

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, October 28, 2008 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun (arrived at 7:37 p.m.)
	Dan Coleman
	Jacquelyn Gist
	John Herrera
	Randee Haven-O'Donnell
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

CONTINUATION OF A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN VILLAGE MIXED USE DEVELOPMENTS

A draft ordinance which would, if adopted, amend the text of the Land Use Ordinance to modify impervious surface limitations for day care uses in village mixed use developments has been prepared and revised, per directions from the Board of Aldermen. The Board of Aldermen has received public comment on the draft ordinance and must adopt a resolution of consistency in conjunction with any action on the draft ordinance.

Trish McGuire, the town's Planning Administrator, gave a timeline of this amendment and presented a revised draft of the ordinance as recommended by the Environmental Advisory Board.

Alice Mine, president of the Camden Lane Homeowners Association, stated that the homeowners association has no objections to the proposed amendment.

Alena Callimanis showed slides of flooding from the September tropical storm. She asked that a turn lane be put in on Homestead Road at Homestead and High School Roads, and stated Goddard is a high end child care center so affordable day care is still needed. She stated that we need to stop making impervious surface concessions in order to preserve the creek.

Sharon Cook stated that we need to make Homestead Road more bike and pedestrian friendly.

Alderman Haven-O'Donnell read a statement from Julie McClintock with Friends of Bolin Creek speaking in support of the proposed amendment.

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Lydia Lavelle.

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. 34/2008-09

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 MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN SINGLE FAMILY RESIDENTIAL USE AREAS WITHIN VILLAGE MIXED USE DEVELOPMENTS.

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, particularly Human Services policies 1.31 through 1.35 dealing with unmet human services needs and the well being of residents of all ages, and policies 5.22 and 5.23 dealing with protection of water quality and proactive management of stormwater.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest.

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 28th day of October 2008:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN SINGLE FAMILY RESIDENTIAL USE AREAS WITHIN VILLAGE MIXED USE DEVELOPMENTS," INCLUDING THE ALTERNATIVE LANGUAGE PROPOSED. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A CONDITIONAL USE PERMIT REQUEST FOR A WATERSHED RESIDENTIAL SUBDIVISION AT 219 OLD FAYETTEVILLE ROAD

Marilyn Kille, owner of the property addressed as 219 Old Fayetteville Road is seeking permission to subdivide her existing 19.47 acre parcel into two lots. Prior to reaching a decision on a request for a CUP, the Board of Aldermen must hold a public hearing to receive input. Town staff recommended that the Board of Aldermen hold a public hearing and consider issuing the requested Conditional Use Permit.

James Thomas, one of the town's Zoning Development Specialists, was sworn in and made the presentation.

Sharon Cook, a resident of 1610 Claymore Road, was sworn in and stated that she supported the applicant's conditional use permit application, asked that the town consider a farm code and asked why a land use ordinance text amendment was not done instead of the conditional use permit. She asked why a January 2008 text amendment was not considered for a public hearing, and asked for an accounting of the staff time, advisory board and associated staff meetings as well as town legal fees associated with this matter.

Mayor Chilton asked that the town staff prepare a written response to Ms. Cook's questions and concerns.

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

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

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST 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 Board finds this subdivision exempt from the open space and recreation requirements of the Land use Ordinance per the provisions of Section 15-197(a) as it does not seek improvements (i.e., water, sewer or road extensions).
4. 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 Land Use Ordinance.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A REZONING REQUEST FOR THE PROPERTY LOCATED AT 401 NORTH GREENSBORO STREET FROM R-7.5 TO B-2-CONDITIONAL

The owners of 401 N. Greensboro Street have requested rezoning this lot from R-7.5 to B-2 – Conditional. The Board of Aldermen must receive public comments before taking any action.

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

Mac Fitch stated that he would agree to not have an access onto Poplar Avenue and agreed to remove high volume retail as a use allowed.

Mayor Chilton asked that the staff take a comprehensive look at the downtown to determine which, if any, properties should be zoned commercial.

Alderman Lavelle expressed concern about preserving the millhouses in the downtown.

Alderman Gist expressed her desire to revisit the creation of an historic district.

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

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Joal Hall Broun.

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. 35/2008-09

WHEREAS, an amendment to the map of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Zoning Classification for the Property known as 401 North Greensboro Street (TMBL 7.95.G.9) from R-7.5 to B-2-CZ

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, policy 3.21.

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 expand the commercial tax base.

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 28th day of October 2008:

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, Randee Haven-O'Donnell, John Herrera, Lydia Lavelle

Noes: Dan Coleman

Absent or Excused: None

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY .33 ACRES OF LAND KNOWN AS 401 NORTH GREENSBORO STREET FROM R-7.5 TO B-2-CZ," WITH CONDITIONS. VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO ALLOW OUTSIDE DISPLAY IN THE WM-3 DISTRICT

On June 17th, the Board of Aldermen directed staff to prepare an ordinance amending the text of the Land Use Ordinance to allow outside display in the WM-3 district. The draft ordinance was scheduled for public hearing and referred to the Planning Board for a recommendation. The Board of Aldermen must receive public comment before taking action on the draft ordinance.

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

The following resolution was introduced by Alderman John Herrera and duly seconded by Alderman Lydia Lavelle.

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. 32/2008-09

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 ALLOW OUTSIDE DISPLAY WITH RETAIL USES IN THE WM-3 ZONING DISTRICT.

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 specified purpose of the WM-3 zoning district as outlined in the Carrboro Land Use Ordinance.

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 provide for a range of non-residential development.

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 28th day of October 2008:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY DAN COLEMAN TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW OUTSIDE DISPLAY WITH RETAIL USES IN THE WIM-3 ZONING DISTRICT." VOTE: AFFIRMATIVE ALL

PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY AFFORDABLE HOUSING PROVISIONS

Earlier this year, staff identified some needed adjustments to the formula and schedule for making payments-in-lieu for affordable housing. A draft ordinance was prepared, a public hearing set, and the ordinance was referred to the Planning Board for review. The Board of Aldermen must receive public comment before taking action on the draft ordinance.

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

Robert Dowling, Executive Director of Orange Community Housing and Land Trust, addressed the Board's questions about the proposed ordinance.

Matthew Barton, a member of the Planning Board, explained the Planning Board's recommendation. Specifically, he stated that the Planning Board was concerned that in a year where there were very few affordable houses constructed, you would get a distorted number, so the Planning Board thought the staff should come up with language to address that situation.

Alderman Gist requested that the town staff prepare a handout explaining the town's affordable housing provisions.

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

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. 33/2008-09

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 LAND USE ORDINANCE TO MODIFY THE FORMULA AND SCHEDULE FOR ESTABLISHING THE TOWN'S ANNUAL PAYMENT IN LIEU OF AFFORDABLE HOUSING UNITS.

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 Vision2020, particularly policies 1.42, 6.12, and 6.17.

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 provide efficient, cost-effective public service, seeks to establish a funding source for new and rehabilitated housing, and seeks to partner with local agencies providing affordable housing.

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 28th day of October 2008:

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

Noes: None

Absent or Excused: None

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY LYDIA LAVELLE TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MODIFY THE FORUMULA AND SCHEDULE FOR ESTABLISHING THE TOWN'S ANNUAL PAYMENT IN LIEU OF AFFORDABLE HOUSING UNITS," AS AMENDED. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JACQUELYN GIST TO ADJOURN
THE MEETING AT 9:22 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk