

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: SEPTEMBER 4, 2007

TITLE: CONTINUATION OF PUBLIC HEARING FOR THE ALBERTA MIXED USE BUILDING
B-1(G) CONDITIONAL USE REZONING/CONDITIONAL USE PERMIT APPLICATION

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> No ____
ATTACHMENTS: Part I. A. Resolutions regarding consistency B. Draft Ordinance Rezoning 7.99.D.19B to B-1(g) - CU Part II. A. Letter from Property Owner (Paul Greenberg) B. Letter from Robert Dowling C. Revised Staff Recommendations & Joint Review Summary Sheet of Recommendations D. Conditional Use Permit Worksheet for Taller Buildings	FOR INFORMATION CONTACT: PATRICIA MCGUIRE, 918-7327 MARTY ROUPE, 918-7333

PURPOSE

Carr Mill Investment Limited Partnership and N. R. Milian Associates, on behalf of the partnership, have submitted applications for B-1(g) conditional use rezoning and a conditional use permit (CUP) to allow for the construction of a four-story mixed use building at 100 Sweet Bay Place/300 Roberson Street, on the site where the Farmers' Market was once held. The Board of Aldermen opened a public hearing on August 28, 2007 and continued the hearing to September 4, 2007. It is necessary for the Board to complete the public hearing before taking action on this item.

INFORMATION

Please refer to materials from the August 28, 2007 meeting for analysis and information, except that a few items noted below are included again for convenience:

- Resolutions and draft ordinance related to rezoning;
- Revised staff recommendations and joint review summary sheet of recommendations;
- CUP worksheet for taller buildings.

The property owner submitted a letter addressing some comments made during the August 28, 2007 meeting (**Attachment A**). In addition, please find below summary information about the CU Rezone process and the CUP application:

The Town's experience with conditional use rezonings is limited and the Alberta marks the first non-Village Mixed Use conditional use rezoning that has advanced to a public hearing. Subsection 160A-382 (b) of the North Carolina Statutes provides the following information regarding conditions associated with approval of such rezoning requests/development applications:

Specific conditions applicable to these districts may be proposed by the petitioner or the city or its agencies, but only those conditions mutually approved by the city and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to city ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a special or conditional use district, or a conditional district, or other small-scale rezoning.

The conditional use permit application includes a four-story building that will contain a mix of ground-level retail, office, and restaurant uses (total of 6,772 square feet), with multifamily condominiums comprising approximately two-thirds of the ground-floor and all upper floors. The application also involves formally splitting this parcel of land from the Carr Mill Mall complex at 200 N. Greensboro Street, with respect to the land use permit. The two parcels will remain tied together for matters related to parking, by creating a formal, shared parking arrangement between the two sites.

Again, please see materials from the August 28, 2007 meeting for in-depth analysis and information.

RECOMMENDATION

Part I. B-1(g) conditional use rezoning. Town staff has determined that the rezoning request is consistent with the advancement of the public health, safety and welfare of the Town. Approval of the rezoning request is recommended.

Part II. Alberta Conditional Use Permit Application. Town staff has identified the following conditions in support of approval of the Conditional Use Permit application to allow the construction of a four-story mixed use building (Use 27.000, consisting of Uses 1.330, 2.110, 2.120, 3.110, 3.110, 3.120, 3.130, 8.100) at 100 Sweet Bay Place / 300 Roberson Street:

1. That no size-limited unit may be enlarged for one-year after issuance of a certificate of occupancy.
2. The continued affordability of four dwelling units must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with LUO Section 15-182.4.
3. That certificates of occupancy for the last four market-rate dwelling units not be issued until all four affordable dwelling units are offered for sale or rent.
4. That before construction plan approval, the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 100 Sweet Bay Place / 300 Roberson Street and the existing Carr Mill Mall complex at 200 North Greensboro Street may utilize each others parking spaces.
5. That prior to construction plan approval, the plans must clearly indicate that the sidewalks along both Roberson Street and Sweet Bay Place will be in accordance with the brick-edged sidewalk detail shown in the plans. If right-of-way is dedicated along either or both streets but does not

reach to the back-edge of the sidewalks, then the brick-edge will end at the terminus of public right-of-way to clearly differentiate the public right-of-way from private property.

6. That the applicant install the southern-half cross-section of the street per the Roberson Street plan (i.e.: with a planting strip).
7. That the applicant must receive a Town of Carrboro driveway permit prior to construction plan approval.
8. That prior to construction plan approval, the applicant must either: a) revise the stormwater plan to clearly indicate that existing drainage patterns are maintained, or b) modify the proposed stormwater plan to satisfy the applicable provisions of Appendix I and Article XVI of the Land Use Ordinance. If changes to site design are necessary, then such changes are subject to LUO Section 15-64, including the possibility of an additional public hearing.
9. That the applicant must obtain all necessary temporary and permanent easements prior to construction plan approval.
10. That the solid waste facility be designed to the typical 24-foot width and shown accordingly on the construction plans. Also, the construction plans must clearly indicate that the gate for the facility will be opaque rather than simply chain-link.
11. That the Appearance Commission must certify the alternative design, with a quorum present, prior to construction plan approval.
12. That the applicant must submit condominium owner's association documents for review and approval by the Town Attorney prior to construction plan approval.
13. That the applicant receive(s) CAPS from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.

Additionally, the Board of Aldermen may wish to discuss the following points-of-discussion in the context of either flexible language contained in the LUO or the B-1(g) CU rezoning request:

1. **Children's recreation facilities.** The Board of Aldermen may wish to discuss with the applicant whether the proposed clubhouse facility is sufficient to serve children that may live in or visit the building.
2. **Right-of-way dedication(s) for proposed sidewalk along Roberson Street and Sweet Bay Place.** The Board of Aldermen may wish to consider discussing with the applicant the possible dedication of right-of-way in front of the building along both Roberson Street and Sweet Bay Place. It is suggested that the public right-of-way be demarcated by the back of a brick-edged sidewalk.
3. **Right-of-way dedication for possible future sidewalk construction along Sweet Bay Place.** The Board of Aldermen may wish to consider discussing possible dedication of additional right-of-way, for future sidewalk construction, along Sweet Bay Place from the project entry south to Roberson Place subdivision.
4. **Screening flexibility request.** The Board is asked to discuss with the applicant the appropriateness of screening the project as currently designed. Information submitted by the applicant should be considered as should the letter submitted by a neighboring property owner as well as possible, additional public input during the public hearing.
5. **Request for nonconforming situation to remain (related to lights).** The Board of Aldermen is asked to consider the applicant's request for the nonconforming situation related to lights is acceptable and determine whether to allow the situation to remain or to require that the situation be brought into compliance with current LUO requirements, per LUO Section 15-126(c).