

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, March 27, 2007 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	John Herrera
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

PUBLIC HEARING ON THE TEMPORARY STREET CLOSING PERMIT APPLICATION FOR THE CARRBORO CLASSIC DUATHLON

Endurance magazine has submitted a Street Closing Permit Application for the temporary closing and usage of streets from 8:00 am to 11:00 am on Saturday, April 21, 2007 to accommodate the *Carrboro Classic Duathlon* (road race) previously known as the *Powerman Race*. Staff recommended that the Board approve the temporary street closing permit with conditions.

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

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

A RESOLUTION AUTHORIZING THE TEMPORARY CLOSING AND USAGE OF STREETS TO
ACCOMMODATE CARRBORO CLASSIC DUATHLON
Resolution No. 151/2006-07

Section 1. The following streets shall be temporarily used Saturday, April 21, 2007 from 8:00 am to 11:00 am to accommodate the *Carrboro Classic Duathlon* (road race). This event is to be held in accordance with the permit issued by the Board of Aldermen pursuant to Article III of Chapter 7 of the Town Code.

Running Portion

1. Hillsborough Road from McDougle Middle School rear service road to Lorraine Street
2. Lorraine Street from Hillsborough Road to James Street
3. James Street from Lorraine Street to Quail Roost Drive
4. Quail Roost Drive from James Street to McDougle Middle School property

Biking Portion

1. Old Fayetteville Road from McDougle Middle School entrance to Hillsborough Road
2. Hillsborough Road from Old Fayetteville Road to city limits (and continuing into county)

Section 2. The Town shall supply the appropriate traffic control devices to give notice of the temporary traffic controls.

Section 3. No person may operate any vehicle contrary to the traffic control devices installed in accordance with Section 2 of this resolution.

Section 4. Applicant shall distribute flyers of notification of the contents of any resolution passed to persons occupying property abutting the streets where the event is to take place.

Section 5. Applicant will be responsible for all costs incurred by Police and Public Works to facilitate this event. Applicant will be sent an itemized bill for the final costs incurred by Police and Public Works.

Section 6. The Event Coordinator will be responsible for notifying Central Communications when the street is closed and when it is reopened to vehicular traffic.

Section 7. 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 27th day of March 2007:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

PUBLIC HEARING ON A CONDITIONAL USE PERMIT REQUEST FOR THE MORGAN GLEN SUBDIVISION

Philip Marshall and Carolyn Wallner, owners of the property addressed as 605 Old Fayetteville Road (with frontage on Swansea Lane) are seeking permission to subdivide their existing 10.2-acre parcel into two lots. All such subdivisions in the watershed district require a conditional use permit.

Nerys Levy, 161 Swansea Lane, was sworn in. She stated that their homeowner's association covenants states that: "no lot shall be used except for single family residential purposes," while the conditional use permit requests permission to use the property for an agricultural business. She expressed concern about the impact of traffic relating to the proposed agricultural business on other residents of Swansea Lane. She also expressed concern about the size of trees that would have to be removed in this proposed project. In addition, she expressed concern about the impact of this development on the watershed sensitive land that is also the home of unique natural resources, fauna and flora.

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

Phillip Marshall, the owner of the property, was sworn in. He stated that he was very concerned about the environment as he builds environmentally low impact houses for a living. He stated that no hardwoods would be cut down, that there is approved septic for both lots, and that the new house will be very inconspicuous. He stated that he has worked with the town for the last eighteen months to work out the details of this subdivision. He stated that he felt the organic farm would be a benefit to Carrboro.

Mike Brough stated that the only issue before the Board is the subdivision of this property. The construction of a house or the agricultural operation would require a zoning permit.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO 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 and of no effect.
3. That the 20-foot impervious surface setback from the site's regulatory stream buffers be shown on the final plat as required per the provisions of Section 15-184(g) of the Carrboro Land Use Ordinance.
4. That prior to final plat approval, the impervious surface data be accurately portrayed not to exceed the allowable amount per Section 15-266(b) of the Carrboro Land Use Ordinance.
5. That the Board of Aldermen finds this subdivision exempt from the open space and recreation requirements of the Carrboro Land Use ordinance per the provisions of Section 15-197(a) of the Land Use ordinance as it does not seek improvements (i.e., water, sewer or road extensions).
6. That Orange County well and septic permits be issued prior to final plat approval for Lot 1b and prior to building permit approval for Lot 1a.
7. That all new utilities required by the subdivision be placed underground per the provisions of Section 15-246 of the Carrboro Land Use Ordinance.
8. That the existing Swansea Lane driveway connection be removed prior to recording the final plat. A continuing condition of this conditional use permit is that a driveway from Lot 1b may not connect to Swansea Lane.
9. That prior to recording the final plat, the currently named "public road" must be relabeled "private road" and the 60-foot right-of-way must be relabeled 60-foot easement
10. That the maximum building height allowed be 40 feet, consistent with the provisions of Section 15-185(A)(2) of the Carrboro Land Use Ordinance.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A DRAFT ORDINANCE THAT WOULD ESTABLISH A SIX-MONTH DEVELOPMENT MORATORIUM ON REZONING REQUESTS AND SPECIAL AND CONDITIONAL USE PERMIT APPLICATIONS FOR RESIDENTIAL DEVELOPMENT IN THE NORTHERN STUDY AREA

