

MEMORANDUM

TO: Roger L. Stancil, Town Manager

FROM: J.B. Culpepper, Planning Director
Gene Poveromo, Development Manager
Kendal Brown, Principal Planner

SUBJECT: Public Hearing: Murray Hill at Meadowmont - Application for Special Use Permit

DATE: March 15, 2010

INTRODUCTION

Attached for consideration is an application for a Special Use Permit submitted by Scott Murray Land Planning, Inc. The proposed application involves a site of just over an acre in the Meadowmont development on the north side of Highway 54 East. Fifteen multi-family dwelling units totaling 66,000 square feet would be constructed on four lots with 34 parking spaces at 201 Meadowmont Lane, adjacent to the Meadowmont Wellness Center. The site is located in the Residential-5-Conditional (R-5-C) zoning district and is identified as Orange County Parcel Identifier Number 9798-75-3407.

Tonight's Public Hearing has been scheduled to receive evidence in support of and in opposition to approval of the Special Use Permit application.

DISCUSSION

The following issues arose during advisory board consideration of this application.

Traffic Impact: Some Community Design Commission members felt the traffic impact from this development would be too great, noting traffic patterns of Meadowmont residents traveling to/from Rashkis Elementary School, as well as pedestrian traffic between the Meadowmont commercial center to the south (across Sprunt) and The Cedars to the east (across Meadowmont Lane).

Staff Comment: The anticipated number of daily trips from this 15-unit development is 135. Meadowmont Lane was constructed to handle the anticipated Meadowmont traffic, including that expected to be generated by this development. Several speed tables have been installed on Meadowmont Lane for traffic calming. A traffic signal with pedestrian amenities such as crosswalk and pedestrian signals has been installed at the intersection of Meadowmont Lane and Sprunt Street. We believe these measures adequately address the anticipated traffic impact for this section of Meadowmont. In addition, a stipulation in Resolution A calls for advance warning pedestrian signals on both sides of Meadowmont Lane at the Murray Hill entrance(s).

Density/Intensity/Scale: The Community Design Commission expressed concern as to the scale, mass, and density of the proposal relative to the location and size of the site. Commission

members stated that while the density might be appropriate for transit oriented development, mass transit was not yet operational in this location.

Staff Comment: The proposed density complies with the Meadowmont Master Land Use Plan and the Town's Land Use Management Ordinance. Further, we believe mass transit at this site is a matter of time and that the project's density is appropriate for its proximity to the transit corridor.

Affordable Housing: The typical affordable housing complement of 15% for this 15-unit development equates to 2.25 units. The Planning Board recommended that the Town accept the developer's offer of a full payment-in-lieu (\$191,250) plus a 1% transfer fee. The developer's offer was also supported by the Community Home Trust (letter attached). The Trust advocated for the funds to be deposited with the Trust, rather than the Town.

The intent of the transfer fee is to provide long-term financial assistance to the agency responsible for maintaining affordable housing units in a given development. This is accomplished by adding a fee, typically 1% of the sale price, every time a market rate unit is transferred to new ownership. The fee was originally intended to reduce the burden of homeowner association fees for the owners of affordable units and to help with maintenance and affordability for affordable units. The fund is governed by a joint agreement between the Town, the developer, and the affordable housing agency. We recommend that the Council incorporate an Affordable Housing transfer fee into projects that include on-site affordable housing, especially those with a homeowners' association, as has been done with the approvals of the Greenbridge and Bridgepoint developments.

Staff Comment: Customarily, the Town prefers provision of on-site housing, which in this case would be 2 units. For the fractional unit of 0.25, we recommend the applicant provide a payment of \$21,250 to complete the affordable housing requirement. (Using the Town's subsidy value formula, 0.25 units would equate to \$21,250 in subsidy.) We believe this combination of two on-site units and partial payment-for the 0.25 unit is appropriate. Because we recommend the provision of affordable units on-site, we also recommend the 1% transfer fee being offered be paid to the Community Home Trust for the oversight of the affordable units. Resolution A includes a stipulation that would require the applicant to provide two on-site affordable units, a partial payment to the Town's Affordable Housing fund and a 1% transfer fee to be administered by the Community Home Trust for oversight of the affordable units. If the Council chooses to accept a payment-in-lieu of providing affordable units, we recommend that the transfer fee be paid to the Town's Affordable Housing Fund.

PROCESS

The Land Use Management Ordinance requires the Town Manager to conduct an evaluation of this Special Use Permit application, to present a report to the Planning Board, and to present a report and recommendation to the Town Council. We have reviewed the application and evaluated it against Town standards and presented a report to the Planning Board. Tonight we submit our report and preliminary recommendation to the Council.

EVALUATION OF THE APPLICATION

We have evaluated the application regarding its compliance with the standards and regulations of the Town's Land Use Management Ordinance. Based on our evaluation, our preliminary assessment is that the application, as submitted with the conditions included in Resolution A, complies with the regulations and standards of the Land Use Management Ordinance and Design Manual.

Tonight the Council receives our attached evaluation and information submitted by the applicant. The applicant's materials are included as attachments to this memorandum. All information that is submitted at the hearing will be included in the record of the hearing. Based on the evidence that is submitted, the Council will consider whether or not it can make the necessary finding(s).

Special Use Permit Findings:

In a typical Special Use Permit proceeding, the burden is on the applicant to present a case, demonstrating why the Council should make the four findings required for approval of a Special Use Permit. With Council approval of a conceptual Master Plan, however, if the Special Use Permit application is found to be consistent with the Master Plan, the burden regarding three of the four findings then shifts to those opposed to the approval of the Permit. A "rebuttable presumption" is established that three of the four findings can be made. The Council must only make the finding that the proposed development complies with all applicable sections of the Land Use Management Ordinance.

