



TOWN OF CARRBORO

NORTH CAROLINA

STAFF REPORT

TO: David Andrews, Town Manager
Mayor & Board of Aldermen

FROM: Tina Moon, Planning Administrator

DATE: April 22, 2015

SUBJECT: 501 South Greensboro Street Rezoning Request – from M-1 to M-3-CU

REQUEST

Woodhill Inc. LLC, has submitted a petition to change the zoning of a single 5.977-acre parcel located at 501 South Greensboro Street from its current zoning Light Manufacturing (M-1) to a proposed new zoning district tentatively called Special Manufacturing-conditional use (M-3-CU). A text amendment to Land Use Ordinance to create the new M-3-CU zoning district will be presented to the Board of Aldermen on the same night as the proposed rezoning and conditional use permit application.

A conditional use rezoning request involves the simultaneous review of a conditional use permit application for the site specific development. See map and site plan attached to the Zoning Division staff report for details and location map. The public hearings to consider the rezoning request and permit application are scheduled for April 28, 2015.

PETITIONERS

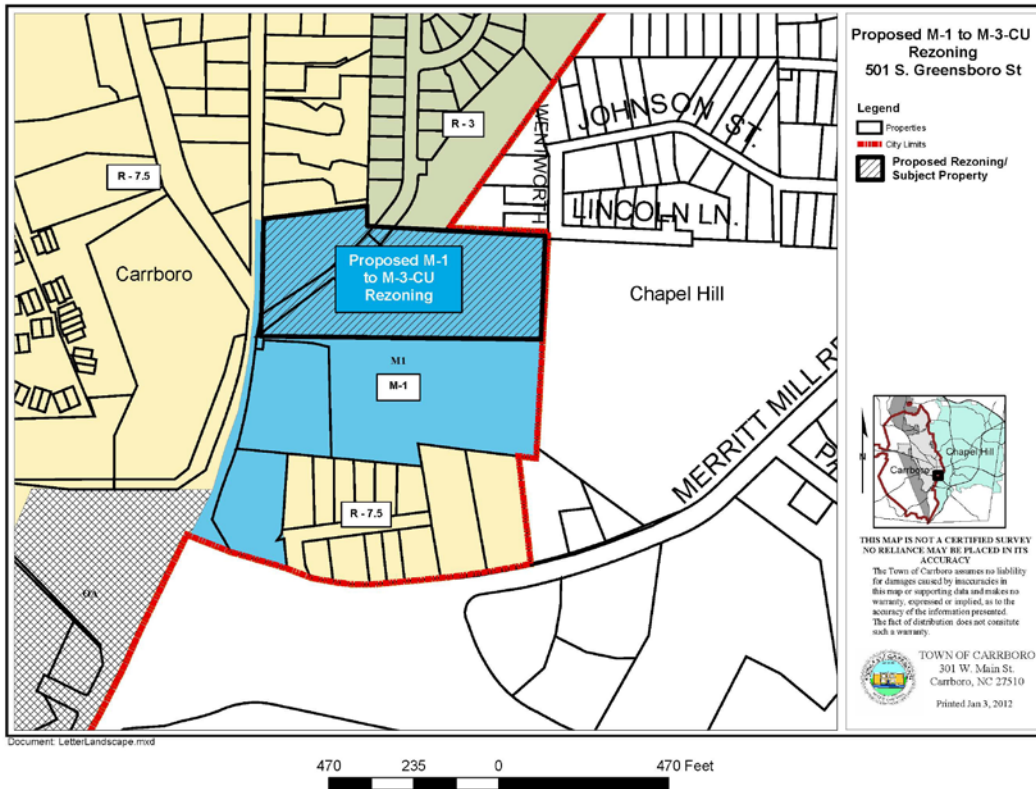
Woodhill, Inc. LLC

OWNERS

Woodhill, Inc. LLC consists of six partners: Runyon Woods, Gary and Angela Hill, Brian and Moyra Kileff and Hannah Byrum. All six owners have signed the petition for change of zoning.

