



# Town of Carrboro

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

## Meeting Agenda Board of Aldermen



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Tuesday, October 13, 2015

7:30 PM

Board Chambers - Room 110

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### 7:30-7:35

#### A. RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1. [15-0322](#) Charge Issued to Recently Appointed Advisory Board Member

### 7:35-8:00

#### B. OTHER MATTERS

1. **15-0347** Continuation of Parking Proposal Discussion

**PURPOSE:** The purpose of this item is to provide an opportunity for the Board to continue discussion of the three parking proposals, award a contract for the project, or take other action. A resolution specifying follow-up action is provided for the Board's use.

**Attachments:** Attachment A-1 - Contract Award Resolution  
Attachment A-2 - Amendment to Budget Ordinance  
Attachment B - Evaluation criteria from RFP  
Attachment C - Staff Observations

### 8:00-8:45

#### C. WORK SESSION

1. **15-0346** Discussion of Draft Land Use Ordinance Text Amendments Establishing a New Social Service Provider with Dining Services Use Classification and Associated Requirements

**PURPOSE:** The purpose of this item is for the Board to review a draft ordinance that would amend the Land Use Ordinance to establish a new social service provider with dining services use classification as a permissible use in certain zoning districts.

**Attachments:** Attachment A - Resolution  
Attachment B - LUO Text Amend Request\_IFC May 27, 2015  
Attachment C - Draft Ordinance\_9-30-2015  
Attachment D - Answers to carrboro questions on foodfirst

**8:45-9:30**

**D. PUBLIC HEARING**

1. **15-0343** Public Hearing on Land Use Ordinance Text Amendments that would provide for a Site Specific, Flexible Zoning District

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider amendments to the Land Use Ordinance that would authorize the Board to establish site specific, flexible zoning districts. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

**Attachments:** Attachment A-1 - Consistency Resolution for Ordinance Adoption\_3mb  
Attachment A-2 - Consistency Resolution for Ordinance Denial  
Attachment B - Draft FLX Amendment 10-06-15  
Attachment C - Petition for Change of Zoning Form  
Attachment D - Draft Supplementary Checklist for FLX District 9-8-2015  
Attachment E - OC & Advisory Board Comments Compiled

**E. MATTERS BY BOARD MEMBERS**

**F. MATTERS BY TOWN MANAGER**

**G. MATTERS BY TOWN ATTORNEY**

**H. MATTERS BY TOWN CLERK**



# Town of Carrboro

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## Agenda Item Abstract

**File Number:** 15-0347

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**Agenda Date:** 10/13/2015

**File Type:** Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Continuation of Parking Proposal Discussion

**PURPOSE:** The purpose of this item is to provide an opportunity for the Board to continue discussion of the three parking proposals, award a contract for the project, or take other action. A resolution specifying follow-up action is provided for the Board's use.

**DEPARTMENT:** Planning, Finance

**CONTACT INFORMATION:** Bergen Watterson, Transportation Planner - 919-918-7329, [bwatterson@townofcarrboro.org](mailto:bwatterson@townofcarrboro.org); Patricia McGuire 919-918-7327, [pmcguire@townofcarrboro.org](mailto:pmcguire@townofcarrboro.org); Christina Moon 919-918-7325, [cmoon@townofcarrboro.org](mailto:cmoon@townofcarrboro.org); Arche McAdoo 919-918-7439, [amcadoo@townofcarrboro.org](mailto:amcadoo@townofcarrboro.org)

**INFORMATION:** The Board received presentations from all three firms that responded to the Town's Request for Proposals to prepare a Parking Study at the October 6, 2015 meeting. The Board decided to continue its discussion at the October 13<sup>th</sup> meeting in order to receive consultant responses to additional questions as well as staff observations on the proposals.

All three firms submitted proposals that address the goals and objectives set out in the RFP. They all have relevant experience with similar work and seem capable of completing the project successfully and on time. The firms offer very different approaches to completing the project, and all three possess different strengths and weaknesses. Any of them could and would do a fine job, based on their original written proposals. Further discussion of each firm's strengths and weaknesses can be found in Attachment C. The consultants' responses to the Aldermen's additional questions will be emailed on Monday afternoon.

The evaluation criteria from the RFP is included as Attachment B. The agenda packet from the October 6<sup>th</sup> meeting, including the three proposals and the RFP, can be found here:

<https://carrboro.legistar.com/View.ashx?M=AO&ID=26557&GUID=f83787d3-31c5-4939-a651-b3ba315e167a&N=Q29tcGxldGUgT2N0b2JlciA2dGggQWdlbmRhIFBhY2tldA%3d%3d>

**FISCAL & STAFF IMPACT:** The Board appropriated \$75,000 in the current year's general fund budget

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for this project. This is sufficient to award a contract for two of the proposals. An additional \$88,530 of budget appropriation would need to be made if the Board of Aldermen should desire to award a contract for the third proposal. If the Board elects to award a contract to the third proposal, an amendment to the budget ordinance is provided in Attachment A-2.

**RECOMMENDATION:** Staff recommends that the Board select one of the firms, and authorize the Town Manager to negotiate and execute the contract. Should the Board not make a contract award, further direction for staff is requested.

**A RESOLUTION AWARDING A CONTRACT FOR  
A PARKING STUDY OF THE TOWN OF CARRBORO, NORTH CAROLINA**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO  
THAT:

Section 1. The contract for a parking study in response to the RFP issued August 20, 2015 is awarded to \_\_\_\_\_ in an amount not to exceed \$75,000.

Section 2. The Town Manager is authorized to negotiate and execute a contract with \_\_\_\_\_, and to amend or make changes in such contract provided they are consistent with the purposes and goals of the RFP and do not exceed the contract amount in Section 1.

Section 3. This resolution shall become effective upon adoption.

**AMENDMENT TO ANNUAL BUDGET ORDINANCE FY 2015-16**

WHEREAS, the Town Board of the Town of Carrboro on June 16, 2015 adopted annual budget ordinance number 16/2014-15 for the fiscal year beginning July 1, 2015 and ending June 30, 2016; and

WHEREAS, it is appropriate to amend certain budget accounts in the general fund to provide for increased revenues and expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following revenue and expense accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

<b>ACCOUNT NAME</b>	<b>CURRENT BUDGET</b>	<b>INCREASE (DECREASE)</b>	<b>REVISED BUDGET</b>
PARKING STUDY	\$ 75,000.00	\$ 88,530.00	\$ 163,530.00
FUND BALANCE APPRIATION	\$ 624,916.00	\$ 88,530.00	\$ 713,446.00

**REASON:** To provide additional funding for parking study.

# 1 Evaluation

## 1.1 Evaluation criteria

The evaluation criteria will be used to choose the top two firms to present to the Board of Aldermen in October 2015.

### 1. Understanding of the Project—25%

- a. How well has the candidate demonstrated a thorough understanding of the purpose and scope of the project?
- b. How well has the candidate identified issues and potential problems related to the project?
- c. How well has the candidate demonstrated that it understands the deliverables the Town expects it to provide?
- d. How well has the candidate demonstrated that it understands the unique character and needs of Carrboro?

### 2. Methodology used for the project—10%

- a. How well does the methodology depict a logical approach to fulfilling the requirements of the RFP?
- b. How well does the methodology match and contribute to completing the tasks set out in the RFP?
- c. How well does the methodology interface with the schedule in the RFP?

### 3. Management plan for the project—10%

- a. How well does the management plan support all of the project requirements and logically lead to the deliverables required by the RFP?
- b. How well is accountability completely and clearly defined?
- c. Is the organization of the project team clear?
- d. How well does the management plan illustrate the lines of authority and communication?
- e. Does it appear that the candidate can meet the schedule set out in the RFP?
- f. Has the candidate gone beyond the minimum tasks necessary to meet the objectives of the RFP?
- g. Is the proposal practical, feasible and within budget?

### 4. Experience and qualification—35%

- a. Do the individuals assigned to the project have experience on similar projects?
- b. Do the individuals assigned to the project have experience with the specific tasks outlined in the RFP?
- c. Are resumes complete and do they demonstrate backgrounds that are desirable for individuals engaged in the work the project requires?

- d. How well has the candidate demonstrated experience in completing similar projects on time and within budget?
  - e. How successful is the general history of the candidate regarding timely and successful completion of projects?
  - f. Has the candidate provided letters of reference from clients?
  - g. How reasonable are the candidate's cost estimates?
  - h. If subcontractors will perform work on the contract, how well do they measure up to the evaluation used for the candidate?
- 5. Contract cost—20%**
- Candidates will be evaluated on whether the proposed cost is reasonable in relation to the strategy and methodology proposed.



### **Staff Observations on Parking Proposals and Presentations**

All three firms submitted proposals that address the goals and objectives set out in the RFP. They all have relevant experience with similar work and seem capable of completing the project successfully and on time. The firms offer very different approaches toward completing the project, and they possess different strengths and weaknesses.

**JM Teague** is a combination of small firms that seems to reflect the local/small town feel of Carrboro more than the other firms. They seem to be more in touch with the community and better equipped to respond to Carrboro's unique needs and vision. JB Culpepper has lived in the Chapel Hill-Carrboro community for more than 30 years and has intimate knowledge of public outreach strategies and perceptions in this area from her career as the Planning Director in Chapel Hill. JM Teague has experience doing parking studies in small, dense communities like Carrboro. Their proposal explicitly and repeatedly states that the firm will consult with the Town of Carrboro in all steps of the project to ensure that the strategies and methodology fit with the Town's needs. In both the proposal and in the presentation the firm expressed a heavy focus on the public outreach aspect of the project, which the Aldermen have expressed as an important component of the study. They are the only firm that has a Spanish language interpreter to aid in the public outreach to non-English and underserved communities, and was the only firm to reference our growing Asian population. The firm gave detailed examples of methodology and strategies of how they will complete the tasks outlined in the RFP, particularly in public outreach and data collection. Quality Counts, the data collection firm, contracts with the DCHC-MPO and has experience with transportation data collection in Carrboro. Finally, this firm provided a proposal that came in under budget. As requested in the RFP, they outlined several additional tasks that could be completed for an extra cost, for which funds will be available due to the low cost estimate.

JM Teague's presentation was less formal, and with four speakers, somewhat disjointed. This may have cast some doubt on how their public meetings or presentations would be conducted. Many of the examples of previous projects and public outreach experience were related to bike or pedestrian planning and not to parking. The firm focused perhaps too much on bike and pedestrian issues in Carrboro and not as much on vehicle parking issues in their presentation, though this was not the case in the written proposal. Finally, they did not provide a timeline in their proposal or presentation, though this has been requested as part of the follow up questions.

**Kimley-Horn** is a large firm with extensive experience with parking studies. They have state-of-the-art data collection tools and a large, specialized staff. The Park+ parking model can develop community-specific parking generation rates, rather than relying on Institute of Transportation Engineers (ITE) or Urban Land Institute rates. Their full proposal provides detail and a comprehensive approach to the project as outlined in the RFP. Alta Planning + Design, local experts in bike and pedestrian planning, will be their subconsultant for the bike parking and walkability audit aspects of the study.

Kimley-Horn's experience is primarily in larger cities that have paid parking. The presentation and the ethos of the firm seem to be heavily focused on paid parking as an end result, prior to conducting data collection or analysis. Both the original (and alternate) proposal and the presentation seem to indicate a top-down approach to the project, with little interaction or reliance on staff for local knowledge and Town needs. The original proposal was more than twice the allocated budget. The presentation focused mostly on Kimley-Horn's alternate proposal, which does not address the goals and objectives of the RFP. It does not include public participation or data collection to inform policy decisions. It does not include a cost for the 'additional Phase 1' or 'Phase 2' tasks, though the need for these to subsequently occur was noted. These costs have been requested along with the additional questions. The presentation stated that the firm does not think that a parking plan that follows what is outlined in the RFP would give the Town what it needs. The Board of Aldermen and staff spent almost two years developing and refining the scope of work to reflect exactly what we believe the Town needs in a parking study. The firm's apparent lack of interest in conducting public outreach contradicts the Town's assigned level of importance to this aspect of the study. Finally, if the details of the alternate proposal had been included as part of their response to the RFP, or if the alternative proposal had been their only submittal, the firm would not have been selected to present to the Board of Aldermen because it addresses few of the required tasks set out in the scope of work.

**VHB** also has extensive experience doing parking plans and studies in small North Carolina towns. They also have previous experience doing transportation studies in Carrboro and Chapel Hill. Though the written proposal was lacking in this area, the presentation really focused on the unique character and needs of Carrboro. The presentation focused on balancing the need for parking with the vision and goals for Carrboro, which shows a broader focus than just studying parking. The firm seems to be aware that a boiler-plate plan is not what the Town wants, and that the perceptions and the character of Carrboro are important to the success of the study. VHB has a large staff with broad experience that they can draw on if needed, though the two staff who presented at the meeting are local and would be the primary contacts. The firm exhibits advanced technical and visual skill and uses a data platform that is consistent and compatible with the Town's. The presentation was well-organized and engaging and may suggest public meetings and presentations would be as well. The proposal was within budget and the timeline they provided seems feasible.

VHB provided a limited explanation of the actual methodology for completing the project. The proposal and the presentation explained the steps necessary to do the project and the tasks outlined in the RFP, but did not provide much detail on *how* they will perform the tasks. The firm did not provide a very strong public outreach strategy, other than essentially repeating what was outlined in the RFP. They proposed doing a strictly online survey, which is not a comprehensive approach and does not address the need to outreach to non-English, underserved populations, or those without regular access to the internet.



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## Agenda Item Abstract

**File Number:** 15-0346

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**Agenda Date:** 10/13/2015

**File Type:** Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Discussion of Draft Land Use Ordinance Text Amendments Establishing a New Social Service Provider with Dining Services Use Classification and Associated Requirements

**PURPOSE:** The purpose of this item is for the Board to review a draft ordinance that would amend the Land Use Ordinance to establish a new social service provider with dining services use classification as a permissible use in certain zoning districts.

**DEPARTMENT:** Planning

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

**INFORMATION:** At a June 16, 2015 work session, the Board of Aldermen discussed a text amendment request from the Inter-Faith Council for Social Service, Inc. (IFC) to establish a new “community kitchen” use classification in the Land Use Ordinance (LUO) (Attachment B). The Board directed staff to proceed with the preparation a draft ordinance while seeking additional information from the IFC regarding the proposed use and its potential effect on surrounding properties. Staff sent the IFC a series of questions based, in part, on comments from the Board’s discussion; the IFC’s responses (included as Attachment D) were used to help craft the draft ordinance (Attachment C). Staff also met with members of the Town Police and Fire departments to discuss the proposed use and later reviewed information on 911 calls for service with administrative staff of the Police Department at the former Chapel Hill Men’s Shelter, the existing IFC facility in Carrboro and throughout the downtown area to supplement the information from the IFC’s questions and answers. Police personnel will be available at the meeting to answer questions that Board members may have on this topic.

If adopted, the draft ordinance would establish a new use, tentatively called “social service providers with dining facilities” to the list of definitions in the LUO, add the use to the Table of Permissible Uses and establish performance standards. Modifications to other LUO sections are included to ensure compatibility with existing and proposed uses in the downtown. Key elements in the draft amendments have been drawn from similar ordinances in other jurisdictions and refined to reflect local needs and to fit within the framework of Carrboro’s regulations.

The purpose of this agenda item is to determine whether to add the new use to the LUO. However, should the Board adopt the draft ordinance the IFC would be able to submit a petition for change of zoning to redevelop its

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existing property to add dining services in accordance with the proposed performance standards. With that in mind, staff has begun research on wraparound service options and issues for potential diners at the new facility, to facilitate awareness and/or access to needed services. This has included analysis of transportation options for diners, as bus service is available Monday through Saturday but would not be available for lunch service on Sundays.

Staff is seeking Board direction for how best to proceed. A potential date in November has been identified should the Board choose to set a public hearing date for the draft ordinance as presented or with minor revisions. Orange County and Planning Board review would be needed, and the Board may wish to refer the draft amendments to other advisory boards such as the Economic Sustainability Commission, Transportation Advisory Board and Appearance Commission. The resolution template provides for these options.

**FISCAL & STAFF IMPACT:** Impacts include staff time associated with preparation of a draft ordinance and agenda materials for advisory board and Board of Aldermen review and the costs of advertising the public hearing.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for November 17, 2015 and referring the proposed amendment to Orange County, the Planning Board and others, as appropriate.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE  
CARRBORO LAND USE ORDINANCE TO ESTABLISH REGULATIONS FOR SOCIAL  
SERVICE PROVIDERS WITH DINING FACILITIES

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 November 17, 2015, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Establish Regulations for Social Service Providers with Dining Facilities.”

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:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Appearance Commission              | <input type="checkbox"/> Recreation and Parks Commission             |
| <input checked="" type="checkbox"/> Transportation Advisory Board      | <input type="checkbox"/> Northern Transition Area Advisory Committee |
| <input type="checkbox"/> Environmental Advisory Board                  | <input type="checkbox"/> _____                                       |
| <input checked="" type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____                                       |

This is the 13<sup>th</sup> day of October in the year 2015.

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):

Among other uses, the BI-G (and BI-G-CZ) zone currently allows office, food storage, food collection and distribution and educational uses. The applicant, Inter-Faith Council for Social Service, Inc. ("IFC") currently employs those uses in its building at 110 West Main Street.

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

IFC proposes to amend the Land Use Ordinance to allow a "Community Kitchen" use as a permitted use in the BI-G-CZ zone. A Community Kitchen is a non-restaurant food service use, the purpose of which is to provide meals without cost to community members who are hungry, at risk for hunger or food insecure. The text amendment contemplated would add Community Kitchen to the definitions in Article II of the Ordinance and add Community Kitchen to the Table of Permissible Uses in Article X for the BI-G and/or BI-G-CZ zone. In addition, IFC may need a text amendment to the parking table to address parking requirements for this transit and pedestrian friendly Community\*

3) State the reasons for the proposed amendment:

The purpose of the amendment(s) is to allow a Community Kitchen use to co-exist with IFC's offices and food pantry so that persons who require IFC services may have food needs met in one location.

\*Kitchen use. IFC may also need a text amendment to allow flexibility in the BI-G-CZ zone regarding the use of a covered primary entrance courtyard and one to address the tree canopy provisions of Article XIX on this dense urban site to allow alternative shading and a roof garden in lieu of a 15 percent tree canopy.

SIGNATURE: \_\_\_\_\_ Inter-Faith Council for Social Service, Inc. (print)

ADDRESS: 110 West Main Street, Carrboro, NC 27510

TELEPHONE NUMBER: (919) 929-6380 (ext. 14)

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH REGULATIONS FOR SOCIAL SERVICE PROVIDERS WITH DINING FACILITIES

\*Draft 9-30-2015\*

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-15 (Definitions) of the Carrboro Land Use Ordinance is amended by adding a new subsection (112), as shown below, and renumbering the subsequent subsections accordingly.

(112) SOCIAL SERVICE PROVIDER WITH DINING FACILITIES: a facility that provides social support services to the public for limited to no cost. Services may include but are not limited to educational programs, counseling services, food pantry facilities and other supportive uses that are incidental to the main uses such as general administration. A principal activity shall be the provision of free meals on-site.

Section 2. Section 15-146 (Table of Permissible Uses) is amended by adding a new use classification 3.215 "Social Service Provider with Dining Facilities" and by adding the letter "Z(o)" opposite this use classification under the B-1(g), R-20 and RR zoning district columns to indicate that this use is permissible in these districts with a zoning permit.

Section 15-147 (Use of the Designations Z,S,C in the Table of Permissible Uses) is amended by adding a new subsection (o) to read as follows:

(o) Notwithstanding the foregoing, the designation "Z(o)" means that use classification 3.215 may only be allowed with a zoning permit in conjunction with the conditional rezoning of a property and demonstration of compliance with all applicable Land Use Ordinance provisions, including supplementary use regulations in section 15-176.7.

Section 3. Article XI (Supplementary Use Regulations) is amended by adding a new section 15-176.7 to read as follows:

Section 15-176.7 Social Service Provider with Dining Facilities.

- (a) All social service providers with dining facilities shall provide a description of the services to be provided and the population that will be served along with information relating to efforts to collaborate or consolidate with other providers.
- (b) All social service providers with dining facilities shall provide documentation of all appropriate licensing for the type of services provided at the particular site, and any required training for staff and volunteers.
- (c) All social service providers with dining facilities must be located within a half block of a public transit service stop. No new facilities may be established within one mile of an existing facility.
- (d) All facilities with food pantry services shall provide sufficient space on site for deliveries in an area that is visible from the public right of way.

- (e) External lighting shall, comply with the provisions in Article XV, Part II, Outdoor Lighting, with particular attention to providing clear visibility to all outdoor areas on site.
- (f) Facilities shall provide trash and recycling receptacles near the main entrance that are checked daily, in addition to regular trash and recycling collection.
- (g) All facilities shall be designed to provide an on-site, sheltered location with sufficient queuing space for patrons to enter and exit the facility in an orderly manner and without disrupting traffic within public rights of way.
  - 1. Facilities shall be monitored by staff or volunteers to ensure that diners maintain orderly conduct while waiting for meal service to commence.
  - 2. Diners shall be instructed to disperse from the property after exiting facility.
- (h) The facility shall have an appropriate management/security system. Examples of potential elements of a security plan may include but not be limited to the following:
  - 1. The location and number of security cameras and/or security personnel during operating hours and non-operating hours, management policies to handle peak hour crowds and to prevent loitering.
  - 2. A single sign no larger than 1 square feet in area, identifying the operator of the facility and providing a telephone number or other contact information for the operator after hours.
- (i) The permit issuing authority may impose limitations on the size of dining facilities as well as the hours of operations.
- (j) When the requirements in this section relating to external lighting and security may be in conflict with the requirements of Article XIX, Screening and Trees, the requirements of this section shall take precedence.

Section 4. Section 15-291 (Number of Parking Spaces Required) shall be amended as follows:

The Table in Section 15-291, Part I, shall be amended to add use 3.215 with the following corresponding requirements: 1 space for every full time employee; 1 space for every 2 part time employee; 1 space for every 3 volunteers; 1 space for every 20 seats the portion of the building used for dining, and 1 space for every 100 square feet of the building dedicated toward meeting or educational space (depending on programing needs, this requirement may apply to the kitchen and dining spaces).

The Table of Bicycle Parking Standards shall also be amended to add use 3.215 with the corresponding requirement of 1 space for every 5 seats in the portion of the building used for dining.

Section 5. Subsection (a) of Section 15-48.1, Concept Plan Review Procedures Prior to Submitting Applications, is hereby amended to read as follows:



- (a) Prior to submitting an application for a special or conditional use permit, or for conditional zoning to allow use classification 3.215 Social Service Provider with Dining Facilities, the applicant shall comply with the requirements of this section.

Section 6. Subsection (d) of Section 15-141.4 Conditional Zoning Districts is hereby amended so that it reads as follows:

d) When a rezoning petition for a conditional 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 ordinance that rezones the property to the requested conditional zoning district. A rezoning petition submitted to allow use classification 3.215 Social Service Provider with Dining Facilities within a building a building of more than two stories or 35 feet in height shall include information that demonstrates that if the project is completed as proposed it

- (1) Will not substantially injure the value of adjoining or abutting property; and
- (2) Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed- use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings.
- (3) Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.

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 zoning district. Conditions and site-specific standards imposed in a conditional district 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.

Section 7. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 8. This ordinance shall become effective after adoption.

### Questions Relating to Proposed New Community Kitchen Use for IFC

- 1) Can you explain how the IFC plans to divide the services at the existing kitchen/shelter on Rosemary and Columbia streets to the new shelter on Homestead Road and the proposed kitchen facility in Carrboro? We have agreed to completely separate the two uses. The new IFC @ SECU Community House will house 52 men, the number of beds approved for the 1315 MLK Jr. site. These men will eat breakfast and dinner on site each day and will be encouraged to eat lunch at the community kitchen. Food services at the IFC @ SECU Community House are only for the men who are residents. The community kitchen will serve lunch and dinner Monday thru Friday and lunch only on Saturday and Sunday. Please note that if the need arises in the future, we would begin offering dinner again on the weekend. These services will be offered to anyone who is hungry. There is one other service offered at the IFC @ SECU Community House, emergency beds on bad weather nights. This is limited to 17 men who will be checked in elsewhere and then transported to and from the IFC @ SECU Community House. These men will eat dinner at the community kitchen before being transported to the IFC @ SECU Community House for the night. They will be given a bag breakfast before being transported from the IFC @ SECU Community House in the morning. Mostly be men who sleep in the woods or some other location on the streets when the weather is better.
- 2) Will the shelter on Homestead Road provide meals or any type of food for residents? Please see our answer to question 1. The residents will eat breakfast and dinner at the IFC @ SECU Community House; lunches will be eaten at the community kitchen.
- 3) Is there criteria for being able to stay-board at the new shelter, and if so, what is it? The IFC @ SECU Community House does not admit persons on the sex offender registry. We are within 1,000 ft. of a child care center, so no sex offenders can be housed. We run a criminal background check on all residents and that includes having a picture ID from some branch of government. Residents must simply agree to participate in the program, much like we require currently. Although the IFC @ SECU Community House will be a transitional instead of an emergency shelter, we do not anticipate a large change in the people we serve. Our program has concentrated on getting men back to independent living and that will not change.
- 4) What hours of operation do you anticipate for the Carrboro kitchen for servers/volunteers and patrons? We would expect to serve lunch from 11:15 – 12:30 and dinner from 6:15 – 7:00. Volunteer cooking groups would normally arrive an hour and a half to two hours before meals are served in order to be ready on time. Patrons would normally be finished and out by 12:45 and 7:15 respectively and the volunteers would be finished and out by the same time. The kitchen coordinator and the kitchen staffer would normally be out by 8:00 pm. In addition to the actual meals being served, we have hopes of offering nutrition and/or cooking classes in between meal times. We operate the kitchen with minimal staff and rely in large part on volunteers who come to the kitchen to cook, serve, process food, answer questions, monitor the dining room, pick up food from various locations around town and the University, etc. Many of our cooking groups have been with us since we first started feeding people back in the 1970's. These groups change members

over time, but the groups continue on. They come from local congregations, businesses, civic groups, neighborhoods, etc. If past history is any indication, many of them will come early or stay late after their shift to eat at local restaurants or shop at the stores in the area.

- 5) How many employees do you anticipate will drive/walk-bike? We currently have three employees who walk/ride bus to work at least part of the time. We cannot say what may or may not be the case in the future. We can say that currently we have 6 employees who live in Carrboro.
- 6) How many patrons do you anticipate will drive/walk-bike? If you include those who ride the bus (the highest percentage of how people get to the building now) we estimate roughly 50-60% of the people we serve. A number of people who already come for services at the Douglas Building live within a one mile radius of the facility. There are a number of affordable rental units in the surrounding area and we are a short walk or bus ride from the Northside neighborhood. According to our Community Services database, 28% of the clients we are serving live in Carrboro and 63% live in Chapel Hill. The remaining 9% live outside the town limits in Orange County or live in surrounding counties but work in Carrboro or Chapel Hill. Currently, we have 12 parking spaces associated with the Old Municipal Building with additional Chapel Hill municipal parking adjacent. It is rare if ever that all of the parking spaces in both lots are completely full with our patrons.
- 7) How many patrons do you anticipate will come per meal? Do you have contingency plans for when larger than expected peaks arrive? Similarly, do you find that the peak number varies seasonally? Based on more recent historical records we would expect 75 – 125 people for lunch on an average day and between 75 -100 for dinner. Those numbers are for weekdays, on the weekends, when we will only be serving lunch; we think the number would be 75. We are very lucky to have a number of great suppliers of food so we always have plenty of food in reserve. We have not run out of food for over 10 years. We do not see much fluctuation in numbers that is related to seasonal changes. We do see more people when there are active construction projects around town and/or the campus. In those cases we see more day laborers.
- 8) How many diners can sit and eat at one time? The new dining room will seat 75 people comfortably. Our current dining room can seat 50 at one time.
- 9) Based on your experiences at Chapel Hill how early do patrons arrive, prior to the beginning of a meal? The vast majority arrive just in time to eat, especially the ones who have jobs with short lunch hours. The Kitchen Coordinator discourages people from coming more than 15 minutes early.
- 10) How long after eating do patrons typically disperse? The vast majority disperses within a few minutes of finishing their meal. Again, the Kitchen Coordinator encourages people to leave the premises after finishing their meal. We do not encourage people to linger when their business is done.

- 11) Do you have a sense of where patrons go after they disperse? Many go back to work, or to appointments or other pursuits.
- 12) How do you handle disruptive patrons? Our managers do their best to talk them down and to diffuse the situation. If all else fails we call 911 and have the police take over. We have always been committed to offering safe services and our facilities have a well-earned regional reputation for being safe. Disruptive patrons are the exception and not the norm. The vast majority of our residents/clients/patrons are good people who simply need some extra help at this stage of their lives.
- 13) What types of problems have you experienced with this type of use in the past, how have you handled them, and how, with thoughtful design might we avoid those situations? Have you experienced problems with loitering and/or littering? Loitering and littering have not been problems for us at the current location (we do collect some litter from time to time around the Douglas Building, but we are not alone with this problem in the downtown area). We do not offer to go cups or to go orders. Men seen sitting around the building are generally residents outside getting fresh air. Persons who have been drinking or use a recreational drug and people with unresolved or untreated mental health issues who have a hard time interacting with people on an acceptable level can present challenges. Our managers and volunteers try to get the person to behave in an appropriate manner. If that fails we call the local crisis units or the police. We are lucky to live in an area where there are several crisis units available to help with both addictions and mental health problems. We have designed the structure we would like to erect to keep issues that might occur within the building walls. We have a covered courtyard off of the sidewalk to get people off of the sidewalk and into the building envelope as soon as possible. In that way we hope that the patrons will not be seen as loitering. We have two waiting rooms, one for the pantry and emergency services and one for the kitchen. If the police are needed, they can park under the building and not out on the street. The same goes for people having health issues, like a heart attack or a seizure. Emergency services vehicles can park off of the street and somewhat out of view.
- 14) How do you monitor the facility once it is closed for the evening? Do you have off-hours patrol? Can you tell us about your relationship with the Chapel Hill Police Department? Once we are closed we do not expect to have people around the building except to use the parking lot. We do have an automatic alarm system in the current building that sets itself in the evening and unsets itself in the morning, every day of the year. Our building has not been broken into since we put the alarm system in some 7-8 years ago. We are not patrolled any differently than any other downtown merchant that we know of. Our building is only half a block from the Carrboro Police Department, so we see the police in our part of town on a regular basis. We have an excellent working relationship with both the Carrboro and the Chapel Hill Police Department crisis units and the beat officers. We are open to officers coming into our dining room when they are looking for a specific individual. We actually keep some men with us who might not otherwise get the chance when a police department makes the request. We would encourage you to speak with either department about the IFC.

- 15) How will you handle the drop-off element of the use, the place where residents and leave can goods and other items for use in the pantry? Will there be a way to allow items to be left after hours? We have designed the building so that people will be able to drive in and drop off their food at a loading dock about halfway down the left side of the structure. They can then turn around and go back the way they came to Main Street or can continue north and exit our building onto Weaver Street. We do not currently accept food donations after hours at the Douglas Building, although that is not to say that we don't find them sometimes when we arrive in the morning. Food can always be dropped off after hours at HomeStart or the IFC @ SECU Community House since those facilities are open 24/7.
- 16) Can you describe how the pantry element of the use will operate? The pantry will operate just as it does now, with one exception. People who want services from the pantry must first become members, which means that someone in their household either lives or works in Carrboro or Chapel Hill. We currently have over 4,000 households who are members. Once a member they are welcome to come for food once every 30 days. The big change is that in the new building we will have enough room in the pantry for people to self-shop. A volunteer will accompany them, but they can pick out what they want based on the size of their family and the nutritional value of the foods they choose. Each shopper will receive a number of points based on the size of their family. Foods that are higher in nutritional value will use fewer points and those with little nutritional value will require more points. We have hopes that many of the same people who come to use the pantry will also stay for a meal or will come back for one.
- 17) What does the IFC call this kitchen, center, and dining facility now? Currently we have the community food pantry, community services and the community kitchen. Several years back we began calling our food programs FoodFirst, with the hope of combining the two separate uses into one. Community Services will still be used to refer to the emergency services portion.
- 18) Has there been any consideration of using the "pay what you can" model or an alternative to the current food service? No, we have always made our food programs free and open to anyone who is hungry.
- 19) When people lose privileges to use the service, including meals at the kitchen, how do you direct them to other services if they still have such needs? Are policies in place to allow the return of privileges after a certain time and, if so, how do you deal with repeat offenders? On those occasions when someone is either banned or trespassed from our programs and facilities, we try to provide them with a list of other resources, although when it comes to meals that means Durham or Raleigh. Bans come in lots of different lengths, from 30 days to 90 days. If someone is trespassed it is generally for one year. At the end of a ban or trespass the individual is welcome to return, provided they behave and follow the rules. The IFC is committed to second chances and quite frankly, as many chances as a person needs. We have found over the years that many people are not ready to make big changes all at once. Change often comes in small steps and is more of a continuum than

an event. There are a small handful of repeat offenders who are kept out of our programs for an extended period of time (more than a year), but that is fairly unusual.

- 20) Do different groups or types of people eat at the different meal times or is the cross section pretty much the same for one meal to the next? There is very little difference between lunch and dinner, although we generally see fewer day laborers, town staff and UNC employees in the evenings.
- 21) Tell us about pan handlers. Are they allowed to eat? Do you think they would follow the dining service to Carrboro? Do you expect or anticipate that the known situation in downtown Chapel Hill may transfer to Carrboro? We do not turn anyone away from our meals unless they cannot behave properly in a group setting. While we do not condone or support pan handling, we feel it is important for everyone to eat. We counsel our residents and clients not to pan handle. We have asked residents to leave because they insisted on doing so. We do not believe that pan handling results in actual help to someone in need. We cannot predict behaviors of others with certainty but doubt that pan handlers who work on Franklin Street will make the switch to Carrboro. Pan handlers go where money is easiest to come by and that is on Franklin Street, not downtown Carrboro. The bulk of the money given to pan handlers is by students, who are found in the largest numbers on Franklin Street. Coming to Carrboro to eat would cause panhandlers to miss peak times during the day when students are off campus, lunch and dinner time. Finally, we have an outstanding Kitchen Coordinator and people who frequent our community kitchen know that we are not a facility where you can misbehave. We are seen as a place to get help.
- 22) How does the IFC and Club Nova interact? Are there any conflicts between the populations that you serve? Any cross-over or alignment? We offer services to quite a few of the residents at Club Nova. We are not aware of any conflicts. We interact with their staff as well. We share concerns about some of the street people who hang out in downtown as we both have the same issues with those people as do other businesses in downtown. We get a couple of calls per year from someone at Club Nova alerting us to someone causing them or one of their members a problem and we try to help where we can. If illegal activity is suspected we all call 911, just like anyone else in town. We share some of our parking spaces with them, especially when they have special events and on nights and weekends. In addition, we have a partnership with their thrift shop where they provide clothing to some of our clients/residents. We have a similar partnership with the PTA Thrift Shop.



# Town of Carrboro

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

## Agenda Item Abstract

**File Number: 15-0343**

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**Agenda Date:** 10/13/2015

**File Type:** Agendas

**In Control:** Board of Aldermen

**Version:** 1

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### **TITLE:**

Public Hearing on Land Use Ordinance Text Amendments that would provide for a Site Specific, Flexible Zoning District

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider amendments to the Land Use Ordinance that would authorize the Board to establish site specific, flexible zoning districts. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Mike Brough - 919-929-3905; Nick Herman - 919-929-3905; Patricia McGuire - 919-918-7327

**INFORMATION:** At the June 23, 2015 regular meeting, the Board of Aldermen set a public hearing for October 13<sup>th</sup> to consider a draft ordinance that would authorize the creation of a site specific flexible zoning district (FLX). The FLX district represents the culmination of several years of public input and cooperative planning to guide appropriate development in Carrboro's northern study area. A brief history of these efforts is provided in the two following paragraphs.

Between May 1998 and June 1999, all three Joint Planning Area governing boards--the Town of Carrboro, the Town of Chapel Hill and Orange County--adopted resolutions incorporating the Facilitated Small Area Plan for Carrboro's Northern Study Area (NSA Plan). Some implementing actions followed, including adoption of Land Use Ordinance provisions and approval of the Winmore Village Mixed Use development. In 2007, at the request of the Planning Board, the Board of Aldermen initiated a process to review the implementation of the NSA Plan and a committee was subsequently appointed (Northern Study Area Plan Implementation Review Committee (NSAPIRC)). The NSAPIRC's charge was to review the implementation of the NSA Plan; the group met, held two community forums and prepared a series of recommendations toward realizing the goals of the plan. In February of 2011, the Town hosted a series of design workshops facilitated by the Durham Area Designers (DAD) to further explore design elements and potential zoning concepts identified by the NSAPIRC. The Board received a presentation on the findings from the design workshops including concept plans for the study site on February 21, 2012.

Since the presentation of the design workshop concept plans, the Board has held three work sessions to begin to formulate a possible new general use zoning district to implement the recommendations of the NSAPIRC for

mixed-use development opportunities. Two themes remained consistent throughout these meetings. The first was consistency with the NSA Plan; establishing a district that would allow the land uses identified by the design workshop participants and the site owner, while retaining the “design with nature themes” that seem appropriate for an area under transition. The second was the creation of a new mixed-use district which would allow the property owner some certainty of development potential and some flexibility to respond to marketplace demands.

After further consideration, staff prepared a draft ordinance that would authorize the creation of a new site specific, flexible zoning district, tentatively called FLX. Though the draft FLX district responds to the recommendations of the NSAPIRC to increased mixed-use opportunities in the Northern Study Area, the ordinance does not limit the district to any specific geographic area so long as the property meets four key criteria: (1) is at least twenty-five acres in size, (2) is under single ownership or control, (3) is located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial, and (4) has been the subject of a site specific planning study by the Town to determine the most appropriate potential development options for such tract.

Property owners seeking the FLX zoning district would have to petition for a change of zoning (Attachment C). The application materials would include a narrative describing the purpose or theme of the proposed district and how that purpose would be consistent with the outcome(s) from the planning study. The initial application would also include a site plan showing key elements in the proposal, such as the placement of exterior entrances and internal circulation systems, initial stormwater analysis and related features, as well as the location of the proposed land uses and their approximate size. A draft checklist to assist with the preparation of a FLX rezoning request is provided (Attachment D). Staff would evaluate the applicant’s submittal for compliance with the elements in the FLX ordinance and consistency with the outcomes from the planning study, and draft conditions. If the Board approved the rezoning, the description of the district, the specific conditions and the site plan would be recorded with Orange County and filed with zoning staff. Following the rezoning, the use of the property would be “by right” subject to a zoning permit, approved at the staff level based on standard requirements for zoning permits and any specific requirements described in the district narrative, conditions or site plan.

The proposed FLX zone is somewhat unique from the other zoning districts described in the Land Use Ordinance (LUO) in several regards. For example, the LUO typically dictates which land uses are allowed in each zoning district, and which type of permit is required for each use. Districts are organized by an overarching type of use, such as residential or commercial, or a combination of uses. In the case of the proposed FLX zone, the applicant would request the inclusion of a selection of land uses as part of the application. The location of the proposed land uses would be shown on the site plan. One of the main objectives in the creation of the new mixed-use district is to allow the property owner some flexibility to adjust in response to the market within the parameters of an approved conceptual plan for the site. However, the applicant would have to provide sufficient detail in the rezoning application and associated site plan so that: 1) the Board of Aldermen and the public would have a complete understanding of what the site would look like at buildout, and 2) staff would have enough information to determine future zoning permit and construction plan compliance (e.g. development standards, either from the existing LUO provisions or from a new set of standards prepared by the applicant, building types and site layout, land use categories, building massing and



appearance).

Each request for a FLX zoning district would be specific to the parcel(s) involved. As a legislative decision, the Board of Aldermen would consider the particulars of the petition and the site plan as a policy matter. The Board's decision would be guided by Section 15-324(a-e) which speaks to consistency with adopted plans and policies, and particularly Section 15-325, Ultimate Issue Before Board on Amendments, which outlines the central issue for the Board as whether the rezoning advances the public health, safety or welfare.

The Board discussed the draft ordinance on September 8<sup>th</sup> and requested revisions which have been incorporated into a revised ordinance dated 9-28-2015 (Attachment B). The majority of the changes are found in subsection (f) and speak to the procedure for submitting rezoning requests for the FLX district and an interest in increasing the amount of detail in the application materials. The new language added to the existing provisions (1) through (3) under subsection (f) is described below and is identified in the draft ordinance by the underlined text:

- (1) as part of the first part of the application process, the applicant must include a description of the findings of the site specific planning study and explain how development proposed as part of a new FLX district would be consistent with that study;
- (2) a preliminary draft of the draft ordinance [creating the new district] shall be referred to a Joint Advisory Board meeting prior to coming before the Board with a request to set a public hearing; and
- (3) if planning staff determines that a proposed modification to the original ordinance establishing a FLX district has no substantial impact on neighboring properties, the general public, or those intended to occupy the site, staff may forward the application to the Board with or without comment. The Board may then (i) decline to call for a public hearing-rejecting the modification to the FLX district, (ii) set a public hearing and direct staff to prepare a draft ordinance, or (iii) direct additional processes for public input before setting a public hearing.

In addition, a new provision (11) under subsection (c) relating to manner in which development on the FLX tract will be required to meet or exceed the standards for LEED gold certification was also added.

The draft ordinance was referred to Orange County and presented to joint advisory board review on September 17, 2015. The advisory board comments reveal some uncertainty relating to the application process, particularly with regard to the amount of detail that would be required in the rezoning materials and the opportunity for public input at different stages in the review process (Attachment E). Staff notes that every step of the process that would be associated with this type of zoning district has not been specified in the ordinance itself, though several have been. Additional steps could be delineated in relation to a request for rezoning - i.e. at the time the Board of Aldermen decides on an initial request, and an outline of the review process that the staff, public, advisory board, and Board of Aldermen would follow could be prepared and approved.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

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**Agenda Date:** 10/13/2015

**File Type:**Agendas

**In Control:** Board of Aldermen

**Version:** 1

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**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the resolution finding consistency (Attachment A-1), and the draft ordinance (Attachment B).

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

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 LAND USE ORDINANCE TO PROVIDE FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT.

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 the Facilitated Small Area Plan for Carrboro's Northern Study Area and Carrboro Vision2020, particularly the provisions relating to floating zones, mixed-use developments and balanced and controlled growth with public input as described below:

**Goals and Objectives – Carrboro's Northern Study Area**

- 1.B** Endorse the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.G.** Provide for modest community-scale commercial and office uses in mixed-use areas.
- 7.B** Through the encouragement of cluster development and village-scale development, foster the creation of new pedestrian-scaled neighborhoods to enhance the variety and character of Carrboro's neighborhoods.
- 8.A.** Provide for adequate commercial space such that citizens are able to conduct commercial transaction within walking distance of their homes.
- 8.C.** Provide adequate walkways, sidewalks, and pedestrian networks to enable people to walk to nearby residences, parks, schools, and neighborhood commercial centers.

**Provisions in Vision 2020**

**2.0 DEVELOPMENT**

Carrboro's development should take place in a manner consistent with a set of adopted values. Growth should occur in a balanced fashion, and at a rate that does not jeopardized the values set forth by Vision 2020. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

**2.5 Balanced and Controlled Growth**

**2.51** The town should support the implementation of our Small Area Plan.

### **3.0 ECONOMIC DEVELOPMENT**

With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas.

#### **3.1 Nature of Development**

In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it creates a process that allows rezonings to occur, only after significant public input including a site specific planning study by the Town to determine the most appropriate potential development options for the property.

Section 3. This resolution becomes effective upon adoption.

This the 13<sup>th</sup> day of October 2015

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF  
THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

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 LAND USE ORDINANCE TO PRVOIDE FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT.

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

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 13<sup>th</sup> day of October 2015.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PRVIDE  
FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT

DRAFT 9-28-15

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. The Carrboro Land Use Ordinance is amended by adding a new Section 15-141.5 to read as follows:

**Section 15-141.5 Site Specific, Flexible Zoning District**

- (a) A site specific, flexible zoning district (FLX) may be established in accordance with the provisions of this section. The purpose of such a district is to establish detailed standards for alternative possibilities for the development of a specific tract of land, thereby facilitating the development of that property according to the demands of the market, but in a way that is consistent with sound planning and the promotion of the public health, safety, and welfare.
- (b) To be considered for FLX zoning, a tract must (i) be at least twenty-five acres in size, (ii) be under single ownership or control, (iii) be located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial, and (iv) have been the subject of a site specific planning study by the Town to determine the most appropriate potential development options for such tract.
- (c) A FLX zoning district shall address the following:
  - (1) The types of uses that are permissible within the FLX district, along with a maximum (and if applicable, a minimum) percentage of the gross land area that will be devoted to each such use. The description of uses may be in reference to the use classification numbers set forth in the Table of Permissible Uses, or the uses may otherwise be described. The district regulations may also establish density or intensity limitations (expressed in terms of a maximum number of dwelling units or square feet of building floor area).
  - (2) The dimensional restrictions (building height, minimum lot size, setbacks) that shall apply throughout the district. Different restrictions may apply to different portions of the district, depending on the uses located therein. The dimensional restrictions may be described by reference to those applicable within particular zoning districts, or otherwise.
  - (3) Any limitations on the areas within the district where particular types of uses may be allowed.
  - (4) Any architectural standards that will apply to all or designated portions of the district.

- (5) Any limitations on the timing or sequence of development of various portions of the district.
  - (6) The location of entrances to [and exits from](#) the tract zoned FLX.
  - (7) The manner in which the development of the property will comply with the stormwater requirements set forth in Section 15-263. All developed lots within the district shall be subject to these standards, regardless of the amount of land disturbance, but the FLX district may allow the necessary stormwater treatment facilities to be constructed to meet these standards on a lot by lot basis, or some other basis that provides effective and efficient treatment for all new construction.
  - (8) Any limitations on the location or design of parking lots and facilities.
  - (9) Specifications and standards for the internal circulation system serving vehicular and pedestrian traffic, including a statement as to whether such facilities will be dedicated to the Town.
  - (10) All infrastructure improvements proposed to be constructed in conjunction with the development of the property zoned FLX (including but not limited to improvements to adjoining streets) together with a schedule that links construction of such improvements to the development of the property.
  - [\(11\) The extent to which, and the manner in which, development within the tract zoned FLX will be required to meet or exceed the standards for LEED gold certification.](#)
- (d) Development of any lot within a FLX zoning district shall require a zoning permit (and a sign permit if applicable), but not a special or conditional use permit.
  - (e) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any FLX district established pursuant to this section.
  - (f) A text amendment establishing a FLX district as well as a map amendment applying such district to a particular tract shall be initiated and processed in accordance with the following provisions:
    - (1) The owner of property who wishes to have such property zoned FLX shall submit a written request to the Board of Aldermen, identifying the subject property and explaining briefly why the property is a good candidate for FLX zoning. [This written request shall include or attach \(i\) relevant documents that describe the results of the site specific planning process referred to in subsection \(b\)\(iv\) above, and \(ii\) a brief explanation as to why and how the proposed district is consistent with the Northern Study](#)

Area Plan, or if the property is not located within the NSA, such other plans or policies as may be applicable. The Board may, in its discretion, summarily deny the request or direct the town attorney and planning staff to work with the property owner to develop an ordinance pursuant to this section that establishes an appropriate FLX district and that applies this district to such property.

- (2) Once an ordinance has been drafted as provided in subdivision (f)(1), such ordinance shall be processed in accordance with the provisions of Article XX of this chapter applicable to ordinance amendments initiated by the town administration, except that (i) a preliminary draft of the ordinance shall be presented to a meeting of the Joint Advisory Board prior to the ordinance being referred to the Board of Aldermen to establish a date for the legally required public hearing on the ordinance; (ii) at the time the Board of Aldermen directs that an ordinance be drafted in accordance with subsection (f)(1) above, the Board may establish such additional processes as deemed necessary to ensure that the public has an adequate opportunity for input into the proposed FLX district, and (iii) no property may be rezoned FLX without the consent of the property owner (which consent may be withdrawn at any time before the adoption of the ordinance establishing the FLX district). The text and the map amendment may be processed simultaneously.
- (3) Amendments to a FLX district shall be initiated and processed in the same manner as the initial ordinance, except that, if the planning staff determines that a proposed amendment has no substantial impact on neighboring properties, the general public, or those intended to occupy the site zoned FLX, the staff may forward the requested amendment to the Board as provided in subsection 15-321(c)(2). In such case, the Board may (i) decline to call for a public hearing on the proposed amendment, thereby rejecting it; (ii) establish a date for a public hearing on the proposed amendment in accordance with the procedures applicable to any other zoning amendment, or (iii) direct that additional processes be followed to obtain additional public input on the proposal before to setting a date for the legally required public hearing.

- (g) Property within a FLX district may be subdivided according to the provisions of this chapter applicable to minor subdivisions, even if such subdivision involves the creation of more than a total of four lots or the creation of a new public street.

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

Section 3. This ordinance shall become effective upon adoption.



## **APPENDIX A – 2**

# **PETITION FOR CHANGE OF ZONING FORM**

# TOWN OF CARRBORO

## PETITION FOR CHANGE OF ZONING



PETITIONER:

DATE:

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

1. PETITIONER'S NAME \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE #:( ) \_\_\_\_\_

2. INTEREST IN PROPERTY (IES):  
\_\_\_\_\_  
\_\_\_\_\_

3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: \_\_\_\_\_  
\_\_\_\_\_

4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:

a. OWNER: \_\_\_\_\_

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

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

EXISTING STRUCTURES AND USES:  
\_\_\_\_\_  
\_\_\_\_\_

b. OWNER: \_\_\_\_\_

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

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

**CARRBORO DEVELOPMENT GUIDE  
APPENDIX A**

**EXISTING STRUCTURES AND USES :**

\_\_\_\_\_  
\_\_\_\_\_

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

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

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

**EXISTING STRUCTURES AND USES :**

\_\_\_\_\_  
\_\_\_\_\_

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

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

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

**EXISTING STRUCTURES AND USES :**

\_\_\_\_\_  
\_\_\_\_\_

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

NAME	ADDRESS

**6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES \_\_\_ NO \_\_\_**  
**IF "YES", WHEN? \_\_\_\_\_**

**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?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CARRBORO DEVELOPMENT GUIDE  
APPENDIX A

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

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

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

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WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

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

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

**APPENDIX A - \_\_\_\_\_**

**SITE PLAN GUIDE AND CHECKLIST FOR SITE  
SPECIFIC, FLEXIBLE ZONING DISTRICTS**

FORM:	REVIEW DATE:
REVIEWED BY:	REVIEW #:
PROJECT NAME:	DATE OF PREVIOUS REVIEW:

## SITE PLAN GUIDE AND CHECKLIST FOR SITE SPECIFIC, FLEXIBLE ZONING DISTRICTS (FLX)

### SUPPORTING/SUPPLEMENTAL INFORMATION FOR PETITION FOR CHANGE OF ZONING FORM (APPENDIX A-2)

(SUBMIT/ADDRESS ALL ITEMS)

- 1. HOLD A PRESUBMITTAL CONFERENCE WITH TOWN STAFF
  - a. Attend a meeting with Town Staff at Development Review.
  
- 2. COMPLETE PETITION FOR CHANGE OF ZONING FORM  
(Appendix A-2)
  
- 3. PROVIDE THE FOLLOWING INFORMATION TO DEMONSTRATE  
ELIGIBILITY FOR THE FLX ZONING DISTRICT (Section 15-141.5(b)).
  - a. Acreage (25-acre minimum)
  - b. Ownership information
  - c. Major arterial access location
  - d. Subject of site specific planning study by the Town
  - e. Describe in detail the specifics of the planning study and its recommended outcome, and explain how the proposed FLX district would fulfill those objectives. (For example, the planning study participants expressed overwhelming support for transit connections and internal pedestrian networks, the proposed \_\_\_\_\_ FLX District, includes transit stops with shelters along both arterials access roads and a series of paved pedestrian paths that link to the main meandering boulevard. These features are shown on the accompanying site plan. )
  
- 4. LAND USES FOR THE PROPOSED FLX ZONING DISTRICT  
(Please consult Section 15-141.5(c))
  - a. List the requested land uses for the proposed FLX district.
  - b. Describe and show on the associated site plan where the proposed land uses would occur.
  - c. List the requested amount of density, or intensity limitations, such as the minimum-maximum range of dwelling units, and the minimum-maximum range of building square footage.
  - d. Provide dimensional specifications.

