

TA #17-03, Section 2: Planning Board Deferrals

PART 1: DESCRIPTION

Text Amendment, TA #17-03, is a three-part request. See Attachment A for application and Attachment B for proposed language.

Section 1 is by the Town of Huntersville Planning Board to amend Article 11.4.2(b).1 to modify the term limits for members from within the Town Limits.

Section 2 is by the Town of Huntersville Planning Board to amend Article 11.4.7(b) to modify the number of times the Planning Board may defer action on a request. Section 2 is the subject of this staff report.

Section 3 is by the Town of Huntersville (Planning Department) to amend Article 4: Lot and Building Type for Detached House to modify a reference to Transitional Residential sideyard setback, which was changed in Article 3 on February 6, 2017.

PART 2: BACKGROUND

Section 2 Background - Under the current language of Article 11.4.7 (b) the Planning Board may defer action on a request one time for the following reasons:

- Public hearing remains open
- Ordinance required information is not completed
- The petitioner agrees and/or request a deferral

The current Planning Board deferral language would allow the petitioner to request a deferral and when the item returned to the Planning Board would require members to take action on the request even if another deferral options was applicable. For example, if a petitioner requests to defer Planning Board action but comes to the next Planning Board meeting with an application that does not have all the Ordinance required information, the Planning Board would be required to take action. In some recent cases, the Planning Board recommended the Town Board send a project back to Planning Board for additional review. To reduce the potential for this “loop effect”, the Planning Board discussed and voted (March 28, 2017) to recommend a text amendment allowing the Planning Board to defer action on a request two (2) times for the same reasons listed above.

The HOAB reviewed the proposed amendment at their May 4, 2017 meeting and recommended approval of the proposed language.

PART 3: RELEVANT HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLAN SECTIONS

The following are examples of relevant polices from the 2030 Huntersville Community Plan that may be incorporated into the Board’s statement of consistency for approval or denial of the request.

Policy ED-14: Development Review Process – Support efforts to improve efficiency and responsiveness of development review process for development proposals.

PART 4: STAFF RECOMMENDATION

Staff recommends approval of all three sections of this text amendment requests as proposed in Attachment B based on:

- Consistency with policies of the 2030 Huntersville Community Plan listed in Part 3 of this staff report.
- Specific to Section 2 - Amending Planning Board deferrals allows the Planning Board the ability to defer action even after a petitioner requested deferral.

PART 5: PUBLIC HEARING

The Public Hearing was held on June 5, 2017. Town Board raised concern that this amendment would add to the average time it takes to process a request (rezoning, subdivision sketch plan, text amendment, etc.). No comments from the public were received.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board reviewed this text amendment request on June 27, 2017. No comments from the public were received. Planning Board voted (8-0) to recommend approval of this text amendment request.

PART 7: ATTACHMENTS

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance

PART 8: STATEMENT OF CONSISTENCY – TA #17-03, Section 2

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 17-03, Section 2, to amend Article 11.4.7(b) of the Zoning Ordinance, the Planning staff recommends approval of the request as presented based on the amendment being consistent with policy ED-14 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance, because this amendment allows Planning Board the ability to defer actions after a petitioner has requested a deferral if the request meets an established reasons for deferral.</p>	<p>APPROVAL: In considering the proposed amendment, TA 17-03, Section 2, to amend Article 11.4.7(b) of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with the 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because, it approves the efficiency and responsiveness of development review process for development proposals.</p>	<p>APPROVAL: In considering the proposed amendment, TA 17-03, Section 2, to amend Article 11.4.7(b) of the Zoning Ordinance, the Town Board approves the request based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
		<p>DENIAL: In considering the proposed amendment, TA 17-03, Section 2, to amend Article 11.4.7(b) of the Zoning Ordinance, the Town Board denies the request based on the amendment being (consistent OR inconsistent) with (insert applicable plan reference).</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>