

BOARD OF ALDERMEN

ITEM NO. C(2)

AGENDA ITEM ABSTRACT

MEETING DATE: August 24, 2010

TITLE: Request to Set a Public Hearing to Consider a Map Amendment for a Portion of the Property Located at 8110 Old NC 86/Phases 3 and 4 of the Ballentine Development from R-R to R-10/B-3 Planned Unit Development

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Petition for change of zoning C. Map showing property location D. Applicable LUO Provisions	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

Section 15-321 provides for the initiation of amendments to the Town's zoning map. Such a petition has been received from M/I Homes LLC regarding the rezoning of its property at 8110 Old NC 86. A resolution that provides an opportunity for the Board of Aldermen to set a public hearing date, direct the staff to prepare an appropriate ordinance, and refer the request to advisory boards is provided.

INFORMATION

A petition to amend the zoning map for the M/I Homes property from R-R to R-10/B-3 PUD (Planned Unit Development) was submitted on July 27, 2010 (*Attachment B*). The property is located on Old NC 86 and is the site of the approved Ballentine AIS subdivision, for which a conditional use permit was issued August 28, 2007 (see map *Attachment C* and http://www.townofcarrboro.org/BoA/Agendas/2007/08_28_2007.html for additional information.

On June 16, 2009, the Board of Aldermen considered a request from M/I Homes to extend the conditional use permit. Due to the significant slowdown in the building economy, the owners had not yet completed the construction plan preparation process. Section 15-62(a) requires that, within two years of the issuance of a permit that either the approved use has commenced or at least ten percent of the total cost of all construction/development has been completed. A permit extension request was submitted as no significant efforts towards construction of the development was not expected to begin before the permit's two-year expiration in August 2009. During its review of the request the Board of Aldermen discussed with Jeremy Medlin, M/I Homes' representative, the possibility of including a commercial component in the project (http://www.townofcarrboro.org/BoA/Minutes/2009/06_16_2009.pdf). The Board of Aldermen granted a 6-month extension and requested that the owners look favorably on including a commercial component. As most will recall, the North Carolina General Assembly adopted a bill in July 2010 that suspended the otherwise applicable permitting periods and determination of vested rights until December 31, 2010. Due to the date of approval and the Board's 6-month extension, the new expiration date of the Ballentine conditional use permit is March 28, 2013), M/I Homes requested a

meeting with staff to follow-up and evaluate rezoning options for the property to include a commercial component.

It may be noted that a petition to rezone the property was previously submitted prior to application for the conditional use permit. Approximately 17.5 acres of the 49-acre Ballentine property is zoned R-R, with the remainder zoned R-20. In 2004, M/I Homes requested rezoning of the R-R portion to R-20. A public hearing was held on June 22, 2004 and there was discussion in support of the rezoning and the need for affordable housing. The public hearing was continued to a date uncertain. An application for developing the property under the existing zoning was submitted on May 2, 2005 and approved on August 28, 2007.

A Planned Unit Development was identified as a strategy that could accommodate the Board of Aldermen's request for the developer to add a commercial component into the residential neighborhood approved in 2007. *Attachment D* includes the excerpts of principal LUO provisions pertaining to this type of zoning district and the rezoning process.

A date of September 28, 2010 has been identified as available should the Board of Aldermen wish to forward this item to a public hearing. The resolution included as *Attachment A*, if adopted, would set a public hearing date and forward the rezoning petition to the Planning Board for review.

Section 15-322 requires that any proposed amendments shall be referred to the planning board. If applicable, the proposed amendment shall also be referred to the Appearance Commission and/or the Transportation Advisory Board.

FISCAL IMPACT

The petitioner has submitted an application fee, which has been set to capture advertising costs and the average staff time associated with a rezoning request.

The staff involved in processing such a request includes the Town Attorney, GIS Specialist, Planning Administrator, and others who participate in evaluating the appropriateness of the request, meeting the public notice requirements (mailing and posting the property) and staffing the advisory board meetings.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider the provisions of Section 15-321 and decide whether to accept the petition for a map amendment. A resolution that accepts the petition and sets a public hearing for September 28, 2010 is provided for the Board's use (*Attachment A*).