

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 23, 2005 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Mark Chilton
	Jacquelyn Gist
	John Herrera
	Diana McDuffee
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

CONTINUATION OF THE PUBLIC HEARING ON DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY ZONING DISTRICT

A public hearing was held on June 28, 2005 to consider a modification to the zoning of approximately 32 acres of land, located in the B-1(c), B-1(g), M-1, and CT districts to include the Downtown Neighborhood Protection Overlay designation. The hearing was continued to allow further time to consider the proposal.

Trish McGuire, the town's planning administrator, made a presentation to the Board.

Alderman McDuffee asked for clarification about sidewalk policy and setbacks re: Carr Street.

James Carnahan addressed the Board as a member of the committee. He stated that the concept that all agreed on was that they did not want the transition between residential and commercial to be abrupt. They want it to be gradual--50 ft. deep from property line; the bldg. can only be two stories. A setback would be a useful additional requirement for a gradual transition - i.e.: 15-foot setback for a tree-planting strip.

Dale McKeel, the town's transportation planner, made a presentation to the Board. He said that the master plan and discussion did foresee a sidewalk on the north side of Carr Street.

Deborah Seaton, who owns a dental office on N. Greensboro Street, addressed the Board. She said that her building is over 100 years old and will have to be replaced sometime soon. She is confused about what she will be able to do. There are two residential properties - setbacks and stepbacks may end up crippling the existing property.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO CREATE A DOWNTOWN NEIGHBORHOOD PROTECTO OVERLAY DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP TO INCLUDE DESIGNATED PROPERTIES." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (HERRERA)

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT
MODIFYING THE PERMIT REQUIREMENTS FOR DEVELOPMENTS OVER TWO STORIES OR 35
FEET IN HEIGHT IN CERTAIN DOWNTOWN ZONING DISTRICTS

Resolution No. 09/2005-06

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that policies and regulations are in keeping with community interests and desires.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on October 25, 2005 to receive public comment on "AN ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS MAKING CERTAIN BUILDINGS IN DOWNTOWN ZONING DISTRICTS PERMISSIBLE WITH A CONDITIONAL USE PERMIT"

BE IT FURTHER RESOLVED that the draft ordinance be referred to the Planning Board and Orange County for recommendations and that the rezoning proposal also be referred to the Planning Board; and

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 23rd day of August, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Alex Zaffron, Michael Nelson

Noes: None

Absent or Excused: None

PUBLIC HEARING: CONNECTOR ROADS POLICY – BREWER LANE AREA

At its meeting on June 21st, the Carrboro Board of Aldermen set a public hearing to consider adopting a modification to the Connector Roads Plan to add a connector road between Merritt Mill Road and Brewer Lane. The Board also requested that the proposed modification be referred to the Planning Board, Economic Sustainability Commission, and Transportation Advisory Board for review and comment. Staff recommends adoption of the modification.

Dale McKeel, the town's Transportation Planner, made a presentation to the Board.

Mayor Nelson asked what some of those concerns are, being that this is an area unlike other parts of town that our connector policy covers because it has existing development.

Mr. McKeel said that the concern would be a four-way intersection at Merritt Mill Road and Cameron Avenue. There are current buildings in that area and there may need to be some changes to those properties. It could be many years before this connection could be provided because of the existing development

Alderman McDuffee stated that their intention was to have it on our plan so if an opportunity for redevelopment of property occurs, we have the ability to make a better connection and it is better than being haphazard without a planned road.

Mr. McKeel said we could not predict timing and implementation.

Rebecca Clark spoke to the Board and asked that a correction be made: It is not Crest Street – it is Crest Drive.

Dave Rooks, a representative of Sam and Dickie Hunt, addressed the Board. He stated that their property is not ideal for their operation and that they would be happy to move. They have attempted to work with STGL and said that they looked for a substitute piece of property and could not find one that is affordable.

Perry Safran, an attorney for Ready Mix Concrete, addressed the Board. He said that their function and operation were done in an environmentally safe way and they have won awards on their position on air and water. He said they are a productive neighbor with a long-term view of that property and think there is another way to do this. If you allow development, there can be a private street network and a better traffic pattern. They believe that to keep from making an error on the map, to let it develop over time and address the neighbors concerns and you will have just as good emergency vehicle access.

Jay Laughton, president and CEO of Ready Mix Concrete, addressed the board. He said that they were asked to consider donating the property and agreed to donate 13 acres if they could find property located on rail siding because it saves cost in concrete business. They want to be part of this community. Since that time, efforts were made, but to no success. In 1985 or 1986, they put up a new environmentally friendly concrete plant. Technically, it will last 60 years or more if overhead bins are replaced. They have all air/water permits and have won top environmental awards every year. They think if a connector road is put in on either side of their property, it will render it unsafe and it will be unfeasible for them to stay there.

Mayor Nelson stated that there is a misunderstanding. The way our connector road policy works is only if the property is redeveloped or sold or if they leave. A road will not be built there while they are there.

Steve Simpson, representing STGL, addressed the Board. He said it would pose a hardship on the property South of Ready Mix. There is only one point the connector road could go and that is through Ready Mix. If you make it a public street, Carrboro should be required to maintain it. You can accomplish the same effect for emergency access vehicles by private streets. He asked that the Board please not place this on your policy

Rebecca Clark addressed the Board. She said the road they would use for emergency vehicles goes from Brewer Lane to Crest Drive and they considered that but it is a bad curve and they have children going/coming to school. It is dangerous. If they can correct it, there is property that they would consider instead.

The following resolution was introduced by Alderman Diana McDuffee and duly seconded by Alderman Joal Broun.

A RESOLUTION ADOPTING A MODIFICATION
TO THE CONNECTOR ROADS PLAN
Resolution No.07/2005-06

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies; and

WHEREAS, it has been proposed that the Carrboro Connector Roads Plan be modified by adding a connector road between Merritt Mill Road and Brewer Lane; and

WHEREAS, Town staff has prepared an illustration of a possible connector road between Merritt Mill Road and Brewer Lane, and have noted that the illustration is schematic in nature and reflects a general corridor for a connecting road, and that the actual location could vary based on factors such as topography, soils, development layout, roadway engineering standards, and intersection design; and

WHEREAS, the Planning Board, Economic Sustainability Commission, and Transportation Advisory Board have reviewed and recommended that the proposed modification to the Connector Roads Plan be adopted; and

WHEREAS, the Board of Aldermen have held a public hearing on the proposed modification to the Connector Roads Plan.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen approves adding a connector road between Merritt Mill Road and Brewer Lane to the Carrboro Connector Roads Plan.

FURTHER RESOLVED, the Board of Aldermen confirm that with the development of a connector road between Merritt Mill Road and Brewer Lane, a connection to Guthrie Avenue would need to be maintained.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 23rd day of August, 2005:

Ayes: Joal Hall Broun, Mark Chilton, John Herrera, Diana McDuffee, Alex Zaffron, Michael Nelson

Noes: Jacquelyn Gist

Absent or Excused: None

PUBLIC HEARING: ORDINANCE ESTABLISHING A 180-DAY MORATORIUM ON THE PROCESSING OF LAND USE PERMIT APPLICATIONS FOR DEVELOPMENTS INVOLVING THE SUBDIVISION OF LAND OR THE CONSTRUCTION OF NEW BUILDINGS WITHIN THE R-2 ZONING DISTRICT

It was necessary for the Board of Aldermen to review and receive public comment on an ordinance that establishes a 180-day moratorium on land use permit review of subdivisions or certain developments in the R-2 zoning district. Twenty properties are affected by the proposed moratorium.

Alderman Chilton asked to be excused because he and his brother own property that would be affected by the decision.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL BROUN TO RECUSE MARK CHILTON FROM THIS ITEM. VOTE: AFFIRMATIVE ALL

Trish McGuire, the town's Planning Administrator, made a presentation to the Board.

Ron Gibson, a partner with STGL Development, addressed the Board. He stated that he became involved with this project 2 1/2 years ago and he is trying to bring it to fruition. Two and one-half years ago they went to Mr. Hunt to discuss redeveloping the site as a multi-family. Mr. Hunt, like Ready Mix, did not want to move out of the community but said he would move if he could be relocated. They said they could move him adjacent to the concrete plant that would allow access to Brewer Lane. After working with staff, they realized they could not do that and hit a dead end. They came back and said they could develop this site in a unique way for urban residential development. Seventy-five percent of the parking would be under the building. There is a logical way to work with the town if they want certainty and not a hodgepodge of what might or might not be there. They worked with staff to work with all constituents in neighborhood. They worked with Ms. Clark to include multi-family – the side on Clark St in Chapel Hill would be townhomes. They have had consultants from up and down the East Coast. This would produce one-third less traffic than traditional multi-family. They have

spent \$503,000 in planning, engineering, traffic studies, consultants, etc. He said he was confident that they had complied with every issue that staff put in front of them and have had an open dialogue with staff. They submitted their plans for approval back in March and they do not want to have to deal with a moratorium. They can tell the Board exactly what they can do. They think it is beneficial to the town. They spoke with Mr. Hunt yesterday. It is not student housing, it is high-end, multi-family, urban redeveloping. He said they live up to their commitments and they will not allow student housing to go up there. He asked that the Board evaluate the balance they bring to the situation. He said that he thinks it is appropriate for the town's revitalization and has worked with the neighborhood. He asked that they be allowed go forward and that the town investigate them. They are committed to a high quality development and commit the financial resources to it.

Alderman McDuffee asked if they considered mixed use for this site.

Ron Gibson said it would be the kiss of death – that people look for lots of lights/activity and they need an emergency exit. Ms. Clark was adamant that they had all the businesses that they were ever going to support and if you are going to be successful, your neighbors have to be on board.

Alderman McDuffee asked if they had ever considered office space.

Ron Gibson said yes, but it did not seem like it would work. This site is viewed differently from the other side of Chapel Hill and it presented a risk profile for them to do offices.

Alderman McDuffee asked if you were talking about less car use, how would you see it as being less car intensive as most multi-family.

Mr. Gibson said that the beauty of this site is there are two bus routes outside the front door.

Alderman Gist said that she could not support the moratorium. The developers are going through the process and we will decide during the public hearing whether this agrees with our goals or not. It is only fair - they've been doing all they have to do according to our rules.

Mayor Nelson said he would support the moratorium. The key point to remember is that at a public hearing, we are determining whether or not it meets the zoning as it stands - legally you are in a box. If the project meets the letter of the law, legally, you have to approve it. A more in-depth look is needed – there is enough concern. The R-2 area abuts various neighborhoods that need special attention - we want to have the right rules in place. We have an obligation that the rules in place are appropriate.

James Carnahan addressed the board. He said, primarily, we are taking a look at the downtown as a whole and wanting to take a look at a very limited resource.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING A 180-DAY MORATORIUM ON THE PROCESSING OF LAND USE PERMIT APPLICATIONS FOR DEVELOPMENTS INVOLVING THE SUBDIVISION OF LAND OR THE CONSTRUCTION OF NEW BUILDINGS (OTHER THAN ACCESSORY BUILDINGS) WITHIN THE R-2 ZONING DISTRICT. VOTE: AFFIRMATIVE FOUR, NEGATIVE TWO (BROUN AND GIST) EXCUSED ONE (CHILTON)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO DIRECT STAFF TO SET UP A WORK SESSION FOR SEPTEMBER 13TH. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

REVIEW OF DRAFT AGENDA FOR THE SEPTEMBER 29TH ASSEMBLY OF GOVERNMENTS MEETING

Alderman Broun presented a draft of the agenda for the September 29th Assembly of Governments meeting for the Board's review.

Alderman Gist asked how our ordinances affect the cost of housing.

Alderman Zaffron asked if there would be a presentation about the various agencies we use to develop affordable housing.

Alderman Broun said that we should land bank for affordable housing.

Alderman Gist asked to discuss rental vs. ownership - we need affordable places to live.

Mayor Nelson stated that it is a great idea to study substandard rental housing but cautioned that it is better for one government to do it and to use caution against trying to do it jointly.

Alderman Broun said that the Century Center is not available and asked if staff could check with other facilities for meeting space.

Alderman Zaffron said that he and Alderman Broun are following up on input re: Rogers Road and landfill discussions intertwined w/annexation action. He said that they will be meeting with Reverend Campbell on Thursday and will report back to the Board about it.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN TO ADJOURN THE MEETING AT 10:03 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (CHILTON)

Mayor

Deputy Town Clerk