

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, November 22, 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
Town Clerk	Sarah C. Williamson

ISSUANCE OF CHARGES

The Town Clerk issued charges to Eleanor Kinnaird, a recent appointee to the Economic Sustainability Commission, and Daniel Amoni, a recent appointee to the Transportation Advisory Board.

Michael Collins, Co-Chair of the Neighborhoods for Responsible Growth, stated that there would be a forum on solar technology at the Chapel Hill Town Hall on Thursday, January 19th at 7:30 p.m. He invited the Board and the town's citizen advisory boards to this forum.

PUBLIC HEARING: CONDITIONAL USE PERMIT REQUEST FOR THE CLAREMONT ARCHITECTURALLY INTEGRATED SUBDIVISION

Parker Louis, LLC, as represented by Phil Post and Associates, has submitted an application for the construction of a 66 - lot, 79 dwelling unit subdivision located at 1018 Homestead Road. The Conditional Use Permit, if approved, would allow the creation of 13 duplex lots (26 units total) and 53 single-family-detached lots with associated infrastructure, including publicly dedicated streets. The Board was asked to review the application, take public testimony, and render a decision on the project.

Jeff Kleaveland, one of the town's Planner/Zoning Development Specialists, was sworn in and made the presentation.

Marty Roupe, the town Zoning Administrator, was sworn in. Mr. Roupe addressed the issue of CAPs for this project.

Omar Zinn was sworn in. He named some of the developments in the Carrboro-Chapel Hill area that he and his family have built. He stated that they are providing 15% affordable housing in the Claremont development, with 46% open space and that the development is environmentally sensitive and provides connectivity. He stated that he would be supervising the construction of the homes in this development.

Phil Post was sworn in. Mr. Post stated that they have incorporated all of the advisory board recommendations in their plans. They believe their application is complete and agree with all the recommended conditions. He discussed the site plan. The issue has been whether they can extend the sidewalk along Mrs. Nash's property. They will build it as long as Mrs. Nash allows them to build it. He also presented the stormwater management plan. He stated that there will not be a berm. The homeowners association will maintain the street trees. He said the stormwater retention ponds would hold stormwater for three days. There will be a small amount of grading for the ponds. He stated that he would work with the staff in resolving the material for the sidewalks.

He stated that they have not provided for a bus stop since bus service is not currently available in this area. He indicated areas around Mrs. Nash's property where additional plantings will be added. He stated that they will market it as a Carrboro neighborhood and that their streets will connect with Winmore streets.

Mr. Zinn agreed that they would market the development as a Carrboro development.

Dale McKeel, the town's Transportation Planner, was sworn in. He stated that there is adequate clearance under the bridge to carry the trail. He stated based on information from Chapel Hill, he was not comfortable requiring a bus stop, but stated that buses could be accommodated within the development.

Loretta Nash was sworn in. She stated that she bought her property from Preston Hogan. The farmhouse was built in 1901. She would like to retain her privacy, would like a buffer at the back of her property line, and expressed concern about the liability of having a sidewalk across her property. She requested signs be posted if the sidewalk is put in.

Mike Brough stated that there would be no liability for the private property owner if the sidewalk ran across Ms. Nash's property.

Mayor Nelson requested that Mrs. Nash work with the developer to install the sidewalk.

Nancy Salmon, a resident of 1706 Claymore Drive, was sworn in. She criticized the fact that sufficient time was not listed on the agenda for this public hearing. She suggested that the Town allow a density bonus but with restricted impervious surface. She stated that the homeowners association should not manage the stormwater ponds. She expressed concern about the play area being located so close to Homestead Road. She stated that the developer should be required to provide a safety barrier.

Terri Buckner, a resident of 306 Yorktown Drive, was sworn in. She requested that a memo of agreement be established between the Town and that the homeowners association could do water quality monitoring along the creek.

Phil Post stated that there would be some caveats so that the homeowners association would be protected from liability, i.e., to limit the access areas for monitoring.

Dave Otto, a resident of 1533 Pathway Drive, was sworn in. Speaking on behalf of The Friends of Bolin Creek, he expressed concern that the fences and retention ponds will not adequately control run-off and suggested the Town use the services of Professor Rich McLaughlin in the Soil-Science Department at N.C. State to review the Claremont stormwater control plan. He stated that there is no place for public parking to use the greenway and requested that spaces be designated for public parking. He recommended an alternative pervious material for the greenway. He stated that it is imperative to determine which properties identified on the conservation map are still available for preservation and then initiate appropriate action to save them.

