

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, November 23, 2010 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Catherine Wilson
Town Attorney	Michael B. Brough

Absent or Excused:

Alderman	Randee Haven-O'Donnell
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Jay Bryan, Carrboro's Poet Laureate, read a poem about Carrboro's Firefighters and the new Fire Station on Homestead Road called "Ocean of Fire."

CONTINUATION OF PUBLIC HEARING TO CONSIDER LAND USE ORDINANCE TEXT AMENDMENT RELATED TO FLAG LOTS AND MINIMUM LOT WIDTHS

On October 26th, the public hearing on this matter was further continued to the current meeting date so that additional information could be presented and input received. Per the Board's request, the draft ordinance was revised and provided along with a resolution finding consistency with adopted town policies and recommended for adoption.

Trish McGuire, the Town's Development Review Administrator, made the presentation

Greg Dewitt, an attorney in Carrboro, stated that both he and his client are opposed to the text amendment at this time. He is concerned that the density will be decreased in the downtown. He also pointed out that the adoption of this amendment may be against the intent of the NC Statute 160A-376(A)(4). He asked that the item be returned to the Planning Staff for further review.

Lee Elrod, Carrboro property owner, stated that Marty Roupe, Town Planning Staff, called her this afternoon to notify her of the proposed text amendment and explain that subdivisions with flag lots that are currently under review are exempt from this amendment. She expressed her appreciation for the phone call and for the information that allowed her to be notified of the meeting so that she could learn more about the issue.

Ken Gorfkle, Carrboro property owner, stated that he is strongly opposed to the proposed text amendment and explained that he previously spoke to the Board regarding a pending flag lot application. He asked the Board to allow him to complete the subdivision process and be exempt from the text amendment if it is passed. He is concerned that the process will reduce the amount of infill lots, contrary to Carrboro's vision for downtown. He also questioned the notice provided by the Town and stated that he feels that all property owners should receive a written letter explaining the possible amendment.

Tom Wiltberger, Carrboro property owner and Realtor, explained that he opposes the text amendment because it goes against stated goals and objectives of the Town of Carrboro by not enabling infill development, sustainability, walkability. He also stated that the review and approval process that the amendment will create

is a deterrent. He does not think it is fair to require the same approval process for the subdivision of two lots as for major subdivisions. He stated that he has a list of six people who also oppose the amendment.

Glen Greenstreet, stated that he is concerned with the handling of the text amendment. He explained that the lack of specificity in the ordinance is not only problematic for an applicant but can be very difficult during a public review process. He stated that the attack on exempt subdivisions is against the community's goal of increased infill development. He asked for further explanation from Planning Staff on the distinction from an application for subdivision and an application for development.

Alderman Gist, spoke as a citizen, and stated that she lives on Maple Avenue and there are eight homes on flag lots in her neighborhood. She explained that she and her husband would not have been able to afford to build their home if the proposed process was in effect during that time. As a spouse of a builder, she stated that in a time when everyone in a building community is looking for their next job, anything that would delay a project will hurt the smallest of the builders. She stated that her husband is not currently working on a project that would be affected by this amendment. She stated that she feels there is a large difference between subdivisions involving one or two houses and twelve.

Alderman Broun, spoke as a citizen, and stated that she is a proponent of infill development but feels that there are disagreements about where the infill should be. She stated there should be a balance in the process so that neighbors have an opportunity to provide input on a proposed development.

Alderman Lavelle stated that she spoke with Trish McGuire, Planning Administrator, and that access is the issue with flag lots. She also stated that the Planning Board also brought up the ambiguity associated with the reasonableness of the driveway design and she suggested that the issue could be addressed at a staff level rather than a full advisory board review.

Alderman Slade stated that he feels like the Board is attempting to resolve a problem with tools that are not meant for this issue. He also stated that he agrees with the idea of creating other options and engaging a conversation with OWASA on easement requirements. He also requested that staff work with OWASA to see if there is a way they could recognize multiple sewer access.

Alderman Coleman stated that he would like more specificity on the time frame related to the review process related to the text amendment. He agrees that it is important to all citizens to have the right to provide input on what is built in their neighborhood and that there is added value to the public review process for both the applicant and the citizens.

Alderman Lavelle asked staff for further information on the applicant cost associated with the proposed changes to the application process.

Alderman Broun suggested that the cost information be presented with existing applicant cost shown in one column and proposed cost in the next column.

Alderman Gist also requested staff to develop language that could differentiate the process between one or two lots with larger subdivisions. She also suggested having further conversations on topics such as these.

Mayor Chilton asked for a distinction where provisions would not apply to areas that already have structures on the lot to be divided. He stated that he disagrees considerably with some of the affordable housing directors that stated that it would not create an additional burden on their development process. He explained that Chapel Hill completely prohibits flag lots and that all subdivisions must go through either the Planning Board or the Board and that he does not want that to happen in the Carrboro community.

MOTION WAS MADE BY ALDERMAN DAN COLEMAN AND SECONDED BY JOAL HALL BROWN TO HAVE THIS ITEM CONTINUED UNTIL A LATER DATE AND FOR STAFF TO PRESENT THE ITEM WITH THE BOARD'S COMMENTS ADDRESSED IN A REPORT. VOTE: AFFIRMATIVE SIX, (ABSENT HAVEN-O'DONNELL)

PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT RELATED TO APPLICATION INFORMATION FOR STORM WATER CONTROL, CLOMR AND LOMR REQUIREMENTS AND MODIFICATIONS TO BMP DESIGN STANDARDS

On June 8, 2010, the Board of Aldermen directed staff to prepare changes to the Land Use Ordinance that would implement use of a new review checklist for storm water requirements in commercial development. Two other water/storm water related provisions have been included in the draft. A draft ordinance and resolution of consistency were recommended for the Board's adoption.

