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FILED Deborah B. Brooks
 Register of Deeds, Orange Co., NC
 Recording Fee: \$26.00
 NC Real Estate TX: \$.00



PREPARED BY AND RETURN TO:

**TOWN CLERK
 TOWN OF CARRBORO
 301 West Main Street
 CARRBORO, NORTH CAROLINA 27510**



**ORANGE COUNTY
 NORTH CAROLINA**

**TOWN OF CARRBORO
 CONDITIONAL USE PERMIT GRANTED**

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

APPLICANT: Coulter Jewell Thames PA; Belmont Sayre, LLC
OWNERS: Ken Reiter, Belmont Sayre, LLC (Contract Purchaser)
PROPERTY LOCATION: 402, 410 & 430 N Greensboro Street & 113 Parker Street
PINs - 9778877556, 9778877448, 9778879369 & 9778970512 ; 9778877317 <i>LD</i>
PROPOSED USE OF PROPERTY: Mixed use commercial/residential development – creation of a 4 story multi-family residential building with 94 dwelling units and a 2 story, 22,706 square foot commercial building with associated infrastructure.
CARRBORO LAND USE ORDINANCE USE CATEGORY: 1.321, 1.400(all), 2.110, 2.120, 2.130, 2.210, 2.220, 2.230, 3.110, 3.120, 3.130, 3.130, 3.150, 3.250, 5.310, 5.320, 6.140, 8.100, 8.200, 8.500, 8.600, 15.820 & 27.000.
MEETING DATES: March 21, 2013, April 2, 2013

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and 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, per the provisions of 15-141.4(f), the Board hereby finds that the additional density in this permit is authorized by the provision of building and site elements in at least three of the following seven areas: stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use.
4. That the applicant must obtain approval from the Town (either at a staff or Board level), if changes to the allocation of uses in the commercial building areas result in a parking requirement that exceeds the parking amount approved by the permit.
5. Per Section 15-141.4(g), occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1).
6. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment / maintenance agreements for lighting and sidewalks.
7. That prior to construction plan approval, the proposed 10' to 14' pedestrian and greenway easement adjacent to the railroad right-of-way be identified as "public".
8. That, prior to construction plan approval, the right-of-way sidewalk will satisfy the 10 foot sidewalk width requirement of section 15-221(f) of the LUO.
9. That the Board of Aldermen hereby finds that that the loading and unloading areas shown on the plans are sufficient to accommodate delivery operations in a safe and convenient manner though they do not satisfy the provisions of Section 15-300 by allowing this loading area to be located within a parking aisle. The Board makes this finding by accepting the applicant's written justification for this arrangement.
10. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
11. Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval.
12. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
13. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
14. The developer must provide a functional connection from the Parker Street right-of-way for purposes of providing a secondary means of access for emergency situations. A means of accomplishing the connection must be demonstrated on the plans before the construction plans may be approved and the actual connection must be in place before framing begins.
15. That prior to construction plan approval the lighting plan in the area adjacent to the property identified as 105 Parker Street (Orange County PIN 9778877317) be adjusted to satisfy the provisions of Section 15-242.5 of the LUO.
16. That prior to issuance of a certificate of occupancy the applicant formalizes a Commercial Dumpster Service agreement to address the need for addition solid waste services for the development.



17. That the .81 points/square foot calculation for the *indoor fitness center facility* recreation points ratio is found to be acceptable per the provisions of Appendix G and that the recreational facilities provided by the project satisfy the provisions of Section 15-196 of the LUO. The Board hereby authorizes that the recreation points table of 15-196(b) to be amended to include this new points calculation and its associate facility category.
18. That the urban amenities not yet fully described by the CUP plans presented at the public hearing will require approval by the Appearance Commission prior to construction plan approval. To the extent the dollar value of urban amenities are less than the amount required under the ordinance, the applicant shall, prior to receiving a Certificate of Occupancy make a payment of a fee in lieu for the remaining balance
19. That the Board hereby accepts the draft Construction Management Plans as prepared by Landmark Builders and presented to the Board during the April 2nd public hearing with the understanding that will be subject to additional review and modification during construction plan review.
20. Consistent with rezoning condition number 5, for a period of 99 years from the date a certificate of occupancy issued, a minimum of 10 percent of the residential units shall remain affordable by a family whose annual gross income equals 60 percent of the median gross annual family income, as most recently established by the U.S. 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 (the "60% units"), and an additional 10 percent shall remain affordable at 80 percent of the median gross annual family income (the "80% units"). Housing costs and unit size shall be determined in accordance with the provisions of Section 15-182.4 (b) (1) of the Carrboro Land Use Ordinance.
21. The developer shall establish or provide for arrangements to ensure that the 60% units are made available for sale or rent only to families whose annual gross income does not exceed 60 percent of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the Town of Carrboro is located, and that the 80% units are made available for sale or rent only to families whose annual gross income does not exceed 80 percent of the median gross annual income of a family of the same size within the MSA where the Town of Carrboro is located. (The term "family" as used in these conditions shall have the same meaning as the term is defined in Subsection 15-15(39) of the Land Use Ordinance. The term "income qualified family" as used in these conditions means a family that meets the foregoing income criteria).
22. So long as the residential units within the development remain in single ownership and are offered for rent, the owner of the development shall not be required to designate particular units as being "affordable units," provided that the requisite number of units within the development are rented or offered for rent in such a manner as to qualify as affordable in accordance with conditions 20 & 21 above and Section 15-182.4 of the Land Use Ordinance.
23. So long as the residential units within the development remain in single ownership and are offered for rent, then whenever a vacancy occurs in a unit that must be rented as an affordable unit in order for the development to remain in compliance with conditions 20 & 21 above, the entity responsible for leasing the units (i) shall offer to lease such affordable unit only to income qualified families, and (ii) shall not offer to lease the affordable unit to an income qualified family, one or more of whose members is a full-time, undergraduate or graduate student, if the opportunity exists to lease the affordable unit to an income qualified family that does not include a full-time, undergraduate or graduate student. The entity responsible for leasing the units may conclude that no opportunity exists to lease the affordable unit to an income qualified family that does not include a full-time undergraduate or graduate student if, despite good faith efforts (including contacting local agencies engaged in providing or promoting affordable housing) such entity is unable to enter into a lease with such an income qualified family within fifteen days after the affordable unit has become vacant.
24. In the event that the residential units within this development are converted in condominiums in accordance with Chapter 47C of the North Carolina General Statutes, the declaration shall identify the specific units that must remain affordable as set forth in these conditions and Section 15-182.4 of the Carrboro Land Use Ordinance.
25. That the Board hereby finds that, of the 94 units, 20 affordable units are required. This includes 10 units at 80% of AMI, and 10 units at 60% of AMI.
26. That the Board of Aldermen hereby finds that 170 parking spaces are sufficient to serve the proposed development based on the applicant's justification statement regarding joint



use of the proposed parking spaces, the provision of on-site car sharing, and the site's proximity to commercial areas, bus lines, bicycle lanes and existing pedestrian facilities. The owner is permitted to use up to 2 of the 170 spaces for the placement of composting facilities.

27. That the Board of Aldermen hereby finds the project's design acceptable per the provisions of LUO Section 15-178 (b).
28. That the rezoning conditions of the B-1(g) Conditional Zoning district created for the subject properties have been hereby satisfied subject to the conditions of this Conditional Use Permit. Modifications to the rezoning conditions approved for this B-1(g) Conditional Zoning district will require approval by the Board of Aldermen subject to additional public hearing.
29. That a thorough construction site recycling plan will be included in the construction management plan.
30. That electrical service conduit is provided within the buildings for the purpose of facilitating convenient future installation of rooftop solar photovoltaic arrays.
31. That local builders and supply companies will be used to the extent possible.
32. That no construction traffic will be routed through residential neighborhoods or streets.
33. That the sidewalk will remain open during construction by method of covering and/or protective barriers as needed.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.



