

# TOWN OF CARRBORO

## PETITION FOR CHANGE OF ZONING



PETITIONER:

Paul Snow, Partner, Fireswamp II, LLC & Yates-Greene, LLC

DATE:

02/05/2016

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from R-7.5 to CZ-R2 zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME Paul Snow, Partner, Yates-Greene, LLC  
ADDRESS: 125 Kingston Drive, Suite 206, Chapel Hill, NC 27514  
TELEPHONE #: (919) 929-9539
2. INTEREST IN PROPERTY (IES):  
Own one of two parcels and have an option to  
purchase the second parcel
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: Lots C & D Fidelity Street, located on the north side of Fidelity Street  
west of O2 fitness facility. Roughly 300' west of Bim Street.
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
  - a. OWNER: Fire Swamp II, LLC  
TAX MAP: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ACREAGE 0.1905 PARCEL: 9778663947  
SUBDIVISION NAME: Fidelity Lot C FRONTAGE +/-74.36' DEPTH: +/-111.88'  
EXISTING STRUCTURES AND USES:  
Gravel path and pine trees.
  - b. OWNER: Michael D. Womble (Fireswamp II, LLC has option)  
TAX MAP: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ACREAGE 0.4327 PARCEL: 9778673076  
SUBDIVISION NAME: Fidelity Lot D FRONTAGE +/-74.36' DEPTH: +/-183.87'

EXISTING STRUCTURES AND USES:

An old shed and trees. Trees are mostly pines.

c. OWNER: \_\_\_\_\_

TAX MAP: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ACREAGE: \_\_\_\_\_ PARCEL: \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_ FRONTAGE: \_\_\_\_\_ DEPTH: \_\_\_\_\_

EXISTING STRUCTURES AND USES:

d. OWNER: \_\_\_\_\_

TAX MAP: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ACREAGE: \_\_\_\_\_ PARCEL: \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_ FRONTAGE: \_\_\_\_\_ DEPTH: \_\_\_\_\_

EXISTING STRUCTURES AND USES:

5. NAMES AND ADDRESSES OF ALL PERSONS WHOSE PROPERTY OR ANY PART THEREOF IS WITHIN 1000 FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.

NAME	ADDRESS
SEE ATTACHED	

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES \_\_\_ NO X  
IF "YES", WHEN? \_\_\_\_\_ To the best of our knowledge, current use has existed since well before 1979

7. PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN. MORE SPECIFICALLY:

(a) How do the potential uses in the new district classification relate to the existing character of the area?

SEE ATTACHED

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(b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

SEE ATTACHED

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(c) How will the proposed rezoning affect the value of nearby buildings?

SEE ATTACHED

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(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

SEE ATTACHED

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WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 05 DAY OF February, 2016.

PETITIONER'S SIGNATURE: \_\_\_\_\_



### PLEASE NOTE:

For all the persons identified under "5", please attach addressed envelopes with the correct postage. Oversight of this requirement could delay processing your rezoning request.

## PETITION FOR CHANGE OF ZONING - QUESTION 7

*7(a). How do the potential uses in the new district classification relate to the existing character of the area?*

The Fidelity Lots property (AKA Inara Court, the subject of the rezoning) is located on the western fringe of Downtown Carrboro. The shopping, dining, cultural activities, Farmer's Market and other downtown locations are close by. Fidelity Street terminates into West Main Street just east of the property at O2 Fitness, a commercial (zoned: B1G with DNP overlay) parcel. To the east and southeast along W. Main Street are several commercial / business properties, including the Town office buildings. Directly south of the Fidelity Lots is White Oak Condominiums, a multifamily residential (zoned: R3) parcel. Directly west of the Fidelity Lots is an older apartment building (zoned: R7.5). Further west down Fidelity Street are multifamily developments (zoned: R7.5), an office building (zoned: B3) and some lots with homes (zoned: R7.5) (half of which have two houses on the same lot, one behind the other). To the north of the Fidelity Lots are two single lots. One is owned by the developer of the Fidelity Lots (103B West Poplar Avenue) and, though not included in this rezoning request, it will include a single model unit for the proposed project and will be crossed by a walking path that will link the Fidelity Lots to West Poplar Avenue. The walking path will either be an easement dedicated to the town or a permanent easement to allow pedestrian access for town citizens wishing to walk through Inara Court. The other home (103 West Poplar Avenue) is a bungalow that has been renovated and is owner occupied with additional rooms being rented (zoned: R7.5). Just beyond the two lots to the north are the Looking Glass Café and 605 West Main, a multi-story mixed use project (zoned: B1G with DNP overlay).

Overall, the proposed project which will be developed at roughly 10 units per acre and is congruent with the surrounding multifamily properties, and will serve as a transition between the denser commercial uses downtown and less dense uses further west. It's worth noting that almost 20% of the Fidelity Street frontage is improved with commercial properties including B-1G commercial uses directly east of the subject property, nearby to the north across Poplar Street and to the southeast on Fidelity Street. Over 70% of the Fidelity Street frontage is improved with residential properties that include a development density of over 5 units per acre. White Oak Condominiums, across the street from the subject are zoned R-3 and include a development density of over 14 units per acre. Although a number of properties along Fidelity Street are zoned R-7.5, including the apartments next door, they are actually developed at a higher density than current R-7.5 zoning would allow (only two R-7.5 properties on Fidelity Street would actually be conforming by today's zoning). Most of the properties are developed at 5+ units per acre, which is above the R-7.5 maximum allowable density. For example, the apartments directly west of the subject are zoned R-7.5, but are developed at a density of 13 units per acre. Clearly Fidelity Street is mostly multifamily and commercial in nature. The Fidelity Lots are at the more commercial end of Fidelity with dense residential development or commercial development on three sides.

The requested rezoning would change the site to an R-2 zoning designation, which is a multifamily zoning designation and is the best fit for the proposed project. An R-3 zoning designation would allow the subject density of development, but requires a 40% common/open space area, which is more suited to a suburban model and is not well suited to small infill developments downtown where many sites are too small to allow

for such large common areas. To be clear, R-2 does allow for a maximum building height of 50 feet, but no structure at the subject will exceed 38 feet in height.

Furthermore, this requested rezoning of the parcel from R-7.5 to R-2 would permit the implementation of infill projects on smaller, undeveloped parcels. As the Architecturally Integrated Subdivisions require public input during the review and entitlement process, this would allow for the Board to continue to encourage development that includes the Town's goals while enhancing the neighboring areas. This request would keep with the Carrboro Vision 2020.

A map showing the surrounding development is included as part of this attachment.

*7(b). In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses in the new district?*

The Fidelity Lots site, without a rezoning would likely accommodate two to three large houses on single lots surrounded by dense development. Given the character of Fidelity Street and the goals of the 2020 Plan, this would be an underutilization of the parcel and would work contrary to the goals of the Plan, since it would decrease development density and allow for less walkable dwellings downtown. The Fidelity Street Lots site is an ideal infill parcel for rezoning that is walkable to downtown, located on a street with primarily multifamily uses, has no major barriers to redevelopment and will be underutilized with the current zoning.

Inara Court is designed to specifically meet the goals of the 2020 plan. It comprises six units, a density that is in line with adjacent properties that include residential development densities of 13+ units per acre. Each unit will be built on an individual "0 lot line" single family lot, which will encourage home ownership rather than rental. The majority of the units will be parallel to Fidelity Street and will be accessed by Inara Court, which will be perpendicular to Fidelity and run uphill towards Poplar. The unit front doors will easily access sidewalk on Firefly that ties the project to Fidelity Street and the walking trail connector that allows pedestrian connection between Poplar Avenue and Fidelity Street. The design of the units, long and narrow with deep side yards, allows for customization of the units and makes five of the six units well suited towards passive solar design. Units will range in size from roughly 1,500 to 2,000 square feet. No garages are used in the design since they would increase impervious surface, make the project less inviting visually and not congruent with the neighborhood character.

The R-2 zoning district is designed to provide dense multifamily housing with minimal common areas. The subject site is small and extensive common areas or large setbacks are not possible without creating four story buildings, which neighbors feel would be adverse to the neighborhood character. R-2 would allow the project, a combination of attached and detached housing, which is ideally suited to the site. As discussed earlier, the R-3 zoning district common area requirements make it ill-suited to downtown infill development.

*7 (c). How will the proposed rezoning affect the value of nearby buildings?*

The Fidelity Lots site is already surrounded on three sides by multifamily and commercial property. These properties would not be negatively impacted by a small project congruent to other uses on the street. Other properties nearby to the west, south and east would also not be negatively affected by a project congruent

to the character of Fidelity Street. As Inara Court is targeted towards home ownership, it may increase surrounding values by showing more variety in development since many new homes are rental in nature.

The empty lot located to the north of the Fidelity Lots (103 West Poplar Avenue) has the same ownership as the project. It was specifically left as a single family lot to preserve the character of West Poplar Avenue, which west of Looking Glass Café and 605 West Main is less densely developed with primarily single-family homes.

The home to the north at 103 West Poplar is adjacent to O2 Fitness to the east and Looking Glass Café to its north. The lot to the west, owned by the Fidelity lots ownership, will be improved with an attractive appropriately sized dwelling that will be well suited to the nature of West Poplar Avenue. This property's value will not be adversely affected by having a congruent project located behind. It is very important to note that no buildings in the Fidelity Lots project will be greater in height than 38 feet, which is a typical residential home height limit.

*7(d). In what way does the rezoning encourage the most appropriate use of the land in the Planning Jurisdiction?*

It is the intent of the development to include one (1) cottage development of less than 1,300 square feet in total building size. Furthermore, the overall development strives to integrate green building initiatives, efficient low maintenance and passive solar design. As discussed above, the current R-7.5 zoning would only allow for a house on Lot C (the western lot) and Lot D would likely be developed with one house at the frontage and another behind to maximize the potential. This would be an underutilization of the land that would be contrary to the goals Carrboro laid out in the 2020 Plan. This type of underutilization of land is dangerous to the Town's long-term plans as it takes parcels "out of play" and out of the Town process where future development can be guided towards the goals of the Town.

The 2020 Plan suggested "town policy should accommodate a variety of housing styles, sizes, and pricing. It should also address issues of density, funding, and rezoning to allow for more non-detached housing, mixed use development, and communal living options." The Plan also states an intent to, "encourage the development of underutilized property in the downtown area". The proposed housing associated with the subdivision will range in size from 800 – 2,400 square feet, with an estimated base price of \$250 per square foot.