developers should be rewarded for each unit of affordable housing provided. In particular, awarding bonus intensity (additional floor area and/or units) and even rezoning other sites for higher uses, are incentive techniques that should be considered.
4-46	4.8.3 (l)	Language should be revised to provide some level of flexibility, in the event that additional information substantiates the valid need to adjust/deviate from the previously approved Master Land Use Plan. An example would be "An approved Master Plan may be allowed to be amended throughout the review and approval of subsequent applications, if such amendments are deemed necessary to serve the public purposes and general welfare."
5-1 & 5-25	5.1.3 5.4.3	Retitle the "Design Manual" to be more specific, and less likely to be confused with the Town's existing Design Guidelines. Perhaps an appropriate alternate title would be the "Engineering Design Manual" or the "Town Standards Manual."

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<u>Page</u>	<u>Section</u>	<u>Topic/Issue</u>
5-17	5.2.1	General Site Arrangement should be revised to include and apply to existing developments.
5-41 & 5-42	5.7	Incorporate and emphasize the health benefits of trees and landscaping.
5-64	5.9.6(d)	Consider requiring a greater level of parking lot shading, perhaps requiring 50% of the parking area surface to be shaded when the vegetation matures.
5-65	5.9.7(c)	Clarify the difference between “Business,” “Convenience Restaurant,” and “Other Convenience Business.”
5-65	5.9.7(c)	The number of parking spaces allowed for Fraternity and Sorority Houses do not seem realistic. Additional spaces should be provided.
A-6		The definition for a “Certificate of Appropriateness” refers to a document that is issued by the Historic District Commission or the Community Design Commission. The Community Design Commission does not issue Certificates of Appropriateness, and should be removed from the definition.
A-22		The definition for “Life of the Design” should be reworded to be more understandable.
n/a		Implement a limit on the length of a cul-de-sac. Also limit the maximum number of lots that may be provided off of a cul-de-sac.
n/a		Drop the requirement for a Transportation Management Program. The Town should take responsibility for downtown parking.