

PLANNING COMMISSION

The charge of the Planning Commission is to assist the Council in achieving the Town's Comprehensive Plan for orderly growth and development by analyzing, evaluating, and recommending responsible town policies, ordinances, and planning standards that manage land use and involving the community in long-range planning.

RECOMMENDATION FOR AFFORDABLE HOUSING DEVELOPMENT REVIEW LUMO TEXT AMENDMENT

October 04, 2022

Recommendation: Approval Approval with Conditions Denial

Motion: John Rees moved, and Stephen Whitlow seconded a motion to recommend that the Council adopt Resolution A (Resolution of Consistency).

Vote: 6 – 0

Yeas: Jonathan Mitchell (Chair), Wesley McMahon, Chuck Mills, John Rees, Stephen Whitlow, Louie Rivers

Nays:

Recommendation: Approval Approval with Conditions Denial

Motion: John Rees moved, and Stephen Whitlow seconded a motion to recommend that the Council approve Ordinance A (LUMO Text Amendment), with the attached comments as supplements to their recommendation.

Vote: 6 – 0

Yeas: Jonathan Mitchell (Chair), Wesley McMahon, Chuck Mills, John Rees, Stephen Whitlow, Louie Rivers

Nays:

Commission Notes to Council: On October 4, 2022, the Planning Commission voted unanimously (6-0) to recommend to the Council approval of two separate LUMO text amendments proposed by Town staff, titled “Affordable Housing Development Review” and “Housing Regulations and Housing Choices for a Complete Community,” subject to the

comments below. The comments are intended for both staff and the Council. They include only substantive comments bearing on the amendments themselves; they do not cover certain comments conveyed to staff regarding how the amendments are described or positioned for the public (although we urge staff to consider those as well.) The ordering of comments below reflects the sequence of our discussion and not necessarily the relative importance.

Affordable Housing Development Review

1. The eligibility criteria should clarify the treatment of “hybrid” projects involving both rental and for-sale components, as needed. (This comment is based on the staff summary of the proposal. The language used in the actual amendment might clarify the treatment already.) In particular, hybrid proposals could be required to satisfy the eligibility criteria for rental units and for-sale units in proportion to the mix of units proposed (i.e., pro-rata).
2. The list of permitted non-residential uses may be too narrow, both in terms of categories and magnitude. The policy justification for limiting non-residential uses to a discrete list of uses seems questionable, as does the justification for calibrating the limit at 15% (vs. some other figure below 50%). Generally the Town has struggled to attract commercial uses.
3. We urge removal of parking minimums.
4. The Council should carefully consider the definition of “minor modification.” In particular, the Council should consider whether the proposal appropriately balances developers’ need for flexibility with the Council’s need for certainty and predictability. (For example, the current proposal treats as minor modifications, requiring only administrative approval, a 20% change in total floor area, and a 100ft. shift in building location. Do these provisions provide the Council assurance that the final project will be reasonably close to what it approved?)
5. The proposed expedited review process should include, at regular intervals, public reporting sufficient to allow any interested parties (Councilmembers, advisory board members, private citizens) to understand what is happening and provide input through existing channels (e.g., comments at regularly scheduled public meetings, emails to officials, private meetings, etc.). In this way, the staff consultation process should be transparent to the public.

Prepared by: Jacob Hunt, Planner II