

# BOARD OF ALDERMEN

ITEM NO. (1)

## AGENDA ITEM ABSTRACT

MEETING DATE: SEPTEMBER 11, 2007

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

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> YES __ No __ X __
<b>ATTACHMENTS:</b> <b>Part I.</b> <b>A. Resolutions regarding consistency</b> <b>B. Draft Ordinance Rezoning 7.99.D.19B to B-1(g) - CU</b> <b>Part II.</b> <b>A. Revised staff recommendations &amp; list of proposed additional conditions summary sheet</b> <b>B. Conditional Use Permit worksheet for taller buildings</b>	<b>FOR INFORMATION CONTACT:</b> <b>PATRICIA MCGUIRE, 918-7327</b> <b>MARTY ROUPE, 918-7333</b>

### 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, continued and then closed the hearing on September 4, 2007. Afterwards, the Board delayed final action on the application while the applicant contemplates proposed conditions of approval. The Board is requested to continue deliberating the project and consider making a decision on the rezoning and CUP applications.

### INFORMATION

**Please refer to materials from the August 28, 2007 and September 4, 2007 meetings 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 list of proposed additional conditions summary sheet;
- CUP worksheet for taller buildings.

The property manager verbally informed staff that the owner agrees to the attached, proposed list of conditions. The property manager intends to state as much before the Board of Aldermen. 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 and September 4, 2007 meetings 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. That the continued affordability of three dwelling units must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with LUO Section 15-182.4, subject to the provisions of condition #18.
3. That certificates of occupancy for the last three market-rate dwelling units not be issued until all three 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.
14. That construction traffic shall be limited to access via Sweet Bay Place and a temporary fence be erected prohibiting construction access from Carr St.
15. That an easement providing public bike and pedestrian access along the driveway extending from East Carr Street to Sweet Bay Place of no less than 5-feet shall be provided, and that a speed table or other appropriate traffic calming device be erected within the driveway.
16. That no gates or other physical barriers to prevent access may be erected at either entrance to the driveway extending from East Carr Street to Sweet Bay Place.
17. That a public right of-way of no less than 5' shall be required along the Sweet Bay Place frontage extending from Roberson Street to the driveway immediately south of the building, and that the applicant will work w/ staff to ensure acceptable access to residents and occupants of the structure.
18. That three units of affordable housing shall be provided in accordance with the formula promulgated in Carrboro Land Use Ordinance Section 15-182.4, and .45 units payment-in-lieu be paid to the Affordable Housing Trust Fund. In the event Orange Community Housing & Land Trust is unable to sell the units by 90 days following the issuance of a Certificate of Occupancy, then the developer shall make other arrangements to ensure that such units remain affordable in accordance with the provisions of Section 15-182.4 of the LUO.
19. That no less than 10-feet of public right-of-way shall be dedicated along Roberson Street frontage in accordance with the adopted Roberson Street plan.
20. That the Board of Aldermen finds that existing vegetation plus a landscaping / planting area alongside the back third of the western side of the building satisfies the screening requirements for the southern and western property lines respectively, to help retain a pedestrian corridor along the western side of the building.

