

BOARD OF ALDERMEN

ITEM NO: D(2)

AGENDA ITEM ABSTRACT
MEETING DATE: TUESDAY, MARCH 20TH, 2012

TITLE: REQUEST TO SET A PUBLIC HEARING FOR CLAREMONT SOUTH, PUD REZONING, CONDITIONAL USE PERMIT AND VOLUNTARY ANNEXATION

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| DEPARTMENT: PLANNING DEPARTMENT | PUBLIC HEARING: No |
| ATTACHMENTS: A. RESOLUTION B. VICINITY MAP C. DRAFT ORDINANCE AMENDING ZONING MAP AND ILLUSTRATIVE PUD PLAN D. PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY | FOR INFORMATION CONTACT: JAMES THOMAS -- 918-7335 PATRICIA MCGUIRE -- 918-7327 CHRISTINA MOON -- 918-7325 |

PURPOSE STATEMENT

Parker Louis LLC has submitted a petition for R-10/B-3 Planned Unit Development rezoning and a conditional use permit application for Claremont South. A petition for voluntary annexation of the property has also been submitted. Prior to reaching a decision on these requests, the Board of Aldermen must receive public input. A resolution setting public hearings on these matters is provided for the Board's use.

INFORMATION

The two properties included in the requests are currently zoned a combination of R-15 and R-20 and are identified respectively by Orange County parcel identification numbers 9779-37-0343 and 9779-47-6533. For vicinity map, see *Attachment B*. The Town is processing three requests pertaining to these properties.

Petition for Zoning Map Amendment to R-10/B-3 Planned Unit Development District (PUD). The petition seeks a rezoning of properties from R-15 and R-20 to R-10/B3 PUD. A draft ordinance making this change to the zoning map, accompanied by an illustrative PUD plan, is included as *Attachment C*.

Application for Conditional Use Permit for Claremont South. This new conditional use permit will substitute for Phases 4 and 5 of the Claremont Subdivision. The change includes removing the townhome and affordable housing components of the development and replacing those units with single-family residences within the R-10 portions of the development. For the present time, continued residential use of the existing structure on the property is the only activity proposed within the B-3 portion of the development. This application seeks approval for continued sharing of recreational facilities between the Claremont Subdivision north of Homestead Road and this development.

Petition for Voluntary Annexation of Contiguous Property. Adam Zinn, on behalf of property owners, Parker Louis LLC, submitted a petition on February 16th requesting that the 38.12 acres known as Orange County Parcel Identification Numbers 9779476533 and 9779370343 be annexed into the Town of Carrboro (*Attachment D*). The area to be annexed is contiguous to the Town's municipal boundary. The primarily vacant acreage proposed for annexation encompasses an area approved as Phases 4 and 5 of the Claremont Subdivision and under consideration for rezoning to an R-10/B-3 Planned Unit Development and a related conditional use permit application.

The Board of Aldermen must hold a public hearing on each of the three requested actions. Advisory board review is also needed of the rezoning petition and the conditional use permit application. The petitioner/applicant is interested in moving forward as soon as possible and in previous discussions with staff, the April 24th hearing was noted as a possibility; the lack of cable television broadcasting and video recording on that evening having not registered as affecting the conduct of public hearings. As the Board knows, this hearing date occurs during a time when meetings will be held off-site at the OWASA Community Room. With a few possible exceptions due to technical problems with the cable/video system, public hearings on rezonings have been broadcast and video recorded for over twenty years. For that reason, the rescheduled public hearing for the 201 N. Greensboro Street will take place on April 17th.

The Board of Aldermen has requested that no other items be scheduled for the April 17th meeting. These facts in total have led staff to suggest that the public hearing for this project take place in May. The regular public hearing date would be May 22nd, though the Board will return to its regular meeting location, with broadcast and video recording capabilities, on May 15th and a public hearing on the FY 2012-2013 budget has been scheduled for that evening. The petitioner/applicant has suggested April 10th as an alternative to a May public hearing. This meeting is to be held at Town Hall and broadcast/video recorded, per usual procedures. Staff has reviewed the schedule and finds that there are some logistical considerations associated with this date. The Joint Review meeting in April is to take place on the first Thursday, which is April 5th. This date falls within the Chapel Hill Carrboro City Schools spring break, raising the possibility that interested neighbors and advisory board members may be unavailable to participate in or attend the meeting. Since April 6th is a Town holiday, the agenda packets for an April 10th public hearing will have been finalized by the afternoon of April 5th, prior to the Joint Review meeting. It will not be possible to include advisory board recommendations in the agenda packet. It is possible that advisory board review would not be completed in time to provide recommendations for the Board's consideration on April 10th. If advisory board recommendations were completed on April 5th, the summary of recommendations on the conditional use permit would not be prepared until Monday, April 9th at the earliest. The Planning Board's review of rezonings is afforded, by the Land Use Ordinance, thirty days from the date of referral.

The petitioner/applicant has discussed the concept of the proposed change in this project with the Board of Aldermen, has submitted a form indicating that a neighborhood meeting was held March 3, 2012 and has indicated that neighbors have not expressed objections to the project.

Staff recommends that the public hearing for consideration of these requests be set for May 22, 2012 as that date provides an appropriate amount of time for notice and advisory board review and ensures that the hearing can be broadcast and recorded in a manner consistent with the Town's practice for many years.

FISCAL AND STAFF IMPACT

The petitioner and applicant has submitted fees and materials for review and processing of these requests, which include public hearing notice and advisory evaluation.

STAFF RECOMMENDATION

Town staff recommends that the Board select a desired hearing date, adopt a resolution setting the public hearing date for these actions and refer the rezoning petition and conditional use permit application for advisory board review. A date has not been specified in the attached resolution (*Attachment A*).