

## BOARD OF ALDERMEN

ITEM NO. B(2)

### AGENDA ITEM ABSTRACT

MEETING DATE: February 19, 2002

**TITLE: Request-to-set a Public Hearing: Land Use Ordinance Amendment to Clarify that Land Dedications to the Town May Result in Inconsistent Setbacks**

<b>DEPARTMENT: Planning</b>	<b>PUBLIC HEARING: NO</b>
<b>ATTACHMENTS:</b> A. Resolution B. Draft Ordinance – Open Space Dedications	<b>FOR INFORMATION CONTACT:</b> <b>Patricia McGuire, Planning Administrator --,</b> <b>918-7327</b>

#### PURPOSE

The Board of Aldermen has requested, and the Willow Creek Office Park owners have agreed, to donate to the Town a floodplain area adjacent to Tom's Creek, and a plat and deed formalizing this offer of dedication have been prepared. This dedication will result in a new lot, the office building on which, will be inconsistent with setback requirements. A draft ordinance that addresses this issue has been prepared. A resolution that sets a public hearing for April 2nd is recommended for the Board's adoption.

#### INFORMATION

On November 28, 2000, the Board of Aldermen approved a conditional use permit for the Willow Creek office complex at 610 Jones Ferry Road. Among the conditions was included the dedication of a public access easement along the eastern property boundary, coterminous with Tom's Creek. In the course of construction plan approval, the town has requested, and the owner has agreed to donate a .772-acre tract consisting of the floodplain adjacent to that portion of the property on which the office building is being constructed.

With the recent dedication of an out parcel of land at the Willow Creek Shopping Center, this dedication provides the Town with a continuous series of easements/public ownership along Tom's and Morgan Creeks from NC Highway 54 to the jurisdictional boundary with the Town of Chapel Hill just east of Smith Level Road. The new lot line that is created with this dedication will, however, create a setback problem on the office site. In order to facilitate the public acquisition of this tract, a draft ordinance that would ensure that this dedication will not create a nonconforming situation for the donating land owner has been prepared (*Attachment B*).

#### RECOMMENDATION

The Administration recommends that the Board adopt the resolution setting a public hearing for April 2, 2002.