

Mayor Lavelle clarified that, at this time, any potential funds that were planned for the now cancelled light rail project would go toward projects currently in the Orange County Transit Plan.

Alderman Seils clarified that the funds may only be used for transit-related costs. He noted that the funds are county transit plan funds and said there are some Town projects that are eligible for these funds, but a generalist planner position would likely not qualify.

Alderman Gist said she expected improved transportation options from the transit funds, not just light rail. She asked whether buses and other forms of transportation could benefit from these funds.

Alderman Seils discussed a variety of projects such as buses and sidewalks that are benefiting from the transit tax funds. He noted that there is a plan to add year-round weekend bus service in 2020 and thousands of bus hours have been added due to transit tax funds.

Alderman Slade felt that the Board should have an opportunity to weigh-in on transportation project options.

Alderman Seils said most of the money that was allocated to the light rail project came from Durham County rather than Orange County,

Alderman Foushee asked that the budget planning process start earlier next year.

Alderman Gist said the retreat had previously been a time when the budget was discussed.

Mayor Lavelle closed the Public Hearing on this issue.

**PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT REGARDING
CIVIC ASSEMBLY IN VILLAGE MIXED-USE DEVELOPMENTS**

The purpose of this agenda item was for the Board of Aldermen to consider a text amendment to the Land Use Ordinance (LUO) regarding civic assembly in village mixed-use developments.

Tina Moon, Planning Administrator, provided the staff report on this agenda item. She stated that the primary purpose of this agenda item was to add the term “or structures” to Section 15-141.2(a)(7) of the Land Use Ordinance per the request of Caplov Ventures.

Mayor Lavelle clarified that there is currently only one Village Mixed-Use (VMU) development in Carrboro, this is the community of Winmore.

Tina Moon said the developers have not been able to find a tenant for the location

that had originally been planned for civic assembly.

Alderman Slade asked whether the pool at Winmore was built because another condition required it.

Tina Moon said the pool was added after the developers had already exceeded the open space requirements.

Tina Moon also pointed out another request by the developers to add wording to Section 15-176.2 that will allow open space owned by the homeowners association to include civic uses.

Alderman Gist stated that she believes the real reason for this request is that the land that had been set aside for civic use is not being used and the developer would prefer to build additional condos on that land. She stated that she doesn't have a problem with this. She expressed interest in having affordable units built there.

Trish McGuire, Planning Director, said the lot that is at issue was originally planned to have a civic use and would have a building as the public space.

Alderman Gist further clarified her point saying she believes the developer wants to have the community pool recognized as the civic space as required by the LUO, thereby freeing up the lot to build more condos.

Mayor Lavelle also asked whether the pool was intended to be the public space.

Joe Kovens, representing Capkov Ventures, said there were no firm plans to build more condos on the lot, but a builder had expressed interest. He said the request for the text amendments were not intended to take anything away from the community, it is an effort to help the community. He provided background on why commercial establishments were not successful in Winmore and spoke about why an old residence was removed from the property and replaced by an open space.

Alderman Haven-O'Donnell said she had heard that there was a plan to build an amphitheater in the open space and asked what the community thought about that.

Joe Kovens said that would be a factor with the CUP modification.

Alderman Haven-O'Donnell wanted to know what the community desires for the use of space. She felt that it was not yet being made clear.

Joe Kovens said they want what is best for the community. The only thing they have heard is a general desire to do something with the space that is not being used.

Mayor Lavelle stated that Board will want to know what the developers have done to engage with the community.

Alderman Seils said he had no issues with adding the requested language.

Mayor Lavelle opened the Public Hearing.

Mayor Lavelle clarified that the old space on the property that had been referenced earlier by Joe Kovens was rumored to have been the home of Andy Griffith for a short period of time.

There were no comments from the public.

Mayor Lavelle closed the Public Hearing on this issue.

Alderman Seils stated that there are lessons to be learned from this example that can be applied to future village mixed use developments.

Alderman Foushee referenced comments from the Planning Board and noted that they recommended that the wording make it clear that all residents should be able to use civic spaces. She also noted a comment by the Economic Sustainability Commission requesting that staff review the definitions of open space, civic space and common space to ensure that the intent of the ordinance is met. She felt that the current wording is not inclusive enough.

Mayor Lavelle wanted to ensure that the space is open to all Winmore residents even though it is owned by the Homeowners Association. She asked Tina Moon to clarify whether it would be open to all residents.

Tina Moon said she believes that all residents, including those in affordable units, are able to use the space, and she would be glad to add language to ensure it is so.

Joe Kovens stated that all residents are allowed to use the pool.

Mayor Lavelle and Alderman Foushee asked that the Planning Board's language be added to the text amendments.

Tina Moon displayed the recommendation and confirmed with the Board that the phrase "open to all residents of the VMU development" will be added.

A motion was made by Alderman Seils, seconded by Alderman Slade, that the following consistency resolution be approved:

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 (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: A LAND USE ORDINANCE TEXT AMENDMENT RELATING TO CIVIC ASSEMBLY IN VILLAGE MIXED USE DEVELOPMENTS.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

Consistent with the description of the components of mixed use village centers noted in Section 4 of Facilitated Small Area Plan for the Northern Study Area, and the list of possible uses for the civic assembly space as noted in the approved conditional use permit for the development.

Section 2. The Board of Aldermen's action is reasonable and in the public interest for the following reason(s):

The proposed text amendment which finds the proposed text amendment, is reasonable in the public interest because it clarifies and provides more flexibility in the standard.

Section 3. Therefore, the Carrboro Board of Aldermen has: approved / denied the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

Adopted by the Carrboro Board of Aldermen this 28nd day of May 2019.

The motion carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Sammy Slade

Absent: Alderman Bethany Chaney

A motion was made by Alderman Slade, seconded by Alderman Foushee that the following amendment to the ordinance be approved.

AN ORDINANCE TO AMEND THE TOWN OF CARRBORO'S LAND USE
ORDINANCE RELATING TO CIVIC ASSEMBLY IN VILLAGE MIXED USE
DEVELOPMENTS

Ordinance No. 22/2018-19

**BE IT HEREBY ORDAINED BY THE CARRBORO BOARD OF ALDERMEN
THE FOLLOWING:**

Section 1. Subsection 15-141.2, of the Carrboro Land Use Ordinance, Village Mixed Use District Established, (a), paragraph 7, is rewritten to read as follows:

7. Provision of buildings or structures, open to all residents of the VMU development, for civic assembly or for other common purposes that act as visual landmarks and symbols of identity with the community.

Section 2. Subsection 15-176.2(e) is amended to include a new provision (5) to read as follows:

(5) Open Space owned by homeowners associations as Common Space may include Civic Uses for gathering or assembly as defined in Section 15-141.2(a)(7).

Section 3. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

Section 4. This ordinance is effective upon adoption.

The motion carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Barbara Foushee, Alderman Jacquelyn Gist, Alderman Randee Haven-O'Donnell, Alderman Damon Seils, Alderman Sammy Slade

Absent: Alderman Bethany Chaney

PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT TO ALIGN REFERENCES TO THE STATE ENVIRONMENTAL AGENCIES AND NUTRIENT LOAD ACCOUNTING TOOL IN THE TOWN'S STORMWATER VOLUME CONTROL PROVISIONS

The purpose of this agenda item was for the Board of Aldermen to consider an amendment to the Land Use Ordinance.

Tina Moon, Planning Administrator, introduced this topic.

Mayor Lavelle opened the Public Hearing.

There were no comments from the public.

Mayor Lavelle closed the Public Hearing on this issue.

A motion was made by Alderman Haven-O'Donnell, seconded by Alderman Gist that the following resolution be approved.