DESCRIPTION OF THE AREA

The subject property is located at the base of South Greensboro Street just north of the south end of Merritt Mill Road and across from the south end of Old Pittsboro Road. The site is further identified by the following Orange County Parcel Identification Number 9778-93-0728. This is the same property that was the site of the former Rogers-Triem electric motor facility which is no longer in operation. Two buildings from the Rogers-Triem facility remain on the site but are in poor condition and have been the subject of vandalism.



ADJACENT LAND USES AND ZONING

The property is located south of the Roberson Place residential subdivision, and is linked to Roberson Place by way of the Roberson Place Greenway. Other surrounding land uses include residential uses to the north along South Greensboro Street, office uses directly adjacent to the south and a storage facility nearby. Additional information relating to the existing land uses and zoning adjacent to the subject property is provided in the conditional use permit staff report and permit plans.

COMPARISON OF MANUFACTURING ZONING DISTRICTS

Zoning provides the planning mechanism that allows certain land uses to occur in defined areas or districts. The Table of Permissible Uses, found in Article X, Section 15-

146, of the Town of Carrboro Land Use Ordinance (LUO) lists the land uses that are allowed in each zoning district along with permitting requirements (i.e. conditional use permit, special use permit, zoning permit). The Table of Permissible Uses can also be found online at <https://nc-carrboro.civicplus.com/DocumentCenter/Home/View/691>.

Article IX of the LUO provides descriptions of the different zoning districts in the Town. The following descriptions for M-1 and M-2, taken directly from Article IX, and M-3-CU, paraphrased from the ordinance creating the new district, provide a comparison of the current zoning for the property at 501 South Greensboro Street (M-1) with the proposed new zoning category M-3-CU along with one other manufacturing district M-2. While the LUO describes a fourth district relating to manufacturing, Watershed Light Industrial (WM-3), which was designed for existing manufacturing uses in the University Lake Watershed, the district cannot be expanded, nor can any new WM-3 areas be designated.

M-1 LIGHT MANUFACTURING. This zone is designed to accommodate a limited range of industrial activities and a wide range of commercial uses including wholesaling, storage, mail-order, auto related, and office and retail in conjunction with industrial or wholesaling uses. Permitted industrial uses include enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning and assembly where all operations are contained inside a fully enclosed building. The performance standards for the M-1 zone located in Part I of Article XI are more restrictive than those in the M-2 district.

M-2 GENERAL MANUFACTURING. This district is designed to accommodate the widest range of industrial uses. Business operations may be conducted within and outside a fully enclosed building. The performance standards for this zone are less restrictive than those in the M-1 district.

PROPOSED M-3-CU SPECIAL LIGHT MANUFACTURING. As currently proposed M 3-Conditional Use district would include the same wide range of commercial and industrial uses the M-1 with the addition of freestanding ATMs. Some restaurant uses may also be permitted if the proposed development contains site and building elements that will create a more vibrant and successful community and provide essential public infrastructure.

CONDITIONAL USE ZONING DISTRICTS

In 2004, the Town amended the LUO to provide nineteen conditional use districts in a new section, Section 15-141.3. The establishment of conditional use zoning was designed to provide more opportunities for rezoning requests throughout the town's jurisdiction in association with site-specific development proposals. Development standards and permitted uses are based on the standard zones on which these districts are mirrored. The bulk of the review of such a request involves the particulars of the site plan/conditional use permit application. Section 15-136(1) provides the description for the general zoning district upon which this conditional use district is based.

As described in Section 15-141.3(c), the newly created conditional use districts were designed as a mirror of existing general use districts.

(c) The uses permissible within a conditional use zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional use district corresponds, except as otherwise provided in this section. For example, property that is rezoned to a B-2-CU district may be developed in the same manner as property that is zoned B-2, except as provided in this section.

The proposed M-3-CU is an exception to this framework in that the Town does not currently have an M-3 general use zoning district nor is one included as part of the text amendment. If adopted the uses that are permissible within an M-3-CU district, and the regulations applicable to M-3-CU would be those uses and regulations applicable to the M-1-CU (i.e. excluding specific conditions made applicable to specific property zoned M-1-CU) with the addition of use 3.250. Petitioners seeking an M-3-CU rezoning could also request that a percentage of the development be allowed to include restaurant uses 8.100, 8.200, 8.500, 8.600, and 8.700 if the development contains site and building elements that will create a more vibrant and successful community and will provide essential public infrastructure. The Board of Aldermen will have discretion to determine if the development contains sufficient elements to grant these additional uses.

When a petition for rezoning to a conditional use district is submitted, the applicant must submit an application for conditional use permit (CUP) at the same time. The CUP plans must show how the applicant purposes to develop the entirety of the property covered in the rezoning petition. The rezoning and CUP applications are reviewed simultaneously; the conditional use permit application staff report and permit plans provide details of the compliance of the particular project with the requirements of the proposed M-3-CU zoning district.

The applicant has included information on the circumstances related to the property and the community that demonstrates the appropriateness of the zoning change in the Petition for Change of Zoning (*Attachment B*). Conditional use rezonings must also be evaluated for compliance with the particulars of Section 15-141.3 as presented below:

Provision	Status
1. The conditional use zoning districts established in this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.	√

2. The uses permissible within a conditional use zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional use district corresponds, except as otherwise provided in this section.	√
3. Subject to subsection (f), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit.	√
4. The applicant shall simultaneously submit a conditional use permit application showing how the applicant proposes to develop the entirety of the property covered in the rezoning petition.	√
5. The rezoning and conditional use permit applications shall be processed and reviewed concurrently	√
6. The Board of Aldermen shall simultaneously conduct a public hearing on the rezoning and conditional use permit applications, in accordance with the procedures applicable to other conditional use permit applications	Scheduled for April 28th
7. If the Board concludes in the exercise of its legislative discretion that the proposed rezoning would not be consistent with the public health, safety, or welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request	To be determined following public hearing on April 28th
8. If the Board approves the rezoning request, it shall then vote on whether to issue the conditional use permit. Such permit may be issued subject to reasonable conditions and requirements as set forth in Section 15-59.	Scheduled for April 28th

ANALYSIS

Policy

Carrboro Vision2020 presents the policies that are expected to guide the Town’s growth and development through the year 2020. Selected references of specific relevance to this rezoning request are noted below. The applicant has provided responses that explain how the proposed zoning district classification is consistent with the Town’s comprehensive plan (Attachment C). This information includes comments on consistency of the proposed project with Vision2020 policies. Staff offers additional comments in italics in the section below.

2.11	<p>Avoidance of Adverse Effects on Public Health and Safety Infill development should take place in a manner that fulfills the town’s goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility. <i>The development proposes to improve the existing conditions with regard to stormwater management as well as to enhance the existing bicycle/pedestrian connection from South Greensboro Street to the Roberson Greenway.</i></p>
2.42	<p>Development throughout Carrboro should be consistent with its distinctive town character. The town should adhere to policies that limit the widening of roads, encourage plantings alongside roads, preserve historic areas, buildings and older neighborhoods, and retain unspoiled green spaces and other natural areas. <i>The proposed plan removes two existing</i></p>

	<i>buildings that are in poor condition and subject to vandalism. The applicant has requested modifications to Town street standards in order to create a narrower road profile with enhanced plantings.</i>
2.43	<i>Carrboro should plan and encourage the growth of tree canopies over roads to mitigate the heat and smog effect caused by superheated pavement. Carrboro should strongly encourage electric utilities to put their lines underground to allow for full canopy coverage. The applicant has requested, as a text amendment to the M-3-CU, the opportunity to install larger caliper trees which should have the effect of creating mature tree canopies in a shorter amount of time. Moreover, in the associated CUP plans the applicant proposes to use pervious pavement in the parking areas, which may reduce some of the heat island effect associated with surface parking.</i>
2.53	Balanced and Controlled Growth <i>Careful attention should be paid to the carrying capacity of the existing infrastructure as growth occurs. While the proposed plan will increase the amount of commercial space it will also, per the applicant, substantially improve existing infrastructure with regard to stormwater management in the vicinity of the subject property. The development will also improve bicyclist and pedestrian connections to the downtown and may, depending if the final design includes a roundabout at the entrance of the project, provide an improved bicyclist and pedestrian access to Old Pittsboro Road.</i>
3.0	ECONOMIC DEVELOPMENT <i>With the population of Carrboro expected to increase during the Vision2020 period, additional commercial development should be anticipated both downtown and in peripheral areas. Carrboro should seek to reduce the tax burden on single-family owners by increasing the percentage of commercial space in town. Commercial space on the property is increased under the proposed plan.</i>
3.1	Nature of Development <i>In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods. The proposed site-specific plan for development is designed to improve the existing environmental concerns relating to stormwater management and become a more compatible neighbor to the existing residential communities.</i>
3.21	<i>The town should develop a plan to govern the continuing development of downtown. Toward this end, the town should adopt the following goals:</i> <ul style="list-style-type: none"> ▪ <i>To double commercial square footage in the downtown from that existing in the year 2000. This development will add between 43,557 to 44,511 square feet of commercial space just outside of the downtown.</i> ▪ <i>To accommodate additional square footage by building up, not out. The proposed buildings are one and two stories (mezzanine) in height. Surface parking on the site is proposed.</i> ▪ <i>To increase the density of commercial property in the downtown area. The proposal will increase the density of a commercial property just outside of the downtown proper.</i> ▪ <i>To improve the downtown infrastructure (e.g. parking facilities, sidewalks, lighting, shading) to meet the needs of the community. Parking, sidewalk improvements, lighting, and vehicle accommodation area shading are provided per the LUO requirements.</i> ▪ <i>To develop transit and traffic initiatives which enhance the viability of downtown. Downtown pedestrian, bike, auto and transit options will be available to employees and customers/clients of this development. The proposed roundabout located at the entrance of the development may also serve to slow down traffic heading toward downtown and provide safer crosswalks for pedestrians and cyclists crossing South Greensboro Street.</i>
3.3	New Commercial Growth <i>Opportunities for new commercial growth exist primarily in four areas: downtown, across</i>

	from the Carrboro Plaza Shopping Center, within the commercial core of a village mixed-use development, and within new office/assembly conditional use developments. The latter two options are most obviously appropriate in the transition areas, but may be approved throughout the town's jurisdiction. <i>The proposal would create new commercial and growth including new office space just outside the downtown core.</i>
3.311	Shopping Centers Before creating new shopping centers, the town should encourage those that exist to maximize their potential by adding stories when and where practical. <i>While this project would not add additional stories to an existing shopping center, it does represent a redevelopment with enhanced pedestrian bicyclist connections to the downtown as part of the improvements to Rand Road.</i>
3.312	All shopping centers should be connected to residential areas with increased pedestrian access. <i>The subject property is within walking distance of residential neighborhoods.</i>
3.61	Economic Diversity While our citizens may not be able to meet all of their consumer needs in Carrboro, it is important that the town encourage the widest possible diversity of locally operated businesses. The objective is a balanced portrait of convenience: a movie theater, overnight accommodations, home businesses, technology, retail, a variety of department stores, restaurants and entertainment. <i>The project would provide additional commercial needs just outside of the downtown and may draw some patrons from through travelers along NC Hwy 54.</i>
3.63	The town should encourage the development of underutilized property in the downtown area. <i>The proposal develops an existing underutilized property just outside of the downtown.</i>
4.0	TRANSPORTATION The safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential. The public transit system serves to encourage non-auto travel and reduce congestion on existing roads. The town's Land Use Ordinance and economic development policies both address traffic flow in this expanding municipality. <i>The proposal includes a new bus shelter along with improved bicycle and pedestrian connections.</i>
4.12	The Town should continue to implement its connector roads policy. <i>The proposed development will improve the connection to an existing road.</i>
4.31	The town should fully implement its bicycle and pedestrian network plan. This plan should identify links needed now as well as links that will be needed by 2020. <i>The development more fully implements the Comprehensive Bicycle Transportation Plan by improving the southern end of the Roberson Greenway (Project 4) and has the potential to create a safer connection across South Greensboro Street to Old Pittsboro Road.</i>
4.41	Established Roads As a general policy, established roads should be widened to accommodate bike lanes and sidewalks, but not to provide additional lanes for automobiles. <i>The development will include a multi-use path for bicycle and pedestrian use throughout the development as well as sidewalks. The existing Rand Road will be rebuilt and significantly improved, although the pavement width will not be increased.</i>
4.51	The town should continue to require developers to install sidewalks and bicycle paths in new developments. <i>The development will include a multi-use path for bicycle and pedestrian use throughout the development as well as new sidewalks.</i>
4.52	New developments should bear the costs of upgrading connector and arterial facilities in the areas adjacent to their properties to the extent appropriate, including upgrades to serve pedestrian and bicycles, given the added load to the infrastructure and anticipated use of facilities. <i>The proposed development would provide upgrades to existing transportation infrastructure.</i>
5.23	Water Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing on waterways. <i>The development includes the use of pervious pavement in the parking areas as part of an</i>

	<i>overall stormwater management plan to address stormwater quantity and quality.</i>
5.51	<p>Energy</p> <p>The town should publicly promote every available means of energy conservation. The town’s own alternative and renewable energy targets include passive and active solar, and composted waste co-generated to fuel public vehicles and the heating of town facilities. <i>The proposed development includes site and building elements designed to create a more vibrant and successful community and will provide essential public infrastructure, a requirement to allow ATMs and restaurant uses in the project.</i></p>

Downtown Carrboro: New Vision. While the subject property is located beyond the focus area of the Downtown Carrboro: New Vision efforts, recommendations from the visioning report may be applicable to this project. For example, New Vision speaks to roundabouts, transit, improved bike/ped travel, gateways into downtown and development on underutilized lots. The proposed development contains elements of most of these aspects.

Town of Carrboro Bicycle Transportation Plan. The proposed project would improve bicycle infrastructure identified as Project 4 in the Bike Plan by improving the Roberson Street Greenway which connects South Greensboro Street and parts south to East Main Street by way of Brewer Lane. The proposal may also include sharrows on Rand Road as it leads into Purple Leaf Place.

Ordinance Provisions Regarding Rezoning Decisions

Section 15-322 describes advisory board review of rezoning requests. The Planning Board is required to:

- 1) comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen.
- 2) provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report.

Per this LUO section, advisory board members shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 15-325 of the Land Use Ordinance specifies that the principle issue before the Board of Aldermen in making a rezoning decision is “whether the proposed amendment advances the public health, safety or welfare.” The Board of Aldermen is obligated to disregard advantages or disadvantages to the individual requesting the change and must

consider the impact of the proposed change on the public at large. Summary comments are offered below. Staff will continue to consider the policy issues surrounding this rezoning request and may update these comments in the final report prepared for public hearing.

Summary Comments

1. Adopted policies support the establishment of conditional use districts.
2. The amount of developed square footage and the intensity of land use of this property are increased by the proposed development.
3. The conditional use district process (combined legislative and quasi-judicial review and action) is expected to mitigate the associated impacts of the additional commercial development/surface parking that may otherwise be considered incompatible with the residential development and adjacent to and near the proposed project.
4. The principal impacts this change involve the opportunity to include freestanding ATMs and some restaurant uses in development on this property. All of the other land uses including in the proposed M-3-CU district are already allowed in the existing M-1 zoning district.
5. The proposed site plan appears to be consistent with many Carrboro Vision2020 policies related to transportation, development and infrastructure.
6. The proposed site plan offers an opportunity to further implement the Comprehensive Bicycle Transportation Plan.
7. The applicant asserts that the proposed site plan will substantially improve stormwater management at the site and may reduce certain aspects of flooding.
8. The proposed project will bring new development to an underutilized property just south of the downtown area.

ACTION REQUESTED

The staff requests that the Board of Aldermen consider attached materials and advisory board recommendations, and deliberate on the petition for rezoning the property located at 501 South Greensboro Street from M-1 to M-3-CU.