

## STAFF REPORT SUMMARY

### Proposed Rezoning for Property at 820, 904 Homestead Road & 310 Lucas Lane



The Town has received request to rezone approximately 9.7 acres of property along the north side of Homestead Road, adjacent to Claremont, for the purpose of developing an Architecturally Integrated Subdivision (AIS) including single- and multi-family homes. The current zoning allows for 21 homes; the applicants are seeking to increase the maximum number of homes to 44, with the possibility of up to 4 future accessory dwellings (ADU). The proposal includes two points of access, a direct entrance onto Homestead Road and a second, internal connection, to Lucas Lane.

In order for the project to advance, a rezoning is needed to increase the allowable density. The applicants are seeking a conditional rezoning, which involves the submittal of a site plan, sample building elevations, and other conditions that would be binding to the approval. Before making a decision on a rezoning, the Town Council must hold a public hearing. Map amendments are legislative decisions. Members of the Town Council can engage in conversations with applicants and members of the public about a proposed amendment.

When considering an amendment, the Town Council must adopt a statement as to whether the proposal is consistent or inconsistent with the Town of Carrboro 2022-2024 Comprehensive Plan, and whether it advances the public health, safety or welfare.

If the Town Council approves the conditional rezoning, an application for a special use permit-A would follow, and would involve another a public hearing process. However, the site plan and other conditions approved with the rezoning would remain binding. The opportunity to have meaningful input on the design of the project occurs as part of the rezoning process.

A public hearing on the proposed rezoning has been set for Tuesday, June 6, 2023 in the Town Hall Board Room, beginning at 7:00 PM or as soon thereafter as it can be heard.



# TOWN OF CARRBORO

NORTH CAROLINA

## TRANSMITTAL

## PLANNING DEPARTMENT

DELIVERED VIA:  HAND  MAIL  FAX  EMAIL

**To:** Richard J. White III, Town Manager  
Mayor and Town Council

**From:** Tina Moon, Planning Administrator

**Date:** May 31, 2023

**Subject:** Request for Conditional Rezoning at 820 and 904 Homestead Road,  
and 310 Lucas Lane

### SUMMARY

The Town has received a petition from Adam and Omar Zinn, owners of Parker Lewis, LLC to rezone three contiguous parcels of land, along the north side of Homestead Road, from R-20 to R-3, Conditional, for the purpose of developing an Architecturally Integrated Subdivision (AIS) consisting of a combination of single family and multi-family units. The Town Council has set a public hearing date of June 6, 2023. Should the Town Council approve the rezoning, the applicants would follow with an application for a special use permit-A. The special use permit would involve a separate public hearing. The applicants have also submitted a request to voluntarily annex the property into the Town limits. The public hearing for the annexation is also scheduled for June 6<sup>th</sup> as part of a separate agenda item.



Figure 1. Image from Bing's Bird's Eye View of site.

### PROJECT BACKGROUND/DESCRIPTION

In April 2022, Adam and Omar Zinn presented two concept plans to the advisory boards for a courtesy review of a proposed development project for property located along the north side of Homestead Road, adjacent to Claremont North. The site contains three contiguous parcels, 820 and 904 Homestead Road and 310 Lucas Lane, with a combined acreage of about 9.70 acres or 422,560 square feet. The property is currently zoned R-20 (residential, 20,000 square feet per dwelling unit). One of the concept plans included a proposal for 20 single-family homes, the other for 70 multi-family homes consisting of two-story duplex and triplex units. As there was initial support for the denser design



from some of the advisory boards, the Zinns submitted a petition to rezone the property to R-3-CZ (Residential, 3000 square feet per dwelling unit, Conditional) to advance the 70-unit proposal.

In August 2022, the Zinns held a neighborhood information meeting (NIM) (A summary of the NIM is provided in *Attachment E-4*). Following the NIM, the Zinns modified their proposal to reduce the total number of dwelling units to about 42 units. This included approximately 27 single-family homes and 15 multi-family units, with a maximum cap of 44 units, plus an opportunity for an additional 4 accessory dwelling units (ADU), sometime in the future, subject to all applicable regulations. The multi-family units are anticipated to be a combination of duplexes and triplexes. (Sample building elevations are provided as part of the applicant materials in *Attachment E-1*.) The Zinns presented their formal application to the advisory boards on May 4, 2023. Comments are provided (*Attachment G*).

With the exception of the modifications relating to the number and type of dwelling units, the overall design for the project has remained the same since the initial concept plan. The internal circulation pattern includes two intersecting streets in a triangular pinwheel design. The main entrance to the project is directly off of Homestead Road and a second internal access point connects to Lucas Lane in Claremont North. The area along the northern portion of the site has been identified as open space to remain in a natural state. The undisturbed buffer along Homestead Road is also noted on the illustrative site plan as a Town requirement.

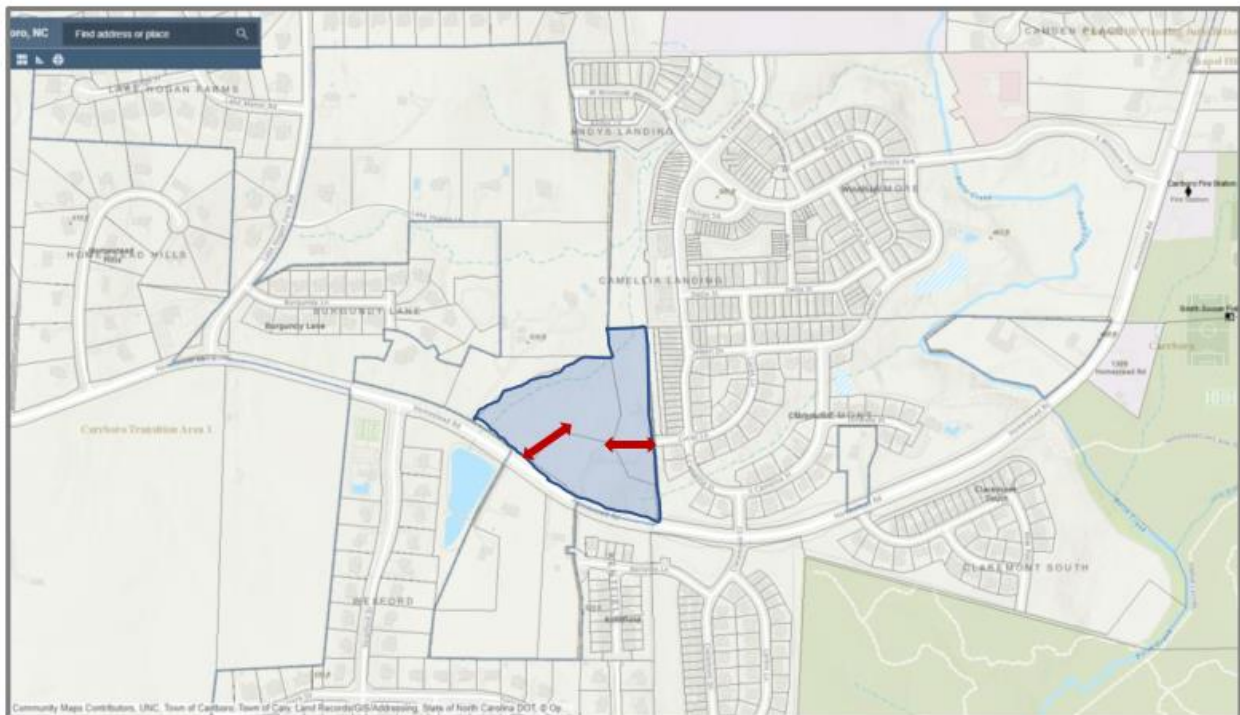


Figure 2. Vicinity map, showing the site outlined in blue. Approximate vehicular access point/street connections are shown with red arrows.

## **MAP AMENDMENT OVERVIEW**

The process for amending the official Carrboro Zoning Map is described in Article XX of the Land Use Ordinance. The request would be considered a minor map amendment, in that it involves fewer than five parcels and less than fifty acres. The petition form includes four key questions for the applicant to answer: A) how is the proposed rezoning consistent with Town plans and policies, B) in

what way is the subject property particularly suited for the potential uses of the new district, C) how will the proposed rezoning affect the value of nearby buildings, and D) in what way does the rezoning encourage the most appropriate use of the land?

More specific information relating to conditional zoning is discussed in Section 15-141.4, of Article IX. As part of the application to rezone property to a conditional district (Section 15-141.4(d)) the applicant must submit a list of proposed conditions which may be in the form of written statements, graphic illustrations, or any combinations thereof, to be incorporated into the ordinance that rezones the property.

### **PETITIONERS/OWNERS**

The petitioner for the rezoning request is Adam and Omar Zinn, owners of Parker Louis, LLC, 301 Montclair Way, Chapel Hill, North Carolina.

### **DESCRIPTION OF THE AREA**

The subject properties are located on the north side on Homestead Road. East of Burgundy Lane and west of the Claremont North subdivision with a proposed connection at Lucas Lane. The site is currently undeveloped.

<b>Address</b>	<b>PIN</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>	<b>Acres</b>
820 Homestead	9779-28-4165	R-20	R-3-CZ	4.32 (approx. 188,179 sqft.)
904 Homestead	9779-27-6844	R-20	R-3-CZ	2.78 (approx. 121,097 sqft.)
310 Lucas Lane	9779-28-8116	R-20	R-3-CZ	2.61 (approx. 113,692 sqft.)
<b>Total</b>				9.71

### **ADJACENT ZONING & LAND USES**

An excerpt from the Zoning Map shows the subject property and the surrounding properties. Surrounding properties include mostly single-family homes in all directions as well as some undeveloped land immediately to the east. The northeast corner of the property is in close proximity to The Landings at Winmore apartments. Winmore is zoned Village Mixed Use (VMU), which is based on R-10, while other adjacent properties on the north side of Homestead Rd are zoned R-20. The Wexford neighborhood located along the south side of Homestead Road is zoned R-15. Kentfield is zoned R-10 CZ and the residential zone for Claremont South is R-10. Lake Hogan Farms lies slightly further to the northwest of the properties. The density for the R-10 district is 10,000 square feet per dwelling unit.

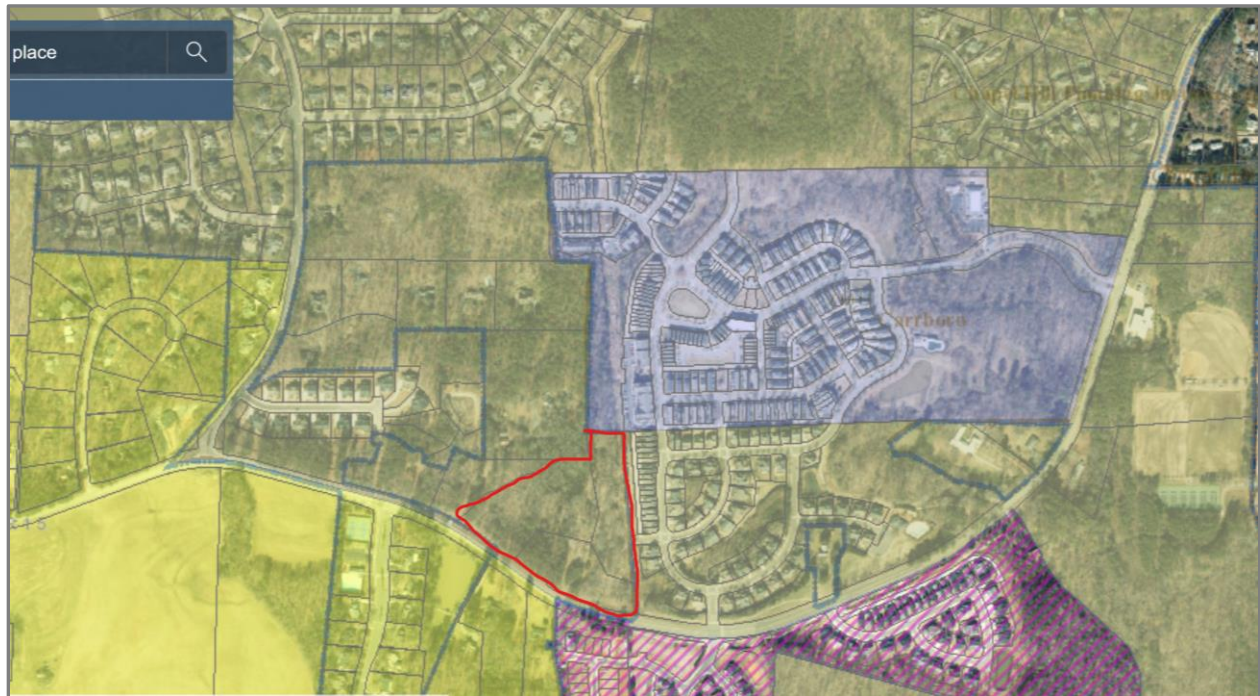
### **COMPARISON OF ZONES**

Subsection 15-135(a) of the Land Use Ordinance includes descriptions of the residential zoning districts. Both zoning classifications, the existing district R-20 and the proposed district R-3-CZ are residential in nature and described by ordinance as follows: The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. The primary difference between the districts is the permissible density. The Table of Permissible Uses lists all of the permitted uses for each district. If approved, the Zinn proposal would

be limited to the uses listed on the illustrative site plan relating to single-family, multi-family and accessory dwellings.

The Table of Permissible Uses may be found here:

<http://www.townofcarrboro.org/DocumentCenter/View/691/Article-X-Permissible-Uses-PDF-with-table>



*Figure 3. Vicinity map showing the subject property, outlined in red, within the surrounding neighborhood. The zoning districts are shown in different colors.*

In addition to the permissible uses and density parameters, the illustrative site plan (rezoning exhibit) also delineates the proposed layout for the project--including the general location and size of buildings, stormwater management features, open space and recreation facilities, on-site parking spaces, and building setbacks (Attachment E-2). A draft list of conditions for the rezoning is also provided as part of the rezoning ordinance (Attachment B). Conditions for conditional zonings are linked to the rezoning, must be mutually accepted by the Town and the applicant, and will be binding. If the rezoning is approved the applicant would follow with an application for a special use permit-A. The permit application will require a greater level of detail than the rezoning exhibit and another public hearing, but the overall design must remain consistent with the illustrative site plan approved as part of the rezoning. The SUP-A process also includes the more detailed review of the project, including the technical review of the stormwater management plan.

## **ANALYSIS**

As noted above, the conditional zoning mechanism allows for the approval of a site specific development plan and conditions tailored to the individual project. If approved, the conditions become binding to the rezoning and subsequent permit. The development would be restricted to the proposal shown on the illustrative site plan, which is the equivalent of about R-7.5 or 7,500 square feet per dwelling unit.

**Consistency with Adopted Plans/Policies (Expand-transitional area/future land use map)**

The Carrboro 2022-2042 Comprehensive Plan, *Carrboro Connects*, provides goals, strategies, and projects that are expected to guide the Town's growth and development. In the Petition for Change of Zoning the petitioners have provided responses to support their assertion that the proposed zoning map amendment is consistent with the Town's adopted plans and policies. Staff has identified the following sections of the Comprehensive Plan that appear to be relevant to the request.

**Carrboro Connects****Affordable Housing**

- The applicant has identified a commitment to provide some small homes that may contribute toward missing middle housing. Whether the units will be for purchase or rent has not yet been determined, but it is anticipated that the units will be available for purchase.
- Strategies to increase the number of size limited homes for purchase or rent and to preserve and expand opportunities for missing middle housing (Strategy 4.4).

**Crosscutting Strategies - Affordable Housing/Land Use**

- Strategies to expand opportunities for accessory dwelling units Affordable Housing Strategy 3.1 and Land Use Strategy 2.3.

**Land Use**

- Land Use Strategies to pursue updates to the LUO and zoning maps to provide greater densities in areas prioritized for growth, particularly along corridors identified in Strategy 8.1 and small area plans as part of implementation of the comprehensive plan under 2.8. Continue to increase residential density in Transition Area 1 and along key transportation corridors in a way that is compatible and interconnects with existing neighborhoods.

**Transportation & Mobility**

- Transportation Strategies Maps and Bike Plan recommendations for a shared use path along Homestead Road and an intersection improvement at Stratford Road and Homestead Road;
- Rogers, Homestead and Old 86 Corridor Recommendations (see page 152)
  - Opportunity 4. Extend Chapel Hill Transit along Homestead Road and Old NC 86 to extend service to this section of Carrboro as the demand for transit increases.
  - Opportunity 5. Plan for bicycle facilities to serve the Homestead Road Corridor and development on both sides of Old 86.

**CONSIDERATIONS/SUMMARY COMMENTS**

- Adopted policies support the establishment of conditional districts.
- The conditional district process (legislative action for the rezoning) is expected to mitigate the associated impacts of the additional density requested as part of this development.
- Town policies acknowledge an interest and need for a diverse mix of housing options, particularly for rental/ownership units serving the missing middle to populations earning less than 80% AMI, and/or for homes of difference sizes and price points. Per the 2023 figures from HUD, the medium income for the household of 4 = \$116, 200. 80% AMI - \$80,900.

- The applicants have expressed a preference to provide units that meet the small homes provisions rather than provide permanently affordable units, or a payment in-lieu of affordable units, or some combination.
- The site's location provides connections to existing neighborhoods within reasonable distances for walking, biking.
- The applicant identified policy provisions appear to be consistent with the request.

### **ACTION REQUESTED**

Staff requests that the Town Council receive public comment and consider the request to rezone the three properties at 820 and 904 Homestead Road and 310 Lucas Lane to R-3-CZ.

### **RELEVANT ORDINANCE PROVISIONS**

The LUO describes the steps for the Council when adopting or rejecting any zoning map or text amendment, as noted in the excerpt below from Section 15-324.

The Council shall adopt a statement describing whether the action is consistent or inconsistent with an adopted comprehensive plan.

If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment shall be required.

A plan amendment and zoning amendment may be considered concurrently.

When adopting or rejecting any petition for a zoning map amendment the Council shall adopt a statement explaining the reasonableness of the proposed rezoning. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment, (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Section 15-325 of the LUO specifies that when considering an amendment, the central issue before the Town Council is "whether the proposed amendment advances the public health, safety or welfare." The Council 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.

Please also note the expanded conflict of interest provisions adopted as part of 160D, which extends the conflict of interest to include familial, business, or other associational relationships.

**Relevant excerpts from Land Use Ordinance articles IX and XX are provided as Attachment H.**