

11-13-2019 Town Council Meeting

Responses to Council Questions

ITEM #13: Open the Public Hearing: Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 3 and 4 Pertaining to Conditional Zoning

Council Question:

Please share more information about the purpose of the proposed changes and how the Conditional Zoning process compares with the SUP process for projects in an R-6 zoning district. Are the changes being driven by a specific project?

Staff Response:

As some community members have mentioned, there is an R-6 district in the downtown area which falls within the Opportunity Zone. At the same time, this item before Council is something the staff has been working on independent of specific projects. The intent is to provide a way for some multi-family projects to go through the Conditional Zoning process that Council adopted in 2017. Any approvals for projects will require a full public process.

The Conditional Zoning process is a legislative development review process that is very similar to the Special Use Permit (SUP) process. It requires project review by Town Boards and a public hearing before Council.

Also, similar to the SUP process, the approval granted through a Conditional Zoning is tied to a specific plan set, so changes require the applicant to come back for a modification.

The biggest difference is that the Conditional Zoning process is not quasi-judicial so, as a result, Council Members have broader discretion when making decisions and are able to discuss the project with members of the public or the developer even after an application has been submitted. Council's feeling was that, in many cases, being able to talk to people about their concerns would provide a better avenue than the 3 minute time-limit for working through issues and getting to better outcomes.

Council Question:

Does Conditional Zoning require neighboring property owners to be notified? Will the public have opportunities for input?

Staff Response:

Yes, Conditional Zonings has the same notification requirements as a rezoning. This includes mailings to individuals living within 1,000 feet of the property and posting publicly.

The public can speak on multiple occasions during the process including during advisory board review hearings and during the public hearing before council.

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During public hearings, individuals can sign up to speak and are allowed up to 3 minutes to give their comments; however, if a group of people wish to pool their time in order to give a more cohesive presentation, they can do so by reaching out to the Mayor's Office in advance of the meeting.