

Prepared by and return to: Town Clerk, Town of Carrboro, 301 West Main St. Carrboro, NC 27510

CONDITIONAL REZONING

Motion was made by Alderman Chaney, seconded by Alderman Foushee, that this ordinance be approved.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY 35.4 ACRES OF LAND KNOWN AS 700 OLD FAYETTEVILLE ROAD
FROM R-10 AND B-4 to B-4 CZ

Ordinance No. 4/2018-19

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property being described on Orange County Tax Maps by parcel identification numbers shown below shall be rezoned as noted and subject to the following conditions:

| PIN | Existing Zoning | Acreage | Proposed Zoning |
|--------------|-----------------|---------|-----------------|
| 9779-09-7922 | R-10 | 10.18 | B-4-CZ |
| 9778-19-6618 | R-10 | 8.61 | B-4-CZ |
| 9778-19-6618 | B-4 | 16.61 | B-4-CZ |

1. The Concept Plan is labeled “Lloyd Farm Carrboro, North Carolina Rezoning Site Plan, “ dated September 21, 2018, is approved and incorporated herein to indicated all potential land uses, the general location and size of buildings and parking areas, vehicular and bicycle-pedestrian access points, general circulation patterns, stormwater management features, setbacks, preserved trees and other landscaped areas. Other features and issues remain to be decided at the time a conditional use permit is requested for the development. Those features and issues include, but are not necessarily limited to, traffic improvements at the entrance on Old Fayetteville Road and NC Hwy 54, required parking.

2. The residential density of the project shall be capped at a maximum of 250 dwelling units, comprising of a combination of use classifications 1.231 (duplex, maximum 20% > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20%), 1.321 (multi-family townhomes, maximum 20% > 3 bedrooms/dwelling unit) and 1.331 (multi-family apartments maximum 20% > 3 bedrooms/dwelling unit).
3. The residential portion of the development shall be operated as a 55 and older community. Use classifications 1.321 and 1.331 may include certain dining, health and wellness related amenities not typically included in a multi-family complex intended for the general population.
4. Related to the project's contribution to the Town's affordable housing goals, the following shall occur:
 - a) Prior to the issuance of a certificate of occupancy for the residential portion of the development, the applicant shall submit a Payment in Lieu to the Town of Carrboro, determined in accordance with the Town's Land Use Ordinance in lieu of providing affordable housing on site.
 - b) Prior to the issuance of conditional use permit for the project, the applicant shall affirm its intention to either increase the payment in lieu of providing affordable housing on site by \$250,000 or provide for the Town's approval a pricing mechanism for a portion of the over-55 rental apartments that results in affordability for such units substantially consistent with the Land Use Ordinance Section 15-148.1.
 - c) The final plat and restrictive covenants shall designate four of the "cottages" as permanently affordable, for-sale units, consistent with the provisions of Land Use Ordinance Section 15-148.1.
5. Two parcels, (PIN 9779-10-7351 and PIN 9779-20-0449), comprising approximately 4.6 acres shall be dedicated to the Town of Carrboro. These two parcels are not included in the rezoning request. In accordance with Town policy, no further action will be taken on these properties, including encumbrance, sale, or development for any purpose, whether parks, playgrounds, or public infrastructure of any kind, without neighborhood input and subsequent, required public hearings. Neighborhood residents will be engaged to initiate ideas for utilization or restriction and may do so at any time after the lots have been formally deeded to the Town.
6. The conditional use permit plans shall be designed such that the meandering multi-use path alongside the internal road shall be constructed with a pavement width of 10-feet.
7. \$15,000 shall be provided to the Town of Carrboro to conduct a neighborhood-level traffic calming study of the Plantation Acres, Plantation Acres Extension, and R.S. Lloyd subdivisions, known collectively as the "Plantation Acres" neighborhood and/or to pay for the installation of traffic calming devices or other improvements. Contribution shall be made at the time a building permit is granted for the first phase of the project. The traffic calming study shall be conducted by the Town as and when it deems appropriate.

The study shall include an operational analysis of converting some or all of Carol Street to a one-way street, and/or installing bollards or other infrastructure in Carol Street to eliminate through traffic as well as a survey of Carol Street residents to gauge support for either proposal. The study shall also include the consideration of installing MUTCD approved signage on Carol Street to read "Local Traffic Only" (MUTCD R11-3) or "No Thru Traffic" (MUTCD R11-4); installation shall be subject to NCDOT review.

