

BOARD OF ALDERMEN

ITEM NO. C(1)

AGENDA ITEM ABSTRACT

MEETING DATE JUNE 26, 2012

**SUBJECT: REQUEST FOR A MINOR MODIFICATION OF THE BALLENTINE
ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT
RELATED TO AFFORDABLE HOUSING**

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES No <u>X</u>
ATTACHMENTS: A. RESOLUTION ADOPTING THE MODIFICATION B. APPROVED CONDITIONAL USE PERMIT DOCUMENT C. LETTER FROM APPLICANT EXPLAINING REQUEST D. COPY OF FINAL PLAT FOR SUBJECT AREA	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333 JEFF KLEAVELAND, 918-7332

PURPOSE

M/I Homes, developer of the 96 unit dwelling unit subdivision located at 8110 Old NC 86, has submitted an application for a *Minor Modification* to the Conditional Use Permit issued for the AIS on August 28, 2007 (Attachment D). The proposed changes would allow a payment-in-lieu for two affordable housing units. Town staff requests that the Board review, deliberate and make a decision on the application.

INFORMATION

The Conditional Use Permit (CUP) for Ballentine AIS requires construction of seventeen (17) dwelling units meeting the Land Use Ordinance's (LUO's) affordable housing criteria. Of note, the applicant subsequently sought and received approval for Planned Unit Development (PUD) rezoning for a portion of the site. The CUP plans for the PUD portion of the project remain at the concept plan review stage at this time, and this agenda item focuses narrowly on the portion of the site already under construction in accordance with the CUP approved in 2007 (**Attachment B**). Several of the affordable homes are under construction at this time and the applicant is coordinating efforts with Community Home Trust.

Earlier this year, Community Home Trust approached the Board of Aldermen regarding possible changes to the LUO relating to affordable housing and specifically regarding the Ballentine subdivision. Concurrently, M/I Homes, Inc. submitted a letter of explanation and application materials for a CUP Minor Modification to allow for payment-in-lieu of providing two affordable units (**Attachment C**).

In more detail, if approved, the request will allow two affordable townhome units, numbers 25 and 26 (see **Attachment D**), to be converted to market-rate homes, not encumbered in any way by affordable price restrictions or similar limitations. In lieu of providing the two affordable homes, the applicant agrees to make payment to the Town's Affordable Housing Special Reserve Fund, in accordance with LUO Section 15-54.1. The amount of payment required is still being determined. This information will

be shared during Tuesday night's meeting. Final payment amount may possibly need to be recalculated and modified if changes to the proposed text amendment result from the public hearing.

STAFF RECOMMENDATION

Town Staff recommends that the Board of Aldermen review, deliberate and make a decision regarding the applicant's request. If the request is approved it is recommended that the attached resolution approving the Minor Modification to the Conditional Use Permit (**Attachment A**), be adopted.