

BOARD OF ALDERMEN

ITEM NO. E(1)

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 10, 2003

SUBJECT: CONTINUATION OF THE PUBLIC HEARING ON WINMORE VILLAGE MIXED USE CONDITIONAL USE DISTRICT AND WINMORE VILLAGE MIXED USE ARCHITECTURALLY INTEGRATED SUBDIVISION

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: A. REZONING ORDINANCE B. CUP WORKSHEET C. SUMMARY SHEET OF CUP CONDITIONS, REVISED JUNE 6, 2003 AND ADVISORY BOARD RECOMMENDATIONS D. ILLUSTRATION OF HOMESTEAD ROAD/HIGH SCHOOL ROAD INTERSECTION IMPROVEMENTS E. LETTER FROM APPLICANT RE: CONSERVATION AREA/NATURE PRESERVE ** PLEASE ALSO REFER TO INFORMATION DISTRIBUTED FOR THE MAY 27 AND JUNE 3, 2003 MEETINGS	FOR INFORMATION CONTACT: PATRICIA MCGUIRE, 918-7327 MARTY ROUPE, 918-7333 JEFF KLEAVELAND, 918-7332

PURPOSE

The public hearing on the Winmore rezoning and conditional use permit application held on May 27, 2003 was continued to allow time for additional public comment and consideration. Follow-up information in response to Board questions on June 3rd is provided for review. An ordinance that changes the zoning of the Winmore Property from R-20 to Village Mixed Use conditional use district and a conditional use permit worksheet are also provided.

INFORMATION

Project Overview

Winmore Land Management, LLC, requests to have the zoning of 65.85 acres of land in four separate tracts currently addressed as 1318 Homestead Road, 1400 Homestead Road, 1410 Homestead Road, and 700 Lake Hogan Road changed from R-20, a low-density residential zoning, to Village Mixed Use, a conditional use district that is established to provide for the development of rural new villages. An application has also been submitted for a Conditional Use Permit to allow a Village Mixed Use Architecturally Integrated Subdivision (AIS) of ninety-eight (98) Single-Family Lots, sixty-six (66) Multi-Family Townhome Lots, sixty-eight (68) Multi-Family Apartments, and twenty (20) Commercial Lots at 1400 Homestead Road. The name for the project is Winmore. A conditional use permit worksheet, to be used in completing a review of completion and compliance of the permit application, is attached (*Attachment B*).

Project Status

The hearing on the rezoning request and conditional use permit application began on May 27, 2003 and was continued to May 28, 2003. The hearing was then continued to June 3, 2003 for the purpose of receiving additional public input and further consideration of the rezoning request and conditional use permit application. The hearing was continued to June 4, 2003 at which time the Board of Aldermen discussed the requested rezoning and permit approval, identified changes to the permit conditions, and requested additional information. The changes and information requests, excerpted from the draft minutes of the June 4th meeting of the Board of Aldermen, are noted below:

Change/Information Request	Follow-up
1. Information on whether the University will have to pay school impact fees;	Copies of Orange County Impact Fee Ordinance, current fee schedule and procedures for reimbursement for affordable housing to be provided as soon as available from Orange County staff.
2. That a condition be added requiring submission of a conditional use permit request for the co-op affordable housing prior to construction plan approval (this should include the offer of the 7 town homes to Orange Community Housing and Land Trust);	Attached summary sheet includes a modified condition # 35 relating to Co-op housing requirements (<i>Attachment C</i>). A new condition, # 36 addresses the requirement that townhomes be offered to Orange Community Housing and Land Trust. The Board may wish to expand this condition to include an offer to Habitat for Humanity per the discussion on June 4, 2003.
3. That a condition be added to require the improvements to the High School/Homestead Road intersection as outlined by the developer;	See <i>Attachment C</i> . Staff has included in the existing condition # 8 language to address this provision (see <i>Attachment D, to be recorded as Exhibit A with CUP</i>) and that would allow a reasonable, alternative improvement at the intersection. Please note that NCDOT staff has been reviewing possible alternative intersection improvements, including roundabouts along Homestead. The applicant has expressed interest in this approach, as well as a willingness to participate in completion of such improvements.
4. That a condition be added to require extension of the sidewalk to Camden Lane;	See the revised condition #8 included in <i>Attachment C</i> . The condition addressing items 3 and 4 includes language that requires improvements be completed prior to the issuance of the certificate of occupancy for the 117 th principal residential dwelling unit.
5. That a condition be added to require that the developer submit an offer of dedication to the Town for land designated as a nature preserve;	See new condition # 37 in <i>Attachment C</i> regarding the dedication of the open space area described in the May 23, 2003 letter titled "A Plan for a Natural Urban Preserve" (<i>Attachment E</i>). The condition proposed does not necessarily incorporate all the elements included in the letter such as the conservation easement, homeowner's maintenance fund, and creation of not-for-profit entity. Additional evaluation, in conjunction with greenway planning for Bolin Creek, will be required. An illustration of the specific boundaries of the open space area is to be provided and will be recorded as Exhibit B with the CUP.

Change/Information Request	Follow-up
6. Definition of civic uses;	See discussion below and revised condition # 2 in <i>Attachment C</i> .
7. A detailed explanation of what the arrangements are for the co-op units, and the contractual arrangements between the owners and the organization.	Project applicant is providing this information, which will be distributed either with this agenda item or separately, as time allows.

Civic Uses

The following uses are proposed as permissible within the location designated for ‘Civic’ use on the plans for the Winmore Village Mixed Use development. Please note that the uses have been selected from those that are currently included within the Table of Permissible Uses as permitted within the B-3 (T) and O/A zoning districts.

CLASSIFICATION	USE DESCRIPTION
5.200	Churches, Synagogues, and Temples
5.300*	Libraries, Museums, Art Galleries, Etc.
6.110	Recreation, Amusement or Entertainment activity conducted entirely within a building or enclosed structure
6.120	Movie theatre with seating capacity of not more than 300
6.140	Community Center- a publicly sponsored, non-profit indoor facility providing for one or several of various type of recreational uses.
13.000	Emergency Services, including police stations, fire stations, rescue squad, civil defense operations
15.100	Post Office
15.800	Town Owned Facilities & Services
22.000	Day Care uses, including child day care facilities and senior citizens day care

*Only uses currently proposed as permissible.

The Town Clerk has distributed written comments received since the initial distribution of information to the Board. For staff analyses and associated information, please refer to the information distributed for the May 27, 2003 and June 3, 2003 Board meetings.

RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the rezoning ordinance (*Attachment A*) that approves the requested rezoning and the master plan/conditional use permit of 1400 Homestead Road from R-20 to Village Mixed Use Conditional Use district. The Administration also recommends that the Board of Aldermen approve the request for a Conditional Use Permit to allow a Village Mixed Use (Use 32.000) Architecturally Integrated Subdivision (AIS) to create ninety-eight (98) Single-Family Lots (Use 1.111), sixty-six (66) Multi-Family Townhome Lots (Use 1.321), sixty-eight (68) Multi-Family Apartments (Use 1.331), and twenty (20) Commercial Lots at 1400 Homestead Road, subject to approved conditions (see revised summary sheet (*Attachment C*)).