Trish McGuire, the Town's Planning Administrator, made the presentation. The Planning Board and Orange County Joint Planning Board recommended approval of this amendment.

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

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. 46/2010-11

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 PROVISIONS DEALING WITH THE INFORMATION THAT MUST BE SUBMITTED TO DEMONSTRATE COMPLIANCE WITH STORMWATER MANAGEMENT, LOMR REQUIREMENTS AND CONSTRUCTION WITHIN FLOODWAYS

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 specified in 1.42, 3.1, 5.0, 5.23, and 1.42.

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 maximize the efficiency of town operations, serve as a leader in protecting the environment, and be proactive in the management of storm water.

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 23rd day of November 2010;

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Noes: None

Absent or Excused: Randeel Haven-O'Donnell

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN BROUN TO APPROVE THE ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS DEALING WITH THE INFORMATION THAT MUST BE SUBMITTED TO DEMONSTRATE COMPLIANCE WITH STORMWATER MANAGEMENT, LOMR REQUIREMENTS AND CONSTRUCTION WITHIN FLOODWAYS. VOTE: AFFIRMATIVE SIX, (ABSENT HAVEN-O'DONNELL).

CONTINUATION OF THE PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENT MODIFYING INCOME LEVEL FOR AFFORDABLE HOUSING AND THE PROPORTION OF AFFORDABLE HOUSING LIMITS NEEDED TO DETERMINE OTHER REGULATORY REQUIREMENTS

A draft ordinance that makes changes to the income limit and proportion of affordable units was prepared in follow-up to a request from Robert Dowling of the Community Home Trust in 2009. Staff has identified possible revisions to Land Use Ordinance provisions and review procedures and recommends the Board adopt the attached resolution directing further action.

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

Alderman Coleman suggested that the Board review the Town's affordable housing policy and work with Spencer Cowen in a work session to address the affordable housing needs and possible mechanisms available for addressing them.

Robert Dowling, with Community Home Trust, stated that inclusionary development is the best option and makes the most sense. Currently, the Town's ordinance requires developers to build 25% small houses and provides the option to provide 15% affordable housing. When the market was strong, the developers were able to pay for the affordable housing with the market rate housing but that currently, the market is weak and not supportive of development that includes affordable housing. He explained that as long as the market is weak, and the affordable housing ordinance is voluntary, the Town will not get a lot of affordable housing. He stated that he supports the Planning Board idea to further review affordable housing in Carrboro.

Omar Zinn, Carrboro builder, expressed the need for a mechanism to either force a sell or add a tax on interest once a builder finishes an affordable home. He also stated that the density bonus incentive does not equally balance to a 1:1 ratio for affordable vs. market rate housing thus adding a burden to the builder. He stated that the affordable housing policy should balance market needs while being equitable and sustainable but that the current option is not working.

The following resolution was introduced by Alderman Coleman and duly seconded by Alderman Gist.

A RESOLUTION ACCEPTING THE STAFF REPORT AND DIRECTING STAFF TO MODIFY THE DRAFT ORDINANCE ON INCOME LEVELS AND THE PROPORTION OF AFFORDABLE UNITS
Resolution No. 45/2010-11

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

WHEREAS, the Town has a longstanding commitment to policies and actions that yield a diversity of housing opportunities for residents of all income levels, most recently evidenced by the adoption of Carrboro Vision 2020 goal for 15 percent affordable housing to be included in all residential development; and

WHEREAS, a draft ordinance related to modifying income limits and the proportion of affordable units that are provided in accordance with residential density bonus and size-limited housing provisions of the Land Use Ordinance has been prepared; and

WHEREAS, staff has reported on alternative/additional strategies that could be used

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen

- 1) directs staff to modify the draft ordinance to incorporate varying income limits/price levels and proportions based on the pending US Census 2010 and American Community Survey 2011 data releases, and
- 2) directs staff to evaluate the size-limited housing provisions and identify possible changes, and
- 3) requests staff to report on the revised ordinance and possible changes to the development review process for projects incorporating affordable units as soon as possible, noting that it will be necessary to resume the public hearing once the provisions in the ordinance are deemed near-ready for public review and adoption, and
- 4) Requests staff to provide the Board with information regarding median income levels between the start of affordable housing provisions and present, excepting student income if possible;
- 5) Requests staff provide detailed home sales figures from 2003-present, including size and price of homes, and
- 6) Requests that staff research the request regarding the sale of affordable housing units upon completion.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 23rd day of November 2010;

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist

Noes: None

Absent or Excused: Randeey Haven-O'Donnell

MOTION WAS MADE BY ALDERMAN DAN COLEMAN AND SECONDED BY ALDERMAN JOAL HALL BROUN TO ALLOW FOR THE TOWN'S ADMINISTRATIVE OFFICES BE CLOSED FOR THE WEEK OF DECEMBER 20-24.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN GIST TO ADJOURN THE MEETING AT 10:19 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk