

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, January 24, 2012 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor
Aldermen

Mark Chilton
Dan Coleman
Jacquelyn Gist
Michelle Johnson
Lydia Lavelle
Ranee Haven-O'Donnell
Sammy Slade
C. Matthew Efir
Catherine C. Wilson
Michael B. Brough

Interim Town Manager
Town Clerk
Town Attorney

ORANGE COUNTY – SOLID WASTE TRANSFER STATION

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN HAVEN-O'DONNELL REQUESTING THAT THE COUNTY HAVE ITS STAFF LOOK AT THE FEASIBILITY OF A WASTE TRANSFER STATION AT THE INTERSECTION OF NC 86 AND I-40. VOTE: AFFIRMATIVE ALL

YARN BOMBING

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO GRANT A TWO WEEK EXTENSION TO THE YARN BOMBING PROJECT. VOTE: AFFIRMATIVE ALL

A RESOLUTION DECLARING FEBRUARY AS “FOR THE LOVE OF CARRBORO” MONTH IN SUPPORT OF LOCAL BUSINESSES

Annette Stone, the Community and Economic Development Director, presented the resolution to the Board.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Gist:

A RESOLUTION DECLARING FEBRUARY AS “FOR THE LOVE OF CARRBORO” MONTH IN
SUPPORT OF LOCAL BUSINESSES
Resolution No. 77/2011-12

WHEREAS, the Town of Carrboro was a location finalist for a show produced by the BBC and OWN titled “Lovetown,” and;

WHEREAS, the community spirit that was exhibited by the lovers of Carrboro during the events that were held in support of Lovetown demonstrated the closeness, warmth and caring nature that defines this community and;

WHEREAS, the Town's interest in participating in the show was to support local businesses and build community spirit, and;

WHEREAS, the Town continues to support local businesses through its Economic and Community Development efforts.

THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN THAT: February is declared "For the Love of Carrboro" month and all Carrboro business owners are encouraged to join in for a collective promotion of the Town and to support local businesses.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 24th day of January 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT MAKING TECHNICAL CORRECTIONS TO WATER QUALITY BUFFER REQUIREMENTS PER ACTION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION ON JULY 14, 2011

The Environmental Management Commission made technical changes to the Rule for Jordan Lake on July 14th. The Town has been notified of these changes and the need to submit a revised buffer ordinance by March 1, 2012. The Board of Aldermen must receive public comment before taking action on the draft ordinance.

Trish McGuire, the Town's Planning Director, made the presentation to the Board.

Alderman Slade asked staff to look into the stream buffer requirements at the site of the former MLK Park pond. He also asked staff to report back on how the stream buffer requirements differ between commercial and residential development.

The following resolution was introduced by Alderman Gist and seconded by Alderman Haven-O'Donnell:

A RESOLUTION CONTINUING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REFLECT TECHNICAL CORRECTIONS MADE TO THE JORDAN RULES BY THE EMC ON JULY 14, 2011
Resolution No. 78/2011-12

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

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen continues a public hearing on its consideration of the adoption of "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REFLECT TECHNICAL CORRECTIONS MADE TO THE JORDAN RULES BY THE EMC ON JULY 14, 2011" to February 21, 2012.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 24th day of January 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

REQUEST FOR A CONDITIONAL USE PERMIT FOR A RESTAURANT WITH OUTSIDE SERVICE/CONSUMPTION (LOOKING GLASS CAFÉ) AT 601 WEST MAIN STREET

Carolyn Griggs and Susan Manning have submitted an application for a Conditional Use Permit (CUP) to allow for a restaurant with outside service/consumption at an existing commercial building located at 601 West Main Street. 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, the Town's Zoning Development Specialist, was sworn in and gave the presentation to the Board.

Ken Friedlein, the owner of 601 West Main Street, was sworn in before he addressed the Board. He thanked the Board and staff for their help on the project. He asked the Board to reconsider the Planning Board's suggestion of imposing a condition that mandates the closing of the business at 10:00pm on the weeknights.

