

## BOARD OF ALDERMEN

ITEM NO. A(3)

### AGENDA ITEM ABSTRACT MEETING DATE: MARCH 24, 2009

**TITLE:** PUBLIC HEARING FOR CONDITIONAL USE PERMIT REQUEST FOR ARBORS AT WINMORE

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| <b>DEPARTMENT:</b> PLANNING DEPARTMENT   | <b>PUBLIC HEARING:</b> YES <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| <b>ATTACHMENTS:</b><br>A. PROJECT PLANS<br>B. STAFF REPORT<br>C. LAND USE PERMIT APPLICATION<br>D. VICINITY MAP<br>E. LETTER RELATING TO COMMERCIAL SPACE<br>F. LETTER RELATED TO TAX CREDIT DEADLINE<br>G. COMMENTS FROM CITIZEN<br>H. STAFF & ADVISORY BOARD RECOMMENDATIONS SUMMARY SHEET<br>I. CUP WORKSHEET | <b>FOR INFORMATION CONTACT:</b><br>MARTY ROUPE, 918-7333                                   |

#### **PURPOSE STATEMENT**

Crosland, LLC, as represented by The John R. McAdams Company, has submitted an application for the construction of a 22 dwelling unit project located within the Winmore Village Mixed Use project at 1400 Homestead Road. The Conditional Use Permit, if approved, would allow the creation of 22 multifamily units with associated infrastructure. Staff recommends that the Board of Aldermen hold a public hearing and consider granting the CUP.

#### **INFORMATION**

The subject property is zoned Village Mixed Use (VMU). The subject lot is 0.95 acres (41,333 sf) and is listed on the Orange County Tax Map as number 7.171..178. For a vicinity map, see Attachment B. Additional details are provided in the staff report (**Attachment B**).

#### **STAFF RECOMMENDATION**

Town Staff recommends that the Board of Aldermen approve the Conditional Use Permit request, subject to the following conditions:

1. That prior to construction plan approval, the Town Attorney must receive and approve information regarding the continued affordability of all dwelling units sufficient to ensure adherence to the provisions of LUO Section 15-182.4. Details regarding continued affordability must be specified in the Owner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance.
2. That prior to construction plan approval, the name of the project must be approved by the Town's GIS Specialist.
3. That the applicant must ensure that the written agreement regarding the proposed Stormfilter© device is honored.
4. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording

of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.

5. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bio-retention areas, swales, check dams, and irrigation pond), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the owners' association documentation.
6. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to building permit approval.
7. That the applicant must obtain all necessary temporary construction easements and permanent easements related to the project before construction plan approval, and that all easements shall be labeled appropriately on the construction plans and, for permanent easements, on the final plat.