



## Legislation Text

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**File #:** 19-25, **Version:** 1

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### **TITLE:**

A Request for a Minor Modification to the Winmore VMU Conditional Use Permit to Terminate Piano Street Before the Property Line

**PURPOSE:** The Board of Aldermen is asked to consider approving a Minor Modification to the Conditional Use Permit for Winmore VMU to allow the developer to terminate Piano Street before it reaches the northern property line. A resolution approving the modification is attached.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Marty Roupe, 918-7333 or [mroupe@townofcarrboro.org](mailto:mroupe@townofcarrboro.org)  
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**INFORMATION:** 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. Construction proceeded and the project is nearing build out at this time.

A remaining issue associated with the Performance Bond the town is holding relates to Piano Street in the northwest corner of the site. As explained in detail in the applicant's letter, including visual exhibits (Attachment B), the original vision for the Winmore development included additional development on the adjacent land to the north owned by the University of North Carolina. Accordingly, Piano Street was shown stubbing out to the northern property line. The additional development on the adjacent parcel never occurred and Piano Street currently terminates 25 feet from the northern property line.

Staff and the applicant have been exploring the issue of how to possibly continue the road to the property line, as well as whether it should be constructed fully to the property line. The real world conditions on the ground in this location include both an existing drainageway right on the property line as well as several mature Beech trees. The drainageway would need to be disturbed and many of the trees would need to be removed to build the road to the property line. Furthermore, the developer would need permission and an easement from UNC to have the legal ability to build the road to the property line because it would be necessary to build a culvert over the drainageway to complete the road. UNC has indicated to the developer that they have no interest in developing the land for the foreseeable future.

With all these considerations in mind, staff agrees with the applicant that it is appropriate to approve a Minor Modification to the CUP to allow the developer to simply leave Piano Street as it is currently built, terminating 25 feet from the northern property line. Public right of way has been dedicated to the town all the way to the property line, so if the property to the north is developed in the future, then the matter of extending Piano Street to the north and onto the adjacent property will be considered further in the context of what is proposed for the site.

**FISCAL & STAFF IMPACT:** No fiscal or staff impacts are noted beyond creating and presenting this agenda item.

**RECOMMENDATION:** Town staff recommends that the Board approve the attached resolution approving the CUP Minor Modification request.