

BOARD OF ALDERMEN

ITEM NO. A(4)

AGENDA ITEM ABSTRACT

MEETING DATE: JANUARY 22, 2008

TITLE: PUBLIC HEARING FOR ROBERSON SQUARE MIXED USE BUILDING CONDITIONAL USE PERMIT

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> No <u> </u>
ATTACHMENTS: A. PROJECT PLANS B. STAFF REPORT C. LAND USE PERMIT APPLICATION D. PARKING JUSTIFICATION STATEMENT E. SCREENING RELAXATION REQUEST F. APPEARANCE COMMISSION'S CERTIFICATION OF ALTERNATIVE ARCHITECTURAL DESIGN G. DOWNTOWN CONSTRUCTION MITIGATION LETTER H. LETTER FROM REAL ESTATE APPRAISER RELATED TO BURDEN OF PROOF I. LETTER(S) FROM APPLICANT REGARDING TOWN POLICIES, WORTHINESS, AND GREEN FEATURES J. STAFF RECOMMENDATIONS & JOINT REVIEW SUMMARY SHEET OF RECOMMENDATIONS K. CONDITIONAL USE PERMIT WORKSHEET FOR TALLER BUILDINGS	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333

PURPOSE

Darcon of NC, LLC has submitted an application for a Conditional Use Permit (CUP) to allow for the construction of a five-story mixed-use building at 203 South Greensboro Street, on the site where the Andrew—Riggsbee Hardware Store formerly operated. Prior to reaching a decision on a request for a CUP, the Board of Aldermen must hold a public hearing to receive input. Town staff recommends that the Board of Aldermen hold a public hearing and consider issuing the requested Conditional Use Permit.

INFORMATION

The application includes a five-story building that will contain a mix of retail, office, and restaurant uses, with multifamily condominiums comprising the top three floors. All private parking associated with the building is located underground.

See attached staff report for additional detail – **Attachment B**.

RECOMMENDATION

Town staff recommends that the Board of Aldermen approve the Conditional Use Permit to allow the construction of a five-story mixed use building (Use 27.000, consisting of Uses 1.331, 1.340, 2.111,

2.120, 2.130, 2.210, 2.220, 2.230, 3.110, 3.120, 3.130, 3.150, 3.250, 8.100, and 8.200 at 203 South Greensboro Street, subject to the following conditions:

1. 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.
2. 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.
3. That if the Land Trust is unable to sell any affordable unit within one year of the date it receives a certificate of occupancy, Darcon of NC, or its successors or assigns, will be released from its obligation to sell that unit to the Land Trust and may instead provide to the Town of Carrboro a payment-in-lieu of providing an affordable unit, consistent with the applicable, related LUO language. If a payment-in-lieu is not an available option under the LUO at that time, then the developer must provide alternative means for ensuring that the affordable units comply with Section 15-182.4 of the LUO.
4. That prior to construction plan approval, the applicant must prepare and the Town Manager accept a three-party agreement between the future owner's association, Orange Community Housing & Land Trust, and the Town of Carrboro. The agreement must: 1) stipulate that either the Land Trust or the Town must verify compliance with the applicable provisions of the CUP and LUO prior to the sale / resale of any affordable unit, 2) establish and implement a one-percent transfer fee program wherein market-rate units will subsidize affordable units within the development, and 3) stipulate that the owner's association covenants must include language regarding the affordable units and properly disclose related information to purchasers of market-rate units information regarding the one-percent transfer fee program. Details regarding this condition must be presented to and approved by the Town Attorney and Town Manager prior to construction plan approval. Monies collected in the affordable housing transfer fee program, associated with the sale / resale of properties, are to be placed into a fund for the specific purpose of paying condominium and townhome Owner's Association dues for persons who acquire affordable housing.
5. That the applicant secure an additional 39 parking spaces within 400-feet of the site to serve the project prior to receiving a Certificate of Occupancy. The provision of these additional parking spaces shall be a continuing, and legally binding part of the terms of the CUP.
6. That the applicant must receive a Town of Carrboro driveway permit for Maple Avenue Extension, and a NCDOT driveway permit if determined to be necessary, prior to construction plan approval.
7. That the Board of Aldermen finds that no screening is required along Maple Avenue Extension (eastern side of the property) as a sidewalk in this location is more beneficial to public safety than providing street trees in the area.
8. That if the applicant desires to install site and/or exterior building lighting in the future, then upon reviewing associated information staff must determine what type of permit modification is involved, per LUO Section 15-64, and process the request accordingly.
9. That prior to issuance of a building permit for the project, the applicant must record a plat that dedicates sufficient right-of-way along all sides of the property such that every adjacent right-of-way exceeds fifty-feet in width.
10. That the applicant must submit the final version of the condominium owner's association documents for review and approval by the Town Attorney prior to construction plan approval.
11. That the applicant must obtain all necessary temporary and permanent easements prior to construction plan approval.

12. That a new name for the project must be chosen and found acceptable to the Town's GIS Administrator (acting on behalf of Orange County Emergency Services) 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.