- e. List any restrictions relating to the type of use and location on the site.
5. **ARCHITECTURAL STANDARDS**
- a. Provide information relating to proposed architectural standards and images that display the types of building designs for the projects. (Please note that the submitted images will be used by zoning staff to determine zoning/building permit compliance.)
6. **DESCRIBE THE PHASING SCHEDULE**
- a. Show phasing lines on the site plan.
- b. Delineate any proposed subdivisions as part of the proposed development.
7. **DESCRIBE AND SHOW PROPOSED INFRASTRUCTURE IMPROVEMENTS (ROADWAY, UTILITY, ETC.), ALONG WITH A PROPOSED SCHEDULE THAT LINKS THE CONSTRUCTION OF SUCH IMPROVEMENTS TO THE DEVELOPMENT OF THE PROPERTY.**
- a. Describe the schedule for connecting the proposed road and bicycle/pedestrian facilities to existing facilities outside of the FLX district.
- b. Provide trip generation analysis for the proposed FLX district by phase and at total build-out. Provide correspondence from NCDOT regarding the need for facility improvements and the schedule for those improvements to occur.
8. **TRAFFIC, CIRCULATION**
- a. Show the locations of all entrances or access points to the subject property.
- b. Show the internal circulation system.
- c. Show additional circulation systems for bicycle/pedestrian networks.
- d. Show proposed transit stops.
- e. Identify whether facilities are intended to be public or private and provide a statement as to whether facilities will be dedicated to the Town.
- f. Describe how the proposed traffic and circulation is consistent with the recommendations from the Town Planning Study.
9. **IDENTIFY LOCATIONS AND DESIGNS FOR PARKING LOTS AND DESCRIBE ANY LIMITATIONS ON PARKING.**
- a. Identify tentative locations for bicycle parking, including sheltered bicycle parking.
10. **EXPLAIN HOW THE DEVELOPMENT WILL COMPLY WITH THE STORMWATER REQUIREMENTS OF SECTION 15-263.**

- a. Show the type and location of all major stormwater devices.
- b. Provide the schedule for installation including the timeline for changing from erosion control devices to permanent stormwater devices.
- c. Include a sealed statement from a registered Engineer that the proposed stormwater plan will be in compliance with requirements of 15-263.

11. LABEL ALL NATURAL AREAS AND SITE CONSTRAINTS, AND EXPLAIN HOW THE DEVELOPMENT WILL PROTECT THESE AREAS.

12. DESCRIBE HOW THE DEVELOPMENT OF THE FLX DISTRICT WILL COMPLY WITH ALL PROVISIONS OF THE LAND USE ORDINANCE. (Please note: the combined information—narrative and site plan—must provide sufficient specificity to determine zoning permit compliance.)

DRAFT



# ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration  
(919) 245-2575  
(919) 644-3002 (FAX)  
www.orangecountync.gov



131 W. Margaret Lane  
P O Box 8181  
Hillsborough,  
North Carolina, 27278



## TRANSMITTAL DELIVERED VIA EMAIL

September 30, 2015

Christina Moon, AICP  
Planning Administrator  
Town of Carrboro  
301 W. Main St.  
Carrboro, NC 27510

### **SUBJECT: Joint Planning Review of Proposed Ordinance Amendments**

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us September 11, 2015 and proposed for town public hearing on October 13, 2015:

- *An Ordinance to Provide for a Site Specific, Flexible Zoning District.*

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

Perdita Holtz, AICP  
Planning Systems Coordinator



# TOWN OF CARRBORO

## Planning Board

*301 West Main Street, Carrboro, North Carolina 27510*

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# R E C O M M E N D A T I O N

OCTOBER 1, 2015

## **LAND USE ORDINANCE TEXT AMENDMENTS TO PROVIDE FOR A NEW SITE SPECIFIC, FLEXIBLE ZONING DISTRICT**

Motion was made by Clinton and seconded by Cohen that the Planning Board recommends that the Board of Aldermen **approve** the draft ordinance **subject to an adoption of a Small Area Plan for areas outside the Northern Study Area.**

### **VOTE:**

AYES: (9) Foushee, Adamson, Clinton, Cohen, Haggerty, Hunt, Poulton, Tiemann, Whittemore

ABSENT/EXCUSED: (2) Watson and Davis (resigned)

NOES: (0)

ABSTENTIONS: (0)

### **Associated Findings**

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Clinton and seconded by Cohen that the Planning Board of the Town of Carrboro finds the proposed text amendment **without the additional language described above is inconsistent** with the following provisions of the Facilitated Small Area Plan for Carrboro's Northern Study Area and Carrboro Vision 2020:

### **Goals and Objectives – Carrboro's Northern Study Area**

- 1.B Endorse the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.G Provide for modest community-scale commercial and office uses in mixed-use areas.

- 7.B Through the encouragement of cluster development and village-scale development, foster the creation of new pedestrian-scaled neighborhoods to enhance the variety and character of Carrboro's neighborhoods.
- 8.A. Provide for adequate commercial space such that citizens are able to conduct commercial transaction within walking distance of their homes.
- 8.C. Provide adequate walkways, sidewalks, and pedestrian networks to enable people to walk to nearby residences, parks, schools, and neighborhood commercial centers.

**Provisions in Vision 2020**

**2.0 DEVELOPMENT**

Carrboro's development should take place in a manner consistent with a set of adopted values. Growth should occur in a balanced fashion, and at a rate that does not jeopardized the values set forth by Vision 2020. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

**2.5 Balanced and Controlled Growth**

2.51 The town should support the implementation of our Small Area Plan.

**3.0 ECONOMIC DEVELOPMENT**

With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas.

**3.1 Nature of Development**

In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

The **Planning Board** furthermore finds that the above described amendment is reasonable and in the public interest because it creates a process that allows rezonings to occur, only after significant public input including a site specific planning study by the Town to determine the most appropriate potential development options for the property.

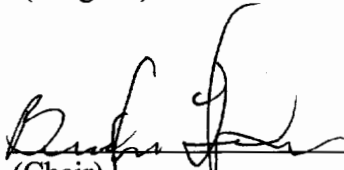
**VOTE:**

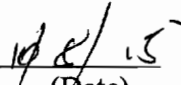
AYES: (9) Foushee, Adamson, Clinton, Cohen, Haggerty, Hunt, Poulton, Tiemann, Whittemore

ABSENT/EXCUSED: (2) Watson and Davis (resigned)

NOES: (0)

ABSTENTIONS: (0)

  
(Chair)

  
(Date)



## TOWN OF CARRBORO

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***301 West Main Street, Carrboro, North Carolina 27510***

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# R E C O M M E N D A T I O N

**SEPTEMBER 17, 2015**

### **LAND USE ORDINANCE TEXT AMENDMENTS TO PROVIDE FOR A NEW SITE SPECIFIC, FLEXIBLE ZONING DISTRICT**

Motion was made by Kurt and seconded by Diana that the TAB recommends that the Board of Aldermen approves the draft ordinance, with changes needed to the conditions (see comment below).

**VOTE:**

AYES: Rob, Colleen, Diana, Kurt

ABSENT/EXCUSED: Linda, John, Sarah

NOES:

ABSTENTIONS:

**Associated Findings**

By a unanimous show of hands, the TAB membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Colleen and seconded by Kurt that the TAB of the Town of Carrboro finds the proposed text amendment is consistent with the Facilitated Small Area Plan for Carrboro's Northern Study Area and Carrboro Vision 2020, particularly the following provisions:

**Goals and Objectives – Carrboro's Northern Study Area**

- 1.B** Endorse the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.G.** Provide for modest community-scale commercial and office uses in mixed-use areas.
- 7.B** Through the encouragement of cluster development and village-scale development, foster the creation of new pedestrian-scaled neighborhoods to enhance the variety and character of Carrboro's neighborhoods.

- 8.A. Provide for adequate commercial space such that citizens are able to conduct commercial transaction within walking distance of their homes.
- 8.C. Provide adequate walkways, sidewalks, and pedestrian networks to enable people to walk to nearby residences, parks, schools, and neighborhood commercial centers.

**Provisions in Vision 2020**

**2.0 DEVELOPMENT**

Carrboro's development should take place in a manner consistent with a set of adopted values. Growth should occur in a balanced fashion, and at a rate that does not jeopardized the values set forth by Vision 2020. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

**2.5 Balanced and Controlled Growth**

**2.51** The town should support the implementation of our Small Area Plan.

**3.0 ECONOMIC DEVELOPMENT**

With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas.

**3.1 Nature of Development**

In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

The TAB furthermore finds that the above described amendment is reasonable and in the public interest because it creates a process that allows rezonings to occur, only after significant public input including a site specific planning study by the Town to determine the most appropriate potential development options for the property.

**TAB Comment:**

Because the TAB wants to see commercial development in primarily residential areas of Town, the TAB preliminarily supports the ordinance. However, reducing the size requirement for eligible parcels from 25 acres is important to increase the number of properties able to participate. The TAB encourages Town staff to establish requirements that are midway along the spectrum of specificity for the rezoning applications. Finally, due to the decreased opportunity for advisory board input into FLX District site plans, it is very important to include specific language in the requirements about parking, bike parking, sidewalks, connectivity, etc.