8. The development shall include the design and installation of a visual and physical barrier between the southern boundaries of the lots on Carol Street (from Old Fayetteville Road to the western edge of 211 Carol Street) and the commercial uses and associated vehicle accommodation areas constructed as part of the development. In addition to preserved trees, physical barriers and/or evergreen vegetative materials that will satisfy a Type A screening requirement shall be installed. The visual and physical barrier shall be designed to retain portions of the existing wooded areas immediately adjacent to the northern property line and include additional features such as, but not necessarily limited to, a berm, landscaping or fencing, or a combination of such features, as schematically indicated on the Concept Plan.
9. All commercial buildings shall display a uniformed architectural design in terms of materials and detailing, consisting predominately of brick, and other first-class materials such as but not limited to wood, stone, hardiplank and EFIS, in traditional colors with four primary elevations, rather than a façade and secondary or rear elevations. The commercial buildings shall also conform to the design standards described in Section 15-178(5) of the Carrboro Land Use Ordinance as it relates to articulating large buildings into smaller increments through the use of different techniques such as setbacks or entrances or window bays.
10. Deliveries to retail tenants shall be restricted to the hours of 6 am to 10 pm on weekdays and 7 am to 10 pm on weekends.
11. Trash/recycling collections shall be limited to the hours of 7:30 am and 10:00 pm, and not after 9:00 pm whenever possible
12. Landscaping maintenance shall be limited to the hours of 8 am to 6 pm or sunset, whichever is earlier, Monday through Saturday and 12 pm to 6 pm or sunset, whichever is earlier, on Sundays.
13. The greenspace area shown on the site plan at the southwest corner of the site shall not be developed but shall remain as open greenspace in perpetuity.
14. The conditional use permit plans shall be designed to allow for the Town's future construction of a side path along NC Hwy 54, as per the Town's preliminary plans for bike and pedestrian access to Anderson Park and parts west. The side path project shall be designed so as to not encroach into the parking areas along the southern edge of the developed portion of the site. Coordination with the Town and NCDOT will be needed to ensure that the interface between the side path and any NC 54 access point maintain safe sight lines, signage, pavement markings and other appropriate treatments, and shall occur during the driveway permit application process with NCDOT and/or prior to the installation of final pavement markings or plantings near this intersection.
15. As part of the conditional use permit, the applicant shall demonstrate through a feasibility study compliance with the provisions of Article XVI, Part II, of the LUO, Stormwater Management. Prior to construction plan approval, the applicant shall demonstrate that the post-development peak discharge rates from the project will be less than or equal to the predevelopment peak discharge rates for the 1-, 2-, 5-, 10-, 25- 50- and 100 year 24-hour design storms at the discharge points from the property. (Analysis of the 50 and 100 year storms exceed the requirements of the LUO). The applicant will coordinate the analysis with the Town Engineer.
16. The conditional use permit application shall include a timeline for the installation of stormwater features as well as the schedule for converting erosion control features into permanently maintained BMPs/SCMs. Erosion control features shall be designed and installed to provide

sufficient stabilization during each phase of development.

17. In advance of draining the property's constructed ponds near Old Fayetteville Road, the applicant will engage a wildlife relocation organization such as NC State Turtle Rescue Team to assess options for developing and implementing a strategy to relocate turtles currently residing in the ponds. The applicant shall evaluate its stormwater management plan to determine if the construction of stormwater devices can provide a receiving area for some or all of the existing turtles.
18. A left turn out of the site will be provided at the Old Fayetteville Road exit, and applicant will seek approval from NCDOT for a left out of the site at the NC 54 exit during the conditional use permit process. NCDOT's rejection of a left out at the NC 54 exit shall not prevent approval of the condition use permit for the project.
19. The applicant will coordinate with the Town, Chapel Hill Transit and NCDOT as part of the conditional use permit process, to identify opportunities for transit service with possible stops in the vicinity of the grocery store and senior living complex.
20. The bike-ped trail shown on the conceptual master plan as beginning at the northeast bend of the meandering internal street and ending at the edge of the property line abutting the Lisa Drive right-of-way, shall be extended along the Lisa Drive right-of-way to a point near the intersection of Lisa Drive and Carol Street as mutually agreed upon with the Town. The portion of the path in the abandoned right-of-way shall not exceed the lessor of the width of the right-of-way or 10 feet. Materials used for the construction may be asphalt, raised wood or a combination of those materials. Maintenance of the portion of the path in the Lisa Drive right-of-way shall be the responsibility of the Town.
21. The applicant shall agree to limit the location of the primary construction entrance to Old Fayetteville Rd and/or NC Hwy 54. Some access to the property via James Street, may be necessary to provide for utility connections.
22. As part of final plat approval, the 60-foot easement shown on a 1994 plat, extending from Old Fayetteville Road east, approximately 200 feet, shall be abandoned.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed.