Evidence will be presented at the public hearing for this application. If the Council decides that the evidence does not support making the fourth finding, or if evidence is presented which indicates the application is inconsistent with the Master Plan, then the application cannot be approved and accordingly should be denied by the Council.

Upon review of the application and information that has been submitted to date, our preliminary recommendation is that the Council can find that the proposed Special Use Permit:

1. Complies with all required regulations and standards of the Land Use Management Ordinance; and
2. Is consistent with the Meadowmont Master Land Use Plan that was approved on October 23, 1995.

Following the public hearing, we will prepare an evaluation of the evidence submitted in support of and in opposition to this application.

SUMMARY

We have attached Resolution A which would approve the application and includes standard conditions of approval as well as special conditions, incorporating input from all Town departments involved in the review of this application. We recommend that the Council consider

these conditions in the context of making the findings necessary to approve the application. Resolution B would deny the application.

RECOMMENDATIONS

Planning Board: The Planning Board met on February 16, 2010 and voted 7-1 to recommend that the Council approve the Special Use Permit application with Resolution A with two recommended changes:

- *Affordable Housing*: No on-site affordable housing units, but a payment-in-lieu of \$191,250 instead.

Staff Comment: For further discussion of this issue, please see the preceding Discussion section of this memorandum.

- *Transit Corridor Signage*: Require that the developer install three signs within the adjacent transit corridor, informing potential Murray Hill property owners of the future construction and operation of transit infrastructure.

Staff Comment: Board members emphasized the need to make sure prospective buyers of the 15 units have ample notification of the future transit service within the adjacent transit corridor easement, which is currently wooded. Members requested more specificity in the stipulation regarding notification signage along the transit corridor easement. We have revised the stipulation in Resolution A to call for signage in three locations at the edge of the easement: at the southern end of the property, at the midpoint, and at the northern end.

A copy of the Summary of Planning Board Action is attached to this memorandum.

Transportation Board: The Transportation Board met on February 25, 2010 and voted 8-0 to recommend that the Council approve the Special Use Permit application with Resolution A.

The Board commented that additional pedestrian safety measures, such as traffic calming, signage, lighting, and pedestrian signals would be desirable

Staff Comment: Several speed tables are already installed on Meadowmont Lane. A stipulation in Resolution A already calls for a street lighting plan to be approved by the Town Manager.

We have added in Resolution A a stipulation calling for installation of advanced pedestrian warning signs on both sides of Meadowmont Lane at the entrance(s) to the development.

A copy of the Summary of Transportation Board Action is attached to this memorandum.

Community Design Commission: The Community Design Commission met on February 17, 2010 and voted 8-3 to recommend that the Council deny the Special Use Permit, citing the following concerns:

- *Density/Intensity/Scale; and*

- *Traffic Impact.*

Staff Comment: For additional information on these issues, please see the Discussion section of this memorandum.

A copy of the Summary of the Community Design Commission Action is attached to this memorandum.

Parks and Recreation Commission: The Parks and Recreation Commission met on February 17, 2010 and voted 6-0 to recommend that the Council approve the Special Use Permit with Resolution A, attached to the Advisory Board memorandum.

A copy of the Summary of the Parks and Recreation Commission Action is attached to this memorandum.

Bicycle and Pedestrian Advisory Board: The Bicycle and Pedestrian Advisory Board met on February 23, 2010 and voted 7-0 to recommend that the Council approve the Special Use Permit with Resolution A, attached to the Advisory Board memorandum.

A copy of the Summary of the Bicycle and Pedestrian Advisory Board Action is attached to this memorandum.

Preliminary Staff Recommendation: The following stipulations were added to Resolution A, following advisory board review.

- *Transit Corridor Signage:* Require that the developer install three signs within the adjacent transit corridor informing potential Murray Hill property owners of the future construction and operation of transit infrastructure.
- *Pedestrian Safety:* Require that the developer install advance warning pedestrian signals on both sides of Meadowmont Lane at the Murray Hill entrance(s).

Following tonight's public hearing, we will prepare an evaluation of the evidence submitted in support of and in opposition to this application.

Staff Comment: Our preliminary recommendation is that the Council open the public hearing and receive evidence in support of and in opposition to the Murray Hill at Meadowmont Special Use Permit application. We will return to the Council with a recommendation for action after the Council has received public comment this evening and reconvened the hearing.

Resolution A would approve the application with conditions.

Resolution B would deny the application.

ATTACHMENTS

1. Staff Report (p. 8).
2. Resolution A, approving the application (p. 21).
3. Resolution B, denying the application (p. 35).
4. Advisory Board Summaries of Action (p. 36).
5. Concept Plan Review Summaries of Council and Community Design Commission comments and applicant's responses (p. 41).
6. Traffic Impact Analysis Exemption (p. 50).
7. Applicant's Materials (p. 52).
8. Correspondence from residents, Community Home Trust, and Triangle Transit (p. 125).
9. Area Map (p. 133).

Murray Hill Special Use Permit

DIFFERENCES AMONG RECOMMENDATIONS

ISSUES	Staff's Preliminary	Planning Board	Transportation Board	Community Design Commission	Parks & Recreation Commission	Bicycle & Pedestrian Adv Board
Recommend approval	Yes	Yes	Yes	No	Yes	Yes
Affordable Housing (for 2.25 units)	2 on-site units and \$21,250 PIL	No on-site units; PIL of \$191,250	*	N/A	*	*
Specific # and location of notification signs re: transit corridor easement	Yes	Yes	Yes	N/A	No	Yes

*Not discussed

Matrix Prepared March, 2010