Marty Rouse, the Town's Development Review Administrator, was sworn in. In response to a question about the current zoning, he explained that a permissible future use of the space could be a bar or nightclub.

Alderman Slade requested that a tree be planted in the parking area. He also requested that the Transportation Advisory Board provide examples of the types of suggested bike racks to future applicants.

Carolyn Griggs, the owner of the Looking Glass, was sworn in. She stated that she is agreeable to the condition of limited to no amplified music and a closing hour of 11:00pm on weeknights and 12:00am on the weekends.

Rachel Beck, a resident of West Poplar, was sworn in and asked the Board to limit the amplified music that is outdoors to before 11:00 pm.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

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

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL 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 hereby grants a deviation from the presumptive parking requirements of Section 15-291 based upon justification provided by the applicant.
4. That the deviation from the paving of the parking lot per Section 15-29(a) be waived per the justification provided by the applicant.
5. That the 10' sidewalk width requirement of Section 15-221(f) be waived based on the applicant's justification that the non-conformity of the existing sidewalk be allowed to remain.
6. That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 as they are applied to all property lines are waived based upon the applicant's justification.
7. That, per Section 15-317 of the Land Use Ordinance, the 20% shading requirement for the parking lot be waived based upon the applicant's justification.
8. That the parking spaces be demarcated per Section 15-296 (c) of the Land Use Ordinance prior to the release of the Certificate of Occupancy.
9. That the paving of the two existing driveway entrances on West Poplar Avenue will be completed per Section 15-296 (b) of the LUO prior to the release of the Certificate of Occupancy.
10. That no amplified music will be played on the property other than during the six special events that are held throughout the year.
11. That the hours be limited to 11:00pm on weeknights and 12:00am on the weekends.
12. That at least three covered bike spots will be added.
13. That some inverted-u or post-and-loop bike racks will be added.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS.
VOTE: AFFIRMATIVE ALL

CONTINUED PUBLIC HEARING ON A LAND USE ORDINANCE MAP AMENDMENT RELATED TO FOUR PROPERTIES AT AND NEAR 500 N. GREENSBORO STREET

The Board of Aldermen considered a petition to change the zoning classification for four properties located at and near 500 N. Greensboro Street from CT and B-1(g)-CZ to B-1(g)-CZ on June 14, 2011. The Board continued the public hearing and requested additional information related to this request.

Trish McGuire, the Town's Planning Director, made the presentation to the Board.

Ken Reiter, of Belmont Sayre, made a presentation to the Board.

Sarah Bruce, a former Carrboro resident, spoke in favor of the proposed rezoning. She stated that it is a way for Carrboro to do more with less and will bring more density to downtown.

David Morgan, the broker that represents Belmont Sayre and former Carrboro resident, spoke in favor of the proposed rezoning. He stated that it is not a project that will be built for student housing and suggested that the Board of Aldermen add a condition that prohibits undergraduate college students from being renters in the project.

Joal Kraeuter, a resident of 507 N. Greensboro, spoke against the proposed rezoning. He expressed concern with the increase in traffic and congestion. He also stated that the project is too large for the space.

Arne Gray, owner of 407,501,503 and 505 N. Greensboro, spoke against the proposed rezoning. He explained that he feels that the project's scale does not fit in Carrboro and is inharmonious with the existing neighborhood.

E. DuBose, a resident of 111 Viburnum Way, spoke against the proposed rezoning. She expressed concern with the increase in traffic and the project's proposed location.

Damon Seils, a resident of 601 Jones Ferry Road, spoke in favor of the proposed rezoning. He commented on the project's creation of new office and living space in the downtown area. He also expressed some concern with the design of the front building and suggested that the developer consider making the design more harmonious with the existing area. He suggested that the parking be uncoupled from the units. He commented that the conditions #3 and #12 provide flexibility that will allow the Planning Board an opportunity to review the CUP thoroughly.

John Gallagher, a resident of 109 Amber Court, spoke in favor of the proposed rezoning. He commented on the project's consistency with the Vision2020 plan, the mixed-use and LEED design aspects, and the project's location to downtown.

Celia Pearce, a resident of 307 Oak Avenue, spoke against the proposed rezoning. She expressed concern with the project's location, size, and increase in traffic, noise, and light pollution. She stated that the high density development will be discordant to the current historic neighborhood. She provided the Town Clerk with a copy of several letters against the proposed rezoning.

Jack Haggerty, a resident of 105 Fidelity, spoke against the proposed rezoning. He expressed concern with the project's location and the increase in traffic. He stated that the project is inharmonious with the existing neighborhood and inconsistent with any existing planning documents. He stated that there are no reviews of the promised sustainability design and building features once the project is developed.

David Arneson, a resident of 102 Mulberry Street, spoke in support of the proposed rezoning. He stated the project will create jobs in the short term and increase the tax base in the long term. He stated that the project will bring more residents to Carrboro's downtown commercial district. The mixed-use design will be more green and sustainable than other projects around Town.

Dirce Suzuki, a resident of 101 Roger Cooke Circle, spoke against the proposed rezoning. She expressed concern with the increase in traffic, noise, and density. She stated that it will change the existing neighborhood in a negative way. She stated that she has found that many residents are not aware of the project and when she brings it up, they are against it.

David Burgess, a resident of 101 Roger Cooke Circle, spoke against the proposed rezoning. He stated that the project is a money over a quality of life issue. He stated that most people that he speaks to about the project are

shocked and against it. The project will dramatically change the entire character of the neighborhood and, most likely, the whole Town.

Jackie Tanner, a resident of Carrboro, spoke against the proposed rezoning. She expressed concern with the aesthetics of the building because it will change the entire view of the neighborhood. She stated that the project, being mostly 2-bedroom, will not sell to families with children, but to students.

Jonathon Charney, a resident of Carrboro, spoke in favor of the project. He stated that it will bring needed commercial office space to Carrboro and people to downtown.

Michelle Rives, a resident of 100 Oak Avenue, spoke against the proposed rezoning. She expressed concerns with the density, the proposed costs of renting the units, and traffic. She suggested that Carrboro needs a comprehensive traffic plan.

The Mayor and Board of Aldermen made various comments regarding their thoughts on the rezoning application.

Alderman Coleman suggested that developers that are proposing a radical change in zoning and should work with the neighbors prior to the drawing of a project's design.

Alderman Slade requested that the developer construct the building so that the ground floor of the back building could be retrofitted from residential to commercial space in the future. He also suggested pushing the front building further back into the lot. He also suggested the possibility of a raised crosswalk on North Greensboro that would cause traffic to slow down near the development.

Ken Reiter, in response to Alderman Slade's questions, explained that NCDOT does have an interest in exploring options to slow the traffic on N. Greensboro. He thinks that a raised crosswalk will take some pushing from his side but that he is willing to push DOT to consider that option. He also agreed to construct the back building in a way that would accommodate non-residential uses in the future.

Alderman Johnson suggested that developers should meet with neighbors before they begin major project designs similar to this proposal

Alderman Gist asked the Board to have a conversation about the downtown area, including businesses and neighborhoods, to address the future planning of downtown.

The following resolution was introduced by Alderman Lavelle and seconded by Alderman Haven-O'Donnell:

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. 75/2011-12

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 2.49 ACRES OF LAND KNOWN AT AND NEAR 500 N. GREENSBORO STREET FROM B-1(G)-CZ AND CT TO B-1(G) 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, Policy 6.11.