NORTH CAROLINA
ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

THE TOWN OF CARRBORO

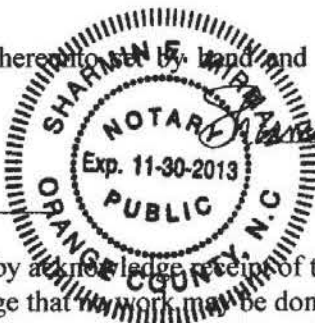
ATTEST:

Catherine C. Wilson (SEAL)
Town Clerk

BY David Andrews
Town Manager

I, Sharmin E. Mirman, a Notary Public in and for said County and State, do hereby certify that Catherine C. Wilson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that David Andrews, Town Manager of said Town of Carrboro and Catherine C. Wilson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set my hand and notarial seal this the 1st day of October, 2013.



Sharmin E. Mirman (SEAL)
Notary Public

My Commission Expires: 11-30-2013

We, Shelton Station, LLC, owners, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon them and their successors in interest.

SHELTON STATION, LLC

By: Belmont Sayre, LLC, its Manager

By: [Signature]
Kenneth M. Reiter, Manager

By: [Signature]
Mark Moshier, Manager

NORTH CAROLINA

Orange COUNTY

I, Jennifer D. Ray, a Notary Public for said County and State, do hereby certify that Kenneth M. Reiter and Mark Moshier, representing Shelton Station, a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal this the 30th day of September, 2013.



Jennifer D. Ray
Notary Public

My Commission Expires June 14, 2016

(Not valid until fully executed and recorded)

**PREPARED BY AND RETURN TO:
TOWN CLERK
TOWN OF CARRBORO
301 West Main Street
CARRBORO, NORTH CAROLINA 27510**

A public hearing and worksession of the Carrboro Board of Aldermen was held on Tuesday, June 14, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Randee Haven-O'Donnell
	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: None



PUBLIC HEARING ON LUO TEXT AMENDMENT RELATED TO REQUEST FOR CZ ZONING DESIGNATION AT 500 N. GREENSBORO STREET

The Town received a request to amend the Land Use Ordinance in relation to the B-1(g)-CZ zoning district. The Board of Aldermen set a public hearing to consider a draft ordinance prepared in response to this request.

Trish McGuire, the Town's Planning Director, made the presentation to the Board. The proposed amendment would only affect the 500 N. Greensboro parcel because it is the only parcel zoned B-1(g)-CZ in Town.

Ken Reiter, a developer with Belmont Sayre, explained that the developer would benefit from hearing the Board's suggestions on the proposed text amendment and the development's conditions. The development is pursuing LEED certification.

Alderman Coleman requested that staff review the Planning Board's suggested list of energy efficient improvements and attempt to identify a threshold that constitutes a meaningful mix of energy efficient improvements. He suggested that staff use the recently approved Veridia Development as a benchmark for use of sustainable and efficient improvements. He also suggested that staff explore the possibility of a point system, similar to the existing recreation point system that would allow a development to earn density through suggested energy efficient measures.

Alderman Slade requested that the developer consider the use of solar/thermal measures. He also suggested that the developer consider unbundling the parking.

Alderman Gist read an email from Jack Haggerty requesting that the consideration of the text and map amendments be delayed until the Board resumes its schedule after summer break.

Mayor Chilton suggested that the developer also consider different zoning classification options.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN BROUN TO CONTINUE THE PUBLIC HEARING TO SEPTEMBER. VOTE: AFFIRMATIVE ALL



PUBLIC HEARING ON A LAND USE ORDINANCE MAP AMENDMENT RELATED TO A REQUEST FOR ZONING DESIGNATION AT 500 N. GREENSBORO STREET

The Town has received 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 CT. A draft ordinance making these changes has been prepared. The Board of Aldermen must receive comment before taking action in response to this request.

Trish McGuire, the Town's Planning Director, made the presentation. The proposed design has only one ingress/egress access point but staff has proposed a condition that would allow for an additional emergency vehicle access.

Ken Reiter, Dan Jewel and Matt Diminco, representatives with Belmont Sayre, made a presentation to the Board and answered several questions. Mr. Reiter explained that workforce housing is distinguished from student housing by rental rates and marketing.

Patrick McDonough, a resident of 103 Raven Lane, stated that he is employed by Triangle Transit but his comments do not reflect Triangle Transit's opinions or viewpoints. He stated that he would like to see additional commercial use in the proposed development. He requested that the Board consider creating an excellent aesthetic interface in the area rather than focusing on screening. He agreed with Alderman Slade's idea of unbundled parking and also suggested other traffic decreasing alternatives such as car-sharing. He asked that the Board move away from thinking about "open space" and for them to be more specific on the recreational and open uses. He stated that affordable housing is increasingly needed in the community and that this project could help with housing issues.