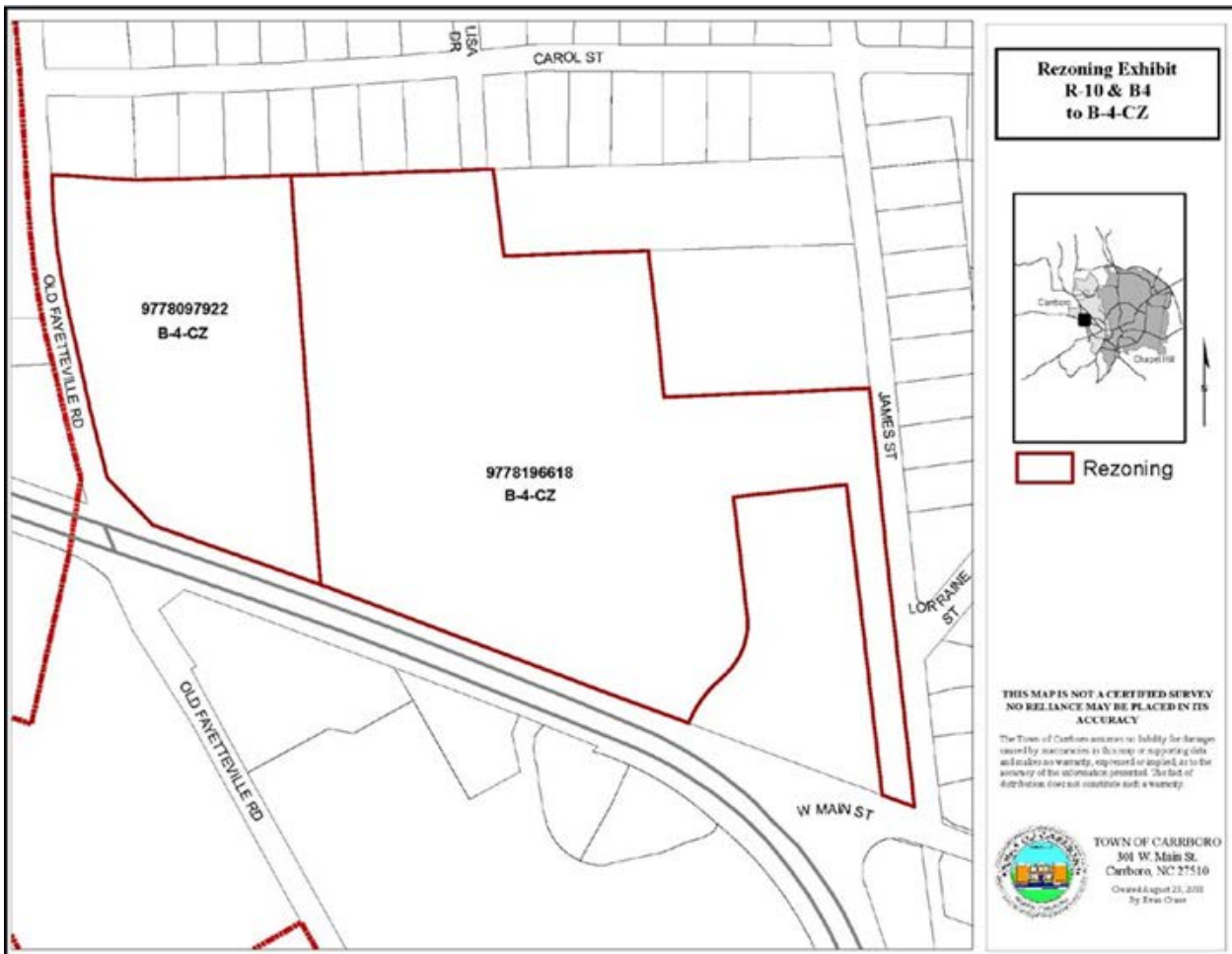
SECTION 3. This ordinance shall become effective upon adoption.

This 23rd day of October 2018.

The motion is carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Haven-O'Donnell, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist

Noes: Alderman Sammy Slade, Alderman Damon Seils



I, Catherine C. Dorando, Town Clerk for the Town of Carrboro, North Carolina, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Carrboro Board of Aldermen during the meeting of October 23, 2018

(SEAL)

Town Clerk

STATE OF NORTH CAROLINA
ORANGE COUNTY

I, _____, a Notary Public in and for said county and state, do hereby certify that Catherine C. Dorando, Town Clerk of the Town of Carrboro, personally came before me this day and being by me duly sworn says that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, and that the corporate seal of the Town of Carrboro was affixed thereby by virtue of the Board of Aldermen's action, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS WHEREOF, I hereunto set my hand and notarial seal this the ____ day
of _____, 20____.

(SEAL)

Notary Public

My Commission Expires:_____