

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: April 2, 2002

TITLE: Public Hearing: Land Use Ordinance Amendment to Clarify that Land Dedications to the Town May Result in Inconsistent Setbacks

DEPARTMENT: Planning	PUBLIC HEARING: YES
ATTACHMENTS: <ul style="list-style-type: none">A. Draft Ordinance – Open Space DedicationsB. Section 15-92.1(e) of the LUOC. Planning Board recommendation	FOR INFORMATION CONTACT: Patricia McGuire, Planning Administrator --, 918-7327 Michael Brough, Town Attorney – 929-3905

PURPOSE

The Board of Aldermen has set a public hearing to receive comments on a draft ordinance that will clarify that land dedications to the Town may result in inconsistent setbacks. The Administration recommends that the Board of Aldermen approve the proposed ordinance.

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. Other circumstances where setback inconsistencies might be created include bikeway or greenway easements, street dedication.

The draft ordinance, if adopted, will add a new section to Article XII Density and Dimensional Regulations that ensures that specified dedications will not create a nonconforming setback situation except where a land owner may wish to utilize the Special Exception provision in Section 15-92.1(e) (*Attachment B*).

Per the Board's direction, the draft ordinance was submitted to Orange County and the Planning Board. A copy of the Planning Board recommendation is attached (*Attachment C*).

RECOMMENDATION

The Administration recommends that the Board adopt “An Ordinance Amending the Carrboro Land Use Ordinance to Clarify that Land May be Dedicated to the Town Though Such Dedication Results in a Situation That is Not Consistent with Setback Requirements.”