David Arneson, a resident of 102 Mulberry Street, stated that he is an architect in downtown Durham and has worked with the developer in the past but has no affiliation with the current project. He spoke in support of the proposed project and the possible economic benefit it will bring to the Town. He feels that the project will bring a "green" aspect of building to the downtown core and that the scale and size are appropriate for the location.

Jay Parker, business owner in Carrboro for 25 years, stated that the developer is a property owner in Town and that he cares about what happens in Carrboro. He encouraged the Board to continue working with him to make something good happen.

Barbara Jessie-Black, the Executive Director of the PTA Thrift Shop, stated that Ken Reiter is the developer on PTA's current project. She stated that she agrees with Jay Parker's comments and added that the foot traffic the project will bring would be tremendous and will help increase business revenues. Most of her employees do not currently live in Carrboro and the affordable housing would be helpful. Her employees would most likely be able to afford a \$1,000 month rental.

David Belvin, part owner of property the property located at 500 N Greensboro, local citizen, and business owner, stated that a year ago the Board's tone was different and that he is disappointed in the change. He promised a local business for the site and he has worked hard to get the project to this stage. Project financing is lined up and ready to move forward.

Mayor Chilton summed that the Board is concerned with the project's parking, traffic, lack of multiple entrances, bike lane impacts, percentage of commercial use, size, and scale.

Alderman Lavelle stated that one of the Planning Board's suggestions is for the developer to consider affordable housing at less than 80% of median income. She stated that the project should have more commercial space but that she is comfortable with the proposed amount of residential density.

Alderman Coleman stated that he is concerned with all of the transportation issues; specifically, increased traffic and bike lane impacts. He asked that screening, architectural standards, and green features be clearly defined when the item is returned. He recommended that the developer meet with representatives from Veridia to discuss green features and to also consider how the Butler property is zoned. He also stated that he would like to see the percentage of commercial space increased and asked for information on how the project plans to be primarily workforce housing. He asked that staff provide comment on the Planning Board and Environmental Advisory Board recommendations when the item is returned and that advisory board comments be more clearly articulated in the future.

Alderman Slade stated that he wants to insure that the developer considers the Transportation Advisory Board’s recommendations, a bike or pedestrian trail easement that runs parallel to the train tracks, increasing commercial density, and solar thermal energy improvements.

Mayor Chilton requested that developer consider increasing commercial space closer to 25%. He also suggested that the developer work with staff to consider additional zoning options.

Alderman Broun asked for further information on why the Economic Sustainability Commission voted against the project. She also asked for a staff report, if possible, on the effect of how the student housing burden could be removed from neighborhoods. She asked for further information on the Lloyd Street view of the project.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO CONTINUE THE PUBLIC HEARING TO SEPTEMBER. VOTE: AFFIRMATIVE ALL

REQUEST TO APPROVE A RESOLUTION FOR THE ISSUANCE FOR THE ISSUANCE OF \$2,590,000 SIDEWALK BOND ANTICIPATION

The purpose of this item was to request authorization from the Board for the sale of \$2,590,000 in bond anticipation notes (BANs) to replace the existing BANs and provide additional funding for the design, construction, and implementation of sidewalk and greenway projects approved by voters in November 2003.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Broun

RESOLUTION FOR THE ISSUANCE OF \$2,590,000 SIDEWALK BOND ANTICIPATION NOTES

Resolution No. 134/2010-11

WHEREAS --

At a referendum held on November 4, 2003, the voters of the Town of Carrboro authorized the issuance of up to \$4,600,000 of Town general obligation bonds for sidewalks and greenway trails.

The Town has previously issued several series of “bond anticipation notes” to provide construction-period financing for certain sidewalk projects in anticipation of the later issuance of a portion of the bonds authorized at the 2003 referendum (the “Sidewalk Bonds”).

The Town's Board of Aldermen (the “Board”) has now determined to issue an additional series of bond anticipation notes to refinance the previously-issued bond anticipation notes at their upcoming maturity, and thereby continue preliminary funding for the sidewalk projects in anticipation of the later issuance of a portion of the Sidewalk Bonds.

BE IT THEREFORE RESOLVED by the Board of Aldermen of the Town of Carrboro, North Carolina, as follows:

- 1. Determination To Issue Notes --** The Town will issue and sell a single issue of general obligation sidewalk bond anticipation notes (the "Notes") in the aggregate principal amount of \$2,590,000. The Town will issue the Notes to refinance the existing bond anticipation notes, and thereby continue construction-period financing for sidewalk projects in anticipation of the later issuance of a portion of the previously-authorized Sidewalk Bonds.

ATTACHMENT C - 9

Town the Board will make available to the property owners of the 108 – 120 East Main Street funds from the Revolving Loan Fund on the following conditions;

- a. Loan funds should only be made available to property owners who are a party to a contract for repairing or replacing the blocked/failed sewer line.
- b. Loan proceeds should only be released once a signed contract is submitted to the Town.
- c. Loans should be secured by deed-of-trust in the affected properties.
- d. Loans should be made available to property owners in the same proportion property owners agree to assign costs. For example, if the owners agree that Owner A is assigned 10% of the cost of the project, the available loan would equal 10% of the cost of the project.
- e. Loans should be offered at terms of 2% interest for 5 years. For reference, the monthly loan payment at those terms would be \$17.53 per \$1,000 financed.
- f. All affected property owners must enter into a maintenance agreement contract that establishes a funding mechanism for on-going maintenance and repairs to the shared sewer lines.
- g. Affected property owners should work with Town staff to access funds available from Orange County.
- h. The Board directs staff to use discretion in determining loan amounts, considering, among other factors, availability of other loan funds from the County.

NOW BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Manager to execute the necessary documents to make loans available under the conditions outlined in this resolution.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 27th day of September 2011:

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

Noes: None

Absent or Excused: None

CONTINUED PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATED TO A REQUEST FOR CZ ZONING DESIGNATION AT 500 N. GREENSBORO STREET

The Board of Aldermen held a public hearing on Tuesday, June 14, 2011 to consider a draft ordinance prepared in response to a request to amend the Land Use Ordinance in relation to the B-1(g)-CZ zoning district. The public hearing was continued to allow for consideration of additional information requested by the Board of Aldermen.

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

Alderman Gist asked if the approval of the ordinance would provide an opportunity for developments to decrease commercial density and increase the residential density. Trish McGuire explained that the approval would have that effect and allow the Board of Aldermen to have future conversations related to both commercial development and increased residential density in the B-1(g)-CZ district.

Dave Clinton, a Planning Board member and an institutional architect, spoke about the Planning Board's review of the project and explained that he did not feel that there was adequate time allowed for the review of the project. He also explained that the Planning Board recommended the deletion of the 40% ASHRAE requirement because the ASHRAE regulations are continuously changing and the 20% requirement was seen as a means to simplify the Town's regulation.

ATTACHMENT C - 10

Ken Reiter, the applicant's representative, addressed the Board and suggested the use of his version of the ordinance. He explained that the version was more specific towards affordable housing requirements and took a broader approach toward energy efficiency standards and requirements. He stated that the ordinance meets the spirit of the projects that would merit additional residential density in the downtown area. He stated that since the first public hearing, the developer has increased the commercial portion of the project and decreased the residential. The project will have limitations related to student housing based upon the financing that the developer is seeking, bedroom to bathroom ratios, and income verification requirements. He explained that the income verification requirement is a condition that they would agree upon.

Alderman Gist expressed concern with the ordinance's ability to decrease commercial density downtown.

Alderman Broun asked which properties would be eligible for the rezoning if the ordinance passes. Trish McGuire explained that the minimum lot size requirement for the B-1(g) zoning district is 3,000 square feet and most all properties would be eligible.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO REFER THE ORDINANCE TO STAFF FOR THE DELETION OF ITEM (F) (3) AND FOR ITEM (F)(11) TO BECOME A NEW SECTION 15-141.4 (g) AND AMENDED TO READ "MIX OF RESIDENTIAL AND NON-RESIDENTIAL USES SUCH THAT GROSS FLOOR AREA OF BUILDING SPACE USED FOR NON-RESIDENTIAL PURPOSES MAKES UP AT LEAST 25 PERCENT OF THE GROSS FLOOR AREA USED FOR ALL PURPOSES." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

CONTINUATION OF A 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. She explained that staff has identified limitations to the project and that the staff recommendation is not in support of the requested change.

Nathan Milian, representing Carr Mill Mall, stated that he does not have an objection to the project as a whole but is concerned that there will not be sufficient parking. He explained that parking is an issue that Carr Mill Mall is struggling with and that the rezoning will create another burden for the neighbors of the project. He requested that the Board review methods to create additional parking. Alderman Gist asked if the text amendment was approved, if he would want to amend any of the current projects that he has been involved with. He explained that he would possibly consider a rezoning request for the Alberta development because currently, residential space is more financially promising than commercial space.

Damon Seils is the current Chair of the Planning Board but spoke as a citizen. He explained that he is concerned with the rushed method in which the Planning Board reviewed both the text and map amendment requests. He explained that the process differed from the conditional use permitting process because the applicant is not required to present a completed concept plan to the Planning Board for comment. He asked the Board to be cognizant of the fact that they are putting conditions on the zoning that will not be able to be revisited by the Planning Board during their conditional use permit review process.

ATTACHMENT C - 11

David Clinton, Planning Board member, stated that the scale of the design is fitting for downtown and would add more customers to the area. He encouraged the Board to approve the map amendment with conditions that improve the environmental sustainability.

Ken Reiter, the applicant and representative of the developer, made a presentation to the Board. He presented figures that showed a decrease in residential units and an increase in parking and commercial space. He stated that the project will follow the LEED equivalency process similar to when the Town built fire station #2. He explained that thru lanes, turn lanes, bike lanes, grass strips and sidewalks may be made in the public right-of-way and that neighboring properties may be affected by grading work related to traffic and transportation easements. He explained that they will offer 10% of units to households that earn 60% or less of the median family income. He stated that he had received several letters of support from citizens.

It was the consensus of the Board to return the ordinance to staff for the deletion of the following conditions: #12 – “The minimum required parking shall be 10 percent less than the minimum number of parking spaces required by the Ordinance for the proposed uses,” #35 – “The parking lot shall meet the standard for a “green” parking lot, per the “EPA Green Parking Lot Resource Guide,” and #37 – “In the event that by January 1, 2012, the non-residential space on the 2nd floor of Building A has not been leased (as evidenced by a signed letter of intent or lease agreement) at the terms that are acceptable to secure construction and/or permanent financing, the non-residential space on the 2nd floor of Building A can be developed as additional residential space.”

The Board noted that the developer stated that he did not agree with condition # 8 – “Solar shading impacts along the northern property line shall be mitigated as if it were a street right-of-way, per Section 15-178(a)(3)” and condition #33 – “Provision of on-site renewable energy generation.”

It was also the consensus of the Board that staff should amend the ordinance to rework the conditions that incorporate the “site and/or concept plan” into one condition that also recognizes the transportation issues.

Alderman Broun requested that staff provide a list of the three conditional zoning requests that have occurred since 2008. She also requested that staff provide detailed information from the American Community Survey on the current cost range for rental housing and what is currently available. She also requested that LEED certification requirements be provided and that those utilized during the construction of fire station #2 be denoted.

Alderman Slade requested that staff compare the LEED standards with the Town’s Green House Gas resolution and provide the information to the Board.

Alderman Gist requested that the developer reconsider the use of solar hot water and photovoltaic measures and respond when the item is returned.

Alderman Coleman requested that a condition of income verification be added to the ordinance. He also requested that a ratio of 1:3/4 (rounded to the nearest 1/2) of bedrooms to bathrooms be incorporated as a condition.

Alderman Haven-O’Donnell requested a copy of the condition matrix that Ken Reiter referenced.

The Board requested that this item be returned to the Board on November 15, 2011.

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN BROUN AND SECONDED BY ALDERMAN COLEMAN TO ADJOURN THE MEETING AT 10:30 P.M. VOTE: AFFIRMATIVE ALL

ATTACHMENT C - 12

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 Gallager, 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