

BOARD OF ALDERMEN

ITEM NO. B(1)

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

TITLE: MINOR MODIFICATION OF WINMORE VMU CONDITIONAL USE PERMIT FOR SOUTH CAMELIA MULTIFAMILY SITE, GRIFFITH'S LANDING

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input type="checkbox"/> No <input checked="" type="checkbox"/>
ATTACHMENTS: A. PROJECT PLANS B. VICINITY MAP C. LETTER RELATED TO TAX CREDIT DEADLINE D. RESOLUTION APPROVING MINOR MODIFICATION	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333

PURPOSE STATEMENT

Crosland, LLC, as represented The John R. McAdams Company, has submitted an application for a Minor Modification to the Winmore VMU CUP for construction of a 36 dwelling unit project located within the Winmore Village Mixed Use project at 1400 Homestead Road. The CUP Minor Modification, if approved, will allow the creation of 36 multifamily units with associated infrastructure. Staff recommends that the Board of Aldermen review and consider granting the Minor Modification application.

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 follow:

Density, Affordable Housing

The Winmore CUP establishes that 48 units must meet the LUO's standards for affordable housing and all currently proposed units will in fact meet or exceed the requirements. While the original CUP plans showed a multifamily building in this area to house up to 24 units, the developer and current applicant negotiated to convert what originally were 8 market-rate units to now propose an additional multifamily building instead of the townhomes. So whereas the CUP requires 48 affordable units, the net effect of the proposed change is an increase from 48 to 58 affordable dwelling units within the project. One building will house 24 units and the other will house 12 units.

All units are proposed as rentals. The Town has processed an application utilizing NC tax credits in the past, but this is the first project wherein such tax credits directly relate to a binding obligation to provide affordable housing in accordance with a CUP. The applicant has provided sufficient information to bring the application forward for approval, but a CUP condition is included to ensure that the Town Attorney is satisfied with the arrangements prior to construction beginning:

- CUP Condition: 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.

Transportation, Streets, Sidewalk, & Parking

Parking for all proposed units is served off an existing private alley, with an alley / driveway connection on both the north and south sides of the project connects the parking areas directly to South Camelia Street. Two other transportation issues of note: 1) a additional alley / driveway connection, which would have been located approximately between the two buildings is removed in favor of a pedestrian plaza and courtyard area, and 2) an alley on the northern end of the project is proposed to be relocated southward to a point between the townhomes area and the multifamily building. The relocated connection creates an offset jog situation similar to other intersections in Winmore. The net effect of the changes is two alley / driveway connections serving the parking area rather than three. For the number of units proposed, the drives now proposed should be sufficient. Additionally, a minimum 5-ft wide sidewalk wraps the entire perimeter of the buildings, with the exception of the northernmost side of Building #4.

Per section 15-291 of the LUO, each of the proposed units is presumptively required to have one space. The applicant exceeds this number by providing 52 spaces for 36 units. All such spaces are off the alley, to the rear of the site, with the exception of one row of spaces on the southernmost side of the project. Of note, the original Winmore plans indicated an area that may be used for parking in the future, located below the Duke Power transmission line just west of the site. The applicant has in fact shown the subject area as parking and submitted documentation from Duke Power of this as an acceptable use.

Landscape Plans, Screening and Shading

Sheets LP1.20 provides an ample landscaping plan, with a variety of vegetation proposed on all sides of the development. Further details are provided on Sheet LP2.00. A Type A screen is provided along the southern property line where the project abuts residential housing in the Claremont subdivision. A table is also included detailing the shading requirements for the vehicle accommodation area. The information included makes it evident that the application exceeds related requirements.

Drainage, Grading, Stream Buffer, & Erosion Control

Stormwater treatment for this site was accounted for during the original Winmore CUP approval. Still, the Town Engineer has reviewed the plans to consider all changes that have taken place since the original approval and have found the plans acceptable.

Two typical stormwater CUP conditions are recommended below:

- 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.

- 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.

The developer has submitted a first version of the maintenance plan, but the latter condition is included anyway in case changes to the plan are found to be necessary.

Grading for this site is relatively minor and not drastic in any particular locations. Additionally, a stream exists near but off the west side of the site. The buffer extends slightly onto the subject property, but the applicant has designed the site in a manner that does not disturb the buffer. Orange County Erosion Control has reviewed the plans and found the design acceptable.

Utilities, Fire Safety, Lighting and Refuse Collection

The applicable utility and service providers (OWASA, Fire, Solid Waste, etc) have reviewed and found the plans acceptable. Regarding other utilities such as electric, telephone, etc, the applicant has submitted letters by the respective providers indicating that they can serve the development. Per Section 15-246 of the LUO, the plans specify that all electric, gas, telephone, and cable television lines are to be located underground in accordance with the specifications and policies of the respective utility companies.

A CUP condition related to submittal of fire flow calculations is included below:

- 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.

Lighting very similar to the existing decorative and street lights in Winmore is proposed to be located at various locations around the perimeter of the buildings.

Open Space, Recreation

Both the open space and recreation facilities requirements for this project are satisfied by the Winmore VMU. Still, a clubhouse is included in the design as required in relation to tax credit program. It is located in the phase off West Winmore Avenue, but is intended to serve these units as well.

The parking area under the Duke Power easement, referenced above under parking, involves a slight reduction in the project's open space. The existing amount of open space is 30.76 acres (or 46.7%) and the end result after this project will be 30.55 acres (or 46.4%). As a reminder, the subject parking area was identified as a possible, future parking area on the original plans, but this reduction was contemplated during the original approval.

Miscellaneous

The applicant submitted a letter explaining the relatively tight timeline for constructing the project as it relates to their ability to utilize tax credits (**Attachment C**).

Also, the Town's GIS Specialist had concerns with the original name, Arbors at Winmore, and requested that the developer choose a different name. The developer then chose and received approval of a new name, Griffith's Landing. Still, a CUP condition is included regarding this matter so that the GIS Specialist may further consider whether it is acceptable to call the West Winmore site and South Camelia site both the same name. Therefore, it is not certain but possible that one or the other will still need a new name. See condition below:

- That prior to construction plan approval, the name of the project must be approved by the Town's GIS Specialist.

A typical CUP condition is included below, making it clear that the applicant must obtain all necessary easements prior to beginning construction:

- 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.

Public Hearing

It is within the purview of the Board of Aldermen to call a public hearing before rendering a decision on the requested changes. Specifically, with regard to Minor Modification requests, Section 15-64(b) of the LUO states the following: "Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification."

STAFF RECOMMENDATION

Town Staff recommends that the Board of Aldermen adopt the attached resolution approving the CUP Minor Modification 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 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.

4. 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.
5. 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.
6. 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.