

**BOARD OF ALDERMEN**

ITEM NO. A(1)

**AGENDA ITEM ABSTRACT**

**MEETING DATE: Tuesday, April 26, 2011**

**TITLE: Public Hearing on Veridia R-2 Conditional Use District and Veridia Architecturally Integrated Subdivision**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></b>
<b>ATTACHMENTS:</b> <ul style="list-style-type: none"><li><b>A. Resolutions of Consistency</b></li><li><b>B. Ordinance amending the Zoning Map to establish R-2-CU district</b></li><li><b>C. Memo Explaining Discussions and Determinations Preceding Current Application</b></li><li><b>D. Rezoning Petition</b></li><li><b>E. Land Use Permit Application</b></li><li><b>F. Map showing property location</b></li><li><b>G. Project Plans</b></li><li><b>H. Staff Memo on Rezoning and CUP Staff Report</b></li><li><b>I. Concept plan comments and petitioner/applicant replies</b></li><li><b>J. Minutes from Board of Aldermen Meetings Regarding Affordable Housing for Project</b></li><li><b>K. Statement from Applicant Regarding Affordable Housing and Price Points for Homes</b></li><li><b>L. Parking Justification Statement and Carport Statement</b></li><li><b>M. Tree Removal Justification</b></li><li><b>N. Secondary Constraints Encroachment Letter</b></li><li><b>O. Architectural Theme Information</b></li><li><b>P. Letter From Architect</b></li><li><b>Q. Mailed Notice Certification</b></li><li><b>R. Summary Sheet of Recommendations and Comments</b></li><li><b>S. CUP Worksheet</b></li></ul>	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – <b>918-7327</b> Martin Roupe – <b>918-7333</b>

## PURPOSE

Sustainable Properties, LLC has submitted a petition requesting that the zoning classification for 4.66 acres of land be changed from R-20 to R-2 Conditional Use District and is also seeking approval of a conditional use permit to allow a 39-lot Architecturally Integrated Subdivision. The Board of Aldermen must hold a public hearing before taking action on these requested actions.

## INFORMATION

Some background information is necessary, preceding the usual information found below. The application under consideration is unique with respect to Carrboro's development approval process in some notable ways. The application, in short, requests permission to build 39 stick-built single-family homes in place of 39 existing mobile homes (within an existing mobile home park). The existing density of 39 units is clearly in excess of what is allowed in the R-20 zoning district. This density is grandfathered, by right, as established in a court case between the Town of Carrboro and a previous owner of the property. As explained in some detail in *Attachment C*, staff and the current owner had a lengthy exchange preceding the current application. It was established during the discussions that the owner has a right to replace the existing mobile homes with stick-built homes, since one or more stick-built homes already existed on the site. In fact, the owner still retains the right to potentially build the homes without seeking a new land use permit or rezoning, so long as no substantive changes to the site occur. After some consideration, the applicant determined that a better project would result from an improved access driveway as well as other desired improvements, which triggered the need to obtain a new land use permit. Further, the applicant retains the right to potentially seek a land use permit—only—for construction of the desired improvements to the site, i.e. without approval of a rezoning, based on the existing, grandfathered density of 39 units. To do so, however, would require the project to remain unified, i.e. unsubdivided in accordance with its grandfathered status as an unsubdivided development. So, in order for the applicant to subdivide the development into 39 fee simple lots, the rezoning must be approved. All this is mentioned to point out the reasons for which a rezoning application accompanies the CUP application and to point out, as well, that the applicant retains certain development rights, even if the rezoning and / or CUP application are denied.

Sustainable Properties, LLC., has submitted a petition (*Attachment D*) to have the zoning of 4.66 acres of land in two separate tracts (Orange County PIN 9779017345 and 9779017407) currently addressed as 810 Old Fayetteville Road changed from R- 20, a low-density residential zoning, to R-2-CU, a conditional use district version of the R-2 zoning district. An application (*Attachment E*) has also been submitted for a Conditional Use Permit to allow redevelopment of an existing mobile home park, consisting of two single family homes and 37 mobile homes, as an architecturally integrated subdivision of 39 site-built homes. The name for the project is Veridia. The location of the property is shown on *Attachment F*. The CUP plans for redevelopment of the property and a staff memo evaluating consistency with the requirements of the Land Use Ordinance are included as *Attachments G and H*.

The Veridia project was presented to the advisory boards at a concept plan meeting held in 2009. Concept plan review comments made by the EAB during that review are attached, with responses from the applicant included (*Attachment I*). Supporting materials related to the conditional use

permit application, including background on discussions of affordable housing, parking, tree removal and others, are attached (*Attachments J-P*).

Notice of the public hearing was carried out per Section 15-323; certification of the mailed notice is provided in *Attachment Q*. This project was the topic of review at the April 7<sup>th</sup> Joint Review Advisory Board meeting. Recommendations and comments are attached, as is a summary sheet of staff and advisory board recommendations (*Attachment R*). The Conditional Use Permit Worksheet is also included (*Attachment S*).

### **FISCAL IMPACT**

Public hearing costs are covered by application fees and the provision of materials (envelopes, stamps, et cetera) by the applicant. The per unit value of the residential units at 810 Old Fayetteville Road is expected to increase as a result of the rezoning and conditional use permit approval.

### **RECOMMENDATION**

The staff recommends that the Board of Aldermen receive public comments, review, deliberate, and consider rendering a decision regarding the request for rezoning and approval of a conditional use permit for the property located at 810 Old Fayetteville Road. Approval of the requested actions will involve adoption of the items included in *Attachments A, B, and S*.