

TO: Town Council

FROM: Kinsey O'Shea, AICP, Town Planner KC for KO

TITLE: **UPDATE:** RZN19-0004/ORD 1904-Request to rezone a total of 6.59 acres from GC General Commercial and R-5 Transitional Residential to PR Planned Residential at 1310 North Main Street (Tax Map Nos. 196-A 21-23; 197-A-37; 196-A 22A; and a portion of 196-A 29) for a mixed use commercial/multi-unit residential development by Pat Bixler on behalf of CDE Properties, LLC (applicant/owner).

DATE: November 26, 2019

At the November 19, 2019 Town Council Work Session, staff gave the presentation and staff report for the above-referenced request. Following the discussion at the work session, the applicant made several changes to the application and the proffer statement and resubmitted a revised proffer statement dated December 3, 2019 (received November 26, 2019), revised application text dated November 25, 2019, and revised application drawings dated November 25, 2019. These three items are posted to the website. The changes include:

- Proffer Statement:
 - ***The applicant has further revised the proffer and the most recent statement is dated December 3, 2019 and provided separately from the application text and drawing revisions.***
 - #3: Further specificity is provided regarding the timing of the proposed bus shelter improvements.
 - #7: The applicant has added a proffer that covers all rental units with the following assurances:
 - All rental tenants shall be required to income qualify without a guarantor.
 - A parking policy for resident and visitor parking passes shall be adopted.
 - Units shall not be leased by the bedroom.
 - #8: The applicant has included a proffer that covers potential rental by for-sale townhomes using HOA restrictive covenants to provide the following assurances (*this language is similar to the proffer language approved in the OBHS rezoning*):
 - Owners shall provide a copy of the lease with name and contact information for each tenant to the HOA.
 - Occupancy restrictions shall apply.
 - Leases must be for a minimum term of 12 months.
 - Leases shall contain a clause notifying tenants of obligations to abide by the covenants, bylaws, and the Town's occupancy limitations.
 - Residents shall be required to income-qualify without a guarantor.
 - Townhome units shall be leased by the unit, not the bedroom.
 - #9: Further specificity is provided in the proffer statement that the townhomes will also be EarthCraft or National Green Building Standard certified.
- Unit Mix
 - The application has reduced the overall number of 4-bedroom units from 50 units to 43 units, which is now approximately 32% of the unit mix.
- Trail width

- The revised drawings show that the applicant has committed to a 10' trail from Giles Road to Main Street where a 6-8' trail had been shown. However, the revised text of the application still states that the trail is 6-8' wide. ***The applicant will have to revise the text of the application to eliminate this discrepancy if a 10' trail is proposed. Additionally, language in the text should reflect that minor changes to the location or size or number of units may occur at the site plan stage given field conditions. However, significant changes to the layout of the development to accommodate the 10' trail would necessitate an amendment to the PRD through the public hearing process.***
- Open Space configuration
 - ***The application and plan show open space areas that do not meet the Use & Design Standards for Open Space, with particular regard to configuration of open space.*** There are a number of areas counted as open space that do not meet the intent that open space should not be fragmented or divided across the site. Several wedge-shaped areas on the site, including a parking lot island next to the dog park area are proposed to count toward the total open space requirement. The applicant has not proposed any revisions to address the inadequacy of the open space. Furthermore, the applicant is requesting an exception to Use & Design Standard §4328 (a)(5) to allow the setback areas to count toward the total open space calculation.
- Traffic
 - The traffic analysis shows that a left turn lane on North Main Street at the development entrance is warranted. The applicant has not shown the improvements required to mitigate the vehicular impact of the development. Town Council has not provided direction to the applicant or to staff regarding whether it is appropriate to mitigate this vehicular impact or whether other compensatory mitigation measures should be considered for bicycle and pedestrian improvements. The applicant has been advised of the North Main Study currently underway and of the proposed mitigation measures for the North End/Gilbert Street project.