



Legislation Text

File #: 15-0329, **Version:** 1

TITLE:

Update and Report Regarding Mediation Related to the Lloyd Farm Development Application

PURPOSE: The Board is asked to receive an update on the status of mediation and facilitated meetings that have taken place regarding the proposed Lloyd Farm development application.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, 919-918-7333; Patricia McGuire, 919-918-7327; Tina Moon, 919-918-7325; Annette Stone, 919-918-7319

INFORMATION: The Board of Aldermen discussed whether to set a public hearing about a Land Use Permit Application and Rezoning request for the Lloyd property, otherwise known as Lloyd Farm on October 21, 2014. Following the discussion, the Town engaged Mr. Andy Sachs of Dispute Settlement Center to perform a situation assessment in order to determine whether mediation / facilitated discussions regarding the proposal might be of benefit. Mr. Sachs determined that conducting the meetings might be productive and useful, and the process moved forward. Additional background information regarding this topic can be found at the following two links:

11/11/14 Board of Aldermen Agenda Item regarding the process:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2012389&GUID=6D05B3E8-0956-4952-9524-68F623AAEA9A&Options=&Search=&FullText=1>

4/21/15 Board of Aldermen Agenda Item authorizing the facilitated discussions:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2262615&GUID=35D4C0C4-E366-42BF-A005-9D5A1B5B6697&Options=&Search=&FullText=1>

Following the situation assessment, Mr. Sachs identified preliminary agendas and a scope of work for the series of five (5) facilitated meetings between representatives from the developer, town, and neighbors. The neighbors' team was allowed to substitute participants in order to ensure that meeting dates could be agreed upon within a reasonable timeframe. A total of five (5) neighbors participated in each individual meeting, from among the following:

- Geoff Gisler,
- Shauna Hay,
- Lorraine Aragon,
- Victor Jimenez,
- Matt Oliverio,

- Julie Shaw-Kokot,
- Bret Johnson,
- Meredith Bratcher,
- Ruth Zwiedinger

The developer's team of representatives included:

- Ted Barnes of Argus Development Group,
- Ellis Coleman of EYC Companies,
- Linda Lloyd, Property Owner,
- Jack Smyre of The Design Response,
- LeAnn Nease Brown as legal representation for the developer

Town representatives included Board of Aldermen members:

- Damon Seils,
- Michelle Johnson,
- Randee Haven-O'Donnell,
- Town Attorney Nick Herman, with Town Attorney Bob Hornik participating in lieu of Nick Herman during the second meeting

At least two staff members were present during each meeting, from among the following:

- Trish McGuire,
- Annette Stone,
- Marty Roupe,
- Tina Moon

Staff members were available as a resource to answer questions. Other neighbors and interested parties were allowed to observe the meetings but not directly participate.

The series of meetings began in early May and continued through early summer 2015 on the following dates: May 4, May 15, June 8, June 17, and June 30. The mutually agreed upon goal of the meetings was to conclude with a revised version of the site plan that was suitable for a public hearing. This language was carefully chosen in order to make clear that Board members were not committing to supporting approval of a rezoning request or land use permit application when and if a revised plan moved forward. They were only agreeing that it was suitable to move to the next stage of a public process. Similarly, neighbors were not obligated to support the new plan during any public process that may follow.

At the end of the fifth meeting, the three teams mutually agreed that a break from the meetings would be helpful and a sixth meeting was planned for late summer, on August 24. During the sixth meeting, all teams were tasked with reaching a conclusion about whether they could mutually agree upon a plan that was suitable for a public hearing. All three teams did tentatively agree to conclude that one specific plan was suitable for a public hearing, but only in the context of the developer changing the rezoning request to conditional zoning. This change would allow full participation and discussion of the application by all Board of Aldermen members with both the developer and neighbors alike, before any decision is ultimately reached. At this time the developer is considering the matter and deciding whether they want to change the request accordingly and move forward.

FISCAL & STAFF IMPACT: No fiscal or staff impacts are noted associated with the Board receiving

this report.

RECOMMENDATION: The Board is asked to receive the update.