It was necessary for the Board of Aldermen to receive public comment before acting on an ordinance that will amend the text of Carrboro's Land Use Ordinance by temporarily suspending its applicability for rezoning and special use and conditional use permit applications in the Northern Study Area.

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

Charlie Buckner, a resident of 8100 N. Hound Court, asked that ordinance be amended to include the following revisions:

- Town staff shall not consider or review any new concept plans for developments in the Northern Transition Area during the moratorium;
- Those applicants who have already begun the concept plan review process must submit their special or conditional use permit applications prior to the effective date of the moratorium in order to continue the review process during the moratorium.

Mike Brough stated that if the Board includes concept plan review in the moratorium ordinance, it would require another public hearing.

Omar Zinn stated that Claremont II would be exempt from the moratorium since the CUP plans have been submitted. He stated he was speaking on behalf of other local builders who have time and energy invested in their projects. Water and sewer is needed for any dense development. He stated and he and his brother recently bought 30 acres of land and any plans for development will have to be put on hold during the moratorium. He stated that he feels the moratorium will stretch into 12 months.

Phil Post urged the board not to adopt a moratorium. He stated that he was concerned about whether there would be measurable goals to be accomplished by the moratorium. He also stated concern about the length of the moratorium and asked that the area of the moratorium be decreased to focus on certain areas for more dense development. In addition, he expressed concern about the cost of housing being increased as a result of the moratorium. He suggested that there be representation from the Chamber of Commerce and builders on the Northern Study Area Plan Implementation Review Committee.

James Carnahan, stated that he was speaking for himself, not the Planning Board. He stated that he was a member of the Chamber of Commerce and regularly attends meetings of their Government Relations Commission. He stated that over the past several years a number of development proposals for properties in the Northern Study Area have come before the Planning Board. These development proposals have consisted of low-density, large, single-family homes. The Planning Board members have asked the applicants to consider increasing the density of these subdivisions by building some multi-family projects, including some small scale commercial uses, but the developers have stated that there is no market for that type of development. He stated that he had participated in the Chamber's Council for a Sustainable Community several years ago. He stated that this document has great language about how to achieve environmental, social and economic sustainability. He stated that the update of the Northern Study Area Small Area Plan is an ideal opportunity to address sustainability.

Aaron Nelson, President and CEO of the Chamber of Commerce stated that he is not convinced a moratorium is the only way to accomplish what the Board wants to stop. He encouraged the Board to think of another creative way to accomplish the goal of more dense development and commercial space without a moratorium.

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

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Alex Zaffron.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING
THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING
AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 160/2006-07

WHEREAS, an amendment to the text of the Carrboro Land Use ordinance has been proposed, which amendment is described or identified as follows: "An Ordinance Amending the Carrboro Land Use Ordinance to Establish a Development Moratorium on Rezonings and Special and Conditional Use Permit Applications for Residential Development in Carrboro's Northern Study Area."

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020: Policies through the Year 2020.

Section 2. The Board concludes that the above described amendment is consistent with Facilitated Small Area Plan for Carrboro's Northern Study Area.

Section 3. Such adoption of the above described amendment is reasonable and in the public interest because the Town of Carrboro supports the implementation of its Small Area Plan for the NSA.

Section 4. This resolution becomes effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 27th day of March 2007:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Randee Haven-O'Donnell, Alex Zaffron

Noes: Jacquelyn Gist, John Herrera

Absent or Excused: None

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY ALEX ZAFFRON TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE ESTABLISHING A SIX-MONTH MORATORIUM ON THE CONSIDERATION OF REZONING PROPOSALS AND THE ACCEPTANCE OF NEW APPLICATIONS FOR SPECIAL OR CONDITIONAL USE PERMITS FOR RESIDENTIAL DEVELOPMENT WITHIN THE NORTHERN STUDY AREA." VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (GIST, HERRERA)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN TO ADJOURN THE MEETING AT 9:11 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk