

A worksession of the Carrboro Board of Aldermen was held on Tuesday, September 11, 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
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent:

Alderman	Randee Haven-O'Donnell
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MOMENT OF SILENCE

Mayor Chilton called for a moment of silence in honor of those killed in the terrorist attack against the United States on September 11, 2001, and in honor of Sgt. Lee Wilson of Chapel Hill who was killed in Iraq last Thursday.

CONTINUED DISCUSSION OF THE ALBERTA MIXED USE BUILDING B-1(G) CONDITIONAL USE REZONING/CONDITIONAL USE PERMIT APPLICATION

Carr Mill Investment Limited Partnership and N. R. Milian Associates, on behalf of the partnership, have submitted applications for B-1(g) conditional use rezoning and a conditional use permit to allow for the construction of a four-story mixed use building at 100 Sweet Bay Place/300 Roberson Street, on the site where the Farmers' Market was once held. The Board of Aldermen opened a public hearing on August 28, 2007, continued and then closed the hearing on September 4, 2007. Afterwards, the Board delayed final action on the application while the applicant contemplated proposed conditions of approval. The Board was requested to continue deliberating the project and consider making a decision on the rezoning and CUP applications.

Nathan Milian, on behalf of the developer, stated that they have come to agreement on all the conditions proposed by the Board of Aldermen.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE CARR MILL MALL SHOPPING CENTER CONDITIONAL USE PERMIT FOR SPLITTING THE 200 NORTH GREENSBORO STREET PARCEL FROM THE 100 SWEET BAY PLACE/ 300 ROBERSON STREET PARCEL.

Resolution No. 06/2007-08

WHEREAS, the Carrboro Board of Aldermen already approved a Conditional Use Permit for the Carr Mill Mall shopping center; and

WHEREAS, the Town of Carrboro desires to see appropriate improvements and redevelopments of parcels of land downtown; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Carr Mill Mall shopping center is hereby approved, subject to the following stipulations:

That the following additional CUP condition is hereby added:

That before construction plan approval, the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 100 Sweet Bay Place / 300 Roberson Street and the existing Carr Mill Mall complex at 200 North Greensboro Street may utilize each other's parking spaces.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 4th day of September 2007:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, John Herrera, Alex Zaffron

Noes: None

Absent or Excused: Randee Haven-O'Donnell

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

A RESOLUTION ADOPTING A STATEMENT
EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR
ADOPTING AN AMENDMENT TO THE MAP OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 03/2007-08

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 Zoning Map to Rezone Approximately 2.095 Acres of Land Known as the Carr Mill Limited Investment Group Property from B-2 (Fringe Commercial) and B-1(g) (General Business) to B-1(g) CU (General Business Conditional Use)

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 the Roberson Street R/W Plan and Thoroughfare Plan.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to encourage a variety of appropriate mixed use development in the downtown that supports walkability and enhances safety and comfort for pedestrians.

Section 3. This resolution becomes effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 4th day of September 2007:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, John Herrera, Alex Zaffron

Noes: None

Absent or Excused: Randee Haven-O'Donnell

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 2.06 ACRES OF LAND KNOWN AS THE CARR MILL LIMITED INVESTMENT GROUP PROPERTY FROM B-2 (FRINGE COMMERCIAL) AND B-1(G) (GENERAL BUSINESS) TO B-1(G) CU (GENERAL BUSINESS CONDITIONAL USE)." VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE SPECIFIC REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE BOARD FINDS THAT THE PROPOSED USE WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY DAN COLEMAN THAT THE BOARD FINDS THAT THE PROPOSED USE WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED. . VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT THE BOARD FINDS THAT THE PROPOSED USE WILL BE IN GENERAL CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN, AND OTHER PLANS OFFICIALLY ADOPTED BY THE BOARD. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA 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 no size-limited unit may be enlarged for one-year after issuance of a certificate of occupancy.
4. That the continued affordability of three dwelling units must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with LUO Section 15-182.4, subject to the provisions of condition #18.
5. That certificates of occupancy for the last three market-rate dwelling units not be issued until all three affordable dwelling units are offered for sale or rent.
6. That before construction plan approval, the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 100 Sweet Bay Place / 300 Roberson Street and the existing Carr Mill Mall complex at 200 North Greensboro Street may utilize each others' parking spaces.
7. That prior to construction plan approval, the plans must clearly indicate that the sidewalks along both Roberson Street and Sweet Bay Place will be in accordance with the brick-edged sidewalk detail shown in the plans. If right-of-way is dedicated along either or both streets but does not reach to the back-edge of the sidewalks, then the brick-edge will end at the terminus of public right-of-way to clearly differentiate the public right-of-way from private property.
8. That the applicant install the southern-half cross-section of the street per the Roberson Street plan (i.e. with a planting strip).
9. That the applicant must receive a Town of Carrboro driveway permit prior to construction plan approval.
10. That prior to construction plan approval, the applicant must either: a) revise the stormwater plan to clearly indicate that existing drainage patterns are maintained, or b) modify the proposed stormwater plan to satisfy the applicable provisions of Appendix I and Article XVI of the Land Use Ordinance. If changes to site design are necessary, then such changes are subject to LUO Section 15-64, including the possibility of an additional public hearing.
11. That the applicant must obtain all necessary temporary and permanent easements prior to construction plan approval.
12. That the solid waste facility be designed to the typical 24-foot width and shown accordingly on the construction plans. Also, the construction plans must clearly indicate that the gate for the facility will be opaque rather than simply chain-link.
13. That the solid waste facility be designed to the typical 24-foot width and shown accordingly on the construction plans. Also, the construction plans must clearly indicate that the gate for the facility will be opaque rather than simply chain-link.
14. That the Appearance Commission must certify the alternative design, with a quorum present, prior to construction plan approval.

15. That the applicant must submit condominium owner's association documents for review and approval by the Town Attorney prior to construction plan approval.

16. 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.

17. That construction traffic shall be limited to access via Sweet Bay Place and a temporary fence be erected prohibiting construction access from Carr St.

18. That an easement providing public bike and pedestrian access along the driveway extending from East Carr Street to Sweet Bay Place of no less than 5-feet shall be provided, and that a speed table or other appropriate traffic calming device be erected within the driveway.

19. That no gates or other physical barriers to prevent access may be erected at either entrance to the driveway extending from East Carr Street to Sweet Bay Place.

20. That a public right of-way of no less than 5' shall be required along the Sweet Bay Place frontage extending from Roberson Street to the driveway immediately south of the building, and that the applicant will work w/ staff to ensure acceptable access to residents and occupants of the structure.

21. That three units of affordable housing shall be provided in accordance with the formula promulgated in Carrboro Land Use Ordinance Section 15-182.4, and .45 units payment-in-lieu be paid to the Affordable Housing Trust Fund. In the event Orange Community Housing & Land Trust is unable to sell the units by 90 days following the issuance of a Certificate of Occupancy, then the developer shall make other arrangements to ensure that such units remain affordable in accordance with the provisions of Section 15-182.4 of the LUO.

22. That no less than 10-feet of public right-of-way shall be dedicated along Roberson Street frontage in accordance with the adopted Roberson Street plan.

23. That the Board of Aldermen finds that existing vegetation plus a landscaping/planting area alongside the back third of the western side of the building satisfies the screening requirements for the southern and western property lines respectively, to help retain a pedestrian corridor along the western side of the building.

24. That the applicant request that Duke Power Company install full cut-off fixtures or other light pollution mitigating devices.

VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT THE APPLICATION IS GRANTED, SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

DISCUSSION OF OPTIONS FOR "INCENTIVIZING" THE PROVISION OF SPACE FOR DAY CARE FACILITIES

The Board of Aldermen, at its June 26, 2007 public hearing, adopted amendments to the Land Use Ordinance to revise several restrictions on child day care homes and facilities. In the course of discussion, the Board asked the staff to explore options for “incentivizing” the creation of space for day care facilities in new developments. This item responded to that request.

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

Alderman Coleman asked about locating day cares in club houses within developments.

Alderman Broun stated that the Board should decide what kind of day cares Carrboro wants and determine what the demographics show us. Is there a need for quality daycare at a reasonable price? Do we want to encourage nonprofits or a combination of entrepreneurs and nonprofits? We should not trade affordable housing for daycares.

Alderman Gist stated that she would like for daycares to participate in the sliding scale program and work with Childcare Network.

Mayor Chilton suggested that facilities required to be licensed by the State could only participate in an incentive program if they were 4 star or above.

Alderman Coleman stated that developers are not going to operate daycares and the town cannot require in conditional use permits that a daycare operator has to be found, so he was unclear on the Board’s suggestions about this matter.

Mayor Chilton suggested that a developer might come to the town with a proposal already having partnered with a daycare operator and proposing a 15 year lease pending approval by the town.

Alderman Herrera suggested that the town’s revolving loan fund be used to attract daycare facilities.

Mayor Chilton suggested that the town staff explore this further when time permits.

Trish McGuire stated that the Northern Study Area Implementation Review Committee had not yet discussed this matter.

Alderman Gist suggested that when development proposals come before the Board that the Board suggest that developers include daycare facilities in their developments.

REQUESTS FROM THE ARTS COMMITTEE

Alderman Gist stated that the Arts Committee had requested the following:

Rewording their charge so that is it easier for the committee to have a quorum.

Change their charge to make it possible for the committee to participate in the mural painting and other collaborative efforts.

Change the charge to ease the burden of having to hang every show.

Revisit the committee's \$500 contribution to the community arts project.

Help the committee be able to take up donations.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO REFER THE ARTS COMMITTEE'S REQUESTS TO THE TOWN STAFF FOR REVIEW AND COMMENT. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 8:21 P.M. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HAVEN-O'DONNELL)

Mayor

Town Clerk