Robert Dowling, with Orange Community Housing and Land Trust, was sworn in. He stated that he had met with the developer and talked about siting and pricing of affordable housing and that the developer was meeting the ordinance and has agreed to provide 12 duplex homes.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION COMPLIES WITH THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION BE GRANTED WITH THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void of no effect.
3. The continued affordability of the units (lots 52, 53, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69) must be specified in the Homeowner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance. These documents must be approved by the Town Attorney prior to construction plan approval.
4. Certificates of Occupancy for each of the twelve (12) bonus 'market-rate' units may not be issued until such time as the corresponding affordable unit (lots 52, 53, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.
5. That prior to construction plan approval, bike lane striping is shown on Claremont's collector street.
6. That prior to allowing the use of roll-type curb in the subdivision, written authorization from the Town of Carrboro Public Works Director is required.
7. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval;
8. That, on the final plat, the applicant makes Offers of Dedication for the Homestead Road sidewalk, and, the Greenway Trail, (with their associated public pedestrian and bicycle easements) to the Town.
9. That the greenway trail as proposed for Claremont have a minimum pavement width of 10 feet consistent with the standards of AASHTO, NCDOT and the Town's Recreation and Park's Comprehensive Master Plan.
10. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in Claremont meet the street tree requirements of Section 15-315 of the Land Use Ordinance and that the final arrangement is such that 1/3rd of the street trees retained and/or proposed for this purpose are evergreen.
11. That a fully detailed planting plan be required as needed for the proposed stormwater management devices prior to construction plan approval.
12. That the proposed berm be removed from the plans and replaced with mixed plantings of trees and shrubs that have proven wildlife value and that fulfill the Type A buffer requirement
13. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.

14. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bio-retention areas, swales, check dams, and irrigation pond), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.
15. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
16. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
17. All light fixtures (public or private) are cut-off, thereby reducing glare to surrounding properties and limiting upward light trespass.
18. That prior to construction plan approval, site lighting, sufficient to meet the requirements of Sections 15-242 and 15-243 of the LUO, be provided in the vicinity of the swim club parking lot and grounds.
19. That on the final plat, all primary conservation areas located on private lots will be reserved as non-buildable areas.
20. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.
21. That the applicant receive(s) CAPs from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.
22. That all landscape plants be native species.
23. That the Homeowners Association not prohibit clotheslines or active or passive solar technologies.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO DIRECT STAFF TO WORK WITH THE APPLICANT TO EXECUTE AN AGREEMENT WITH THE HOMEOWNERS ASSOCIATION TO PROVIDE ACCESS TO THE TOWN TO PROVIDE WATER QUALITY MONITORING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE APPLICANT CONSULT WITH PROF. RICH MCLAUGHLIN IN THE SOIL-SCIENCE DEPARTMENT AT NC STATE UNIVERSITY ABOUT WAYS TO REDUCE SEDIMENT. VOTE: AFFIRMATIVE ALL

Phil Post addressed the buffer along the area where the play area will be located. The Homestead Road widening should not affect this buffer. The existing buffer is hundreds of feet wide.

Mr. Zinn stated that they would consider a comparable surface for the greenway path.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO GRANT THE PERMIT SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING: PACIFICA MINOR MODIFICATION

The Carrboro Collaborative Development Association, Inc. (CCDA) has submitted an application for a Minor Modification to the Conditional Use Permit issued on June 24, 2003 for the Pacifica AIS. The modification proposes additional parking be provided on-site. The applicant first presented this application to the Board on October 4, 2005 whereupon it was decided to call a public hearing prior to rendering a decision on the requested changes. Tonight's meeting opens the public hearing on the proposed Minor Modification to the Pacifica AIS Conditional Use Permit. The Board, after receiving formal public comment, was requested to approve, approve with conditions or, deny the request.

Jeff Kleaveland, one of the town's Planner/Zoning Development Specialists, was sworn in and made the presentation.

Bree Kalb, a resident of 121 Westview Drive, stated that the original request was for 84 parking spaces and Pacifica feels that is what is needed. The residents will use 70 spaces. She stated that she feels visitors would park in areas that will infringe on their stormwater management system if the additional spaces are not approved, and she does not want spillover traffic parking on Hanna Street.

Mark Kolman, a resident of 1727 Homestead Road, stated that 1½ vehicle parking spaces are needed per household. They are expecting residents to use alternative modes of transportation, that the additional spaces are needed for guests, and that they want minimal impact on Hanna Street. He stated that the Town staff has approved the plans and the landscaping plan will not be affected by these additional parking spaces.

Steve Rose, a resident of 113 Hanna Street, stated that Hanna Street is a substandard street with a wicked curve. The developer stated that 50% of the residents of Pacifica would be without cars. The developer could have chosen other options rather than request additional parking spaces. Visitors should be encouraged to use alternative means of transportation. If this is approved, two (2) traffic-calming devices should be required. He spoke against the request.

Linda Haac stated that a 14% increase in parking spaces is not a minor modification and that this development was not car-based.

Deleted: ;

Elizabeth Dupoz asked where guests would park if the additional spaces are not approved and stated that they do not want to have to park on Hanna Street or in front of a neighbor's house.

