



Legislation Details (With Text)

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Final action:
Title: A Public Hearing for a Minor Modification Request to the Winmore VMU Conditional Use Permit to allow conversion of Lot 179 to three single-family lots and assign the community pool to serve as civic use for the VMU

PURPOSE: The purpose of this item is for Town Council to hold a public hearing and consider whether to approve a Minor Modification to the Conditional Use Permit for Winmore VMU to allow conversion of Lot 179 to three single-family lots and assign the community pool to serve as civic use for the VMU. A resolution approving the modification is attached should the Town Council choose to approve the request.

Indexes:

Code sections:

Attachments: 1. Attachment A - Updated Resolution, 2. Attachment B - CUP Document, 3. Attachment C - Renderings for Overall Site Plan and Community Pool, 4. Attachment D - Applicant Materials, 5. Attachment E - Excerpt from May 28, 2019 Minutes, 6. Attachment F - HOA Letter Regarding Request, 7. Attachment G - HOA Newsletter Update About Lot 179, 8. Attachment H - Note from Town Engineer

Date	Ver.	Action By	Action	Result
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TITLE:

A Public Hearing for a Minor Modification Request to the Winmore VMU Conditional Use Permit to allow conversion of Lot 179 to three single-family lots and assign the community pool to serve as civic use for the VMU

PURPOSE: The purpose of this item is for Town Council to hold a public hearing and consider whether to approve a Minor Modification to the Conditional Use Permit for Winmore VMU to allow conversion of Lot 179 to three single-family lots and assign the community pool to serve as civic use for the VMU. A resolution approving the modification is attached should the Town Council choose to approve the request.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 919-918-7333 or mroupe@carrboronc.gov <<mailto:mroupe@carrboronc.gov>>

INFORMATION: During its March 15, 2022 meeting, Town Council discussed the proposed request with the developer and amongst themselves, and decided to hold a public hearing on the matter before making a decision. Staff has mailed and published notice of the hearing for the April 26, 2022 meeting. Information in the abstract below remains the same as what was included in the earlier agenda item. Additional attachments are included as follows:

-Attachment A, The resolution has been updated to the April 26, 2022 public hearing date, should Council choose to adopt it.

-Attachment G, The Winmore HOA distributed a newsletter to Winmore residents, it is included for reference, and

-Attachment H, Town Engineer Josh Dalton provided a note regarding his review of the application so far and how drainage on the single-family lots will be addressed moving forward, if the modification request is approved.

Information from March 15, 2022 Agenda Item:

On June 10, 2003, the Board of Aldermen approved a Conditional Use Permit for construction of a Village Mixed Use project at 1400 Homestead Road. The original CUP document is included as *Attachment B*, for reference. Construction proceeded and multiple minor modifications were approved subsequent to the initial approval. One such modification allowed for construction of a community pool to be added, with more information related to the pool included below. Renderings are included for reference for both the original site plan for the overall development and for the community pool facility (*Attachment C*). The project has been nearly completely built out for a number of years at this point, with one remaining issue of significance, that being the use of an existing vacant lot, Lot 179. The lot is depicted in the applicant's materials (*Attachment D*) and its history is further described below.

Lot 179 was originally intended for a building housing a civic use within the Storefront & Townhouse Use Area portion of the development. The building could be used in a number of ways as described in CUP condition number 4. As described by the applicant, in bringing forward a LUO text amendment application in 2017, the market was not conducive to constructing such a building, and the lot simply remained vacant for a number of years.

The aforementioned text amendment was approved in 2017, as shown in an excerpt of the meeting minutes included as *Attachment E*. Subsequent to the text amendment being approved, the applicant began further exploring development plans and ideas for use of the lot as well as how to fulfill the civic use obligation within the development, including discussions with the Homeowner's Association (HOA) regarding what ultimately would be brought forward as a Minor Modification request. While multiple ideas were considered, the HOA and developer ultimately agreed to bringing forward a request to create three single-family lots out of Lot 179 and to allow the community pool to serve as the civic use area for the development. The HOA has provided a letter supporting the request while also expressing some other issues of concern that are to be worked out by way of continuing discussions with the developer. The HOA's letter is included as *Attachment F*. The two matters in the HOA's letter involving the town, numbers 2 and 3, are addressed in the resolution provided. Town staff finds it acceptable for the subject parking space described to be removed, and town staff, including the town engineer, will work with the applicant when approving the plot plans for the three houses to minimize drainage issues associated with the alleyway, as requested, if the resolution approving the modification is approved.

In more detail, the decisions before Council related to the application are as follows:

- 1) Whether to allow Lot 179 to be converted to three single-family lots. A close look at the plat included with the application actually shows four lots and a newly created extension of the existing private alley. The alley will serve as a rear-loaded access point and driveway connection location consistent with other single-family areas in the development. The fourth lot shown will be dedicated to the HOA as

additional / new common open space for the development. The development already contains 41% open space, exceeding the LUO requirement, so this lot would add to the overall percentage set aside as open space. If the Minor Modification request is approved, the subject lot automatically converts from Storefront & Townhouse Use area to Single-Family Use area with respect to the previously approved Master Plan for the VMU.

- 2) Whether to allow the community pool facility to serve as the civic use area / facility for the development. Various ideas have been discussed for how to fulfill the civic use, and the applicant ultimately chose to bring forward the application with the pool serving as the facility. The text amendment approved in 2017 does allow for this request to be approved as brought forward, should Council choose to agree with the request.

Note that Town Council is not required to but always may choose to call a public hearing before making a decision on a Minor Modification request.

FISCAL & STAFF IMPACT: The applicant is paying the usual fees associated with a minor modification with public hearing item. No other fiscal or staff impacts are noted, with the exception to some change to tax base impacts associated with converting the civic lot to single-family home use.

RECOMMENDATION: Town staff requests that Town Council hold a public hearing and consider whether to adopt a resolution approving the CUP Minor Modification request. A resolution allowing the conversion of Lot 179 to single-family use and allowing the community pool to serve as the civic use for the development is attached should Council choose to approve the request.