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 accommodate a variety of housing styles, sizes, and pricing. It should also address issues of density, funding, and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

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 24th day of January 2012:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Randee Haven-O'Donnell

Noes: Dan Coleman, Michelle Johnson, Jacquelyn Gist

Absent or Excused: None

The following ordinance was introduced by Alderman Lavelle and seconded by Alderman Haven-O'Donnell:

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 2.49
ACRES OF LAND KNOWN AT AND NEAR
500 N. GREENSBORO STREET FROM B-1(G)-CZ AND CT TO B-1(G) CZ
Ordinance No. 18/2011-12

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That properties being described on Orange County Land Records System as:

Orange County PIN 9778-87-7556, addressed as 500 N. Greensboro Street, currently zoned B-1(g) CZ (General Business, Conditional), and 9778-87-7448, 9778-97-0512, 9778-87-9369, addressed as, 404 N. Greensboro Street, 406 N. Greensboro Street, and 113 Parker Street, currently zoned CT shown on the attached zoning exhibit are hereby rezoned to B-1(g)-CZ (General Business, Conditional), subject to the following conditions:

1. Driveway access to the parcel shall be aligned with Shelton Street;
2. All structures currently located on the property shall be offered for relocation prior to beginning construction
3. The Concept Plan labeled "Shelton Station, RZ-2" dated _10 January 2012, is approved and incorporated herein in relation to the following features; possible land uses, general location and expected size of building footprints(subject to condition #12), maximum density of 96 residential units. Other features and issues remain to be decided at the time a conditional use permit is requested for development. Those features and issues include, but are not necessarily limited to, traffic improvements at the entrance and property frontage on N. Greensboro Street, compliance with architectural standards for downtown development, and required parking
4. For any residential unit consisting of 3 or more bedrooms, the bathroom count per unit shall be one less than the number of bedrooms.

5. A minimum of 10 percent of the residential units to be permanently affordable at 60 percent and an additional 10 percent to be permanently affordable at 80 percent of the median gross family income, as most recently updated by the United States Department of Housing and Urban Development (or successor agency), for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located. Housing costs and unit size to reflect the terminology in Section 15-182.4 (b) (1) of the Carrboro Land Use Ordinance. The term of affordability for these units will be 99 years, per a condition to be included on the conditional use permit at the time of its approval.
6. The property will be designed and constructed to meet a Leadership in Energy and Environmental Design (LEED) Silver equivalent standard when evaluated by a LEED accredited professional. The property shall not be required to complete a certification or commissioning process governed by the U.S. Green Building Council (USGBC). The total points necessary to obtain a LEED silver equivalent shall be derived from points for the following features: a compact, highly-efficient building envelope and glazing, finishes, insulation, and reflective roofing materials that reduce heat island effects, as well as use of Energy Star appliances, high SEER HVAC equipment, solar hot water for common areas, and an on-site electric vehicle charging station, or substantially equivalent alternative elements as approved by the Board of Aldermen as part of a conditional use permit.
7. Parking configuration along the Parker Street r/w/southern property boundary will allow for secondary emergency vehicle access to/from the site.
8. Covered bike parking at the rate of one bike parking space for every four residential units
9. The parking lot shall meet the standard for a “green” parking lot, per the most recent edition available at the time of construction of the “EPA Green Parking Lot Resource Guide”
10. Upon the request of the Town, a public bicycle and pedestrian trail easement shall be incorporated into the site, the location to be determined at the time a conditional use permit is approved.
11. Petitioner has the responsibility of establishing procedures that are appropriate and necessary to assure that income data provided by the applicants for affordable residential units is complete and accurate and that third-party verification of employment and family annual income will occur at least annually.
12. The building nearest North Greensboro Street shall be set back from the existing North Greensboro Street right-of-way line an appropriate distance to be determined during the conditional use permit approval process, but no less than 16 feet.
13. Construction of the back building shall allow for future conversion to commercial use on the entire ground floor.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 24th day of January 2012:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Randee Haven-O'Donnell

Noes: Dan Coleman, Michelle Johnson, Jacquelyn Gist

Absent or Excused: None

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO
ADJOURN THE MEETING AT 10:22 P.M. VOTE: AFFIRMATIVE ALL

Mayor

Town Clerk