Bob Kristner stated that he had cautioned the Board when this project was approved that additional parking was needed for this development and expressed concern about the spaces being marked for compact cars when so many people drive SUVs.

Maria Ikenberry stated that the original request asked for the parallel parking spaces on the access road. They were not anticipating the removal of those spaces when the permit was approved.

Steve Rose stated that people in Carrboro park on streets when there are gatherings.

Bree Cobb stated that one space would be assigned to each household.

Alderman Chilton stated that he would not vote for the request unless the additional spaces are designated for visitor parking.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION REGARDING A MINOR MODIFICATION TO THE CUP FOR
THE PACIFICA AIS SUBDIVISION TO ADD TEN PARKING SPACES TO THE APPROVED PLANS
Resolution No. 50/2005-06

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Pacifica Architecturally Integrated Subdivision located at 130 Hanna Street on June 24th, 2003; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any substantial change to the approved plans for a project shall constitute a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approve the request made by the Carrboro Collaborative Development Association, Inc. to modify the permit with the addition of ten compact parking spaces subject to any conditions agreed upon during discussion of Section 3 of the Conditional Use Permit.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd day of November, 2005:

Ayes: Joal Hall Broun, Jacquelyn Gist, John Herrera, Diana McDuffee, Michael Nelson

Noes: Mark Chilton, Alex Zaffron

Absent or Excused: None

**PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO REVIEW THE
LIMITATIONS ON RESIDENTIAL UNIT ADDITIONS AND REPLACEMENTS**

The Town has received a request to amend the text of the Land Use Ordinance to revise the limitations on residential unit additions and replacements that currently necessitate the issuance of a special use permit in certain circumstances. A draft ordinance that responds to this request has been prepared. It was necessary for the Board of Aldermen to receive public comment before taking action on the draft ordinance.

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

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

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY DIANA MCDUFFEE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REVISE LIMITATIONS ON RESIDENTIAL UNIT ADDITIONS AND REPLACEMENTS." VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, BROUN)

**PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY
REQUIREMENTS FOR TOWN-OWNED AND OPERATED FACILITIES AND SERVICES**

An ordinance that clarifies permit requirements for town-owned and/or operated facilities and services has been prepared. It was necessary for the Board of Aldermen to receive public comment prior to taking any action on the proposed amendment.

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

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE WITH REGARD TO LAND USE PERMIT REQUIREMENTS FOR TOWN-OWNED AND OPERATED FACILITIES AND SERVICES." VOTE: AFFIRMATIVE ALL

PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH ARCHITECTURAL STANDARDS FOR DOWNTOWN CARRBORO

The Board of Aldermen has been considering architectural requirements for the downtown area. A draft ordinance that incorporates architectural standards has been prepared. It was necessary for the Board of Aldermen to receive public comments prior to taking action on the proposed change.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO RESCHEDULE THIS PUBLIC HEARING TO JANUARY 24, 2006. VOTE: AFFIRMATIVE ALL

REQUEST FOR FUNDING: BRANCH LIBRARY

Mayor Nelson stated that the Town of Carrboro had received a letter from the County Commissioners requesting that the Town affirm its commitment to a free-standing branch library to be located in downtown Carrboro by agreeing to establish a 50/50 financial partnership with the County to provide the capital funding to implement this endeavor. Mayor Nelson expressed his concern that this request is bad politics and policy and not the correct way for Carrboro to proceed fiscally. He suggested that the town staff along with Alderman McDuffee draft a response to the request for the Board's review.

Alderman Broun stated that there are only three cities in North Carolina that fund their own libraries. She cautioned the Board to fall into the trap of paying fifty percent of funding for a statutorily required county function. She stated that she would oppose the Town contributing fifty percent funding because the Town does not have the money to provide this funding.

Alderman Chilton suggested that the town staff determine whether the Town of Hillsborough was asked to contribute towards their new library.

RESOLUTION REQUESTING THAT A NEW VOTING SITE BE ESTABLISHED TO SERVE THE RESIDENTS OF CARRBORO LOCATED NORTH OF HOMESTEAD ROAD

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman John Herrera.

A RESOLUTION REQUESTING THAT A NEW VOTING SITE BE ESTABLISHED TO SERVE THE RESIDENTS OF CARRBORO LOCATED NORTH OF HOMESTEAD ROAD

WHEREAS, there are currently seven voting precincts available for residents of the Town of Carrboro; and

WHEREAS, the residents of Carrboro located north of Homestead Road currently are located in the Coles Store precinct; and

WHEREAS, residents from this area have complained to Carrboro town officials about the distance that they have to travel in order to vote.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

Section 1. The Board hereby requests that the Orange County Board of Elections establish a new voting precinct to serve the residents of Carrboro located north of Homestead Road.

Section 2. The Board suggests that the Lake Hogan Farms Clubhouse as a possible site for this voting precinct.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 22nd day of November, 2005:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 11:05 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk