



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Meeting Agenda Board of Aldermen



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Tuesday, March 17, 2015

7:30 PM

Board Chambers - Room 110

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### A. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:30-7:40

### B. RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1. **15-0035** Earth Hour Resolution

**PURPOSE:** The purpose of this agenda item is to present a resolution supporting Earth Hour.

**Attachments:** Earth Hour Resolution\_15  
Earth Hour PSA\_15

2. **15-0078** Acceptance of Silver-Level Bicycle Friendly Community Status and Commitment to Support Pursuit of Gold-Level Status

**PURPOSE:** The Board is asked to accept the plaque designating the Town of Carrboro a Bicycle Friendly Community at the Silver level and to pledge its commitment toward pursuing the Gold level status before the next renewal in 2018.

**Attachments:** Attachment A - Resolution  
Attachment B - Carrboro BFC Report Card

7:40-7:45

### C. CONSENT AGENDA

1. **15-0084** Approval of Previous Meeting Minutes - March 3, 2015 and March 10, 2015

**2. 15-0036 Request for a CUP Permit Extension for Shelton Station**

**PURPOSE:** The Board is asked to review and consider approving a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Shelton Station CUP. Town staff recommends approval of the request.

**Attachments:** Attachment A - Extension Resolution  
Shelton Station Permit Extension Attachments

**D. OTHER MATTERS**

**7:45-8:20**

**1. 15-0081 Solid Waste Advisory Group (SWAG) - Recycling Fee Recommendations**

**PURPOSE:** Provide an overview of recycling program funding options prior to Assembly of Governments meeting on March 26, 2015

**Attachments:** SWAG Fee Rec - March 6 2015 Memo to Boards\_3-9-15 (2)  
SWAG Key Issues - Funding Option 1\_NEW  
SWAG Key Issues - Funding Option 2\_NEW  
Fee assessment summary  
SWAG-FUNDING OPTIONS - Presentation

**8:20-8:35**

**2. 15-0041 Update on the Watch for Me NC Pedestrian and Bicycle Safety Campaign**

**PURPOSE:** The Board is asked to receive an update on Watch for Me NC, a statewide pedestrian and bicycle safety campaign led by the NCDOT Division of Bicycle and Pedestrian Transportation and UNC's Highway Safety Research Center, and consider a resolution establishing Town participation in year three of the campaign.

**Attachments:** Attachment A - RES - Watch for Me NC  
Attachment B - Watch for Me NC 2014 in Carrboro Overview

**8:35-8:55**

3.        **15-0085**        Request for a Minor Modification to the Carr Mill Mall CUP

**PURPOSE:** The Board is asked to consider approving a Minor Modification to the Carr Mill Mall CUP allowing for the removal of a well house building. A resolution approving the request is provided for the Board's consideration.

**Attachments:**    Attachment A - Resolution  
Attachment B - Information from Nathan Milian

**8:55-9:25**

4.        [15-0065](#)        Request for a Minor Modification to the Shelton Station CUP

**PURPOSE:** Mark Mosier, on behalf of Shelton Station, LLC, has requested a Minor Modification to the Shelton Station Conditional Use Permit (CUP). The Board is asked to review, deliberate and make a decision regarding the applicant's request. A resolution approving the application has been included should the Board choose to approve the request.

**Attachments:**    [Attachment A - Resolution](#)  
[Attachment B - Site Plan and Applicant Letters](#)  
[Attachment C - CUP Document, Meeting Minutes, and Rezoning Document](#)

**9:25-9:50**

5.        **15-0070**        Request-to-Set a Public Hearing on Land Use Ordinance  
Amendments to Create a New M-3-CU Special Light  
Manufacturing District

**PURPOSE:** The purpose of this item is for the Board to consider amending the Land Use Ordinance to create a new M-3-CU special light manufacturing conditional use district. A draft ordinance has been prepared for the Board's consideration. A resolution setting a public hearing date for April 28, 2015 and requesting advisory board review prior to the hearing has also been prepared.

**Attachments:**    Attachment A - Resolution  
Attachment B - Application for Text Amendments  
Attachment C - Draft LUO amendment M-3 district 2-13-15  
Attachment D - Staff Memo  
Attachment E - Excerpts from LUO

**9:50-10:00**

6. [15-0071](#) Request-to-set a Public Hearing on the CUP/Conditional Use District Rezoning at 501 South Greensboro Street

**PURPOSE:** The Town has received applications for an M-3-conditional use rezoning (M-3-CU) and a conditional use permit (CUP) to allow for the construction of a mixed-use development including restaurants on the property located at 501 South Greensboro Street, also known the former Rogers-Triem site (Attachment B). Prior to reaching a decision on these requests the Board of Aldermen must receive public input. A hearing date of April 28, 2015, has been identified. A resolution setting a public hearing is provided for the Board's use.

**Attachments:** [Attachment A - Resolution 03-17-2015](#)

[Attachment B - Petition for Change in Zoning to M-3-CU](#)

[Attachment C - Vicinity Map](#)

[Attachment D - Excerpts from the LUO](#)

- E. MATTERS BY TOWN CLERK
- F. MATTERS BY TOWN MANAGER
- G. MATTERS BY TOWN ATTORNEY
- H. MATTERS BY BOARD MEMBERS



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 15-0035

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**Agenda Date:** 3/17/2015

**File Type:** Abstract

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Earth Hour Resolution

**PURPOSE:** The purpose of this agenda item is to present a resolution supporting Earth Hour.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Randy Dodd 919 918-7326

**INFORMATION:** Earth Hour, sponsored by World Wildlife Fund, has cemented itself as the largest voluntary action for the environment, with hundreds of millions of people around the world coming together to call for action on climate change by doing something quite simple—turning off their lights for one hour. The entire world witnessed the Earth Hour phenomenon sweep across the planet in its eighth year, as WWF's Earth Hour 2014 broke all records of mass participation, mobilizing hundreds of millions of people to become everyday Super Heroes for the planet. In 2013, the event was observed in more than 7000 cities, towns and municipalities in more than 150 countries and territories, with "lights out" as the backdrop to a multitude of "beyond the hour" activities and initiatives. In 2012, the campaign launched the "I Will If You Will" campaign, with more than 200,000 individuals accepting a challenge, and astronaut André Kuipers observing the lights off event from the International Space Station. Also, just months after the end of the Libyan uprising, two teenagers in Tripoli organized the very first Earth Hour in Libya. For Earth Hour 2010, polling in the United States showed that an estimated 90,000,000 Americans participated as "lights out" included iconic landmarks such as Mount Rushmore, the Las Vegas Strip, the Empire State Building and Niagara Falls. In Chicago, the Building Owners and Managers Association (BOMA) developed lighting guidelines to reduce light pollution, and reduce the carbon footprint of downtown buildings. Mount Rushmore in South Dakota has started powering down each night around 9 p.m. instead of 11 p.m. In Vietnam, electricity demand fell 500,000 kWh during Earth Hour 2010, which was three times larger than in 2009. About 4000 cities participated, including landmarks such as Big Ben, the Empire State Building, the Sydney Opera House, the Eiffel Tower, the Parthenon, the Brandenburg Gate, and the Forbidden City. Celebrity Earth Hour ambassadors have included South African Archbishop Desmond Tutu, former New Zealand Prime Minister Helen Clark, President of Vietnam Nguyễn Minh Triết, and London Mayor Boris Johnson. Earth Hour has garnered support from many corporations including Coca-Cola Enterprises, Wells Fargo, IKEA, HSBC, PwC, Accenture and Nokia Siemens Networks. Sydney's Herald Sun equated the power savings in the Sydney central business district to "taking 48,613 cars off the road for 1 hour." More information about Earth Hour, including how Earth

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Hour began, what has been accomplished, and what is in store for 2015, is available at [www.earthhour.org](http://www.earthhour.org) <<http://www.earthhour.org>>.

**FISCAL & STAFF IMPACT:** There is no staff or fiscal impact.

**RECOMMENDATION:** It is recommended that the Board adopt the attached resolution.

**A RESOLUTION FOR PARTICPATION IN EARTH HOUR ON MARCH 28th**  
**Resolution No. /2015-**

WHEREAS, March 28th, 2015, 8:30 PM has been designated as “Earth Hour” by the World Wildlife Fund as a reminder that, by working together, people can make a positive impact in the fight against climate change;

WHEREAS, Carrboro is joining with others across the country and around the world to raise awareness and demonstrate commitment to addressing climate change by supporting “Earth Hour,” and;

WHEREAS, “Earth Hour” involves something quite simple:—turning off lights for one hour, and otherwise raising awareness and building a global commitment;

WHEREAS, “Earth Hour” is the largest event of its kind in the world;

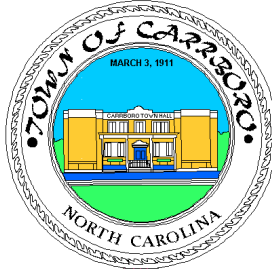
WHEREAS, Carrboro has joined Cities for Climate Protection, and is committed to reducing greenhouse emissions;

WHEREAS, the Board of Aldermen adopted a climate protection resolution in December, 2009;

THEREFORE, the Carrboro Board of Aldermen, do hereby proclaim, March 28, 2015 from 8:30 – 9:30 p.m. as “Earth Hour” in Carrboro and call upon all residents and businesses of Carrboro to join in supporting the aims and goals of this effort.

FURTHERMORE, the Carrboro Board of Aldermen, do hereby direct staff to send out a public service announcement to publicize “Earth Hour”.

this 18th day of March, 2015.



**March 18, 2015**

**PUBLIC SERVICE ANNOUNCEMENT – TOWN OF CARRBORO, NC**

Climate change is happening all around us and its pace is accelerating. From melting glaciers to increasingly intense weather patterns, climate change is already impacting life on Earth. In a bold statement of collective concern for our planet, millions and perhaps billions of people around the world will turn off their lights for Earth Hour.

Sponsored by World Wildlife Fund, Earth Hour is the largest event of its kind in the world. In 2014, Earth Hour concluded another record sweep around the globe, with hundreds of millions uniting to send a clear message - we are determined to create a sustainable future for our planet. Showcasing memorable moments and achievements from past Earth Hour events as well as powerful statements from world leaders on the issue of climate change, the Earth Hour 2015 video aims to inspire people with the message to act and ‘use your power to change climate change’. “This is the ninth time the Earth Hour movement will roll across the world. Millions of people will come together to use their power to change climate change and we want to work with them to deliver real solutions for a sustainable future for our planet,” said Sudhanshu Sarronwala, Executive Director, Marketing and Communications WWF International.

In the past eight years, Earth Hour has grown from a symbolic lights-off event in Sydney, Australia to the world’s largest open-sourced environmental campaign mobilizing hundreds of millions of people in more than 7,000 cities and 162 countries and territories.

Earth Hour 2015 will take place on 28th March 2015 between 8:30 and 9:30 P.M. The Carrboro Board of Aldermen request that you join our community’s effort to raise awareness, help spread the word about Earth Hour, and save our planet for future generations.

<http://www.earthhour.org/take-action>

**For more information, contact:**

Randy Dodd, Environmental Planner  
918-7326 / [rdodd@townofcarrboro.org](mailto:rdodd@townofcarrboro.org)





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 15-0078

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**Agenda Date:** 3/17/2015

**File Type:** Abstract

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Acceptance of Silver-Level Bicycle Friendly Community Status and Commitment to Support Pursuit of Gold-Level Status

**PURPOSE:** The Board is asked to accept the plaque designating the Town of Carrboro a Bicycle Friendly Community at the Silver level and to pledge its commitment toward pursuing the Gold level status before the next renewal in 2018.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Bergen Watterson, Transportation Planner, 919-918-7329

**INFORMATION:** The Town received Silver-level Bicycle Friendly Community designation by the League of American Bicyclists in November 2014. This is the second time Carrboro has received this designation, and the Town remains the only Silver-level community in North Carolina. The pursuit of Gold-level status will require significant staff time and financial resources for infrastructure improvements and program expansion.

Information on the bicycle friendly communities program can be found at the following link <http://bikeleague.org/community>. The Town of Carrboro's Report Card and 'Key Steps to Gold' is provided (*Attachment B*).

**FISCAL & STAFF IMPACT:** Significant staff time and financial resources will be necessary to achieve Gold-level status with the League of American Bicyclists. The amount of time and resources will be determined by the specific activities and projects that are implemented over the next four years. Staff has requested funds in the FY 2015-2016 budget toward this effort.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen accept the Silver-level designation and resolve to support pursuit of Gold-level status in the future.

A RESOLUTION EXPRESSING CARRBORO'S ACCEPTANCE OF SILVER-LEVEL  
BICYCLE FRIENDLY COMMUNITY STATUS, AND COMMITMENT TO PURSUING  
GOLD-LEVEL STATUS

Draft Resolution No.

WHEREAS, on November 18<sup>th</sup>, 2014, the League of American Bicyclists designated the Town of Carrboro a Bicycle Friendly Community at the Silver level; and

WHEREAS, Carrboro is the only Silver-level Bicycle Friendly Community in North Carolina; and

WHEREAS, numerous goals outlined in Carrboro Vision2020 speak to the Town's commitment toward safe and multi-modal transportation options within the Town's jurisdiction and particularly in the downtown; and

WHEREAS, the Town has received a report card from the League of American Bicyclists noting the Town's achievements and listing 'Key Steps to Gold';

NOW, THEREFORE BE IT RESOLVED by the Board of Aldermen of the Town of Carrboro accepts the Silver-Level Bicycle Friendly Community status from the League of American Bicyclists.

NOW, THEREFORE BE IT FURTHER RESOLVED that the Board of Aldermen of the Town of Carrboro expresses its commitment to pursue Gold-Level Bicycle Friendly Community status before the renewal date in 2018.

This the 17<sup>th</sup> day of March 2015.



# CARRBORO, NC

Attachment B

## TOTAL POPULATION

20,908

## POPULATION DENSITY

3,237.0

## TOTAL AREA (sq. miles)

6.3

# OF LOCAL BICYCLE FRIENDLY BUSINESSES

0

# OF LOCAL BICYCLE FRIENDLY UNIVERSITIES

N/A

## 10 BUILDING BLOCKS OF A BICYCLE FRIENDLY COMMUNITY

	Average Gold	Carrboro
Arterial Streets with Bike Lanes	65%	75%
Total Bicycle Network Mileage to Total Road Network Mileage	43%	56%
Public Education Outreach	VERY GOOD	GOOD
% of Schools Offering Bicycling Education	50%	22%
Bike Month and Bike to Work Events	VERY GOOD	GOOD
Active Bicycle Advocacy Group	YES	YES
Active Bicycle Advisory Committee	YES	VERY
Bicycle-Friendly Laws & Ordinances	VERY GOOD	GOOD
Bike Plan is Current and is Being Implemented	YES	YES
Bike Program Staff to Population	PER 32K	73379

## CATEGORY SCORES

<b>ENGINEERING</b> <i>Bicycle network and connectivity</i>	4/10
<b>EDUCATION</b> <i>Motorist awareness and bicycling skills</i>	3/10
<b>ENCOURAGEMENT</b> <i>Mainstreaming bicycling culture</i>	3/10
<b>ENFORCEMENT</b> <i>Promoting safety and protecting bicyclists' rights</i>	3/10
<b>EVALUATION &amp; PLANNING</b> <i>Setting targets and having a plan</i>	4/10

## KEY OUTCOMES

	Average Gold	Carrboro
<b>RIDERSHIP</b> <i>Percentage of daily bicyclists</i>	5.5%	5.90%
<b>SAFETY MEASURES CRASHES</b> <i>Crashes per 10k daily bicyclists</i>	100	40.5
<b>SAFETY MEASURES FATALITIES</b> <i>Fatalities per 10k daily bicyclists</i>	0.6	1.6



## KEY STEPS TO GOLD



- » Continue to expand the on and off street bike network and to increase network connectivity to parts of town that are cutoff by barriers (Highway 54, railroad) and to Chapel Hill. On roads with posted speed limits of more than 35 mph, such as Estes Drive, it is recommended to provide protected bicycle infrastructure.
- » Develop a system of bicycle boulevards, utilizing quiet neighborhood streets.
- » Make intersections safer and more comfortable for cyclists.
- » Increase the amount of high quality bicycle parking throughout the community and upgrade substandard bike parking.
- » Expand the Safe Routes to School program.

- » Continue to expand your public education campaign promoting the share the road message.
- » Offer a greater variety of bicycling skills training opportunities for adults.
- » Promote cycling throughout the year by offering or supporting more family-oriented community or social rides.
- » Establish a formal communication channel between the Carrboro Police Department and the cycling community. Ask police officers to step up enforcement of both motorist and cyclist infractions.
- » Update your bike plan and establish a dedicated funding source for the implementation.





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 15-0036

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**Agenda Date:** 3/17/2015

**File Type:** Abstract

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Request for a CUP Permit Extension for Shelton Station

**PURPOSE:** The Board is asked to review and consider approving a request for an extension of the date when a Conditional Use Permit would otherwise expire for the Shelton Station CUP. Town staff recommends approval of the request.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Jeff Kleaveland, 919-918-7332

**INFORMATION:** Mark Mosier, on behalf of Shelton Station, LLC, has requested a one year extension of the date on which a previously issued Conditional Use Permit (CUP) will otherwise expire. The current expiration date is April 2, 2015 (see attachments) based on the Board of Aldermen's original approval date of April 2, 2013. The permit allows for the creation of a four-story multi-family residential building with 94 dwelling units and a two-story, 22,706 square foot of commercial building with associated infrastructure located on an assemblage of lots in the 400 N. Greensboro block.

Permit extensions are regulated by Section 15-62 of the LUO (Attachment E). Materials are attached to this item for reference include a letter from the applicant explaining and justifying their request, a copy of the CUP document, LUO Section 15-62, and a permit extension worksheet. The worksheet only need be used if the Board chooses to pull the item from the consent agenda and discuss. Otherwise, the Board may simply approve the resolution approving the request.

**FISCAL & STAFF IMPACT:** The applicant has paid the applicable fee associated with this request. No other impact is noted.

**RECOMMENDATION:** Town staff recommends that the Board of Aldermen adopt the attached resolution (Attachment A) approving the permit extension request. The new expiration date for the permit will be April 2, 2016.

**A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A  
CUP WOULD OTHERWISE EXPIRE FOR THE SHELTON STATION CUP  
LOCATED IN THE 400 BLOCK OF NORTH GREENSBORO ST.**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Shelton Station CUP in the 400 Block of N. Greensboro St on April 2<sup>nd</sup>, 2013; and

WHEREAS, the expiration date for this permit is April 2<sup>nd</sup>, 2015; and

WHEREAS, the Board of Aldermen finds, per Section 15-62(c) of the LUO, that: 1) the CUP has not yet expired, 2) the permit recipient has proceeded with due diligence and in good faith, and 3) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the expiration date for the Shelton Station CUP is hereby extended by one year to April 2<sup>nd</sup>, 2016.

January 29, 2015

Mr. Jeff Kleaveland  
Carrboro Planning  
301 West Main Street  
Carrboro, NC 27510

Re: Shelton Station – CUP – request for Extension

Dear Mr. Kleaveland,

Based on our meeting with you on January 20, 2015 and a review of our project schedule, we would like to formally request a One Year Extension be granted to our Shelton Station project.

As we discussed in our meeting, we have submitted our site plan for final approval and would like to begin work as soon as possible. It is likely that the warmer spring weather will coincide with your site plan approval and we will be able to begin the project in March of 2015. We are planning to begin the project in March and continue straight through to a forecasted completion date of the entire project in June of 2016. Our CUP has specific performance criteria for beginning the project by April of 2015...and although we are confident that we will have begun the project, there is a concern that if a delay does occur, we might not meet all the specific performance criteria prior to the expiration date. Therefore, we respectfully request an extension.

It has been a long journey, but we are excited to begin the construction phase of the project.

Please provide us with a letter confirming that the Town of Carrboro has officially granted us a One Year Extension to our CUP that was granted on April 2, 2013.

Please do not hesitate to contact us if there is something you would like to discuss, or if there are any questions, comments or concerns.

Thank you very much.

Regards,



Mark Moshier  
Principal

cc: Marty Roupe, Town of Carrboro  
Ken Reiter, Shelton Station, LLC  
William Anderson, Kennon Craver  
Dan Jewell, Coulter Jewell Thames  
Jeremy Anderson, Coulter Jewell Thames



20131022000258130 S/INS  
Bk:RB5708 Pg:507  
10/22/2013 12:24:15 PM 1/5

FILED Deborah B. Brooks  
Register of Deeds, Orange Co., NC  
Recording Fee: \$26.00  
NC Real Estate TX: \$.00



**PREPARED BY AND RETURN TO:**

**TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510**



**ORANGE COUNTY  
NORTH CAROLINA**

**TOWN OF CARRBORO  
CONDITIONAL USE PERMIT GRANTED**

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

<b>APPLICANT:</b> Coulter Jewell Thames PA; Belmont Sayre, LLC
<b>OWNERS:</b> Ken Reiter, Belmont Sayre, LLC (Contract Purchaser)
<b>PROPERTY LOCATION:</b> 402, 410 & 430 N Greensboro Street & 113 Parker Street
<b>PINs</b> - 9778877556, 9778877448, 9778879369 & 9778970512 ; 9778877317 <i>LD</i>
<b>PROPOSED USE OF PROPERTY:</b> Mixed use commercial/residential development – creation of a 4 story multi-family residential building with 94 dwelling units and a 2 story, 22,706 square foot commercial building with associated infrastructure.
<b>CARRBORO LAND USE ORDINANCE USE CATEGORY:</b> 1.321, 1.400(all), 2.110, 2.120, 2.130, 2.210, 2.220, 2.230, 3.110, 3.120, 3.130, 3.130, 3.150, 3.250, 5.310, 5.320, 6.140, 8.100, 8.200, 8.500, 8.600, 15.820 & 27.000.
<b>MEETING DATES:</b> March 21, 2013, April 2, 2013

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.





2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That, per the provisions of 15-141.4(f), the Board hereby finds that the additional density in this permit is authorized by the provision of building and site elements in at least three of the following seven areas: stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use.
4. That the applicant must obtain approval from the Town (either at a staff or Board level), if changes to the allocation of uses in the commercial building areas result in a parking requirement that exceeds the parking amount approved by the permit.
5. Per Section 15-141.4(g), occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1).
6. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment / maintenance agreements for lighting and sidewalks.
7. That prior to construction plan approval, the proposed 10' to 14' pedestrian and greenway easement adjacent to the railroad right-of-way be identified as "public".
8. That, prior to construction plan approval, the right-of-way sidewalk will satisfy the 10 foot sidewalk width requirement of section 15-221(f) of the LUO.
9. That the Board of Aldermen hereby finds that that the loading and unloading areas shown on the plans are sufficient to accommodate delivery operations in a safe and convenient manner though they do not satisfy the provisions of Section 15-300 by allowing this loading area to be located within a parking aisle. The Board makes this finding by accepting the applicant's written justification for this arrangement.
10. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
11. Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval.
12. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
13. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
14. The developer must provide a functional connection from the Parker Street right-of-way for purposes of providing a secondary means of access for emergency situations. A means of accomplishing the connection must be demonstrated on the plans before the construction plans may be approved and the actual connection must be in place before framing begins.
15. That prior to construction plan approval the lighting plan in the area adjacent to the property identified as 105 Parker Street (Orange County PIN 9778877317) be adjusted to satisfy the provisions of Section 15-242.5 of the LUO.
16. That prior to issuance of a certificate of occupancy the applicant formalizes a Commercial Dumpster Service agreement to address the need for addition solid waste services for the development.



17. That the .81 points/square foot calculation for the *indoor fitness center facility* recreation points ratio is found to be acceptable per the provisions of Appendix G and that the recreational facilities provided by the project satisfy the provisions of Section 15-196 of the LUO. The Board hereby authorizes that the recreation points table of 15-196(b) to be amended to include this new points calculation and its associate facility category.
18. That the urban amenities not yet fully described by the CUP plans presented at the public hearing will require approval by the Appearance Commission prior to construction plan approval. To the extent the dollar value of urban amenities are less than the amount required under the ordinance, the applicant shall, prior to receiving a Certificate of Occupancy make a payment of a fee in lieu for the remaining balance
19. That the Board hereby accepts the draft Construction Management Plans as prepared by Landmark Builders and presented to the Board during the April 2<sup>nd</sup> public hearing with the understanding that will be subject to additional review and modification during construction plan review.
20. Consistent with rezoning condition number 5, for a period of 99 years from the date a certificate of occupancy issued, a minimum of 10 percent of the residential units shall remain affordable by a family whose annual gross income equals 60 percent of the median gross annual family income, as most recently established by the U.S. Department of Housing and Urban Development (or successor agency), for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located (the "60% units"), and an additional 10 percent shall remain affordable at 80 percent of the median gross annual family income (the "80% units"). Housing costs and unit size shall be determined in accordance with the provisions of Section 15-182.4 (b) (1) of the Carrboro Land Use Ordinance.
21. The developer shall establish or provide for arrangements to ensure that the 60% units are made available for sale or rent only to families whose annual gross income does not exceed 60 percent of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the Town of Carrboro is located, and that the 80% units are made available for sale or rent only to families whose annual gross income does not exceed 80 percent of the median gross annual income of a family of the same size within the MSA where the Town of Carrboro is located. (The term "family" as used in these conditions shall have the same meaning as the term is defined in Subsection 15-15(39) of the Land Use Ordinance. The term "income qualified family" as used in these conditions means a family that meets the foregoing income criteria).
22. So long as the residential units within the development remain in single ownership and are offered for rent, the owner of the development shall not be required to designate particular units as being "affordable units," provided that the requisite number of units within the development are rented or offered for rent in such a manner as to qualify as affordable in accordance with conditions 20 & 21 above and Section 15-182.4 of the Land Use Ordinance.
23. So long as the residential units within the development remain in single ownership and are offered for rent, then whenever a vacancy occurs in a unit that must be rented as an affordable unit in order for the development to remain in compliance with conditions 20 & 21 above, the entity responsible for leasing the units (i) shall offer to lease such affordable unit only to income qualified families, and (ii) shall not offer to lease the affordable unit to an income qualified family, one or more of whose members is a full-time, undergraduate or graduate student, if the opportunity exists to lease the affordable unit to an income qualified family that does not include a full-time, undergraduate or graduate student. The entity responsible for leasing the units may conclude that no opportunity exists to lease the affordable unit to an income qualified family that does not include a full-time undergraduate or graduate student if, despite good faith efforts (including contacting local agencies engaged in providing or promoting affordable housing) such entity is unable to enter into a lease with such an income qualified family within fifteen days after the affordable unit has become vacant.
24. In the event that the residential units within this development are converted in condominiums in accordance with Chapter 47C of the North Carolina General Statutes, the declaration shall identify the specific units that must remain affordable as set forth in these conditions and Section 15-182.4 of the Carrboro Land Use Ordinance.
25. That the Board hereby finds that, of the 94 units, 20 affordable units are required. This includes 10 units at 80% of AMI, and 10 units at 60% of AMI.
26. That the Board of Aldermen hereby finds that 170 parking spaces are sufficient to serve the proposed development based on the applicant's justification statement regarding joint



use of the proposed parking spaces, the provision of on-site car sharing, and the site's proximity to commercial areas, bus lines, bicycle lanes and existing pedestrian facilities. The owner is permitted to use up to 2 of the 170 spaces for the placement of composting facilities.

27. That the Board of Aldermen hereby finds the project's design acceptable per the provisions of LUO Section 15-178 (b).
28. That the rezoning conditions of the B-1(g) Conditional Zoning district created for the subject properties have been hereby satisfied subject to the conditions of this Conditional Use Permit. Modifications to the rezoning conditions approved for this B-1(g) Conditional Zoning district will require approval by the Board of Aldermen subject to additional public hearing.
29. That a thorough construction site recycling plan will be included in the construction management plan.
30. That electrical service conduit is provided within the buildings for the purpose of facilitating convenient future installation of rooftop solar photovoltaic arrays.
31. That local builders and supply companies will be used to the extent possible.
32. That no construction traffic will be routed through residential neighborhoods or streets.
33. That the sidewalk will remain open during construction by method of covering and/or protective barriers as needed.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.





NORTH CAROLINA  
ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

THE TOWN OF CARRBORO

ATTEST:

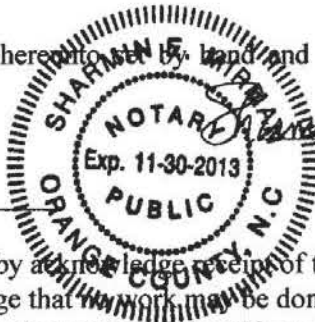
 (SEAL)  
Town Clerk

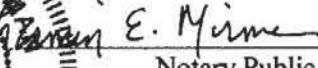
BY   
Town Manager

I, Sharmin E. Mirman, a Notary Public in and for said County and State, do hereby certify that Catherine C. Wilson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that David Andrews, Town Manager of said Town of Carrboro and Catherine C. Wilson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto by hand and notarial seal this the 1<sup>st</sup> day of October, 2013.

My Commission Expires: 11-30-2013

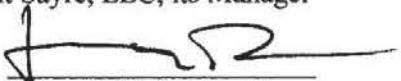


 (SEAL)  
Notary Public

We, Shelton Station, LLC, owners, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon them and their successors in interest.

SHELTON STATION, LLC

By: Belmont Sayre, LLC, its Manager

By:   
Kenneth M. Reiter, Manager

By:   
Mark Moshier, Manager

NORTH CAROLINA

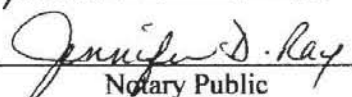
Orange COUNTY

I, Jennifer D. Ray, a Notary Public for said County and State, do hereby certify that Kenneth M. Reiter and Mark Moshier, representing Shelton Station, a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal this the 30<sup>th</sup> day of September, 2013.

My Commission Expires June 14, 2016



  
Notary Public

(Not valid until fully executed and recorded)

PREPARED BY AND RETURN TO:  
TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510

(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:

- (1) If the improvement is one required by this chapter then the developer may utilize the provisions of Subsections 15-60(a) or 15-60(c);
- (2) If the improvement is an amenity not required by this chapter or is provided in response to a condition imposed by the board, then the developer may utilize the provisions of Subsection 15-60(b).
- (3) Changes in phasing schedules may be made in the same manner as other permit modifications pursuant to the procedures set forth in Section 15-64.  
**(AMENDED 2/24/87)**

#### **Section 15-62 Expiration of Permits.**

(a) Zoning, special use, conditional use, and sign permits shall expire automatically if, within two years after the issuance of such permits: **(AMENDED 5/26/81)**

- (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
- (2) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 15-61), this requirement shall apply only to the first phase.

(b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period (i) of one year if the date of discontinuance occurs more than one year after the issuance of the permit, or (ii) equal to two years less the time between the issuance of the permit and the time work is discontinued if the date of discontinuance occurs less than one year after the issuance of the permit, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 15-63.

(c) The permit-issuing authority may extend for a period up to one year the date when a permit would otherwise expire pursuant to subsections (a) and (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to one year upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(d) For purposes of this section, a permit within the jurisdiction of the Board of Aldermen or the board of adjustment is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the zoning administrator is issued when the earlier of the following takes place: **(AMENDED 11/10/81)**

- (1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or
- (2) The zoning administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under G.S. 15-46(c).

(e) Notwithstanding any of the provisions of Article VIII (Nonconforming Situations), this section shall be applicable to permits issued prior to the date this section becomes effective.

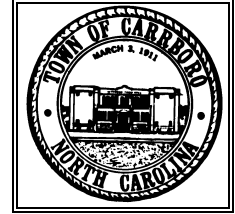
#### **Section 15-63 Effect of Permit on Successors and Assigns.**

(a) Zoning, special use, conditional use and sign permits authorize the permittee to make use of the land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

- (1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and
- (2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in

# TOWN OF CARRBORO

## BOARD OF ALDERMEN



### PERMIT EXTENSION WORKSHEET

#### **I. FINDINGS REQUIRED BY SECTION 15-62(c)**

- A. The permit has not yet expired.
- ☐ Yes  
☐ No
- B. The permit recipient has proceeded with due diligence and in good faith.
- ☐ Yes  
☐ No
- C. Conditions have not changed so substantially as to warrant a new application.
- ☐ Yes  
☐ No

#### **II. GRANTING THE PERMIT EXTENSION REQUEST**

- ☐ The Permit Extension Request is granted, extending the expiration date of the previously issued Conditional Use Permit by a period of one year from the date on which it would otherwise expire.

#### **III. DENYING THE PERMIT EXTENSION REQUEST**

- ☐ The Permit Extension Request is denied because it fails to comply with the ordinance requirements set forth above in Section I.







# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 15-0081

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**Agenda Date:** 3/17/2015

**File Type:** Abstract

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Solid Waste Advisory Group (SWAG) - Recycling Fee Recommendations

**PURPOSE:** Provide an overview of recycling program funding options prior to Assembly of Governments meeting on March 26, 2015

**DEPARTMENT:** Public Works Department

**CONTACT INFORMATION:** George Seiz, Director of Public Works, 919/918-7427

**INFORMATION:** The Solid Waste Advisory Group (SWAG), created by the Board of County Commissioners, has been working on a new inter-local agreement, partnership opportunities with UNC-CH and UNC Healthcare, discussing the future role of SWAG and reviewing funding options for the recycling program. Town staffs and Orange County Solid Waste staff will be giving their respective elected boards an update of these activities, concentrating on two recycling program funding options. Orange County staff will be at the BOA meeting to participate in the presentation and answer questions. Finalizing selection of a funding option will be discussed at the AOG meeting March 26, 2015.

**FISCAL & STAFF IMPACT:** There is no fiscal impact or staff impact with accepting this report.

**RECOMMENDATION:** It is recommended the Board of Aldermen accept the report.

## Memorandum

To: Carrboro Board of Alderman  
Chapel Hill Town Council  
Hillsborough Board of Commissioners  
Orange County Board of Commissioners

From: George Seiz, Carrboro Public Works Director  
Lance Norris, Chapel Hill Public Works Director  
Ken Hines, Hillsborough Public Works Director  
Gayle Wilson, Orange County Solid Waste Director

Subject: Solid Waste Advisory Group – Recycling Fee Recommendations

Date: March 6, 2015

The Board of County Commissioners created a Solid Waste Advisory Group at its June 3, 2014 meeting. The Group is comprised of two members each from the elected boards of the Towns and County. Additionally, there are one representative each from UNC-CH and UNC-Healthcare. This multi-jurisdictional Group held its first meeting on August 25, 2014 and has been meeting regularly from that time forward.

The SWAG has been focusing on a new interlocal agreement for recycling and solid waste services currently provided by Orange County, with most of the meetings addressing recycling/convenience center funding options. Another area of discussion has been the future role of the SWAG. Additional focus has been on how to incorporate UNC-CH and UNC-Healthcare into an agreement and exploring opportunities for cooperation. Town's and county staffs have also conducted several meetings and discussions with regard to SWAG funding options and processes.

The County Attorney has spoken to the SWAG and has indicated that the options under consideration are consistent with state statutes. Each Town would be required to authorize the county to impose the fee within the municipality.

A preliminary progress report by the SWAG was made at the November 20, 2014, Assembly of Governments meeting. At the SWAG's March 6 meeting a consensus was reached to forward two funding alternatives for discussion by each of the Town elected boards and the Board of County Commissioners. The SWAG requested that each of the Town and County boards discuss the two SWAG funding options and be prepared to discuss making a final decision among the two options at a joint meeting of the Towns and County scheduled for March 26.

**Option 1** is a two part annual fee; One Comprehensive Solid Waste Program Fee for all Municipal Units - \$94/year (based on FY 14/15 budget revenue requirement), and One

Comprehensive Solid Waste Program Fee for all Rural units - \$118/year (based on FY 14/15 budget revenue requirement).

Option 1 would establish an urban fee and a rural fee that would be applied to each developed property and multi-family units throughout the county, including tax exempt properties, except for UNC-CH properties that are served by the University's separate recycling program. Option 1 would incorporate an approximate 33% solid waste convenience center costs into the Urban fee component and an approximate 66% solid waste convenience center costs into the Rural fee component.

**Option 2** is a Single Comprehensive Fee - \$103/year (based on FY-14/15 budget revenue requirement) that would be applied equally to all developed properties and multi-family units throughout the county, including tax exempt properties, except for UNC-CH properties that are served by the University's separate recycling program. Option 2 would evenly distribute solid waste convenience center costs across all sectors.

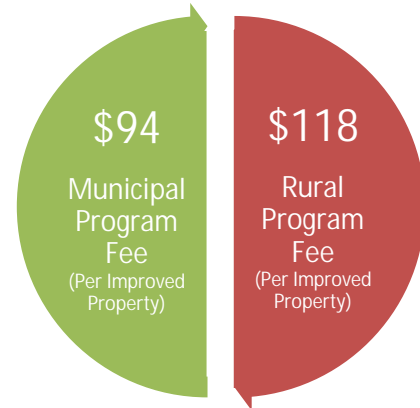
Further details of the two options are provided in the attachments.

It is important that a funding decision be made in a timely manner given that such funding would have to be incorporated into the Fiscal 2015/16 budget currently being crafted, and in order for County Tax Administration and Solid Waste Management Departments to complete the various preparations necessary to meet the 2015 tax billing schedule. The SWAG, based on recommendations by staff, has indicated that a final decision should be reached by the end of April to allow time for implementation into the budget process and for the fee to be ready for billing on the 2015 property tax bills.

Town and County SWAG representatives requested that each elected board discuss and fully consider each option prior to the March 26 joint meeting. Town and County staffs are available to explain the fee options and to respond to questions.

## FUNDING OPTION 1

OPPORTUNITIES
<ul style="list-style-type: none"><li>• Simplified fee structure</li><li>• Easy to administer, manage, and explain</li><li>• Includes phased expansion of rural curbside service, increasing recycling and waste reduction rate</li><li>• Flexibility in providing services without being constrained by rigid categories<ul style="list-style-type: none"><li>○ Example: If a business is located on a residential route (urban or rural) and generates recyclables in quantities similar to a residence, it can be assigned to a residential route without concern that there is not an appropriate fee category.</li></ul></li></ul>



### Key Factors

- Rural curbside service is proposed to be phased in to entire unincorporated area over three year period, equalizing services by the fourth year.
  - The rural fee will increase incrementally over phasing period.
- Efforts to provide more equitable services among all the program users could be implemented over time by improving service efficiencies and availability of services.
- Single family, multi-family and developed non-residential property owners in the rural sector pay \$24 more than property owners in the urban sector.

### Universal Elements for Both Options

- Undeveloped properties do not pay a fee.
- All developed properties including tax-exempt properties pay a fee.
- The fee structure is stable and predictable.
- Fee impacts for potential service expansions, improvements, and changes can be easily determined and made available for elected boards to consider.
- Some property owners may consider the proposed fee rates a significant increase because no fee for rural or urban curbside service or multi-family service has been assessed for the past two years.
- Failure of elected boards to approve a funding mechanism for the FY 2015-16 Budget may lead to suspension of services or further debiting of the solid waste landfill closure and post-closure reserves account.
- Orange County will continue to provide financial assistance for qualifying low-income residents who are unable to pay for solid waste program fees. In 2014, approximately 700 parcels were provided assistance through the County's 3R Fee Financial Assistance program.
- Funding option proposals are based on FY 2014-15 budget revenue requirements. For FY 2015-16, minor fee adjustments may be implemented to align with the actual FY 2015-16 budget revenue requirements.

## FUNDING OPTION 2

### OPPORTUNITIES

- Most simplified fee structure
- Easiest option to administer, manage, and explain
- Includes phased expansion of rural curbside service, increasing recycling and waste reduction rate
- Flexibility in providing services without being constrained by rigid categories is maximized.
  - Example: If a business is located on a residential route (urban or rural) and generates recyclables in quantities similar to a residence, it can be assigned to a residential route without regard to changing categories or fee rates.

**\$103**

**County-Wide  
SW Program**

**(Per Improved  
Property)**

### Key Factors

- Rural curbside service is proposed to be phased in to entire unincorporated area over three year period, equalizing services by the fourth year.
  - The program fee will increase incrementally over phasing period.
- All developed properties pay the same amount, although eligibility for services may vary between jurisdictions and sectors.
- Efforts to provide more equitable services among all the program users could be implemented over time by improving service efficiencies and availability of services.
- This option presents a new funding paradigm and new way of viewing solid waste program funding by offering a singular fee. This holistic approach to funding eliminates any division between rural and urban boundaries, creating a truly integrated and comprehensive approach to program funding county-wide.

### Universal Elements for Both Options

- Undeveloped properties do not pay a fee.
- All developed properties including tax-exempt properties pay a fee.
- The fee structure is stable and predictable.
- Fee impacts for potential service expansions, improvements, and changes can be easily determined and made available for elected boards to consider.
- Some property owners may consider the proposed fee rates a significant increase because no fee for rural or urban curbside service or multi-family service has been assessed for the past two years.
- Failure of elected boards to approve a funding mechanism for the FY 2015-16 Budget may lead to suspension of services or further debiting of the solid waste landfill closure and post-closure reserves account.
- Orange County will continue to provide financial assistance for qualifying low-income residents who are unable to pay for solid waste program fees. In 2014, approximately 700 parcels were provided assistance through the County's 3R Fee Financial Assistance program.
- Funding option proposals are based on FY 2014-15 budget revenue requirements. For FY 2015-16, minor fee adjustments may be implemented to align with the actual FY 2015-16 budget revenue requirements.

FUNDING OPTION	FUNDING OPTION GENERAL DESCRIPTION	OTHER FUNDING DETAIL	TOTAL REVENUE REQUIREMENT	REVENUE REQUIREMENT DETAIL	REVENUE REQUIREMENT DETAIL CONT.	NUMBER OF UNITS	FUNDING COMPONENT NAME	FUNDING COMPONENT DESCRIPTION	PER UNIT ESTIMATED ANNUAL FEE	PER UNIT APPRX. MONTHLY COST	ANNUAL INCREASE/DECREASE OF FEE FROM CURRENT FEE STRUCTURE	APPRX. INCREASE/ DECREASE COST PER MONTH FROM CURRENT FEE STRUCTURE
SW FUNDING OPTION #1	1 Comprehensive Solid Waste Program fee for all Urban units, and 1 Comprehensive Solid Waste Program fee for all Rural units.	Includes approx. 35% cost of SWCC and first year cost of rural curbside expansion. .	\$6,208,944	\$3,498,247	<u>BASIC 3-R</u> - \$1,707,690 <u>URBAN RECYCLING</u> - \$1,076,350 <u>MULTI-FAMILY RECYCLING</u> - \$313,443 <u>SWCC</u> - \$400,764	37,409	Municipal SW Program Fee	All improved units located within town limits.	\$94	\$8	Non-Residential (urban) - \$47 more Urban Single-Family \$32 less Multi-Family (urban) - \$24 more	Non-Residential (urban) - \$4 more Urban Single-Family \$3 less Multi-Family (urban) - \$2 more
				\$2,710,697	<u>BASIC 3-R</u> - \$1,049,657 <u>RURAL RECYCLING</u> - \$750,108 <u>MULTI-FAMILY RECYCLING</u> - \$3,166 <u>SWCC</u> - \$801,528 <u>Y1 CURBSIDE EXPANSION</u> - \$106,238	22,994	Rural SW Program Fee	All improved units outside town limits.	\$118	\$10	Non-Residential (rural) - \$71 more Rural Single-Family (in curbside service area) - \$22 less Rural Single-Family (outside of curbside service area) - \$31 more Multi-Family (rural) - \$48 more	Non-Residential (rural) - \$6 more Rural Single-Family (in curbside service area) - \$2 less Rural Single-Family (outside of curbside service area) - \$3 more Multi-Family (rural) - \$4 more
SW FUNDING OPTION #2	One County-Wide Solid Waste Program Fee for all improved units located in the county, no matter location inside or outside of town limits or type of unit.	Includes approx. 35% cost of SWCC and first year cost of rural curbside expansion costs.	\$6,208,944	\$6,208,944	<u>BASIC 3-R</u> - \$2,757,347 <u>URBAN RECYCLING</u> - \$1,076,350 <u>RURAL RECYCLING</u> - \$750,108 <u>MULTI-FAMILY</u> - \$316,609 <u>SWCC</u> - \$1,202,292 <u>CURBSIDE EXPANSION</u> - \$106,238  <u>Y1</u>	60,403	County-Wide SW Program Fee	All improved units are charged one single comprehensive fee, no matter type, or location inside or outside of town limits.	\$103	\$9	Non-Residential (urban) - \$56 more Urban Single-Family - \$23 less Multi-Family (urban) - \$33 more Non-Residential (in rural curbside service area) - \$56 more Non-Residential (outside of rural curbside service area) - \$56 more Rural Single-Family (in curbside service area) - \$37 less Rural Single-Family (outside of curbside service area) - \$16 more Multi-Family (rural) - \$33 more	Non-Residential (urban) - \$5 more Urban Single-Family - \$2 less Multi-Family (urban) - \$3 more Non-Residential (in rural curbside service area) - \$5 more Non-Residential (outside of rural curbside service area) - \$5 more Rural Single-Family (in curbside service area) - \$3 less Rural Single-Family (outside of curbside service area) - \$1 more Multi-Family (rural) - \$3 more

# RECYCLING PROGRAM FUNDING OPTIONS



# PURPOSE

- Provide an overview of recycling program funding options prior to Assembly of Governments meeting on March 26, 2015.
  - Finalizing selection of a funding option will be discussed at AOG meeting



# SWAG

- SOLID WASTE ADVISORY GROUP (SWAG)
  - Board of County Commissioners created SWAG in June 2014.
  - Representatives:
    - Two members from each elected board of Carrboro, Chapel Hill, Hillsborough and Orange County
    - One member from UNC-Chapel Hill
    - One member from UNC Healthcare

# SWAG

- SWAG began meeting on August 25 to develop an Interlocal Agreement for recycling and solid waste services currently provided by Orange County.
  - Curbside, Multifamily and Commercial Recycling
  - 24 Hour Recycling Drop-off Centers
  - Staffed Convenience Centers
  - C&D Landfill and Vegetative Debris Mulching Facility
  - Commercial Food Waste Collections
  - HHW, Electronics, White Goods, Tires, Scrap Metal, Clean Wood and Mattress Recycling



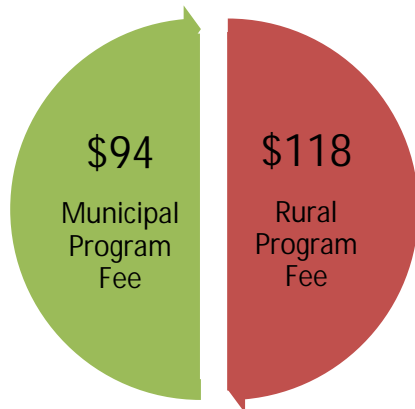
# SWAG

- SWAG discussions have included:
  - Funding options for recycling program
  - Interlocal Agreement
  - Partnership Opportunities with UNC-CH and UNC Healthcare
  - Future role of SWAG

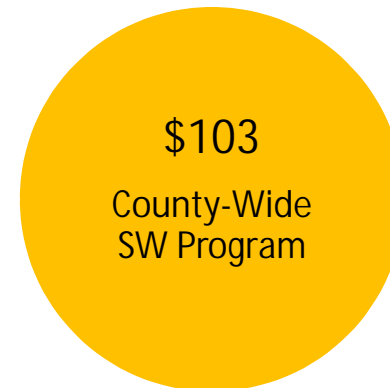
# SWAG

- Two recycling program funding options are being proposed by the SWAG for consideration by all elected boards.

Option 1



Option 2



# UNIVERSAL ELEMENTS



# UNIVERSAL ELEMENTS

- All developed properties including tax-exempt properties pay a fee.
- Undeveloped properties do not pay a fee.
- The fee structure is stable and predictable.
- Some property owners may consider the proposed fee rates a significant increase because no fee for rural or urban curbside service or multi-family service has been assessed for the past two years.
- Both options include the phased expansion of rural curbside collection service to all remaining ~7,000 rural residential units, increasing the recycling and waste reduction rate.

# UNIVERSAL ELEMENTS

- All options assume the current use of fees to fund approximately 35% of Solid Waste Convenience Centers (SWCC) costs, and assumes approximately \$1.85 million in General Fund contributions to fund the remaining costs.





# UNIVERSAL ELEMENTS

- Funding option proposals are based on FY 2014-15 budget revenue requirements. For FY 2015-16, minor fee adjustments may be implemented to align with the actual FY 2015-16 budget revenue requirements.





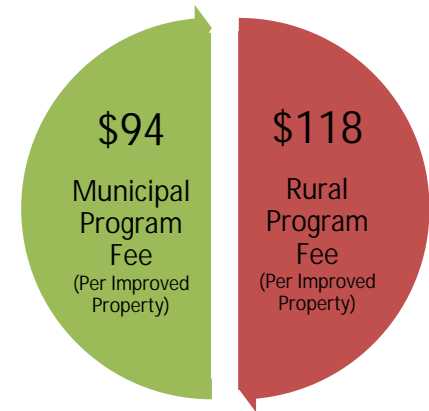
# UNIVERSAL ELEMENTS

- Failure of elected boards to approve a funding mechanism may lead to suspension of services or further debiting of the solid waste landfill closure and post-closure reserves account.
- Orange County will continue to provide financial assistance for qualifying low-income residents who are unable to pay for solid waste program fees. In 2014, approximately 700 parcels were provided assistance through the County's 3-R Fee Financial Assistance program.

# OPTION #1

- KEY FACTORS

- Simplified fee structure: 2 Fees
- Easy to administer, manage & explain
- Incremental rural fee increase over phased expansion of rural curbside service
- Single family, multi-family, and developed non-residential property owners in the rural sector pay \$24 more than property owners in the urban sector.



# OPTION #2

- KEY FACTORS

- Simplified fee structure: 1 Fee
- Easy to administer, manage, and explain
- Incremental fee increase over phased expansion of rural curbside service
- All developed properties pay the same amount, although eligibility for services may vary between jurisdictions and sectors.
- This option presents a new funding paradigm and new way of viewing solid waste program funding by offering a singular fee. This holistic approach to funding eliminates any division between rural and urban boundaries, creating a truly integrated and comprehensive approach to program funding county-wide.

\$103

County-Wide  
SW Program  
(Per Improved  
Property)

# NEXT STEPS

- Assembly of Governments meeting on March 26
  - Selection of funding option
- Approval of funding option by each elected board to authorize County to charge fee
  - Approval needed before end of April
- Finalize Comprehensive Interlocal Agreement by January 1, 2016

# Questions & Comments

- Staff is available to answer questions.







# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 15-0041

**Agenda Date:** 3/17/2015

**File Type:** Abstract

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

Update on the Watch for Me NC Pedestrian and Bicycle Safety Campaign

**PURPOSE:** The Board is asked to receive an update on Watch for Me NC, a statewide pedestrian and bicycle safety campaign led by the NCDOT Division of Bicycle and Pedestrian Transportation and UNC's Highway Safety Research Center, and consider a resolution establishing Town participation in year three of the campaign.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Laura Sandt, Highway Safety Research Center, 919-962-2358; Bergen Watterson, Transportation Planner, 919-918-7329

**INFORMATION:** The Town has been an active participant in the Watch for Me NC campaign since its inception in 2012. Information about the program can be found at the following link: <http://www.watchformenc.org/about/>. Last year Carrboro and its partners participated in several local events, including open houses, community events and targeted brochure handouts. The Carrboro Police Department also used Facebook to conduct outreach about events and share safe road behavior practices. In the fall 2014, Carrboro executed nine enforcement operations, issuing 40 warnings to road users. The Police Department specifically informed many cyclists about the importance of riding with lights at night and handed out free lights.

An overview of Carrboro's Watch for Me NC activities in 2014 can be found in *Attachment B*.

**FISCAL & STAFF IMPACT:** Planning and Police Department staff time is expected for the Town's continued participation in the campaign. The specific amount of staff time will be influenced by the Town's level of participation (i.e. how many trainings or events will occur, how much evaluation of program effectiveness will occur at a local level).

**RECOMMENDATION:** Staff recommends that the Board of Aldermen receive the update and consider the resolution.

A RESOLUTION SUPPORTING THE PARTICIPATION IN THE WATCH FOR ME NC  
PEDESTRIAN/BICYCLE SAFETY CAMPAIGN IN COOPERATION WITH THE NORTH  
CAROLINA DEPARTMENT OF TRANSPORTATION

WHEREAS, *Carrboro Vision 2020* states that the “safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential” (Policy 4.0); and

WHEREAS, the Comprehensive Bicycle Transportation Plan recommends, among other educational and enforcement activities, developing bicycle safety educational materials, enforcing unsafe behavior, producing education messages in distributions and media, and developing training sessions for local law enforcement (Ch. 4); and

WHEREAS, the Mayors’ Challenge for Safer People, Streets calls for communities to ‘educate and enforce proper road use behavior by all’ (Activity 7); and

WHEREAS, the Town of Carrboro recognizes the importance of educating pedestrians, bicyclists and drivers on how to share the road safely; and

WHEREAS, the North Carolina Department of Transportation and UNC’s Highway Safety Research Center are leading a statewide pedestrian and bicycle safety campaign, known as Watch for Me NC; and

WHEREAS, the North Carolina Department of Transportation and the Highway Safety Research Center are seeking commitment from North Carolina communities for involvement in the Watch for Me NC 2015 campaign; and

WHEREAS, the Watch for Me NC campaign would provide safety education for pedestrians, cyclists and drivers through various strategies; and provide training to officers to support enforcement activities and provide information for campaign evaluation.

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen pledges, in cooperation with the North Carolina Department of Transportation, to participate in the 2015 Watch for Me NC campaign.

BE IT FURTHER RESOLVED that the Planning Department, Police Department, and other departments if directed by the Town Manager, are directed to coordinate with staff from other municipalities and stakeholders involved in the Watch for Me NC campaign as necessary to ensure successful participation.

This is the 17<sup>th</sup> day of March in the year 2015.



# Watch for Me NC 2014 in Carrboro

## Background

Carrboro is a town of 20,000 residents nicknamed the “Paris of the Piedmont.” Located next to Chapel Hill, many UNC-Chapel Hill students, faculty and staff live in Carrboro, and travel to the university by bike, transit or on foot. The city has the highest bicycle mode share in the state (about 4 percent), and is the only League of American Bicyclists Bike-Friendly Community in North Carolina with a silver rating. These accolades demonstrate Carrboro’s commitment to the safety and accessibility of non-motorized transportation. While these efforts are impressive, there is continued work to be done in Carrboro. The town acknowledges that ensuring safe pedestrian behavior continues to be a struggle; “pedestrian failure to yield” has been a common cause of crashes in recent years. In 2014, the Watch For Me program in Carrboro focused on the high-traffic bikeways and main streets of the town to address this issue.

## Partnerships

The Carrboro Planning Department works closely with several partners to implement the WFM program, and two officers have completed the Bicycle Traffic skills course taught by LCI Steve Goodridge. The Police Department held enforcement activities on bicycling safety; they stopped cyclists without lights, distributed bike lights, participated in our Kidical Mass rides, and educated residents about safety. Two area non-profit organizations—the Carrboro Bicycle Coalition and ReCyclery—participated as well by contributing volunteers to WFM events and conducting independent safety efforts that included WFM materials.

## Education and Enforcement Activities Conducted

Carrboro WFM partners participated in several local events in 2014, including open houses, community events and targeted brochure handouts. The Carrboro Police Department also used Facebook to conduct outreach about events and share safe road behavior practices. In fall 2014, Carrboro executed nine enforcement operations, issuing 40 warnings to road users. The Police Department specifically informed many cyclists about the importance of riding with lights at night.

## Key Outcomes

The key success to Carrboro’s WFM program is the institutionalization of enforcement. Since 2009, the town has conducted two enforcements per month, year round, and has also conducted least one brochure handout per month. This consistent presence of enforcement holds drivers, bicyclists, and pedestrians all accountable for their behavior on a regular basis, and it sets an expectation for safe road use.

In the last year, Carrboro has also seen improvements in the municipal ordinances related to bicycling. Amendments to the Town Code endorsed by local bicycling advocates were passed, related to both riding abreast and rider spacing on roadways.

## Lessons Learned

- Acknowledge good behavior: In addition to conducting enforcement actions, Carrboro used the WFM program to identify safety cycling behavior. In spring 2015, cyclists riding safely will be provided “good cyclist vouchers” for ice cream at Market St. Coffee.
- Rotate enforcement locations: The Carrboro Police Department conducts enforcement activities at several different sites throughout the town. The diversity of sites both helps to raise awareness about safe driving and non-motorized behavior, but also helps to avoid criticism so places aren’t “over-targeted.”

**Credit**

Thank you to Sgt. Billy Austin with the Carrboro Police Department and Tina Moon, Planning Administrator with the Carrboro Planning Department, for providing leadership, time and expertise that contributed to the Watch for Me NC Campaign in Carrboro and the writing of this profile.



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 15-0085

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**Agenda Date:** 3/17/2015

**File Type:** Abstract

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Request for a Minor Modification to the Carr Mill Mall CUP

**PURPOSE:** The Board is asked to consider approving a Minor Modification to the Carr Mill Mall CUP allowing for the removal of a well house building. A resolution approving the request is provided for the Board's consideration.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Marty Roupe, 919-918-7333 & Jeff Kleaveland, 919-918-7335

**INFORMATION:** The hydrant house under consideration, originally a well house, was included in the National Register nomination for the property. About two months ago, removal of the building was being considered as part of the installation of a new hydrant to replace the defunct existing hydrant inside the structure. Staff determined that removal of the hydrant house, the only remaining from four formerly on the site, would be a minor modification subject to approval of the Board of Aldermen. Another location for the hydrant was subsequently identified and the structure was going to be left in place. Then, on February 20, 2015, the structure was struck by a large vehicle. Mr. Milian, representing Carr Mill Mall prepared the attached letter further explaining the situation and his request (Attachment B).

### **Public Hearing:**

As with any Minor Modification request, the Board may choose to call a public hearing before making a decision.

**FISCAL & STAFF IMPACT:** No known fiscal impacts are associated with consideration of this request beyond staff time to prepare the item and review the demolition permit request.

**RECOMMENDATION:** Staff recommends that the Board review the information provided and consider approving the resolution allowing for removal of the well house.

## ATTACHMENT A

The following resolution was introduced by Aldermen \_\_\_\_\_ and duly seconded by Aldermen \_\_\_\_\_.

### **A RESOLUTION APPROVING A MINOR MODIFICATION TO THE CARR MILL MALL CONDITIONAL USE PERMIT TO ALLOW FOR REMOVAL OF A WELLHOUSE STRUCTURE FROM THE PROPERTY**

**WHEREAS**, the Carrboro Board of Aldermen approved a Conditional Use Permit for Carr Mill Mall; and

**WHEREAS**, Mr. Nathan Milian has requested permission to remove a wellhouse structure from the property because of damage done to the structure by a large vehicle; and

**WHEREAS**, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

**WHEREAS**, the criteria in the Town's Land Use Ordinance related to Minor Modifications have been met.

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Aldermen that the Minor Modification to the Carr Mill Mall Conditional Use Permit is hereby approved.

This the 17<sup>th</sup> day of March 2015.



March 12, 2015

Board of Aldermen  
Town of Carrboro  
301 West Main Street  
Carrboro, North Carolina 27510

Re: Request

Dear Aldermen and Alderwomen,

The old hydrant building located along the railroad tracks behind Carr Mill was the subject of a hit and run somewhere between 11AM and Noon, on 2/20/15. It appears that a very large truck backed into it on the north side and has damaged it beyond repair. Carrboro Police have a report (#15-00963) on this incident. This is not the first instance of it being hit, as the building was previously clipped about a year ago on the west side. In that case, the damage was limited to the roof overhang and was mostly cosmetic. This time the damage is catastrophic and the building cannot be repaired. It is slowly collapsing and the only thing that has held it up so far are the barricades and stockpile of bagged ice melt stored inside. To prevent someone/something from being hurt, it has needed to come down ASAP. I previously contacted Carrboro inspections to have them look at it and they concur that it needs to finish coming down. The planning/zoning staff has indicated it may be part of the National Historic Registry and will not let this happen without board approval. It has since leaned even more severely and is teetering precariously.

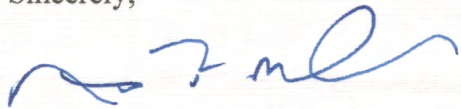
Here is a little background information about how we came to know about the planning/zoning departments concern regarding National Registry, and hopefully will shed light on a possible reason for staff concern. Harris Teeter has begun a multimillion dollar store renovation. While developing the plans for this renovation, they were notified by Carrboro Fire Department that it would require the installation of a new fire hydrant on the rear of the Carr Mill property. The Fire Marshall recommended the preferred location which was in the area of the existing unusable hydrant. Unfortunately, due to the proximity of the property line and the driveway, doing so would require taking the building down and replacing the unusable hydrant in it with a new and easily accessible one in that same location. It would then be surrounded with pipe bollards for protection. They consulted with planning/zoning regarding this suggestion. It was at this meeting that Harris Teeter's engineer and I both became aware of the concern about the historical registry. Trish suggested that they would need to approach the town board if they wanted to consider that option. In order to prevent delaying their project, Harris Teeter chose not to go that route. With the assistance of the Fire Marshall, they instead worked out an alternative solution

for the hydrant location. This alternative location has been engineered and is included on the approved plans for Harris Teeter's renovation.

It is extremely unfortunate that this building has now been destroyed, and although the timing might be suspect, the reality is that alternative plans are complete for Harris Teeter's new hydrant location. This building is not salvageable and presents a public safety hazard. We respectfully request that you direct the inspections department to release the demolition permit when properly completed and paid, so that we can remove this hazard before someone gets hurt.

Thank you for your prompt consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. Milian', with a stylized flourish at the end.

Nathan R. Milian, CSM  
Managing Agent,  
Carr Mill Mall Limited Partnership

Enclosures





**DANGER**  
RESTRICTED  
AREA

**KEEP  
OUT**

**DANGER**  
RESTRICTED  
AREA

**KEEP  
OUT**

CAUTION





















# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 15-0065

**Agenda Date:** 3/17/2015

**File Type:** Abstract

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

Request for a Minor Modification to the Shelton Station CUP

**PURPOSE:** Mark Mosier, on behalf of Shelton Station, LLC, has requested a Minor Modification to the Shelton Station Conditional Use Permit (CUP). The Board is asked to review, deliberate and make a decision regarding the applicant's request. A resolution approving the application has been included should the Board choose to approve the request.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Jeff Kleaveland, 918-7332

**INFORMATION:** Mark Mosier, on behalf of Shelton Station, LLC, has requested a Minor Modification to a previously issued Conditional Use Permit issued on April 2<sup>nd</sup>, 2013 (Attachment B & C). This permit allows for the creation of a four-story multi-family residential building with 94 dwelling units and a two-story, 22,706 square foot of commercial building (with associated infrastructure) located on an assemblage of lots in the 400 N. Greensboro block just north of the Southern States business.

Changes to site plan and internal design of residential building:

The proposed minor modification will slightly reduce the dimensions of the multifamily, residential building by about 20 feet in the east/west axis so as to allow a 20' x 80' "program space" to the eastern side of the commercial building. The reason for this modification is described below. The revision to the residential building will not reduce the number of units but will change the bedroom numbers as follows:

Original permit: (58) 1 bedroom and (36) 2 bedroom units = 130 bedrooms total

Proposed change: (63) 1 bedroom and (31) 2 bedroom units = 125 bedrooms total

The proposed changes are not expected to substantially change parking for the project.

Proposed Use:

The applicant has been negotiating with a tenant for approximately 50% of the commercial building space. In particular, they have had detailed discussions with UNC's Horizon's program which hopes to relocate to the site. The Horizon's program describes itself as "a substance abuse treatment program for pregnant and/or parenting women and their children, including those whose lives have been touched by abuse and violence." Of note the proposed use includes a *state-licensed daycare* component (*use #22.200, Child Day Care Facility:*

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**Agenda Date:** 3/17/2015

**File Type:**Abstract

**In Control:** Board of Aldermen

**Version:** 1

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*more than eight children less than age 13*). This use, while allowable in the B-1(g) zoning district is not on the list of uses approved on the Shelton Station CUP.

The applicant submitted information explaining their belief that the daycare component is *accessory* to the primary function of the program as described in Attachment B. They believe that the Horizon's program more appropriately would operate within the already approved *office-use category* on the permit. To better accommodate the children and satisfy state requirements, the "program area" referenced above is designed to accommodate for an outdoor play area. Staff appreciates the efforts of the applicant in explaining the functionality of the daycare component. After fully considering, staff finds that the daycare component could potentially be described as an accessory use as described in the LUO, but also may simply be considered a functional component of the overall program under the approved 3.000 service use. The implication of this approach by both the applicant and staff is that a traditional daycare facility will still not be allowed within the project. A permit modification application would need to be submitted if this use is desired in the future. Please note that the play area *won't* be open for use to the other residents of the development.

#### B-1(g) Conditional Zoning (CZ) and Shelton Station CUP

This property was rezoned to B-1(g) CZ on January 24, 2012. Because it is a *conditional zoning district* the property is encumbered by conditions that run with the effected properties (Attachment C). The proposed Horizon's use does not appear to be in conflict with either the Rezoning conditions or the CUP conditions.

#### Property Taxes

The Horizon program is a non-profit entity administered by UNC. According to the applicant, it is possible that UNC-Horizons may lease space from Shelton Station, but they may also need to purchase it in order to satisfy the goals of their executive committee, advisory board and donors. In that event, the property owner will file the necessary paperwork to create a condominium ownership model for the office building and sell Horizon's portion of the building to the UNC Real Estate Foundation. The balance of the project (50-60% of the commercial building and 100% of the multi-family building) would still be owned by Shelton Station LLC (see applicant letter, Attachment B). As long as the Horizon portion is in fact sold to the real estate foundation, property taxes will be collected on the entire property.

#### Public Hearing:

As with any Minor Modification application, the Board may choose to call a public hearing before making a decision on the application.

**FISCAL & STAFF IMPACT:** No known fiscal impacts are associated with this application beyond staff time and the typical fees collected from the applicant for processing the application.

**RECOMMENDATION:** Town Staff recommends that the Board of Aldermen review, deliberate and make a decision regarding the applicant's request. A resolution approving the application has been included should the Board choose to approve the request.

## ATTACHMENT A

The following resolution was introduced by Aldermen \_\_\_\_\_ and duly seconded by Aldermen \_\_\_\_\_.

**A RESOLUTION APPROVING A MINOR MODIFICATION TO THE SHELTON STATION MIXED USE CONDITIONAL USE PERMIT PROJECT LOCATED IN THE 400 BLOCK OF N. GREENSBORO ST. FOR REVISION TO THE ORIGINALLY APPROVED SITE PLAN THEREBY REDUCING THE SIZE OF THE MULTIFAMILY BUILDING (BUT NOT THE NUMBER OF UNITS) IN ORDER TO REPOSITION ONE OF THE PARKING BAYS FURTHER EASTWARD SO AS TO PROVIDE OUTDOOR “PROGRAM SPACE” FOR THE COMMENCIAL BUILDING.**

**WHEREAS**, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Shelton Station CUP on April 2, 2013; and

**WHEREAS**, the Town of Carrboro desires to see developments constructed in the Town’s jurisdiction in a responsible and marketable manner; and

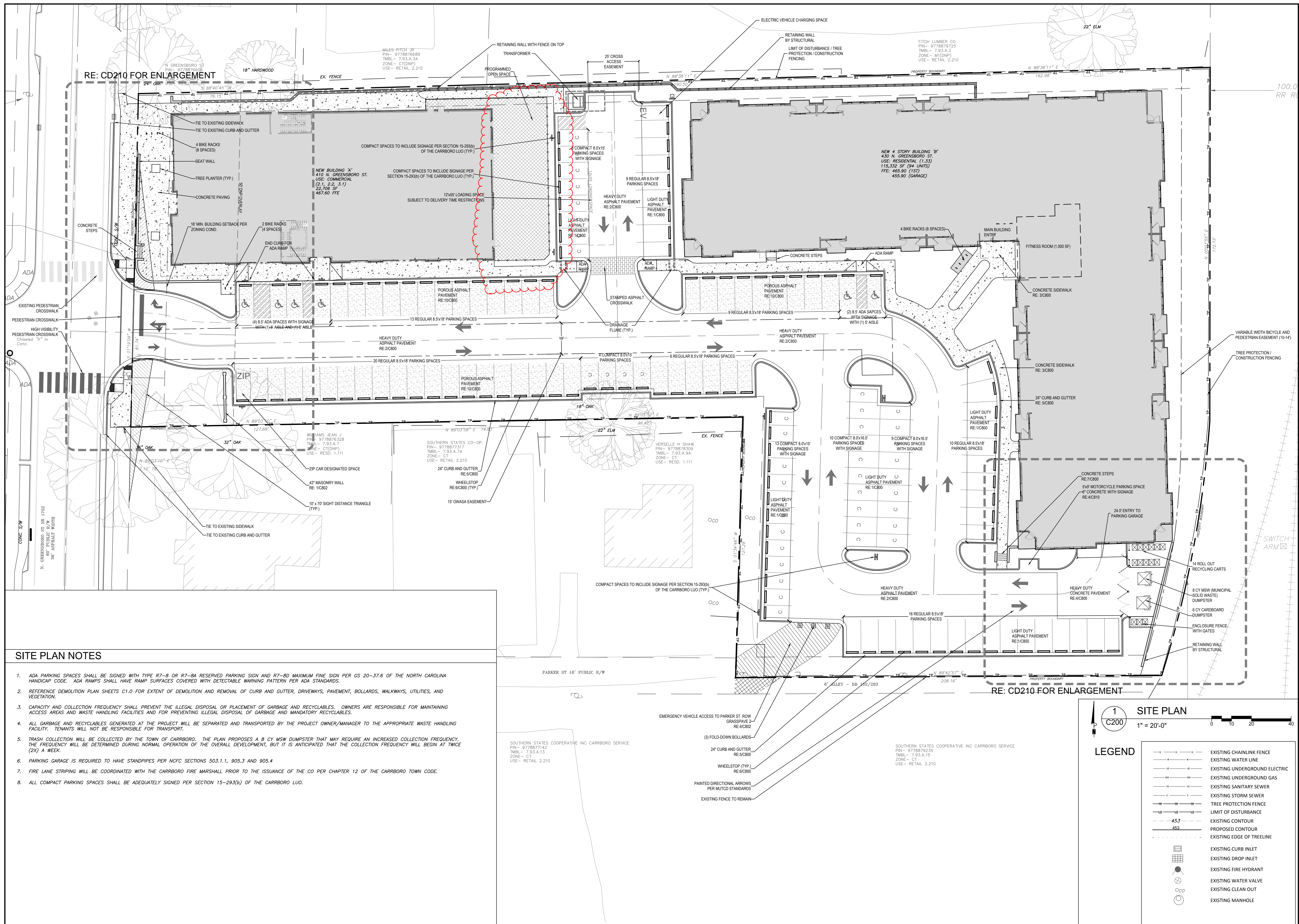
**WHEREAS**, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

**WHEREAS**, the applicant has met the criteria in the Town’s Land Use Ordinance related to Minor Modifications.

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Aldermen that the Minor Modification to the Shelton Station Conditional Use Permit is hereby approved.

This the 17<sup>th</sup> day of March 2015.









January 29, 2015

Mr. Jeff Kleaveland  
Carrboro Planning  
301 West Main Street  
Carrboro, NC 27510

Re: Shelton Station – UNC-Horizons Program

Dear Mr. Kleaveland,

Based on our meeting with you on January 20, 2015 we wanted to take this opportunity to follow up with the question you had regarding the tax status of the UNC-Horizons program.

As we discussed in our meeting, we have been negotiating a contract with UNC to move the UNC-Horizons program into the commercial building of our Shelton Station project. Due to their funding protocol and requirements, they need to own their space vs. lease it from us. Our collective solution to this requirement is to “condo” the commercial building and allow them to own the space that they will occupy. Their total space is very close to 50% of the commercial building. This appears to be a win/win for everyone.

Although we have spent a tremendous amount of time working on this with the directors and staff of the UNC-Horizons program, we have also been working side by side with the UNC Real Estate Office and the UNC Real Estate Foundation. As an answer to your question regarding the tax status of the UNC-Horizons program and the entity that will be contracted to purchase the space, I offer you the following information:

- UNC-Horizon is a non-profit program operated as part of the Department of Obstetrics and Gynecology of the School of Medicine at the University of North Carolina-Chapel Hill. They will not be the entity that purchases the space from Shelton Station, LLC.
- The UNC Real Estate Foundation, working through the UNC Real Estate Office is who we will enter into contract with and convey the property to. The UNC Real Estate Foundation is a tax paying entity and would be in a position to pay property tax similar to if Shelton Station, LLC retained ownership. For your reference, this is similar to when the same foundation purchased University Square in downtown Chapel Hill.

I hope this letter satisfies your questions and any concerns that you may have had about the UNC-Horizon program. Please do not hesitate to contact us if there is anything you would like to discuss further, or if there are any additional questions, comments or concerns.

Thank you very much.

Regards,

A handwritten signature in black ink, appearing to read 'Mark Moshier', written over a horizontal line.

Mark Moshier  
Principal

cc: Marty Roupe, Town of Carrboro  
Ken Reiter, Shelton Station, LLC  
William Anderson, Kennon Craver



January 26, 2015

Mr. Jeff Kleaveland  
Carrboro Planning  
301 West Main Street  
Carrboro, NC 27510

Re: Shelton Station – CUP – Permissible and Accessory Uses

Dear Mr. Kleaveland,

Based on our meeting on January 20, 2015 and a review of Article X of the Town of Carrboro Land Use Ordinance, we are providing our assessment that the operations of the UNC-Horizons program is consistent with the 3.00 classification (which includes 3.11 & 3.12) as listed in Section 15-146 (Table of Permissible Uses) and as approved as part of our CUP.

The UNC-Horizons program is a substance abuse treatment program for pregnant and parenting women and their children, including women that have abused and are victims of domestic abuse. UNC-Horizons is operated as part of the Department of Obstetrics and Gynecology of the School of Medicine at the University of North Carolina – Chapel Hill. The UNC-Horizons program offers the following services to its clients: 1. Prenatal clinic for planning, counseling and care, 2. Outpatient treatment services, 3. Childcare services for participants of the UNC-Horizons program. The hours of operation for the UNC-Horizons program is typically 8:00 a.m. to 5:00 p.m.

The prenatal clinic and outpatient treatment services are permissible as part of the 3.00 classification. The childcare services are an important portion of the UNC-Horizons program and are incidental and an insubstantial portion of the total activity of the project, and as such can be classified as an accessory use to the principal use generally described as office, clerical, research and non-merchandising services.

As the plan currently stands, the operations of the UNC-Horizons program located at Shelton Station will contain 11,596 square feet. The total square footage of the Shelton Station project is approximately 113,000 square feet. Therefore, the UNC-H program represents just 10% of the total square footage.

Additionally, the childcare services are approximately 4,000 square feet, or just 3% of the total project square footage. Because the childcare services are incidental and an unsubstantial portion of the entire project, the childcare services can be placed under the 3.00 classification.

The vehicular traffic associated with the UNC-Horizons program is less than the proposed commercial activity that was included in the traffic analysis conducted as part of the CUP. Additionally, the childcare services portion of the UNC-H operations is available to clients of the UNC-H program (who are often brought to the site by UNC-H staff, shuttle or public transportation). The clients attend programs at the site by appointments which occur throughout the day. The operations of these programs and their scheduling effectively manage the total traffic generated from this childcare use and therefore eliminate the typical volume of drop off and pick up traffic.



Mr. Jeff Kleaveland

January 26, 2015

Shelton Station – CUP – Permissible & Accessory Uses

Page 2

The UNC-horizons program was operated in Carrboro under similar circumstances on Roberson Street until 2013. The UNC-Horizons program has been temporarily relocated to Chapel Hill in anticipation of a move back to Carrboro upon the completion of Shelton Station in 2016.

Please provide us with a letter confirming that the UNC-Horizons program as proposed and described above is consistent with a permissible use of 3.00 (3.11, 3.12) classification as included in the CUP granted on April 2, 2013.

Please do not hesitate to contact us with any questions, comments or concerns.

Thank you very much.

Regards,

A handwritten signature in black ink, appearing to read 'Mark Moshier', written over a horizontal line.

Mark Moshier

Principal

cc: Marty Roupe, Town of Carrboro  
Ken Reiter, Shelton Station, LLC  
William Anderson, Kennon Craver  
Dan Jewell, Coulter Jewell Thames  
Jeremy Anderson, Coulter Jewell Thames



20131022000258130 S/INS  
Bk:RB5708 Pg:507  
10/22/2013 12:24:15 PM 1/5

FILED Deborah B. Brooks  
Register of Deeds, Orange Co., NC  
Recording Fee: \$26.00  
NC Real Estate TX: \$.00



**PREPARED BY AND RETURN TO:**

**TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510**



**ORANGE COUNTY  
NORTH CAROLINA**

**TOWN OF CARRBORO  
CONDITIONAL USE PERMIT GRANTED**

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

<b>APPLICANT:</b> Coulter Jewell Thames PA; Belmont Sayre, LLC
<b>OWNERS:</b> Ken Reiter, Belmont Sayre, LLC (Contract Purchaser)
<b>PROPERTY LOCATION:</b> 402, 410 & 430 N Greensboro Street & 113 Parker Street
<b>PINs</b> - 9778877556, 9778877448, 9778879369 & 9778970512 ; 9778877317 <i>LD</i>
<b>PROPOSED USE OF PROPERTY:</b> Mixed use commercial/residential development – creation of a 4 story multi-family residential building with 94 dwelling units and a 2 story, 22,706 square foot commercial building with associated infrastructure.
<b>CARRBORO LAND USE ORDINANCE USE CATEGORY:</b> 1.321, 1.400(all), 2.110, 2.120, 2.130, 2.210, 2.220, 2.230, 3.110, 3.120, 3.130, 3.130, 3.150, 3.250, 5.310, 5.320, 6.140, 8.100, 8.200, 8.500, 8.600, 15.820 & 27.000.
<b>MEETING DATES:</b> March 21, 2013, April 2, 2013

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.



2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That, per the provisions of 15-141.4(f), the Board hereby finds that the additional density in this permit is authorized by the provision of building and site elements in at least three of the following seven areas: stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use.
4. That the applicant must obtain approval from the Town (either at a staff or Board level), if changes to the allocation of uses in the commercial building areas result in a parking requirement that exceeds the parking amount approved by the permit.
5. Per Section 15-141.4(g), occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1).
6. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment / maintenance agreements for lighting and sidewalks.
7. That prior to construction plan approval, the proposed 10' to 14' pedestrian and greenway easement adjacent to the railroad right-of-way be identified as "public".
8. That, prior to construction plan approval, the right-of-way sidewalk will satisfy the 10 foot sidewalk width requirement of section 15-221(f) of the LUO.
9. That the Board of Aldermen hereby finds that that the loading and unloading areas shown on the plans are sufficient to accommodate delivery operations in a safe and convenient manner though they do not satisfy the provisions of Section 15-300 by allowing this loading area to be located within a parking aisle. The Board makes this finding by accepting the applicant's written justification for this arrangement.
10. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
11. Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval.
12. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
13. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
14. The developer must provide a functional connection from the Parker Street right-of-way for purposes of providing a secondary means of access for emergency situations. A means of accomplishing the connection must be demonstrated on the plans before the construction plans may be approved and the actual connection must be in place before framing begins.
15. That prior to construction plan approval the lighting plan in the area adjacent to the property identified as 105 Parker Street (Orange County PIN 9778877317) be adjusted to satisfy the provisions of Section 15-242.5 of the LUO.
16. That prior to issuance of a certificate of occupancy the applicant formalizes a Commercial Dumpster Service agreement to address the need for addition solid waste services for the development.





17. That the .81 points/square foot calculation for the *indoor fitness center facility* recreation points ratio is found to be acceptable per the provisions of Appendix G and that the recreational facilities provided by the project satisfy the provisions of Section 15-196 of the LUO. The Board hereby authorizes that the recreation points table of 15-196(b) to be amended to include this new points calculation and its associate facility category.
18. That the urban amenities not yet fully described by the CUP plans presented at the public hearing will require approval by the Appearance Commission prior to construction plan approval. To the extent the dollar value of urban amenities are less than the amount required under the ordinance, the applicant shall, prior to receiving a Certificate of Occupancy make a payment of a fee in lieu for the remaining balance
19. That the Board hereby accepts the draft Construction Management Plans as prepared by Landmark Builders and presented to the Board during the April 2<sup>nd</sup> public hearing with the understanding that will be subject to additional review and modification during construction plan review.
20. Consistent with rezoning condition number 5, for a period of 99 years from the date a certificate of occupancy issued, a minimum of 10 percent of the residential units shall remain affordable by a family whose annual gross income equals 60 percent of the median gross annual family income, as most recently established by the U.S. Department of Housing and Urban Development (or successor agency), for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located (the "60% units"), and an additional 10 percent shall remain affordable at 80 percent of the median gross annual family income (the "80% units"). Housing costs and unit size shall be determined in accordance with the provisions of Section 15-182.4 (b) (1) of the Carrboro Land Use Ordinance.
21. The developer shall establish or provide for arrangements to ensure that the 60% units are made available for sale or rent only to families whose annual gross income does not exceed 60 percent of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the Town of Carrboro is located, and that the 80% units are made available for sale or rent only to families whose annual gross income does not exceed 80 percent of the median gross annual income of a family of the same size within the MSA where the Town of Carrboro is located. (The term "family" as used in these conditions shall have the same meaning as the term is defined in Subsection 15-15(39) of the Land Use Ordinance. The term "income qualified family" as used in these conditions means a family that meets the foregoing income criteria).
22. So long as the residential units within the development remain in single ownership and are offered for rent, the owner of the development shall not be required to designate particular units as being "affordable units," provided that the requisite number of units within the development are rented or offered for rent in such a manner as to qualify as affordable in accordance with conditions 20 & 21 above and Section 15-182.4 of the Land Use Ordinance.
23. So long as the residential units within the development remain in single ownership and are offered for rent, then whenever a vacancy occurs in a unit that must be rented as an affordable unit in order for the development to remain in compliance with conditions 20 & 21 above, the entity responsible for leasing the units (i) shall offer to lease such affordable unit only to income qualified families, and (ii) shall not offer to lease the affordable unit to an income qualified family, one or more of whose members is a full-time, undergraduate or graduate student, if the opportunity exists to lease the affordable unit to an income qualified family that does not include a full-time, undergraduate or graduate student. The entity responsible for leasing the units may conclude that no opportunity exists to lease the affordable unit to an income qualified family that does not include a full-time undergraduate or graduate student if, despite good faith efforts (including contacting local agencies engaged in providing or promoting affordable housing) such entity is unable to enter into a lease with such an income qualified family within fifteen days after the affordable unit has become vacant.
24. In the event that the residential units within this development are converted in condominiums in accordance with Chapter 47C of the North Carolina General Statutes, the declaration shall identify the specific units that must remain affordable as set forth in these conditions and Section 15-182.4 of the Carrboro Land Use Ordinance.
25. That the Board hereby finds that, of the 94 units, 20 affordable units are required. This includes 10 units at 80% of AMI, and 10 units at 60% of AMI.
26. That the Board of Aldermen hereby finds that 170 parking spaces are sufficient to serve the proposed development based on the applicant's justification statement regarding joint



use of the proposed parking spaces, the provision of on-site car sharing, and the site's proximity to commercial areas, bus lines, bicycle lanes and existing pedestrian facilities. The owner is permitted to use up to 2 of the 170 spaces for the placement of composting facilities.

27. That the Board of Aldermen hereby finds the project's design acceptable per the provisions of LUO Section 15-178 (b).
28. That the rezoning conditions of the B-1(g) Conditional Zoning district created for the subject properties have been hereby satisfied subject to the conditions of this Conditional Use Permit. Modifications to the rezoning conditions approved for this B-1(g) Conditional Zoning district will require approval by the Board of Aldermen subject to additional public hearing.
29. That a thorough construction site recycling plan will be included in the construction management plan.
30. That electrical service conduit is provided within the buildings for the purpose of facilitating convenient future installation of rooftop solar photovoltaic arrays.
31. That local builders and supply companies will be used to the extent possible.
32. That no construction traffic will be routed through residential neighborhoods or streets.
33. That the sidewalk will remain open during construction by method of covering and/or protective barriers as needed.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.



NORTH CAROLINA  
ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

THE TOWN OF CARRBORO

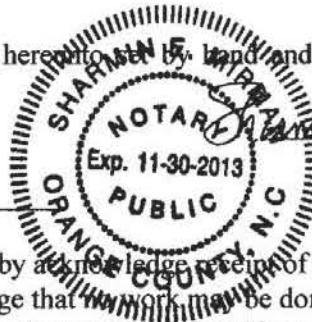
ATTEST:

Catherine C. Wilson (SEAL)  
Town Clerk

BY David Andrews  
Town Manager

I, Sharmin E. Mirman, a Notary Public in and for said County and State, do hereby certify that Catherine C. Wilson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that David Andrews, Town Manager of said Town of Carrboro and Catherine C. Wilson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto by hand and notarial seal this the 1<sup>st</sup> day of October, 2013.

My Commission Expires: 11-30-2013

Sharmin E. Mirman (SEAL)  
Notary Public

We, Shelton Station, LLC, owners, do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner does further acknowledge that no work may be done pursuant to this permit except in accordance with all of its conditions and requirements and that this restriction shall be binding upon them and their successors in interest.

SHELTON STATION, LLC

By: Belmont Sayre, LLC, its Manager

By: Kenneth M. Reiter  
Kenneth M. Reiter, Manager

By: Mark Moshier  
Mark Moshier, Manager

NORTH CAROLINA

Orange COUNTY

I, Jennifer D. Ray, a Notary Public for said County and State, do hereby certify that Kenneth M. Reiter and Mark Moshier, representing Shelton Station, a limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument on behalf of the company.

Witness my hand and official seal this the 30<sup>th</sup> day of September, 2013.

Jennifer D. Ray  
Notary Public

My Commission Expires: June 14, 2016

(Not valid until fully executed and recorded)

PREPARED BY AND RETURN TO:  
TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510



A public hearing and worksession of the Carrboro Board of Aldermen was held on Tuesday, June 14, 2011 in the Board Room of the Carrboro Town Hall.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Randee Haven-O'Donnell
	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	Lydia Lavelle
	Sammy Slade
Town Manager	Steven E. Stewart
Town Clerk	Catherine Wilson
Town Attorney	Michael B. Brough

Absent or Excused: None

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**PUBLIC HEARING ON LUO TEXT AMENDMENT RELATED TO REQUEST FOR CZ ZONING DESIGNATION AT 500 N. GREENSBORO STREET**

The Town received a request to amend the Land Use Ordinance in relation to the B-1(g)-CZ zoning district. The Board of Aldermen set a public hearing to consider a draft ordinance prepared in response to this request.

Trish McGuire, the Town's Planning Director, made the presentation to the Board. The proposed amendment would only affect the 500 N. Greensboro parcel because it is the only parcel zoned B-1(g)-CZ in Town.

Ken Reiter, a developer with Belmont Sayre, explained that the developer would benefit from hearing the Board's suggestions on the proposed text amendment and the development's conditions. The development is pursuing LEED certification.

Alderman Coleman requested that staff review the Planning Board's suggested list of energy efficient improvements and attempt to identify a threshold that constitutes a meaningful mix of energy efficient improvements. He suggested that staff use the recently approved Veridia Development as a benchmark for use of sustainable and efficient improvements. He also suggested that staff explore the possibility of a point system, similar to the existing recreation point system that would allow a development to earn density through suggested energy efficient measures.

Alderman Slade requested that the developer consider the use of solar/thermal measures. He also suggested that the developer consider unbundling the parking.

Alderman Gist read an email from Jack Haggerty requesting that the consideration of the text and map amendments be delayed until the Board resumes its schedule after summer break.

Mayor Chilton suggested that the developer also consider different zoning classification options.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN BROUN TO CONTINUE THE PUBLIC HEARING TO SEPTEMBER. VOTE: AFFIRMATIVE ALL

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**PUBLIC HEARING ON A LAND USE ORDINANCE MAP AMENDMENT RELATED TO A REQUEST FOR ZONING DESIGNATION AT 500 N. GREENSBORO STREET**

The Town has received a petition to change the zoning classification for four properties located at and near 500 N. Greensboro Street from CT and B-1(g)-CZ to CT. A draft ordinance making these changes has been prepared. The Board of Aldermen must receive comment before taking action in response to this request.

Trish McGuire, the Town's Planning Director, made the presentation. The proposed design has only one ingress/egress access point but staff has proposed a condition that would allow for an additional emergency vehicle access.

Ken Reiter, Dan Jewel and Matt Diminco, representatives with Belmont Sayre, made a presentation to the Board and answered several questions. Mr. Reiter explained that workforce housing is distinguished from student housing by rental rates and marketing.

Patrick McDonough, a resident of 103 Raven Lane, stated that he is employed by Triangle Transit but his comments do not reflect Triangle Transit's opinions or viewpoints. He stated that he would like to see additional commercial use in the proposed development. He requested that the Board consider creating an excellent aesthetic interface in the area rather than focusing on screening. He agreed with Alderman Slade's idea of unbundled parking and also suggested other traffic decreasing alternatives such as car-sharing. He asked that the Board move away from thinking about "open space" and for them to be more specific on the recreational and open uses. He stated that affordable housing is increasingly needed in the community and that this project could help with housing issues.

David Arneson, a resident of 102 Mulberry Street, stated that he is an architect in downtown Durham and has worked with the developer in the past but has no affiliation with the current project. He spoke in support of the proposed project and the possible economic benefit it will bring to the Town. He feels that the project will bring a "green" aspect of building to the downtown core and that the scale and size are appropriate for the location.

Jay Parker, business owner in Carrboro for 25 years, stated that the developer is a property owner in Town and that he cares about what happens in Carrboro. He encouraged the Board to continue working with him to make something good happen.

Barbara Jessie-Black, the Executive Director of the PTA Thrift Shop, stated that Ken Reiter is the developer on PTA's current project. She stated that she agrees with Jay Parker's comments and added that the foot traffic the project will bring would be tremendous and will help increase business revenues. Most of her employees do not currently live in Carrboro and the affordable housing would be helpful. Her employees would most likely be able to afford a \$1,000 month rental.

David Belvin, part owner of property the property located at 500 N Greensboro, local citizen, and business owner, stated that a year ago the Board's tone was different and that he is disappointed in the change. He promised a local business for the site and he has worked hard to get the project to this stage. Project financing is lined up and ready to move forward.

Mayor Chilton summed that the Board is concerned with the project's parking, traffic, lack of multiple entrances, bike lane impacts, percentage of commercial use, size, and scale.

Alderman Lavelle stated that one of the Planning Board's suggestions is for the developer to consider affordable housing at less than 80% of median income. She stated that the project should have more commercial space but that she is comfortable with the proposed amount of residential density.

Alderman Coleman stated that he is concerned with all of the transportation issues; specifically, increased traffic and bike lane impacts. He asked that screening, architectural standards, and green features be clearly defined when the item is returned. He recommended that the developer meet with representatives from Veridia to discuss green features and to also consider how the Butler property is zoned. He also stated that he would like to see the percentage of commercial space increased and asked for information on how the project plans to be primarily workforce housing. He asked that staff provide comment on the Planning Board and Environmental Advisory Board recommendations when the item is returned and that advisory board comments be more clearly articulated in the future.

Alderman Slade stated that he wants to insure that the developer considers the Transportation Advisory Board’s recommendations, a bike or pedestrian trail easement that runs parallel to the train tracks, increasing commercial density, and solar thermal energy improvements.

Mayor Chilton requested that developer consider increasing commercial space closer to 25%. He also suggested that the developer work with staff to consider additional zoning options.

Alderman Broun asked for further information on why the Economic Sustainability Commission voted against the project. She also asked for a staff report, if possible, on the effect of how the student housing burden could be removed from neighborhoods. She asked for further information on the Lloyd Street view of the project.

MOTION WAS MADE BY ALDERMAN GIST AND SECONDED BY ALDERMAN COLEMAN TO CONTINUE THE PUBLIC HEARING TO SEPTEMBER. VOTE: AFFIRMATIVE ALL

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**REQUEST TO APPROVE A RESOLUTION FOR THE ISSUANCE FOR THE ISSUANCE OF \$2,590,000 SIDEWALK BOND ANTICIPATION**

The purpose of this item was to request authorization from the Board for the sale of \$2,590,000 in bond anticipation notes (BANs) to replace the existing BANs and provide additional funding for the design, construction, and implementation of sidewalk and greenway projects approved by voters in November 2003.

The following resolution was introduced by Alderman Coleman and seconded by Alderman Broun

**RESOLUTION FOR THE ISSUANCE OF \$2,590,000 SIDEWALK BOND ANTICIPATION NOTES**

Resolution No. 134/2010-11

***WHEREAS --***

At a referendum held on November 4, 2003, the voters of the Town of Carrboro authorized the issuance of up to \$4,600,000 of Town general obligation bonds for sidewalks and greenway trails.

The Town has previously issued several series of “bond anticipation notes” to provide construction-period financing for certain sidewalk projects in anticipation of the later issuance of a portion of the bonds authorized at the 2003 referendum (the “Sidewalk Bonds”).

The Town's Board of Aldermen (the “Board”) has now determined to issue an additional series of bond anticipation notes to refinance the previously-issued bond anticipation notes at their upcoming maturity, and thereby continue preliminary funding for the sidewalk projects in anticipation of the later issuance of a portion of the Sidewalk Bonds.

**BE IT THEREFORE RESOLVED by the Board of Aldermen of the Town of Carrboro, North Carolina, as follows:**

- 1. Determination To Issue Notes --** The Town will issue and sell a single issue of general obligation sidewalk bond anticipation notes (the "Notes") in the aggregate principal amount of \$2,590,000. The Town will issue the Notes to refinance the existing bond anticipation notes, and thereby continue construction-period financing for sidewalk projects in anticipation of the later issuance of a portion of the previously-authorized Sidewalk Bonds.

## ATTACHMENT C - 9

Town the Board will make available to the property owners of the 108 – 120 East Main Street funds from the Revolving Loan Fund on the following conditions;

- a. Loan funds should only be made available to property owners who are a party to a contract for repairing or replacing the blocked/failed sewer line.
- b. Loan proceeds should only be released once a signed contract is submitted to the Town.
- c. Loans should be secured by deed-of-trust in the affected properties.
- d. Loans should be made available to property owners in the same proportion property owners agree to assign costs. For example, if the owners agree that Owner A is assigned 10% of the cost of the project, the available loan would equal 10% of the cost of the project.
- e. Loans should be offered at terms of 2% interest for 5 years. For reference, the monthly loan payment at those terms would be \$17.53 per \$1,000 financed.
- f. All affected property owners must enter into a maintenance agreement contract that establishes a funding mechanism for on-going maintenance and repairs to the shared sewer lines.
- g. Affected property owners should work with Town staff to access funds available from Orange County.
- h. The Board directs staff to use discretion in determining loan amounts, considering, among other factors, availability of other loan funds from the County.

NOW BE IT FURTHER RESOLVED, that the Town Board authorizes the Town Manager to execute the necessary documents to make loans available under the conditions outlined in this resolution.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 27<sup>th</sup> day of September 2011:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Joal Hall Broun, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

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### **CONTINUED PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT RELATED TO A REQUEST FOR CZ ZONING DESIGNATION AT 500 N. GREENSBORO STREET**

The Board of Aldermen held a public hearing on Tuesday, June 14, 2011 to consider a draft ordinance prepared in response to a request to amend the Land Use Ordinance in relation to the B-1(g)-CZ zoning district. The public hearing was continued to allow for consideration of additional information requested by the Board of Aldermen.

Trish McGuire, the Town's Planning Director made the presentation.

Alderman Gist asked if the approval of the ordinance would provide an opportunity for developments to decrease commercial density and increase the residential density. Trish McGuire explained that the approval would have that effect and allow the Board of Aldermen to have future conversations related to both commercial development and increased residential density in the B-1(g)-CZ district.

Dave Clinton, a Planning Board member and an institutional architect, spoke about the Planning Board's review of the project and explained that he did not feel that there was adequate time allowed for the review of the project. He also explained that the Planning Board recommended the deletion of the 40% ASHRAE requirement because the ASHRAE regulations are continuously changing and the 20% requirement was seen as a means to simplify the Town's regulation.

# ATTACHMENT C - 10

Ken Reiter, the applicant's representative, addressed the Board and suggested the use of his version of the ordinance. He explained that the version was more specific towards affordable housing requirements and took a broader approach toward energy efficiency standards and requirements. He stated that the ordinance meets the spirit of the projects that would merit additional residential density in the downtown area. He stated that since the first public hearing, the developer has increased the commercial portion of the project and decreased the residential. The project will have limitations related to student housing based upon the financing that the developer is seeking, bedroom to bathroom ratios, and income verification requirements. He explained that the income verification requirement is a condition that they would agree upon.

Alderman Gist expressed concern with the ordinance's ability to decrease commercial density downtown.

Alderman Broun asked which properties would be eligible for the rezoning if the ordinance passes. Trish McGuire explained that the minimum lot size requirement for the B-1(g) zoning district is 3,000 square feet and most all properties would be eligible.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN LAVELLE TO REFER THE ORDINANCE TO STAFF FOR THE DELETION OF ITEM (F) (3) AND FOR ITEM (F)(11) TO BECOME A NEW SECTION 15-141.4 (g) AND AMENDED TO READ "MIX OF RESIDENTIAL AND NON-RESIDENTIAL USES SUCH THAT GROSS FLOOR AREA OF BUILDING SPACE USED FOR NON-RESIDENTIAL PURPOSES MAKES UP AT LEAST 25 PERCENT OF THE GROSS FLOOR AREA USED FOR ALL PURPOSES." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (GIST)

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## **CONTINUATION OF A PUBLIC HEARING ON A LAND USE ORDINANCE MAP AMENDMENT RELATED TO FOUR PROPERTIES AT AND NEAR 500 N. GREENSBORO STREET**

The Board of Aldermen considered a petition to change the zoning classification for four properties located at and near 500 N. Greensboro Street from CT and B-1(g)-CZ to B-1 (g)-CZ on June 14, 2011. The Board continued the public hearing and requested additional information related to this request.

Trish McGuire, the Town's Planning Director, made the presentation. She explained that staff has identified limitations to the project and that the staff recommendation is not in support of the requested change.

Nathan Milian, representing Carr Mill Mall, stated that he does not have an objection to the project as a whole but is concerned that there will not be sufficient parking. He explained that parking is an issue that Carr Mill Mall is struggling with and that the rezoning will create another burden for the neighbors of the project. He requested that the Board review methods to create additional parking. Alderman Gist asked if the text amendment was approved, if he would want to amend any of the current projects that he has been involved with. He explained that he would possibly consider a rezoning request for the Alberta development because currently, residential space is more financially promising than commercial space.

Damon Seils is the current Chair of the Planning Board but spoke as a citizen. He explained that he is concerned with the rushed method in which the Planning Board reviewed both the text and map amendment requests. He explained that the process differed from the conditional use permitting process because the applicant is not required to present a completed concept plan to the Planning Board for comment. He asked the Board to be cognizant of the fact that they are putting conditions on the zoning that will not be able to be revisited by the Planning Board during their conditional use permit review process.

# ATTACHMENT C - 11

David Clinton, Planning Board member, stated that the scale of the design is fitting for downtown and would add more customers to the area. He encouraged the Board to approve the map amendment with conditions that improve the environmental sustainability.

Ken Reiter, the applicant and representative of the developer, made a presentation to the Board. He presented figures that showed a decrease in residential units and an increase in parking and commercial space. He stated that the project will follow the LEED equivalency process similar to when the Town built fire station #2. He explained that thru lanes, turn lanes, bike lanes, grass strips and sidewalks may be made in the public right-of-way and that neighboring properties may be affected by grading work related to traffic and transportation easements. He explained that they will offer 10% of units to households that earn 60% or less of the median family income. He stated that he had received several letters of support from citizens.

It was the consensus of the Board to return the ordinance to staff for the deletion of the following conditions: #12 – “The minimum required parking shall be 10 percent less than the minimum number of parking spaces required by the Ordinance for the proposed uses,” #35 – “The parking lot shall meet the standard for a “green” parking lot, per the “EPA Green Parking Lot Resource Guide,” and #37 – “In the event that by January 1, 2012, the non-residential space on the 2<sup>nd</sup> floor of Building A has not been leased (as evidenced by a signed letter of intent or lease agreement) at the terms that are acceptable to secure construction and/or permanent financing, the non-residential space on the 2<sup>nd</sup> floor of Building A can be developed as additional residential space.”

The Board noted that the developer stated that he did not agree with condition # 8 – “Solar shading impacts along the northern property line shall be mitigated as if it were a street right-of-way, per Section 15-178(a)(3)” and condition #33 – “Provision of on-site renewable energy generation.”

It was also the consensus of the Board that staff should amend the ordinance to rework the conditions that incorporate the “site and/or concept plan” into one condition that also recognizes the transportation issues.

Alderman Broun requested that staff provide a list of the three conditional zoning requests that have occurred since 2008. She also requested that staff provide detailed information from the American Community Survey on the current cost range for rental housing and what is currently available. She also requested that LEED certification requirements be provided and that those utilized during the construction of fire station #2 be denoted.

Alderman Slade requested that staff compare the LEED standards with the Town’s Green House Gas resolution and provide the information to the Board.

Alderman Gist requested that the developer reconsider the use of solar hot water and photovoltaic measures and respond when the item is returned.

Alderman Coleman requested that a condition of income verification be added to the ordinance. He also requested that a ratio of 1:3/4 (rounded to the nearest 1/2) of bedrooms to bathrooms be incorporated as a condition.

Alderman Haven-O’Donnell requested a copy of the condition matrix that Ken Reiter referenced.

The Board requested that this item be returned to the Board on November 15, 2011.

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## **ADJOURNMENT**

MOTION WAS MADE BY ALDERMAN BROUN AND SECONDED BY ALDERMAN COLEMAN TO ADJOURN THE MEETING AT 10:30 P.M. VOTE: AFFIRMATIVE ALL

## ATTACHMENT C - 12

changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the Board hereby grants a deviation from the presumptive parking requirements of Section 15-291 based upon justification provided by the applicant.
4. That the deviation from the paving of the parking lot per Section 15-29(a) be waived per the justification provided by the applicant.
5. That the 10' sidewalk width requirement of Section 15-221(f) be waived based on the applicant's justification that the non-conformity of the existing sidewalk be allowed to remain.
6. That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 as they are applied to all property lines are waived based upon the applicant's justification.
7. That, per Section 15-317 of the Land Use Ordinance, the 20% shading requirement for the parking lot be waived based upon the applicant's justification.
8. That the parking spaces be demarcated per Section 15-296 (c) of the Land Use Ordinance prior to the release of the Certificate of Occupancy.
9. That the paving of the two existing driveway entrances on West Poplar Avenue will be completed per Section 15-296 (b) of the LUO prior to the release of the Certificate of Occupancy.
10. That no amplified music will be played on the property other than during the six special events that are held throughout the year.
11. That the hours be limited to 11:00pm on weeknights and 12:00am on the weekends.
12. That at least three covered bike spots will be added.
13. That some inverted-u or post-and-loop bike racks will be added.

MOTION WAS MADE BY ALDERMAN COLEMAN AND SECONDED BY ALDERMAN HAVEN-O'DONNELL THAT THE APPLICATION IS GRANTED, SUBJECT TO THE ABOVE CONDITIONS.  
VOTE: AFFIRMATIVE ALL

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### **CONTINUED PUBLIC HEARING ON A LAND USE ORDINANCE MAP AMENDMENT RELATED TO FOUR PROPERTIES AT AND NEAR 500 N. GREENSBORO STREET**

The Board of Aldermen considered a petition to change the zoning classification for four properties located at and near 500 N. Greensboro Street from CT and B-1(g)-CZ to B-1(g)-CZ on June 14, 2011. The Board continued the public hearing and requested additional information related to this request.

Trish McGuire, the Town's Planning Director, made the presentation to the Board.

Ken Reiter, of Belmont Sayre, made a presentation to the Board.

Sarah Bruce, a former Carrboro resident, spoke in favor of the proposed rezoning. She stated that it is a way for Carrboro to do more with less and will bring more density to downtown.

David Morgan, the broker that represents Belmont Sayre and former Carrboro resident, spoke in favor of the proposed rezoning. He stated that it is not a project that will be built for student housing and suggested that the Board of Aldermen add a condition that prohibits undergraduate college students from being renters in the project.

Joal Kraeuter, a resident of 507 N. Greensboro, spoke against the proposed rezoning. He expressed concern with the increase in traffic and congestion. He also stated that the project is too large for the space.

Arne Gray, owner of 407,501,503 and 505 N. Greensboro, spoke against the proposed rezoning. He explained that he feels that the project's scale does not fit in Carrboro and is inharmonious with the existing neighborhood.

E. DuBose, a resident of 111 Viburnum Way, spoke against the proposed rezoning. She expressed concern with the increase in traffic and the project's proposed location.

Damon Seils, a resident of 601 Jones Ferry Road, spoke in favor of the proposed rezoning. He commented on the project's creation of new office and living space in the downtown area. He also expressed some concern with the design of the front building and suggested that the developer consider making the design more harmonious with the existing area. He suggested that the parking be uncoupled from the units. He commented that the conditions #3 and #12 provide flexibility that will allow the Planning Board an opportunity to review the CUP thoroughly.

John Gallagher, a resident of 109 Amber Court, spoke in favor of the proposed rezoning. He commented on the project's consistency with the Vision2020 plan, the mixed-use and LEED design aspects, and the project's location to downtown.

Celia Pearce, a resident of 307 Oak Avenue, spoke against the proposed rezoning. She expressed concern with the project's location, size, and increase in traffic, noise, and light pollution. She stated that the high density development will be discordant to the current historic neighborhood. She provided the Town Clerk with a copy of several letters against the proposed rezoning.

Jack Haggerty, a resident of 105 Fidelity, spoke against the proposed rezoning. He expressed concern with the project's location and the increase in traffic. He stated that the project is inharmonious with the existing neighborhood and inconsistent with any existing planning documents. He stated that there are no reviews of the promised sustainability design and building features once the project is developed.

David Arneson, a resident of 102 Mulberry Street, spoke in support of the proposed rezoning. He stated the project will create jobs in the short term and increase the tax base in the long term. He stated that the project will bring more residents to Carrboro's downtown commercial district. The mixed-use design will be more green and sustainable than other projects around Town.

Dirce Suzuki, a resident of 101 Roger Cooke Circle, spoke against the proposed rezoning. She expressed concern with the increase in traffic, noise, and density. She stated that it will change the existing neighborhood in a negative way. She stated that she has found that many residents are not aware of the project and when she brings it up, they are against it.

David Burgess, a resident of 101 Roger Cooke Circle, spoke against the proposed rezoning. He stated that the project is a money over a quality of life issue. He stated that most people that he speaks to about the project are



shocked and against it. The project will dramatically change the entire character of the neighborhood and, most likely, the whole Town.

Jackie Tanner, a resident of Carrboro, spoke against the proposed rezoning. She expressed concern with the aesthetics of the building because it will change the entire view of the neighborhood. She stated that the project, being mostly 2-bedroom, will not sell to families with children, but to students.

Jonathon Charney, a resident of Carrboro, spoke in favor of the project. He stated that it will bring needed commercial office space to Carrboro and people to downtown.

Michelle Rives, a resident of 100 Oak Avenue, spoke against the proposed rezoning. She expressed concerns with the density, the proposed costs of renting the units, and traffic. She suggested that Carrboro needs a comprehensive traffic plan.

The Mayor and Board of Aldermen made various comments regarding their thoughts on the rezoning application.

Alderman Coleman suggested that developers that are proposing a radical change in zoning and should work with the neighbors prior to the drawing of a project's design.

Alderman Slade requested that the developer construct the building so that the ground floor of the back building could be retrofitted from residential to commercial space in the future. He also suggested pushing the front building further back into the lot. He also suggested the possibility of a raised crosswalk on North Greensboro that would cause traffic to slow down near the development.

Ken Reiter, in response to Alderman Slade's questions, explained that NCDOT does have an interest in exploring options to slow the traffic on N. Greensboro. He thinks that a raised crosswalk will take some pushing from his side but that he is willing to push DOT to consider that option. He also agreed to construct the back building in a way that would accommodate non-residential uses in the future.

Alderman Johnson suggested that developers should meet with neighbors before they begin major project designs similar to this proposal

Alderman Gist asked the Board to have a conversation about the downtown area, including businesses and neighborhoods, to address the future planning of downtown.

The following resolution was introduced by Alderman Lavelle and seconded by Alderman Haven-O'Donnell:

**A RESOLUTION ADOPTING A  
STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN  
AMENDMENT TO THE MAP OF THE CARRBORO LAND USE ORDINANCE  
Resolution No. 75/2011-12**

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 2.49 ACRES OF LAND KNOWN AT AND NEAR 500 N. GREENSBORO STREET FROM B-1(G)-CZ AND CT TO B-1(G) CZ

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020, Policy 6.11.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to 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.

Section 3. This resolution becomes effective upon adoption.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 24th day of January 2012:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Randee Haven-O'Donnell

Noes: Dan Coleman, Michelle Johnson, Jacquelyn Gist

Absent or Excused: None

The following ordinance was introduced by Alderman Lavelle and seconded by Alderman Haven-O'Donnell:

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 2.49  
ACRES OF LAND KNOWN AT AND NEAR  
500 N. GREENSBORO STREET FROM B-1(G)-CZ AND CT TO B-1(G) CZ  
Ordinance No. 18/2011-12

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 properties being described on Orange County Land Records System as:

Orange County PIN 9778-87-7556, addressed as 500 N. Greensboro Street, currently zoned B-1(g) CZ (General Business, Conditional), and 9778-87-7448, 9778-97-0512, 9778-87-9369, addressed as, 404 N. Greensboro Street, 406 N. Greensboro Street, and 113 Parker Street, currently zoned CT shown on the attached zoning exhibit are hereby rezoned to B-1(g)-CZ (General Business, Conditional), subject to the following conditions:

1. Driveway access to the parcel shall be aligned with Shelton Street;
2. All structures currently located on the property shall be offered for relocation prior to beginning construction
3. The Concept Plan labeled "Shelton Station, RZ-2" dated _10 January 2012, is approved and incorporated herein in relation to the following features; possible land uses, general location and expected size of building footprints(subject to condition #12), maximum density of 96 residential units. Other features and issues remain to be decided at the time a conditional use permit is requested for development. Those features and issues include, but are not necessarily limited to, traffic improvements at the entrance and property frontage on N. Greensboro Street, compliance with architectural standards for downtown development, and required parking
4. For any residential unit consisting of 3 or more bedrooms, the bathroom count per unit shall be one less than the number of bedrooms.

5. A minimum of 10 percent of the residential units to be permanently affordable at 60 percent and an additional 10 percent to be permanently affordable at 80 percent of the median gross family income, as most recently updated by the United States Department of Housing and Urban Development (or successor agency), for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located. Housing costs and unit size to reflect the terminology in Section 15-182.4 (b) (1) of the Carrboro Land Use Ordinance. The term of affordability for these units will be 99 years, per a condition to be included on the conditional use permit at the time of its approval.
6. The property will be designed and constructed to meet a Leadership in Energy and Environmental Design (LEED) Silver equivalent standard when evaluated by a LEED accredited professional. The property shall not be required to complete a certification or commissioning process governed by the U.S. Green Building Council (USGBC). The total points necessary to obtain a LEED silver equivalent shall be derived from points for the following features: a compact, highly-efficient building envelope and glazing, finishes, insulation, and reflective roofing materials that reduce heat island effects, as well as use of Energy Star appliances, high SEER HVAC equipment, solar hot water for common areas, and an on-site electric vehicle charging station, or substantially equivalent alternative elements as approved by the Board of Aldermen as part of a conditional use permit.
7. Parking configuration along the Parker Street r/w/southern property boundary will allow for secondary emergency vehicle access to/from the site.
8. Covered bike parking at the rate of one bike parking space for every four residential units
9. The parking lot shall meet the standard for a “green” parking lot, per the most recent edition available at the time of construction of the “EPA Green Parking Lot Resource Guide”
10. Upon the request of the Town, a public bicycle and pedestrian trail easement shall be incorporated into the site, the location to be determined at the time a conditional use permit is approved.
11. Petitioner has the responsibility of establishing procedures that are appropriate and necessary to assure that income data provided by the applicants for affordable residential units is complete and accurate and that third-party verification of employment and family annual income will occur at least annually.
12. The building nearest North Greensboro Street shall be set back from the existing North Greensboro Street right-of-way line an appropriate distance to be determined during the conditional use permit approval process, but no less than 16 feet.
13. Construction of the back building shall allow for future conversion to commercial use on the entire ground floor.

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.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 24th day of January 2012:

Ayes: Sammy Slade, Lydia Lavelle, Mark Chilton, Randee Haven-O'Donnell

Noes: Dan Coleman, Michelle Johnson, Jacquelyn Gist





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 15-0070

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**Agenda Date:** 3/17/2015

**File Type:** Abstract

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Request-to-Set a Public Hearing on Land Use Ordinance Amendments to Create a New M-3-CU Special Light Manufacturing District

**PURPOSE:** The purpose of this item is for the Board to consider amending the Land Use Ordinance to create a new M-3-CU special light manufacturing conditional use district. A draft ordinance has been prepared for the Board's consideration. A resolution setting a public hearing date for April 28, 2015 and requesting advisory board review prior to the hearing has also been prepared.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Marty Roupe - 919-918-7333; Mike Brough - 919-929-3905

**INFORMATION:** On May 28, 2013, Runyon Woods of Woodhill, Inc. LLC, submitted a text amendment request to allow additional uses, such as restaurants, in the M-1 zoning district subject to a conditional use permit (Attachment B). In response to the request, staff crafted an ordinance that would allow some higher return land uses in exchange for site improvements and/or building elements that would provide essential public infrastructure and create a more vibrant and successful community. The Town adopted similar performance standard language as part of the establishment of the B-1(g) conditional zoning district (Section 15-141.4) in 2011.

On November 19, 2013, the Board of Aldermen held a public hearing on the draft amendment, which had been modified during the advisory board review process. The Board requested additional information and refinement to the proposed amendment, and since that time, staff has worked with the applicant to refine the draft ordinance to respond to Board and advisory board concerns. The staff memorandum (Attachment D) provides short history of the evolution of the draft ordinance from its original version, first shared with the Board as a request-to-set a public hearing agenda item on October 15, 2013, to the present version dated February 13, 2015 (Attachment C).

This new ordinance differs from the previous ones in two important ways. First, after working through the challenges of the site and finalizing the conditional use permit plans, the Woodhill, Inc. has identified areas where they were not able to meet the LUO and have modified their text amendment request accordingly. These changes include the addition of one new land use 16.000 (dry cleaners), and the opportunity allow use 16.000

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**Agenda Date:** 3/17/2015

**File Type:**Abstract

**In Control:** Board of Aldermen

**Version:** 1

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and use 3.250 (freestanding ATMs) as permitted uses that are not subject to percentages of building and site improvements. The applicants have also asked for flexibility relating to certain street standards for an infill site. These requests have been incorporated into the draft ordinance.

The second change relates to the creation of the new manufacturing zoning district. After exploring different strategies toward a weighted point system and in consultation with the Town Attorney, staff has put forth a draft ordinance that proposes a new M-3 conditional use district rather than a general use district. The conditional use zoning mechanism allows for rezonings to occur under very specific conditions described in an associated conditional use permit application. Conditions are linked to the permit. If adopted, the ordinance would provide the Board with discretion to determine if an applicant has met the performance standard criteria--if the design of the proposed project includes a sufficient amount of site and building elements that will create a more vibrant and successful community/provides essential public infrastructure--to allow the desired amount of restaurants in the development. Conditional use districts can only be established at the request of the owner; as part of their updated application materials, Woodhill Inc. has submitted a petition for rezoning to the new M-3-CU district.

The Board of Aldermen must receive public comment before adopting amendments to the LUO; Planning Board and Orange County review is also needed. Staff has identified other advisory boards in the resolution template that the Board may wish to refer the draft ordinances to as well.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review. The applicant has paid the Town fee associated with processing a text amendment to the Land Use Ordinance.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution (Attachment A), setting a public hearing for April 28, 2015 and referring the proposed amendment to Orange County, the Planning Board, the Transportation Advisory Board, the Appearance Commission and the Economic Sustainability Commission.

**A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE  
CARRBORO LAND USE ORDINANCE TO CREATE A NEW M-3-CU SPECIAL LIGHT  
MANUFACTURING DISTRICT**

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on April 28, 2015, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Create a new M-3-CU special light manufacturing district.”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

☒ Appearance Commission

☐ Recreation and Parks Commission

☒ Transportation Advisory Board

☐ Northern Transition Area Advisory  
Committee

☒ Environmental Advisory Board

☐ \_\_\_\_\_

☒ Economic Sustainability Commission

☐ \_\_\_\_\_

This is the 17<sup>th</sup> day of March in the year 2015.



## APPENDIX A – 3

# LAND USE ORDINANCE AMENDMENT REQUEST FORM

# TOWN OF CARRBORO

## LAND USE ORDINANCE AMENDMENT REQUEST



To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

- 1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):

see attached

- 2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):

see attached

- 3) State the reasons for the proposed amendment:

see attached

SIGNATURE:

*[Handwritten Signature]*  
applicant

*PURNOM Colie Woods*  
(print)

ADDRESS:

PO Box 4022, Chapel Hill NC 27515

TELEPHONE NUMBER:

919-418-2121

## TOWN OF CARRBORO

### LAND USE ORDINANCE AMENDMENT REQUEST 2-25-15

To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

Since I first requested amendment of the LUO in May of 2013, detailed engineering studies of both flood control and local road intersections have refined project design. Input from the Board has altered the list of potential uses and appropriate zoning. Solving the problems of the site and turning those problems into opportunities requires flexible and innovative design solutions not anticipated in the LUO, resulting in amended and additional specific text amendments.

Therefore,

I, the undersigned, hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

1) The Land Use Ordinance, at present, would allow property zoned M-1 the following **EXISTING** uses (among others):

2.100 thru 2.140 Sales and Rental of Goods and Merchandise inside  
2.210 thru 2.330 Sales and Rental of goods and Merchandise outside

3.110 thru 3.130 Office, Clerical

4.100 Manufacturing inside

5.120 thru 5.400 Educational, Cultural, Social

6.110 thru 6.140 Recreation, Amusement, Entertainment  
6.220 thru 6.240, 6.260 Recreation, Amusement, Entertainment

2) This proposed amendment to the Land Use Ordinance would create a new Conditional Use Zone called M-3-CU containing the following **ADDITIONAL** uses:

3.250 Automatic teller machines freestanding  
16.200 Dry Cleaner/Laundromat

These uses would be subject to a conditional use permit.

This proposed amendment would also allow:

8.100 Restaurants  
8.200 Outside service or consumption

8.500 Carryout service

8.700 Food delivery

These additional uses will be allowed if the Board concludes that the proposed CUP of a property zoned M-3-CU contains substantial elements that improve both the property and the community, providing essential corrections and additions public infrastructure, green initiatives and /or light manufacturing uses. The Board may approve a conditional use permit that allows up to a specified percentage of gross floor area to be devoted to uses 8.100, 8.500, 8.600 and 8.700. {here insert the amendment language, percentages proposed and list of performance standards from May of 2014 except applying those standards to M-3-CU instead of M-1. A copy of my letter of March 6<sup>th</sup> 2014 is attached.} This amendment to the LUO would also permit the board, when approving a conditional use permit for development of property zoned M-3-CU, to allow deviations from the standards of the LUO relating to public streets as follows:

- a. the board may approve a curb and gutter street with a right of way of 50 feet, travel lanes of 11 feet, divided by a raised 3 foot concrete median, with a two-foot planting strips and a five foot sidewalk on each side when a separate ten-foot wide paved bike path is provided as an alternative to two 4 foot wide bike lanes usually in the street section.
- b. the board may approve a centerline radius for a local or a subcollector street of 100 feet, provided that the speed limit is adjusted accordingly and an engineer's statement is obtained stating that the street is safe for the 100 foot radius at the recommended speed in MPH;
- c. the Board may approve a street lighting system consisting of LED lights on 15 foot poles, the costs of installation, operation, and maintenance to be paid by the developer, or the developer's successor;
- d. the Board may approve a street tree planting plan that allows fewer 6" caliper trees rather than the planting of more numerous 2" caliper trees required by Section 15-316, as long as parking lot shading provisions are met.

### **3) Reasons for the proposed amendment:**

a. Reasons for M-3-CU with its additional uses: Carrboro has only three clusters or groups of lots zoned M-1: a southern cluster consisting of 4 lots on South Greensboro Street, a western cluster consisting of 7 lots on Jones Ferry Road (grouped around OWASA and Mellot Grading) and a northern cluster made up of two lots, Fitch Lumber on the west side of North Greensboro and the Fitch Lumber storage shed on the east side of North Greensboro. One of the largest lots in the western cluster was the subject of a permit request for retail redevelopment in 2007.

In the southern cluster at the time of the zoning, 3 of the 4 lots in the cluster were empty, the 4<sup>th</sup> had a factory. Of the three empty lots, two have since become offices and the third a storage facility. The factory lot has been abandoned for years.

While the M-1 zone currently allows retail and office use, some of the most probable future uses (i.e. restaurants) are prohibited.

In our earlier discussions with the Board, the Board evidenced a strong disinclination to authorize restaurant uses in any M-1 district for fear that restaurant uses would then be permitted and would appear in the remaining M-1 districts, making manufacturing uses less likely to return. .

Rezoning the abandoned M-1 factory lot in the southern cluster as M-3-CU allows the board to allow restaurant uses in that zone and that lot alone. In our neighborhood survey, 36 Of 56 respondents requested restaurants. Restaurant uses create a more vibrant and synergistic center, and income from restaurant uses on this lot is needed to recover the cost of flood control measures, public infrastructure and road improvements.

Precedent for controlling restaurant uses in all M zones can be reinforced and further restricted by requiring owners of an M-3-CU lot to meet a series of performance standards in order to obtain a specific square footage of restaurant uses. More specifically, these performance standards can allow the Board to approve CUPs that encourage manufacturing on part of a M-3-CU property, balanced by restaurant uses on another part of the same property.

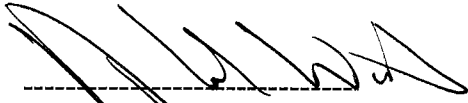
B: Radius. Where Rand Road turns north and joins Purple Leaf Place, the connection has a centerline radius of 100 feet, as opposed to the 200 foot radius in the LUO. Using the standard 200 foot radius in this location would push the east side curb and gutter more deeply into the stream buffer and outside the existing Right of Way. As per the attached engineers statement, the 100 foot radius is safe. Additionally, 2012 AASHTO Design for Low-Speed Urban Streets shows that a 100' curve at normal crown is acceptable for speeds of 20 MPH. We would also note that the Board has placed bollards in the road to prevent all thru traffic except emergency vehicles.

C: STREET LIGHTING: WOODHILL NC is lighting the entire exterior of the project with LED building and parking lot lights on 15 foot poles, increasing initial purchase costs by a factor of four from the typical cobra head High Pressure Sodium

Studies have stated that the widespread adoption of LED lights could remove the need for 20 nuclear power plants nationwide. While LED parking lot and street lights are the wave of the future, LED street lights are not yet permitted on streets in Carrboro. Since the area around the intersection is already LED, this is the perfect place to try them out.

Since Rand Road is a public ROW passing through the property, town staff has informed us that town standard street lighting will be required. The town street lighting standard contained in Appendix A-26 (Public Works Street Lighting Policy) allows only the very cobra headed High Pressure Sodium that we are striving to avoid. Moreover this standard requires (as town staff have informed us) that cobra headed HPS lighting the intersection must be on a 25 to 30 foot pole, where as our network is on 15 foot tall poles (as required by the LUO). Appendix A-26 states "Alternative lighting fixtures and poles are not acceptable".

In accord with section 15-309 Woodhill NC requests a deviation in the street tree requirement as per the flexibility provisions of section 15-309.

A handwritten signature in black ink, appearing to read 'Runyon Cole Woods', is written over a horizontal dashed line.

Runyon Cole Woods,  
partner, Woodhill NC LLC

2-25-15

3/6/2014

**Woodhill NC, LLC**

PO Box 4022  
Chapel Hill NC 27516  
919-418-2121

From: Runyon Woods on behalf of Woodhill NC, LLC  
To: Town of Carrboro Joint Advisory Board  
Re: March 6, 2014 Meeting, Agenda Item 4

Our request for additional permitted uses in M-1 has gone through a number of staff iterations involving the development of a performance standard. The LUO draft attachment C that is before you tonight has 3 blanks in the third paragraph of section 2. We request that these blanks be completed in the following manner.

First blank: "15 percent of the".  
Second blank: "30 percent of the".  
Third blank: "40 percent or more of the".

We also believe that a minor correction is needed – in the list of uses, the use 8.000 should instead be 8.100.

Filling in the blanks and making the minor correction described above results in the following paragraph:

The Board shall consider a combined area of uses 3.250, 8.100, 8.200, 8.500 and 8.600 that shall not exceed 15 percent of total gross floor area for those developments providing 15 percent of the examples of performance measures from the five areas of site and building element categories. The Board shall consider a combined area of uses 3.250, 8.100, 8.200, 8.500 and 8.600 that shall not exceed 30 percent of total gross floor area for those developments providing 30 percent of the examples of performance measures from the five areas of site and building element categories; and a combined area not to exceed 40 percent of total gross floor area for those developments providing 40 percent or more of the examples of performance measures from the five areas of site and building element categories.

Thank you for your attention to this matter.



AN ORDINANCE CREATING A SPECIAL MANUFACTURING CONDITIONAL USE (M-3-CU) ZONING DISTRICT AND MAKING CORRESPONDING CHANGES TO SECTION 15-141.3 (CONDITIONAL USE ZONING DISTRICTS)

\*DRAFT 2-13-2015\*

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Section 15-141.3 of the Carrboro Land Use Ordinance is revised as follows:

**Section 15-141.3 Conditional Use Zoning Districts**

(a) The following conditional use zoning districts are hereby established: RR-CU, R-20-CU, R-15-CU, R-10-CU, R-7.5-CU, R-3-CU, R-2-CU, R-S.I.R.-CU, R-S.I.R.-2-CU, B-1(c)-CU, B-1(g)-CU, B-2-CU, B-3-CU, B-4-CU, CT-CU, B-3-T-CU, O-CU, M-1-CU, and M-2-CU. A Special Manufacturing Conditional Use (M-3-CU) zoning district is also established. The provisions of this section applicable to these conditional use-zoning districts do not affect or apply to ~~other conditional use zoning districts established under this chapter, including~~ the Office/Assembly Conditional Use District, or the Village Mixed Use Conditional Use District.

(b) 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.

(c) Subject to subsection (c1) and other provisions of of this section, 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.

(c1) Except as otherwise provided in this subsection, the uses that are permissible within an M-3-CU district, and the regulations applicable to property within such a district shall be those uses and those regulations that would be applicable to any property zoned M-1-CU (i.e. excluding specific conditions made applicable to specific property zoned M-1-CU) with the addition of uses 3.250 and 16.000.

(1) If the Board concludes that a proposed development of property zoned M-3-CU will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Board may approve a conditional use permit that allows up to a specified maximum percentage of the gross floor area of the development to be devoted to any combination of uses 3.250, 8.100, 8.200, 8.500, 8.600, and 8.700. The specified maximum percentage of the gross floor area of the development that may be devoted to such uses shall be proportional to the extent to which the development provides site and building elements that exceed the basic requirements of this ordinance. Such site and building elements are intended to be selected from the following five areas: stormwater management and water conservation; substantial transportation improvement and alternative transportation enhancement; on-

site energy production and energy conservation; creation of new and innovative light manufacturing operations; and the provision of public art and/or provision of outdoor amenities for public use.

(2) The following relationships between site and building elements and uses are hereby deemed to satisfy the standard set forth in subdivision (1) of this subsection: (i) up to fifteen percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of uses 3.250, 8.100, 8.200, 8.500, 8.600, and 8.700 if the development includes at least fifteen percent of the examples of performance measures from the five areas of site and building element categories set forth below; (ii) up to thirty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least thirty percent of the examples of performance measures from the five areas of site and building element categories set forth below; and (iii) up to forty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least forty percent of the examples of performance measures from the five areas of site and building element categories set forth below. In addition, the Board may allow up to forty percent of a development approved pursuant to this section to be devoted to any combination of the foregoing uses if it concludes that the development will be making a substantial enough investment in one or more of the performance measures listed below to satisfy the standard set forth in subdivision (1) of this subsection.

#### **Performance Measures**

<b>Site and Building Element Categories</b>	<b>Examples of Performance Measures</b>
Stormwater management and Water conservation	1) Substantial stormwater retrofits 2) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the Jordan Lake Accounting Tool
Substantial transportation improvement and Alternative transportation enhancement	3) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips 4) Substantial improvement to public infrastructure, such as enhanced bicycle and pedestrian paths, or access to transit 5) Construction of substantially improved site entrance, intersection
On-site energy production and energy conservation	6) Meets or exceeds standards for LEED Gold certification 7) Installation of active and passive solar features such as sufficient solar arrays to account for 50 percent or more of the electrical usage for the property 8) Use of harvested rainwater for toilet flushing 9) Use of devices that shade at least 30% of south-facing and west-facing building elevations

	10) Use of low emissivity (low-e <sup>2</sup> ) windows along south-facing and west-facing building elevations 11) Installation of attic insulation that exceeds the current building code R-value rating by 35% or greater 12) Use of geothermal heat system to serve the entire complex 13) Use of LED fixtures for parking and street lights 14) Meets the Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type or the US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030
Creation of new and innovative light manufacturing operations	15) The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers 16) Incorporates technologies to reduce production waste by 50 percent or more
The provision of public art and/or provision of outdoor amenities for public use	17) Outdoor amenities such as major public art 18) Amphitheatre or outdoor theater, outdoor congregating/gathering area 19) Outdoor eating facilities 20) Outdoor tables with game surfaces, etc.

- (3) In approving a conditional use permit for a development of infill property zoned M-3-CU, the Board may allow deviations from the otherwise applicable standards relating to public streets as follows:
- a. The Board may approve a curb and gutter street having a right-of way of not less than 50 feet, travel lanes of not less than 11 feet, divided by a raised concrete median, with a two foot planting strip and a five foot sidewalk if the development provides a separate ten-foot wide paved bike path or shared-use path that constitutes a satisfactory alternative to a bike lane with the street right-of-way if the applicant can demonstrate that the proposed road will provide the functional equivalent to the required street classification standard for all modes of travel from the point of origin to the terminus at the property boundaries.
  - b. The Board may approve a street lighting system consisting of LED lights on 15 foot poles if satisfactory arrangements are made to ensure that all costs associated with the installation, operation, and maintenance of such poles and lights are borne by the developer or the developer's successor, and not the Town.
  - c. The Board may approve a street tree planting plan that provides for the installation of fewer 6" caliper trees rather than the planting of more numerous 2" caliper trees required by Section 15-315.

(d) Subject to subsection (f), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit, regardless of whether a use in the

corresponding general use district would ordinarily require (according to the Table of Permissible Uses) a zoning permit, special use permit, or conditional use permit.

(e) When a rezoning petition for a conditional use zoning district is submitted (in accordance with Article XX of this chapter), 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.

1. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.
2. 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.
3. 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.

~~4. 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.~~

When a rezoning petition for a conditional use zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the conditional use permit issued in conjunction with the rezoning to the requested conditional use zoning district. The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional use permit. Conditions and site-specific standards imposed in this process shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site.

5. If the conditional use permit is allowed to expire (under Section 15-62), the Board may initiate action to rezone the property to any appropriate general use district classification. In addition, notwithstanding any other provision of this ordinance, the Board shall be under no obligation to consider any major modification of a conditional use permit issued in connection with a conditional use rezoning or any new conditional use permit for property that has been the subject of a conditional use rezoning.

(f) If a conditional use permit issued in connection with a conditional use rezoning authorizes the creation of a residential subdivision containing lots intended for development with not more than four dwelling units each, and the conditional use permit application does not provide sufficient information to authorize a development permit for such lots, then such lots may be developed

pursuant to the issuance of a zoning permit (i.e. each lot will not require an amendment to the conditional use permit issued for the overall development).

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.



## TOWN OF CARRBORO

NORTH CAROLINA

### TRANSMITTAL PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☒ MAIL ☐ FAX ☐ EMAIL

**To:** David Andrews, Town Manager  
Mayor & Board of Aldermen

**From:** Tina Moon, Planning Administrator

**Date:** March 10, 2015

**Subject:** Potential Text Amendments Relating to the Proposed M-3-CU Zoning District

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### SUMMARY

In the spring of 2013, Runyon Woods of Woodhill, Inc. LLC, submitted a request for a text amendment to the Land use Ordinance to allow additional uses in the M-1 zoning district subject to a conditional use permit. Such “higher return” uses were intended to help offset some of the infrastructure costs related to a development proposal requiring significant stormwater management improvements. Staff prepared a draft ordinance designed to balance the costs associated with substantial infrastructure improvements that offered public benefit with the opportunity for additional land uses, while retaining the possibility for some light manufacturing development to occur in the future. Over the course of the next year and a half, staff worked with the applicant to refine the draft ordinance to respond to Board and advisory board concerns. The following memorandum provides short history of the evolution of the draft ordinance from its original version, presented to the Board as a request-to-set a public hearing agenda item on October 15, 2013 to its current iteration scheduled as a request-to-set a public hearing item for March 17, 2015. The main changes to the draft ordinance are: 1) the creation of an entirely new special light manufacturing district (M-3) rather than modifying an existing district (M-1) and 2) the shift from a general use district to a conditional use district.

### BACKGROUND

Runyon Woods of Woodhill, Inc. LLC, submitted a text amendment request on May 28, 2013, to allow additional uses within the M-1 zoning district. If adopted, restaurants and freestanding ATM tellers could be included in the development proposal for 501 South Greensboro Street

(the former Rogers-Triem site), owned by Woodhill, Inc. and under review for a conditional use permit. The existing conditions at the South Greensboro Street property presents a number of challenges for redevelopment, among them are necessary upgrades to the stormwater management system offsite. The request has the potential to change the character of the M-1 zoning district from light manufacturing to a more general mixed-use classification, which while not precluding light manufacturing from occurring in M-1 districts could discourage it due to the higher rent potential associated with other uses. In addition, if the Town amended the LUO the new uses would be permitted in all M-1 zoning districts including but not limited to the 501 South Greensboro Street site.

#### October 15, 2013 Regular Meeting

At the October 15, 2013 Board of Aldermen meeting, staff presented the Board with a draft ordinance crafted to balance the Town's interests in retaining the potential for light manufacturing in M-1 districts, while offering the development of some higher return land uses in exchange for site improvements and/or building elements that would provide essential public infrastructure and create a more vibrant and successful community. The Town adopted similar performance standard language as part of the establishment of the B-1(g) conditional zoning district (Section 15-141.4) in 2011. In its motion to set the public hearing for the proposed amendment, the Board removed use 3.230, Banks with Drive-in windows, from the list of potential new uses for the M-1 district.

A revised draft ordinance to allow restaurants and ATM tellers in the M-1 zoning district was presented at Joint Review on November 7, 2013 and to the Economic Sustainability Commission on November 13, 2013; the ordinance was also referred to Orange County. Advisory boards offered a number of comments on the proposed amendment, such as the need to impose a cap on the amount of developable area available for the new uses.

#### Advisory Board Comments on Draft Amendment dated 10-15-2013

(The TAB did not recommend any modifications to the ordinance)

- Eliminate the provision of public art and/or provision of outdoor amenities for public use in new Section 15-176.6 and (8) provision of public art and/or outdoor amenities for public use as a condition to allow the additional uses. **(PB & ESC)**
- Include a clear reference to use 8.100, restaurants with none of the features listed in the use classification below as its primary activity. **(PB)**
- Include use 8.700 mobile prepared food vendors. **(PB)**
- Consider taking a more comprehensive look at the M-1 district to ensure they can better and more flexibly support the Town's vision for a diverse economic base. **(PB)**
- Ensure the status of potential Brownfield sites. **(ESC)**
- Consider establishing a cap on the amount that a development project can incorporate the new land uses. (Not included in the ESC's formal comments but discussed extensively during its review of the proposed amendment.)



#### November 19, 2013 Public Hearing

On November 19, 2013, the Board of Aldermen held a public hearing on a draft amendment (dated 10-15-2013), which had been modified during the advisory board review process.

During the public hearing, the Board of Aldermen asked a number of questions relating to the long-term implications of the proposed amendment. Discussion included a comparison of the M-1 Zoning District to the B-4 District and whether rezoning the 501 South Greensboro site to the B-4 classification would offer a preferred solution to the Town and the developer, even if additional text amendments were needed to allow all of the land uses the developer is seeking for its project. The Board requested additional information to help compare the M-1 zoning classification with certain other districts that have similarities, such as the B-4 District and the O/A District.

#### January 14, 2014 Work Session

On January 14, 2014, the Board held a work session item to further discuss the implications of adding new uses to the M-1 zoning district. Prior to the work session, discussions relating to the text amendment focused on different approaches to allow some higher return land uses in exchange for site improvements and/or building elements that would provide essential public infrastructure and create a more vibrant and successful community. The January work session was designed to facilitate a broader discussion of the future of the M-1 zoning classification including potential ways to encourage or even require light manufacturing as a component of a development project in exchange for additional land uses.

After considering alternatives for moving forward, the Board directed staff to modify the draft ordinance (presented at the November 2013 public hearing) to incorporate the recommendations from the advisory boards, in particular requiring site improvements or building elements that would contribute to a more vibrant and successful community for any percentage of additional uses and to adopt a cap to limit the total amount of new uses for any new development. The Board also expressed interest in exploring ways to encourage or require light manufacturing as part of a future agenda item that could involve a more comprehensive analysis of the Town's long-term needs.

#### February 18, 2014 Regular Meeting

On February 18, 2014, staff presented the Board with a revised ordinance, which incorporated the requested changes and included an updated list of building and site elements that would provide essential infrastructure and/or create a more vibrant and successful community. The February 18<sup>th</sup> ordinance also established a sliding scale mechanism whereby the Board could approve a certain percentage of restaurants and freestanding ATMs in exchange for a certain number of site and building improvements. Subsequent to the February 18<sup>th</sup> meeting, staff held a conference call with the applicant to discuss the February 18<sup>th</sup> draft ordinance and based on that discussion staff added other items to the list of potential improvements.

Staff presented a further revised ordinance (dated February 28, 2014) at the March 6, 2014 joint review meeting; the Economic Sustainability Commission discussed the ordinance at its March 12<sup>th</sup> regular meeting. The February 28<sup>th</sup> ordinance included the complete list of building

and site improvements, but did not include recommendations for the numbers in the sliding scale in an effort to solicit advisory board input on what those percentages should be. As part of their written comments for distribution at the meeting, the applicants offered recommendations for the sliding scale, which the Planning Board supported in its comments along with other suggestions. The percentages were included in the draft ordinance dated March 18, 2014 and presented at the March 25, 2014 public hearing.

#### March 25, 2014 Public Hearing

During the March 25<sup>th</sup> public hearing, the Board expressed interest in creating a new manufacturing zoning district which would allow the additional uses using the sliding scale system but without extending the availability of the new uses to other existing M-1 districts. The Board asked staff to look at weighing the sliding scale with a point system similar to the Active Recreation Areas and Facilities point system outlined in Section 15-196 using a methodology defined in Appendix G. The Board also asked staff to identify where manufacturing activities are currently occurring and within the Town's jurisdiction and to minimize alternative uses in those zones. The Board directed staff to draft an ordinance that would establish the new manufacturing district with a weighted point system and with incentives and/or requirements to promote manufacturing, and to begin the process of rezoning the property at 501 South Greensboro Street (the former Rogers-Triem property) to the new district

#### March 17, 2015 Regular Meeting

While Board described the potential new zoning district during its March 25, 2014 discussion as M-2, the Town already has an M-2 zoning category, General Manufacturing, described below. Therefore the proposed new special light manufacturing district has been tentatively described as M-3. The proposed district has also been framed as a conditional use district rather than a general use district. The conditional use rezoning mechanism, as described in Section 15-141.3, allows the Board to consider the specifics of the associated conditional use permit as part of the rezoning decision and to attach conditions the CUP. A comparison of the existing two manufacturing districts with the proposed new conditional use district is below.

### **COMPARISON OF MANUFACTURING DISTRICTS FROM ARTICLE IX**

**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 and drycleaners. 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.

## **ARTICLE IX**

### **ZONING DISTRICTS AND ZONING MAP**

#### **PART I. ZONING DISTRICTS**

##### **Section 15-137 Manufacturing Districts Established (AMENDED 6/22/82; 2/4/86).**

(a) The M-1 and M-2 districts are hereby created to accomplish the purposes and serve the objectives set forth in this subsection. Part of Article XI contains performance standards that place limitations on the characteristics of uses located in the districts created by this section.

- (1) **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.
- (2) **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.

(b) There is also established a watershed light industrial (WM-3) zoning district. The purpose of this district is to allow areas within the University Lake Watershed that have been zoned M-1 prior to the effective date of this subdivision to continue to be used and developed for light industrial and related purposes, subject to certain restrictions designed to protect the watershed. Consistent with the purpose of this zone, this district shall be confined to that area zoned M-1 on the effective date of this subsection; this area shall not be expanded and no new WM-3 areas shall be designated. **(AMENDED 12/7/83)**

(c) There is also established a Planned Industrial Development (PID) zoning district. The purpose of this district is to provide for the possibility of well planned and tightly controlled industrial development in areas that are suitable for such development but that are not deemed appropriate for M-1 or M-2 zoning because of the less restricted types of development that may occur in such zones. **(AMENDED 6/22/82; 12/7/83)**

- (1) No area less than twenty contiguous acres may be zoned as a Planned Industrial Development district, and then only upon a request submitted by

*Art. IX ZONING DISTRICTS AND ZONING MAP*

or on behalf of the owner or owners of all the property intended to be covered by such zone.

- (2) As indicated in the Table of Permissible Uses (Section 15-146) a planned industrial development (use classification 30.000) is the only permissible use in a PID zone.
- (3) Subject to subdivision (2) of this subsection, and consistent with the restrictions contained in the definition of a planned industrial development [see Subdivision 15-15(60)], land within a PID zone may be used in a manner that would be permissible if the land were zoned M-1, except that (i) the only permissible uses are those described in the 2.130 and 4.100 classifications and (ii) the performance standards (Article XI, Part I) applicable to 4.100 uses in business zones shall govern uses in a planned industrial development.

## **ARTICLE IX**

### **ZONING DISTRICTS AND ZONING MAP**

#### **PART I. ZONING DISTRICTS**

##### **Section 15-141.3 Conditional Use Zoning Districts (AMENDED 5/25/04)**

(a) The following conditional use zoning districts are hereby established: RR-CU, R-20-CU, R-15-CU, R-10-CU, R-7.5-CU, R-3-CU, R-2-CU, R-S.I.R-CU, R-S.I.R.-2-CU, B-1(c)-CU, B-1(g)-CU, B-2-CU, B-3-CU, B-4-CU, CT-CU, B-3-T-CU, O-CU, M-1-CU, and M-2-CU. The provisions of this section applicable to these conditional use-zoning districts do not affect or apply to other conditional use zoning districts established under this chapter, including the Office/Assembly Conditional Use District, or the Village Mixed Use Conditional Use District.

(b) 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.

(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.

(d) Subject to subsection (f), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit, regardless of whether a use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses) a zoning permit, special use permit, or conditional use permit.

(e) When a rezoning petition for a conditional use zoning district is submitted (in accordance with Article XX of this chapter), 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.

1. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.
2. 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.
3. 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

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welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request.

4. 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.
5. If the conditional use permit is allowed to expire (under Section 15-62), the Board may initiate action to rezone the property to any appropriate general use district classification. In addition, notwithstanding any other provision of this ordinance, the Board shall be under no obligation to consider any major modification of a conditional use permit issued in connection with a conditional use rezoning or any new conditional use permit for property that has been the subject of a conditional use rezoning.
  - (f) If a conditional use permit issued in connection with a conditional use rezoning authorizes the creation of a residential subdivision containing lots intended for development with not more than four dwelling units each, and the conditional use permit application does not provide sufficient information to authorize a development permit for such lots, then such lots may be developed pursuant to the issuance of a zoning permit (i.e. each lot will not require an amendment to the conditional use permit issued for the overall development).



## **ARTICLE XIV**

### **STREETS AND SIDEWALKS**

#### **Section 15-210 Street Classification.**

(a) In all new subdivisions, streets that are dedicated to public use shall be classified as provided in subsection (b).

- (1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;
- (2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
- (3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(b) The classification of streets shall be as follows:

- (1) **MINOR:** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to seventy-five trips per day.
- (2) **LOCAL:** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten but not more than twenty-five dwelling units and is expected to or does handle between seventy-five and two hundred trips per day.
- (3) **CUL-DE-SAC:** A street that terminates in a vehicular turn-around.
- (4) **SUBCOLLECTOR:** A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six but not more than one hundred dwelling units and is expected to or does handle between two hundred and eight hundred trips per day.
- (5) **COLLECTOR:** A street whose principle function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve,

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directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.

- (6) **ARTERIAL:** A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic. The following streets are arterial streets:

Culbreth Road	Main Street
Dairyland Road	Merritt Mill Road
Damascus Church Road	N.C. Hwy 54
Estes Drive	Old Greensboro Road
Eubanks Road	Old Hwy 86
Greensboro Street	Old Fayetteville Rd.
Hillsborough Road	Rogers Road
Homestead Road	Smith Level Road
Jones Ferry Road	Weaver Street

(AMENDED 06/04/91)

- (7) **MARGINAL ACCESS STREET:** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
- (8) **LOOP STREET.** A street having two points of intersection with the same street. (AMENDED 06/21/94)
- (9) **ALLEY.** A one-way service road providing a secondary means of public access to abutting property and not intended for general traffic circulation with a maximum length of 550 feet. (AMENDED 09/27/94)

**Section 15-211 Access to Public Streets in General.**

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. (AMENDED 5/10/83; 4/24/84)

**Section 15-212 Access to Arterial Streets.**

Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street.

**Section 15-213 Entrances to Streets.**

(a) All driveway entrances and other openings onto streets within the town's planning jurisdiction shall be constructed so that:

- (1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets; and
- (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
- (3) In considering (1) and (2) above, the following factors shall be considered: **(AMENDED 2/4/86)**
  - a. The nature of the abutting street, its capacity, use, speed and flow, and reasonably anticipated changes to the street; and
  - b. The nature of the proposed use of the land, the traffic generated, the existence and number of drive-in window(s), the internal system for moving vehicles while on the lot; and
  - c. The nature of the exit and entrance, the site distance, the distance from intersections, the alignment with other drives and streets, turning controls or limitations.
  - d. As a minimum, no drive should be located within 250 feet of an intersection of an existing or planned arterial or collector road.

(b) As provided in G.S. 136-93, no person may construct any driveway entrance or other opening onto a state-maintained street except in accordance with a permit issued by the North Carolina Department of Transportation. Issuance of this permit is prima facie evidence of compliance with the standard set forth in subsection (a).

(c) If driveway entrances and other openings onto town-maintained streets are constructed in accordance with the specifications set forth in Appendix B to this chapter, this shall be deemed prima facie evidence of compliance with the standard set forth in subsection (a).

(d) For purposes of this section, the term "prima facie evidence" means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with subsection (a).

**Section 15-214 Coordination with Surrounding Streets.**

(a) The street system of a subdivision shall be coordinated with existing, proposed and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.

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(b) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

(c) Subject to subsection 15-217(a), subcollector, local, and minor residential streets shall connect with all surrounding streets to permit safe, convenient movement of traffic between residential neighborhoods and to facilitate access to neighborhoods by emergency and other service vehicles. The connections shall be created in such a way that they do not encourage the use of such streets by substantial through traffic. **(AMENDED 09/16/97; 05/06/03)**

(d) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created unless no other practicable alternative is available.

**Section 15-215 Relationship of Streets to Topography.**

(a) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and stormwater runoff objectives set forth in Article XVI, and subject to the design requirements relating to maximum grades set forth in subsection (b), street grades shall conform as closely as practicable to the original topography.

(b) As indicated in Section 15-216, the maximum grade at any point on a street constructed without curb and gutter shall be 8%. On streets constructed with curb and gutter the grade shall not exceed 8% unless no other practicable alternative is available. However, in no case may streets be constructed with grades that, in the professional opinion of the public works director, create a substantial danger to the public safety.

**Section 15-216 Street Width, Sidewalk, and Drainage Requirements in Subdivisions**  
**(AMENDED 08/27/96)**

(a) Minor and local streets where the grade does not exceed 8% may be constructed without curb and gutter in accordance with the standards set forth in subsection (b). All other streets shall be constructed in accordance with the standards set forth in subsection (c). **(AMENDED 05/12/98)**

(b) Subject to subsections (d), (e), and (f), streets constructed without curb and gutter shall conform to the following standards as well as the specifications referenced in Section 15-219. To the extent practicable, the side slope of the drainage swale shall not exceed 4:1 on the street side and on the back side shall not exceed 3:1. When necessary, the minimum right-of-way

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shall be expanded to accommodate the proper construction of the travel lane, shoulders, swales, and (if applicable) a sidewalk within the right-of-way.

<b>TYPE STREET with Swales</b>	<b>MINIMUM ROW WIDTH</b>	<b>MINIMUM PAVEMENT WIDTH</b>	<b>BIKE LANES</b>	<b>MINIMUM SHOULDER 1                  2                  WIDTH</b>	<b>SIDEWALK REQUIREMENT</b>
<b>MINOR</b>	<b>47'</b>	<b>18'</b>	<b>NONE</b>	<b>6'                  8'</b>	<b>NONE</b>
<b>LOCAL</b>	<b>47'</b>	<b>20'</b>	<b>NONE</b>	<b>6'                  8'</b>	<b>ONE SIDE</b>

(AMENDED 11/19/96; 05/12/98)

(c) Subject to subsections (d), (e), and (f), collector streets and other streets not constructed according to the requirement of subsection (b) shall conform to the requirements of this subsection and the specifications referenced in Section 15-219. Only standard 90<sup>0</sup> curb may be constructed, except that roll-type curb may be authorized by the permit issuing authority. Street pavement width shall be measured from curb face to curb face where 90<sup>0</sup> curb is used, and from the back of one curb to the back of the opposite curb where roll-type curb is used.

<b>TYPE STREET with Curb &amp; Gutter</b>	<b>MINIMUM ROW WIDTH</b>	<b>MINIMUM PAVE- MENT WIDTH</b>	<b>BIKE LANES</b>	<b>SIDEWALK REQUIREMENT</b>
<b>ALLEY (One-way)</b>	<b>20'</b>	<b>12'</b>	<b>NONE</b>	<b>NONE</b>
<b>Minor</b>	<b>37'</b>	<b>18'</b>	<b>NONE</b>	<b>NONE</b>
<b>Local</b>	<b>43'</b>	<b>20'</b>	<b>NONE</b>	<b>ONE SIDE</b>
<b>Subcollector</b>	<b>50'</b>	<b>26'</b>	<b>NONE</b>	<b>BOTH SIDES</b>
<b>Collector</b>	<b>60'</b>	<b>34'</b>	<b>BOTH SIDES</b>	<b>BOTH SIDES</b>
<b>Arterial</b>	<b>NCDOT Standards</b>	<b>NCDOT Standards</b>	<b>BOTH SIDES</b>	<b>BOTH SIDES</b>

(AMENDED 11/19/96; 05/12/98)

(d) The Board may allow a deviation from the standards set forth in subsections (b) and (c) to allow the construction of a street divided by a landscaped median with one-way traffic proceeding in opposite directions on either side of the median. The Board may allow such a street if it finds that, if completed as proposed, such a street will (i) adequately and safely serve the functions streets are designed to serve, and (ii) will not impose on the town any undue or unreasonable costs or burdens relating to repair and maintenance.

(e) The Board may allow a deviation from the right-of-way minimums set forth in subsections (b) and (c) if it finds that (i) the deviation is needed because in order for a development to be served by a public street the street must be constructed within an area that is not of sufficient width to comply with the right-of-way criteria set forth above, (ii) a street that meets the pavement width criteria and substantially complies with the other criteria set forth above can be constructed within the right-of-way that can be made available; and (iii) that the applicant show that he has made a reasonable effort and attempted to purchase the necessary right-of-way.

(f) The Board may allow a deviation from the standard right-of-way minimums set forth in subsections (b) and (c) if it finds that the developer has obtained an agreement from the utility companies whose lines will need to be located within a street right-of-way to install such

*Art. XIV STREET AND SIDEWALKS (con't)*

lines in a single trench or in some other fashion that allows the street right-of-way to serve all of its intended purposes with a lesser width than that specified in subsections (b) and (c).

(g) The sidewalks required by this section shall be at least five feet wide and constructed with concrete according to the specification set forth in Appendix C, except that the permit issuing authority may permit the installation of walkways constructed with mortarless laid brick pavement according to specifications set forth in Appendix C when it concludes that: **(AMENDED 12/08/98)**

- (1) Such walkways shall serve the residents of the development as adequately as concrete sidewalks; and
- (2) Such walkways shall be more environmentally desirable or more in keeping with the overall design of the development.

(h) Whenever the permit issuing authority finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least ten feet in width to provide such access.

(i) In subdivision developments that abut a public street, sidewalks shall be constructed adjacent to such street if a sidewalk in that location is required by the officially adopted town sidewalk master plan. Whenever possible, such sidewalk shall be constructed within the public right-of-way.

(j) The sidewalks required by this section along streets with curb and gutter shall be constructed with a planting strip at least three feet in width, unless the permit-issuing authority allows the strip to be omitted or constructed at a lesser width upon a finding that such deviation from the presumptive standard is warranted to avoid environmental damage or to promote public safety. For purposes of this subsection, a planting strip shall mean a strip of land located between the back of the curb and the walkway. Such planting strips shall be planted with grass or otherwise landscaped. **(AMENDED 11/19/96; 12/08/98)**

**Section 15-216.1 Street Widths, Sidewalk and Drainage Requirements in Certain Developments** **(AMENDED 05/06/03)**

- (a) When any tract of land is developed under circumstances requiring the issuance of a special or conditional use permit, the street and road design requirements for streets other than collector streets that would otherwise be determined in accordance with the provisions of Sections 15-216 and 15-221 may be modified, by approval of the permit-issuing authority, to alternative street width and construction specifications, sidewalk and drainage requirements, as illustrated in Appendix C, for developments that

*Art. XIV STREET AND SIDEWALKS (con't)*

- 1) involve the extension of, or connection to, existing Town streets, the construction specifications of which do not meet the minimum standards established in Section 15-216 in association with Section 15-210 Street Classification;
- 2) meet the following low-impact development criteria:
  - a) preserves open space and minimizes land disturbance;
  - b) protects natural systems and preserves natural processes (including, but not limited to, drainage ways, vegetation, soils, and other sensitive areas);
  - c) maximizes the incorporation of natural site elements (including, but not limited to, wetlands, stream corridors, and mature forests), and;
  - d) decentralizes and micromanages stormwater at its source to the maximum extent practicable.
- 3) include a minimum of 15 percent affordable housing units (as defined in Section 15-182.4(a)).

(b) Streets constructed in accordance with this Section shall conform to the following standards as well as specifications presented in Appendix C.

<b>Type Street Alternative</b>	<b>Minimum ROW Width</b>	<b>Minimum Pavement Width</b>	<b>Bike Lanes</b>	<b>Minimum Shoulder Width 1 2</b>	<b>Sidewalk Requirement</b>
<b>Local</b>	59'	20'	NONE	9 (2)	ONE SIDE
<b>Subcollector</b>	73'	26'(1)	NONE	9 (2)	BOTH SIDES (3)

- (1) Minimum pavement width may include the concrete grade beam illustrated in Standard Drawing No. 27, or structural equivalent as approved by the Town Engineer.
  - (2) Nine feet of width may include a 3-foot planting strip, 5-foot sidewalk, and 1-foot separation between sidewalk and drainage/water quality structure.
  - (3) May be modified by the permit-issuing authority.
  - (4) Construction requirements as required in Appendix C and D of the Land Use Ordinance, unless otherwise specifically modified by these provisions or the notes included on standards in Appendix C and D.
- (c) The permit-issuing authority may reduce the sidewalk requirement for subcollector streets meeting the alternative street standard from both sides to one side of the road if
- a. The development contains a parallel system that is integrally designed and provides pedestrian access to the interior of the site;
  - b. Any new public street passing through the development and the bulk of the facilities and activities are to occur on one side of the road;

*Art. XIV STREET AND SIDEWALKS (con't)*

- c. Any new public street connects to an existing street that does not meet public street standards and where the site conditions indicate that the full upgrade of the street to the town standards would not be practicable; and
- d. The developer is participating in off-site construction of, or improvements to public sidewalks that will connect the new development with the town's sidewalk system.

**Section 15-217 General Layout of Streets.**

(a) To the extent practicable, all streets shall be interconnected. Cul-de-sacs shall not be used unless the topography of the land does not allow a design that would make an interconnecting street practicable. **(AMENDED 09/16/97; 09/28/99)**

(b) All permanent dead-end streets [as opposed to temporary dead-end streets, see subsection 15-214(d)] shall be developed as cul-de-sacs in accordance with the standards set forth in subsection (c), unless construction of such cul-de-sacs is not reasonably possible given such factors as steep slopes or right-of-way limitations. Under such circumstances, the town may approve alternative designs that will provide a safe and convenient means for vehicular traffic to turn around (alternatives are suggested in Appendix C, Standard Drawing No. 19). Except where no other practicable alternative is available, such streets may not extend more than 550 feet (measured to the center of the turn-around). **(AMENDED 09/27/94, 09/16/97)**

(c) The right-of-way of a cul-de-sac shall have a radius of 60 feet if constructed without curb and gutter or a radius of 52 feet if constructed with curb and gutter. The radius of the paved portion of the turn-around for streets constructed without curb and gutter shall be 42' (measured to the outer edge of pavement) and for streets constructed with curb and gutter shall be 44.5' (measured to the back of the outer curb). If a developer chooses to provide an unpaved center island in the cul-de-sac, the island shall be landscaped and shall not be dedicated to the public; it shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in Section 15-201. Cul-de-sacs containing center islands shall have a minimum pavement width of 18 feet if constructed without curb and gutter or 20 feet if constructed with curb and gutter (measured from inner edge of pavement to face of curb). Mountable 45° curbing shall be installed around the island in accordance with Town of Carrboro design specifications. Minimum design and construction specifications for cul-de-sacs are set forth in Appendix C.

Asymmetrical cul-de-sacs may be allowed with the approval of the public works director, town engineer, fire chief, and the applicable permit issuing authorities. **(AMENDED 2/20/90; 08/08/95; 09/16/97)**

(d) Half streets (i.e., streets of less than the full required right-of-way and payment width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this chapter. **(AMENDED 09/16/97)**



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(e) Streets shall be laid out so that residential blocks do not exceed 1,000 feet, unless no other practicable alternative is available. **(AMENDED 09/16/97)**

(f) Alleys shall not intersect with any arterials and shall meet the “Entrances to Streets” standards of Section 15-213. Alley radii at street intersections shall not be less than 15 feet. Alleys may run adjacent to lot line boundaries only and not parallel and adjacent to street right-of-way or front property boundaries. In determining conformance with Section 15-184(a), Setback Requirements, the right-of-way lines associated with alleys shall be regarded as lot boundary lines and not street right-of-way lines. **(AMENDED 09/27/94; 09/16/97)**

(g) To the extent practicable, portions of subcollector and collector streets that consist of stretches of 800 feet or more uninterrupted by intersections suitable for stop signs shall contain design features intended to discourage speeding and cut-through traffic, including but not limited to one or more of the following:

- (1) Curves with radius of 800 feet or less; or
- (2) Design features described in the town’s Residential Traffic Management Plan.

**(AMENDED 09/16/97)**

**Section 15-218 Street Intersections.**

(a) Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 60°. Not more than two streets shall intersect at any one point, unless the public works director certifies to the permit issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.

(b) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet except as provided in subsection (d). **(AMENDED 4/26/88)**

(c) Except as otherwise provided in subsection (d) and (e): **(AMENDED 4/26/88; REWRITTEN 1/26/10)**

- (1) No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street.
- (2) When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet.

*Art. XIV STREET AND SIDEWALKS (con't)*

(d) The provisions of this section shall not operate to prohibit any property from having direct access onto an adjacent public street, and when a literal application of the provisions of this section would otherwise prohibit all such access, the permit-issuing authority may allow the minimum deviation from the requirements of this section that is necessary to provide reasonable access. **(AMENDED 4/26/88)**

(e) Notwithstanding the foregoing, two streets may intersect with another street on the same side at a distance of less than 400 feet, measured from centerline to centerline of the intersecting streets, if the street with which the two streets intersect is connected to a street within a village mixed use development and a development itself is adjacent to a village mixed use development. However, in no event, may the two streets intersect at a distance of less than 125 feet. **(AMENDED 1/26/10).**

**Section 15-219 Construction Standards and Specifications.**

Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in Appendix C, and all such facilities shall be completed in accordance with these standards.

**Section 15-220 Public Streets and Private Roads in Subdivisions.**

(a) Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 15-211. For purposes of this subsection, the term “public street” includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards of this chapter and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street. **(AMENDED 2/14/84)**

(b) Architecturally integrated residential subdivisions containing either twenty-five or more units, or consisting of four or more multi-family townhomes, may be developed with private roads that do not meet the public street and sidewalk standards of this chapter as long as: **(AMENDED 11/26/85; 6/25/02)**

- (1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;
- (2) No road intended to be private is planned to be extended to serve property outside that development; and
- (3) The standards applicable to unsubdivided developments set forth in Section 15-221 and 15-222 are complied with.

*Art. XIV STREET AND SIDEWALKS (con't)*

(c) Subdivisions containing any number of lots may be developed with private roads that do meet the public street and sidewalk standards of this chapter but that are not intended for dedication to the public so long as:

- (1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;
- (2) No road intended to be private is planned or expected to be extended to serve property outside the development; and
- (3) The subdivider demonstrates to the reasonable satisfaction of the Board that the private roads will be properly maintained.

(d) A subdivision in which the access requirement of Section 15-211 is satisfied by a private road that meets neither the public street standards nor the standards set forth in Section 15-221 may be developed so long as, since the effective date of this chapter, not more than three lots have been created out of that same tract.

- (1) The intent of this subsection is primarily to allow the creation of not more than three lots developed for single-family residential purposes. Therefore, the permit-issuing authority may not approve any subdivision served by a private road authorized under this subsection in which one or more of the lots thereby created is intended for (i) two-family or multi-family residential user or (ii) any non- residential use that would tend to generate more traffic than that customarily generated by three single-family residences.
- (2) To ensure that the intent of this subsection is not subverted, the permit-issuing authority may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential subdivision served by a private road authorized under this subsection be smaller than the permissible size lots on which two-family or multi- family developments could be located or that restrictive covenants limiting the use of the subdivided property in accordance with this subsection be recorded before final plat approval.

(e) No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notations:

- (1) “Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Carrboro Land Use Ordinance.”
- (2) “The policy of the Town of Carrboro is that, if the town improves streets (i) that were never constructed to the standards required in the Carrboro Land Use Ordinance for dedicated streets, and (ii) on which 75% of the dwelling

*Art. XIV STREET AND SIDEWALKS (con't)*

units were constructed after July 1, 1979, 100% of the costs of such improvements shall be assessed to abutting landowners.”

(f) The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchaser of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road, in accordance with the requirements set forth in G.S. 136-102.6. The intention of this subsection is to afford the same protection to purchasers of lots on private roads within the town as is provided to purchasers of lots outside the town by G.S. 136-102.6.

(g) For purposes of this section, a private road meets the public street and sidewalk standards of this chapter if it is designed and constructed and sufficient setbacks are provided so that, if intended for dedication, it could be accepted as a public street in conformity with the requirements of this chapter. **(AMENDED 11/26/85)**

(h) Notwithstanding the other provisions of this section, the town may prohibit the creation of a private road if the creation of such a road would avoid the public street interconnection requirements set forth in Sections 15-214 and 15-217(a). **(AMENDED 6/25/02)**

**Section 15-220.1 Design Standards for Village Mixed Use Developments (AMENDED 5/28/02)**

- (a) Village mixed use developments may be designed in accordance with the North Carolina Department of Transportation Traditional Neighborhood Development (TND) Guidelines, August 2000. Where specific NCDOT TND design guidelines have been established, these may supercede any related street design standards contained in this Ordinance, as well as standards and guidelines for utilities, landscaping and similar considerations. In the absence of TND specific design guidelines, the existing standards, criteria, guidelines or policies shall be applied.
- (b) For purposes of implementing the NCDOT TND Guidelines, a village mixed use development shall be deemed to be a “classic” TND.

**Section 15-221 Road and Sidewalk Requirements in Unsubdivided Developments.**

(a) Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this chapter dealing with parking (Article XVIII) and drainage (Article XVI). To the extent not otherwise covered in the foregoing articles, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in unsubdivided developments, the requirements of this article may be applied to satisfy the standards set forth in the first sentence of this subsection.

*Art. XIV STREET AND SIDEWALKS (con't)*

(b) Whenever (i) a lot is proposed to be developed residentially for more than four dwelling units or non-residentially in such a fashion as to generate more than 40 vehicle trips per day, and (ii) if the lot were to be subdivided, a street would be required running through the lot to provide a connection between existing or planned adjacent streets in accordance with the provisions of Sections 15-214 and 15-217(a), then the developer shall be required to construct and dedicate the same street that would have been required had the property been subdivided.

**(AMENDED 6/25/02)**

(c) In all unsubdivided residential developments, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units. **(AMENDED 4/24/84)**

(d) Whenever the permit issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten feet to provide such access.

(e) In unsubdivided nonresidential developments that abut a public street, sidewalks shall be constructed adjacent to such street if a sidewalk in that location is required by the officially adopted town sidewalk master plan. Whenever possible, such sidewalk shall be constructed within the public right-of-way.

(f) The sidewalks required by this section shall be at least five feet wide, except that, where practicable, the sidewalks in the B-1(c), B-1(g), B-2, and C-T zoning districts shall be at least ten feet wide. Sidewalks are to be constructed according to the specifications set forth in Appendix C, except that the permit issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that: **(AMENDED 12/08/98; 4/8/03)**

- (1) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and
- (2) Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

**Section 15-222 Attention to Handicapped in Street and Sidewalk Construction.**

(a) As provided in G.S. 136-44.14, whenever curb and gutter construction is used in public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the N.C. Department of Transportation, Division of Highways.

*Art. XIV STREET AND SIDEWALKS (con't)*

(b) In unsubdivided developments sidewalk construction for the handicapped shall conform to the requirements of Section (11X) of the North Carolina State Building Code.

**Section 15-223 Street Names and House Numbers.**

(a) Street names shall be assigned by the developer subject to the approval of the permit issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the town's planning jurisdiction, regardless of the use of different suffixes [such as those set forth in subsection (b)].

(b) Street names shall include a suffix such as the following:

- (1) Circle: A short street that returns to itself.
- (2) Court or Place: A cul-de-sac or dead-end street.
- (3) Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
- (4) Street: All public streets not designated by another suffix.

(c) Building numbers shall be assigned by the town as provided in Section 7-32 of the Town Code.

**Section 15-224 Bridges.**

All bridges in subdivided and unsubdivided developments shall be constructed in accordance with the standards and specifications of the N.C. Department of Transportation, except that bridges on roads not intended for public dedication in unsubdivided developments may be approved if designed by a licensed architect or engineer.

**Section 15-225 Utilities.**

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in Article XV, Utilities.

**Section 15-226 Road Standards in the University Lake Watershed.**

Notwithstanding any provision in this ordinance to the contrary, roads in the University Lake Watershed shall not be constructed with curb and gutter. (AMENDED 11/11/86)

**Section 15-227 through 15-235 Reserved.**



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 15-0071

**Agenda Date:** 3/17/2015

**File Type:** Abstract

**In Control:** Board of Aldermen

**Version:** 1

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### TITLE:

Request-to-set a Public Hearing on the CUP/Conditional Use District Rezoning at 501 South Greensboro Street

**PURPOSE:** The Town has received applications for an M-3-conditional use rezoning (M-3-CU) and a conditional use permit (CUP) to allow for the construction of a mixed-use development including restaurants on the property located at 501 South Greensboro Street, also known the former Rogers-Triem site (Attachment B). Prior to reaching a decision on these requests the Board of Aldermen must receive public input. A hearing date of April 28, 2015, has been identified. A resolution setting a public hearing is provided for the Board's use.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325, Jeff Kleaveland - 919-918-7332; Marty Roupe - 919-918-7333, Patricia McGuire - 919-918-7327, Mike Brough - 919-929-3905

**INFORMATION:** The subject property consists of a single parcel containing 5.977 acres including the right-of-way associated with Rand Road, an existing road which runs diagonally through the site. The parcel is further identified by Orange County PIN (#9778-93-0728) number and is shown on the attached vicinity map with a heavy outline and hatching (Attachment C). The applicant, Woodhill, Inc. LLC, has submitted a petition for change of zoning to rezone the subject property from Light Manufacturing (M-1) to a proposed new zoning category, Special Light Manufacturing M-3-Conditional Use (M-3-CU).

The table below offers an "at a glance" summary.

PIN	Existing Zoning	Proposed Zoning	Acreage
9778-93-0728	M-1	M-3-CU	5.977

Section 15-141.3 of the Land Use Ordinance, Conditional Use Zoning Districts, describes the procedure for the Board to consider the rezoning and conditional use permit concurrently (Attachment D). Section 15-57 and 15-322 speak to the role of the Planning Board and other advisory boards in the review of CUPs and rezonings prior to the public hearing. Information relating to the specifics of the proposed new zoning district M-3-Conditional Use is provided as part of the separate agenda item requesting the necessary text amendments to create the new district.

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**Agenda Date:** 3/17/2015

**File Type:**Abstract

**In Control:** Board of Aldermen

**Version:** 1

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**FISCAL & STAFF IMPACT:** The petitioner has submitted fees and materials for reviewing and processing this request, which includes public hearing notice and advisory board evaluation. Staff time will be necessary for public notice and public hearing agenda preparation. Mailed notice will likely occur twice for this application in order to ensure that property owners are aware of the joint review meetings at the beginning of April and public hearing proposed for April 28<sup>th</sup>.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution (Attachment A), setting the public hearing for April 28, 2015 and referring the applications to advisory boards.



ATTACHMENT A

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED  
CUP/CONDITIONAL USE DISTRICT REZONING AT 501 SOUTH GREENSBORO STREET

**WHEREAS**, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

**WHEREAS**, an application has been received for a Conditional Use Permit/Conditional Use District Rezoning for the property located at the base of South Greensboro Street, known as 501 South Greensboro Street; and

**WHEREAS**, the application includes a petition to rezone the property at 501 South Greensboro Street (Orange County PIN #9778-93-0728) from M-1 to M-3-Conditional Use.

**NOW, THEREFORE BE IT RESOLVED** by the Carrboro Board of Aldermen that the Aldermen call a public hearing on April 28, 2015 to discuss the rezoning petition and the proposed project at 501 South Greensboro Street.

**BE IT FURTHER RESOLVED** that the rezoning petition and conditional use permit application is referred to the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

☒ Appearance Commission

☐ Recreation and Parks Commission

☒ Transportation Advisory Board

☐ Northern Transition Area Advisory Committee

☒ Environmental Advisory Board

☐ \_\_\_\_\_

☒ Economic Sustainability Commission

☐ \_\_\_\_\_

This is the 17<sup>th</sup> day of March in the year 2015.

## **APPENDIX A – 2**

# **PETITION FOR CHANGE OF ZONING FORM**

CARRBORO DEVELOPMENT GUIDE  
APPENDIX ATOWN OF CARRBORO  
PETITION FOR CHANGE OF ZONING

PETITIONER:

Runyon Woods, partner, Woodhill NC, LLC

DATE:

2/25/2015

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from M-1 to M-3-CU zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME Runyon Woods, partner, Woodhill NC, LLC  
 ADDRESS: PO BOX 4022, Chapel Hill NC 27515  
 TELEPHONE #:(919) 418-2121
2. INTEREST IN PROPERTY(IES):  
One of six owner-partners, all of whom are local and longtime residents
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: 501 South Greensboro Street -- the site of the former Triem  
electric motor manufacturing business -- now derelict and vacant for 20+ years.
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
  - a. OWNER: Woodhill NC, LLC  
 TAX MAP: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ACREAGE 5.977 PARCEL: 9778-93-0728  
 SUBDIVISION NAME: Triem Property FRONTAGE 326' DEPTH: 1117'  
 EXISTING STRUCTURES AND USES:  
two unused derelict buildings
  - b. OWNER: \_\_\_\_\_  
 TAX MAP: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_ ACREAGE: \_\_\_\_\_ PARCEL: \_\_\_\_\_  
 SUBDIVISION NAME: \_\_\_\_\_ FRONTAGE: \_\_\_\_\_ DEPTH: \_\_\_\_\_

CARRBORO DEVELOPMENT GUIDE  
APPENDIX A

## EXISTING STRUCTURES AND USES :

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

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

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

## EXISTING STRUCTURES AND USES :

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

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

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

## EXISTING STRUCTURES AND USES :

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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
per instructions from TOC, we are	
using addresses that will be provided	
by TOC after 3/17/2015. These addresses	
will be attached to stamped envelopes that	
we provide, so that the town may send	
one mailing to inform residents of both	
the rezoning request and public hearing.	

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES \_\_\_ NO X<sup>\*</sup>  
IF "YES", WHEN? \_\_\_\_\_ (\*to best of our knowledge -- site of Triem Inc. since 1968)

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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CARRBORO DEVELOPMENT GUIDE  
APPENDIX A

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

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

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

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 25<sup>th</sup> DAY OF February, 2015.

PETITIONER'S SIGNATURE: [Signature]

FOR WOODHILL N.C. LLC

### 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 A 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?*

With the exception of the three M-1 lots to the south, the area surrounding 501 South Greensboro Street is heavily residential. The 3 M-1 lots have two office buildings and a storage facility.

The M-3-CU zoning allows retail and restricted restaurant uses while keeping the possibility of manufacturing. The retail and restaurant service uses proposed for the rezoned 501 South Greensboro Street are currently unavailable in the immediate surrounding area. The rezoning will serve the adjacent residential and office uses with uses that are complimentary to them, allowing current residents and office workers pedestrian access to retail and restaurant services.

As per Carrboro Vision 20/20 3.1, our development has appropriate buffers, does not compromise the integrity of existing neighborhoods, and will, in conjunction with NCDOT, have a positive environmental impact of remedying existing flooding.

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

The property is an opportunity for infill development providing pedestrian access to retail and restaurant services from the surrounding homes. At the same time, the M-3-CU zone provides the potential for manufacturing use of the property to return.

This property is located along a main corridor into Carrboro. The area is composed primarily but not exclusively of residential uses. The property is well suited for the uses allowed in M-3-CU, since that district is designed to allow a broad range of business uses, and is in close proximity to residential uses.

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

Currently the site has two abandoned buildings in disrepair. Since taking ownership we have secured the buildings numerous times against intrusion by vagrants. In its current state, this property can only have a negative effect on adjacent property values. Rezoning this property to M-3-CU and approving a CUP as a part of that rezoning can only increase the value of adjacent properties.

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

Since the factory closed 20 plus years ago, the property has been derelict, abandoned and subjected to persistent flooding. Rezoning the property to M-3-CU will allow a mix of uses that will enable restoration of the property and correction of the flooding. The mix of uses in M-3-CU is the mix that most encourages the remedial actions necessary to carry out the principles of the project.

The project design is based on three principles:

1. finding a solution that corrects the persistent flooding of the subject property, with the subtext of contributing to solving the trailer park flooding across South Greensboro Street,

2. removing a derelict eyesore and creating an attractive energy efficient commercial property on one of the town's major entranceways, with the subtext of creating jobs, expanding the commercial tax base and paying for the flood correction and

3. building a property that will encourage bicycle use and pedestrian travel with the aim of expanding the walkable community south along South Greensboro Street to the residential neighborhoods south of the bypass. While encouraging non-motorized access, the plan must also recognize that, given the proximity of the bypass and the lack of a sidewalk up South Greensboro Street, the current character of the site is mostly vehicular. Therefore the plan must assure that adequate parking exists and vehicular access is achieved as safely as possible, while simultaneously encouraging non-vehicular access and ensuring that the existing road network is also made safer.

The return achieved from retail and restaurant uses as allowed in M-3-CU provides the necessary funding to accomplish all three of the principles of the project design.

As per Carrboro Vision 20/20 3.312, South Green is connected to pedestrian areas. We are increasing Carrboro's walkability.

As per Carrboro Vision 20/20 4.0, South Green will improve auto, bicycle, and pedestrian traffic. We are improving pedestrian traffic by creating a walking destination, adding sidewalks and crosswalks. We are improving bicycle traffic by extending the Carrboro bike path. We are improving auto and bicycle traffic by creating a roundabout that will ease congestion caused by cars turning left onto Old Pittsboro Road, and will at the same time have a traffic calming effect.

While our proposed development is not technically in the downtown area, we recognize that we are in a central location that is both a gateway to Carrboro and accessible to downtown by foot, bicycle, and auto. Therefore we have considered the town planning documents Downtown Circulation Study, and Downtown Carrboro New Vision.

As per Downtown Circulation Study: (A.4) we are fixing storm water drainage systems. (A.14) we are adding a modern roundabout -- increasing vehicular and pedestrian safety. (C 12.) Our roundabout will calm traffic on South Greensboro Street. (E.) our bike path improves bike-ability.

As per Downtown Carrboro New Vision:

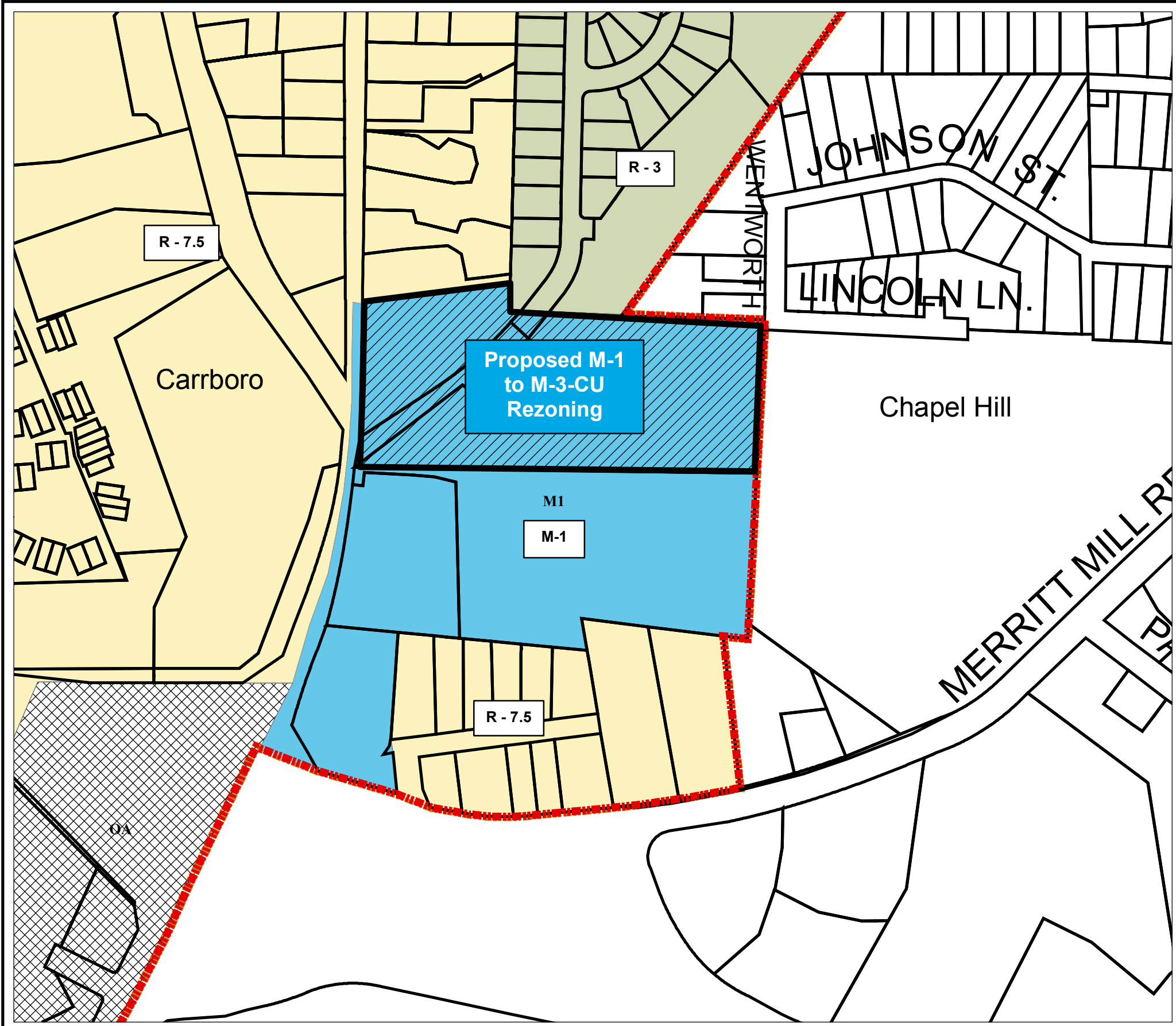
**Buildings:** Our design aesthetic is evocative of the mill-like character of Carrboro.

**Walkability:** South Green will enhance the walkability of Carrboro by providing a new destination, along with new, well-lit sidewalks that are buffered by planting strips.

**Crossings:** Both the retail development and the roundabout will offer well-lit crossings with highly visible markings.

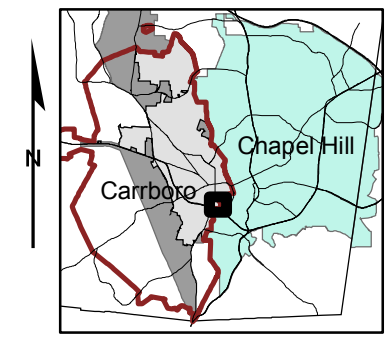
**Lighting:** Our LED street lighting offers safety, minimized light spill, and energy efficiency.






**Proposed M-1 to M-3-CU  
Rezoning  
501 S. Greensboro St**

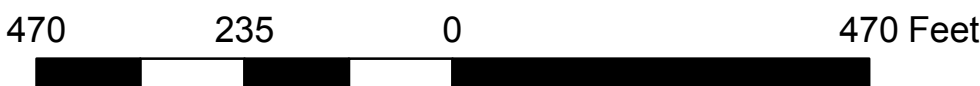
- Legend**
- Properties
  - City Limits
  - Proposed Rezoning/  
Subject Property



**THIS MAP IS NOT A CERTIFIED SURVEY  
NO RELIANCE MAY BE PLACED IN ITS  
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.

 **TOWN OF CARRBORO**  
301 W. Main St.  
Carrboro, NC 27510  
Printed Jan 3, 2012



## **ARTICLE IX**

### **ZONING DISTRICTS AND ZONING MAP**

#### **PART I. ZONING DISTRICTS**

##### **Section 15-135 Residential Districts Established.**

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. 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. (AMENDED 5/12/81; 12/7/83; 2/4/86)

- (5) **B-4 OUTLYING CONCENTRATED BUSINESS.** This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.

##### **Section 15-141.3 Conditional Use Zoning Districts (AMENDED 5/25/04)**

(a) The following conditional use zoning districts are hereby established: RR-CU, R-20-CU, R-15-CU, R-10-CU, R-7.5-CU, R-3-CU, R-2-CU, R-S.I.R.-CU, R-S.I.R.-2-CU, B-1(c)-CU, B-1(g)-CU, B-2-CU, B-3-CU, B-4-CU, CT-CU, B-3-T-CU, O-CU, M-1-CU, and M-2-CU. The provisions of this section applicable to these conditional use-zoning districts do not affect or apply to other conditional use zoning districts established under this chapter, including the Office/Assembly Conditional Use District, or the Village Mixed Use Conditional Use District.

(b) 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.

(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.

(d) Subject to subsection (f), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit, regardless of whether a use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses) a zoning permit, special use permit, or conditional use permit.

(e) When a rezoning petition for a conditional use zoning district is submitted (in accordance with Article XX of this chapter), 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.

1. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.
  2. 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.
  3. 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.
  4. 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.
  5. If the conditional use permit is allowed to expire (under Section 15-62), the Board may initiate action to rezone the property to any appropriate general use district classification. In addition, notwithstanding any other provision of this ordinance, the Board shall be under no obligation to consider any major modification of a conditional use permit issued in connection with a conditional use rezoning or any new conditional use permit for property that has been the subject of a conditional use rezoning.
- (f) If a conditional use permit issued in connection with a conditional use rezoning authorizes the creation of a residential subdivision containing lots intended for development with not more than four dwelling units each, and the conditional use permit application does not provide sufficient information to authorize a development permit for such lots, then such lots may be developed pursuant to the issuance of a zoning permit (i.e. each lot will not require an amendment to the conditional use permit issued for the overall development).

## **ARTICLE XX**

### **AMENDMENTS**

#### **Section 15-320 Amendments in General**

(a) Amendments to the text of this chapter or to the zoning map may be made in accordance with the provisions of this article, or in the case of nonsubstantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 09/01/87)**

(b) The term “major map amendment” shall refer to an amendment that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of fifty acres. All other amendments to the zoning district map shall be referred to as “minor map amendments.”

(c) All properties within the University Lake Watershed are zoned WR, B-5, WM-3 or C. As provided in Subsection 15-137(b), no additional areas may be rezoned WM-3 or B-5, and no areas within the University Lake Watershed may be rezoned to any classification other than WR, or C. **(AMENDED 10/15/96)**

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. 143-214.5. Copies of all amendments to Sections 15-265 or 15-266 shall be sent to the Division of Community Assistance, Division of Environmental Health, and Division of Water Quality. **(AMENDED 10/15/96)**

#### **Section 15-321 Initiation of Amendments**

(a) Whenever a request to amend this chapter is initiated by the Board of Aldermen, the planning board, the board of adjustment, the appearance commission, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the Board of Aldermen so that a date for a public hearing may be set.

(b) Any other person may also petition the Board to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

- (1) The name, address, and phone number of the applicant.
- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.
- (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.

- (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
  - (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.
- (c) Upon receipt of a petition as provided in (b), the planning staff shall either:
- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
  - (2) Forward the petition to the Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).
- (d) Upon receipt of a proposed ordinance as provided in subsection (a), the Board may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance.

**Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments**

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues and may refer the amendment to the environmental advisory board if the amendment involves community environment issues. **(AMENDED 09/19/95, REWRITTEN 02/25/14)**

(b) The planning board shall advise and 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. The planning board shall 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. **(AMENDED 10/24/06)**

(c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen, and the Board of Aldermen is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**

(d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board) 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. **(AMENDED 10/24/06)**

### **Section 15-323 Hearing Required: Notice**

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term "owners" shall mean the persons shown as owners on Orange County's computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97; 3/26/02)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper

which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons.

(f) The planning staff shall take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(g) The notice required or authorized by this section (other than the posted notice required by subsection (e)) shall: **(AMENDED 11/24/09)**

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.
- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.
- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Board's intention that the notice requirements set forth in this section that are not required by state law shall not be regarded as mandatory, and therefore a failure to comply with such requirements shall not render any amendment invalid. **(AMENDED 11/24/09)**

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the Board of Aldermen that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Board of Aldermen that proper notice has been



provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 11/24/09)**

(j) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 15-323(i) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a city-initiated zoning map amendment. **(AMENDED 11/24/09)**

### **Section 15-324 Board Action on Amendments (AMENDED 10/24/06)**

(a) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt a statement describing whether its action is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plan officially adopted by the Board and explaining why the Board considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

(e) A Board member shall not vote on 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. (See also Carrboro Town Code Section 2-35).

### **Section 15-325 Ultimate Issue Before Board on Amendments**

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a conditional use district or conditional zoning district, the Board shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. **(AMENDED 05/25/99; 05/27/08)**
- (2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

**Section 15-326 Protests to Zoning Map Amendments (AMENDED 10/24/06).**

(a) If a petition opposing an amendment to the zoning map is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the Board membership. For the purposes of this subsection, vacant positions on the Board and members who are excused from voting shall not be considered "members of the Board" for calculation of the requisite supermajority.

(b) To trigger the three-fourths vote requirement, the petition must: **(AMENDED 11/26/85)**

- (1) Be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Town may rely on the Orange County tax listing to determine the "owners" of potentially qualifying areas. **(AMENDED 10/24/06)**
- (2) Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.
- (3) Be received by the town clerk in sufficient time to allow the town at least two normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.

- (4) Be on a form provided by the town clerk and contain all the information requested on this form.

(c) A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment.

(d) The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of this chapter as a result of annexation or otherwise.