  
 (Chair) 10/5/15  
 For Linda Haac (Date)



**TOWN OF CARRBORO**  
**Environmental Advisory Board**

***301 West Main Street, Carrboro, North Carolina 27510***

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**R E C O M M E N D A T I O N**

**OCTOBER 1, 2015**

**LAND USE ORDINANCE TEXT AMENDMENTS TO PROVIDE FOR A NEW SITE  
 SPECIFIC, FLEXIBLE ZONING DISTRICT**

Motion was made by Patrick and seconded by Turner that the EAB recommends that the Board of Aldermen ensure that the draft ordinance provides the EAB with the same level of review as the EAB currently has with rezoning, CUP, and SUP review, and that the public continue to have the opportunity to review a detailed site plan.

**VOTE:**

**AYES:** Crook, O'Connor, Patrick, Reddy, Sinclair, Turner

**ABSENT/EXCUSED:** Cotter

**NOES:** None

**ABSTENTIONS:** None

**Associated Findings**

By a unanimous show of hands, the EAB membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Reddy and seconded by Crook that the EAB of the Town of Carrboro finds the proposed text amendment inconsistent with the Facilitated Small Area Plan for Carrboro's Northern Study Area and Carrboro Vision 2020 because it lacks the specificity to be able to determine whether it is in fact consistent with the following goals, among others, of the Facilitated Small Area Plan for Carrboro's Northern Study Area and Carrboro Vision 2020, and the draft Community Climate Action Plan.

**Goals and Objectives – Carrboro's Northern Study Area**

- 1.B** Endorse the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.G.** Provide for modest community-scale commercial and office uses in mixed-use areas.

- 7.B Through the encouragement of cluster development and village-scale development, foster the creation of new pedestrian-scaled neighborhoods to enhance the variety and character of Carrboro's neighborhoods.
- 8.A. Provide for adequate commercial space such that citizens are able to conduct commercial transaction within walking distance of their homes.
- 8.C. Provide adequate walkways, sidewalks, and pedestrian networks to enable people to walk to nearby residences, parks, schools, and neighborhood commercial centers.

**Provisions in Vision 2020**

**2.0 DEVELOPMENT**

Carrboro's development should take place in a manner consistent with a set of adopted values. Growth should occur in a balanced fashion, and at a rate that does not jeopardized the values set forth by Vision 2020. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

**2.5 Balanced and Controlled Growth**

**2.51** The town should support the implementation of our Small Area Plan.

**3.0 ECONOMIC DEVELOPMENT**

With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas.

**3.1 Nature of Development**

In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

The EAB furthermore finds that the above described amendment is not reasonable and not in the public interest because it does not guarantee a process that allows for significant environmental review and public input including a site specific planning study to determine the most appropriate potential development options for the property.

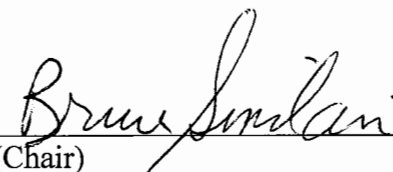
**VOTE:**

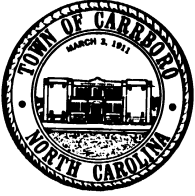
**AYES:** Crook, O'Connor, Patrick, Reddy, Sinclair, Turner

**ABSENT/EXCUSED:** Cotter

**NOES:** None

**ABSTENTIONS:** None

  
\_\_\_\_\_  
(Chair) 10/2/15  
(Date)



# TOWN OF CARRBORO

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***301 West Main Street, Carrboro, North Carolina 27510***

## R E C O M M E N D A T I O N

SEPTEMBER 17, 2015

### **LAND USE ORDINANCE TEXT AMENDMENTS TO PROVIDE FOR A NEW SITE SPECIFIC, FLEXIBLE ZONING DISTRICT**

Motion was made by Jeroloman and seconded by Vrana that the NTAAC recommends that the Board of Aldermen deny the draft ordinance.

**VOTE:**

AYES: (Bryan, Vrana, Moore, Jeroloman)

ABSENT/EXCUSED: (None)

NOES: (None)

ABSTENTIONS: (None)

**Associated Findings**

By a unanimous show of hands, the NTAAC membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by Moore and seconded by Vrana that the NTAAC of the Town of Carrboro finds the proposed text amendment inconsistent with the Facilitated Small Area Plan for Carrboro's Northern Study Area and Carrboro Vision 2020 because it's regulations lack sufficient specificity to ensure compatibility with the findings of DAD NSA Workshop report.

**Goals and Objectives – Carrboro's Northern Study Area**

- 1.B** Endorse the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.G.** Provide for modest community-scale commercial and office uses in mixed-use areas.
- 7.B** Through the encouragement of cluster development and village-scale development, foster the creation of new pedestrian-scaled neighborhoods to enhance the variety and character of Carrboro's neighborhoods.



- 8.A.** Provide for adequate commercial space such that citizens are able to conduct commercial transaction within walking distance of their homes.
- 8.C.** Provide adequate walkways, sidewalks, and pedestrian networks to enable people to walk to nearby residences, parks, schools, and neighborhood commercial centers.

### **Provisions in Vision 2020**

#### **2.0 DEVELOPMENT**

Carrboro's development should take place in a manner consistent with a set of adopted values. Growth should occur in a balanced fashion, and at a rate that does not jeopardized the values set forth by Vision 2020. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

#### **2.5 Balanced and Controlled Growth**

**2.51** The town should support the implementation of our Small Area Plan.

#### **3.0 ECONOMIC DEVELOPMENT**

With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas.

#### **3.1 Nature of Development**

In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

The NTAAC furthermore finds that the above described amendment is not reasonable and in the public interest because it does not guarantee a public process that pertains to the final proposed land use for properties zoned *FLEX*.

#### **VOTE:**

AYES: (Bryan, Vrana, Moore, Jeroloman)

ABSENT/EXCUSED: (None)

NOES: (None)

ABSTENTIONS: (None)

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(Chair)

(Date)



Town of Carrboro  
Northern Transition Area Advisory Committee

## NTAAC FLEX district Recommendations

For the text amendment presented at the October 1<sup>st</sup> 2015 Joint Advisory Board meeting.  
(The NTAAC made these recommendations at a subsequent October 5<sup>th</sup>, 2015 meeting.)

**Committee Members:** Amy Jeroloman, Jeanette Moore, Jay Bryan, Anahid Vrana  
**Staff Present:** Jeff Kleaveland

On November 4, 2014, the NTAAC submitted the attached (Exhibit A) detailed report to the Board of Aldermen (BOA) concerning the then proposed Mixed Use Rural-Transition (MURT) Zoning District. It was received favorably by the BOA.

The NTAAC has compared its November, 2014, Report and Recommendations to the town staff's September 17, 2015 Agenda item entitled: *Land Use Ordinance Amendments to Provide for a new Site Specific, Flexible Zoning District*. This agenda, which includes NTAAC annotations, is attached (Exhibit B).

The NTAAC finds that the *FLEX district* proposal fall short in a number of keys areas in developing a zone that addresses the committee's specific concerns and includes its recommendations.

Attached (Exhibit B) is the NTAAC's inserted responses in *bold italics* to the staff's agenda item as well as to the ordinance. It refers back to the *Exhibit A* document.

STATEMENT: By way of summary, the NTAAC makes the following key points:

1. The zone should only apply to the property at the corner of Eubanks Road and Old NC 86 (referred to as "the agreed upon site") as agreed upon by the Board when it established the Design Workshops for that site (see 2014 DAD Report, page 1, no. 3) and not to any other properties;
2. The LUO and all of its requirements should apply to the agreed upon site, unless specifically changed by the new zone, including its Vernacular Standards (Exhibit A-2, item F-(d));
3. The zone should require a CUP in accordance with the current LUO to allow for citizen participation in a public hearing format that protects their legal rights for redress and input. The specific draft ordinance does not protect the rights of citizens to participate

**NTAAC FLEX District Recommendations CONTINUED**

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- in a public hearing/CUP for all matters relating to the BOA's discussion and vote on such zone.
4. The zoning with regard to zoning should not allow any change in density without following the current requirements of the LUO, including CUP (see Exhibit A-3, *G(c-i, iii & viii)*).
  5. The uses applicable to the agreed upon site should be as proposed by the participants in the design workshop of 2011 (see Exhibit **A-1**, *E(b & d), F, F(c)*; **A-3**, *G(c-i, ii, v & vi)*).
  6. Any applicant would be required to submit the same information now required by the town for a CUP in addition to any other checklist proposed, including but not limited to traffic studies of current traffic totals as well as studies showing the potential traffic impact of the development (see Exhibit **A-2**, *E(a & c), F(a, b, e & f)*; **A-3**, *G(a & b)*, **A-4**, *G(c-vii)*).
  7. Any checklist for the staff's use in evaluating a site plan for the agreed upon site should include, in addition to the one proposed by staff, any all checklists and other documents and information required under the LUO.

Thank you for your attention to this matter and for reading attached Exhibits A and B.

**Please see the attached Exhibits for the NTAAC's responses to the proposed FLEX District text amendment.**

- **Standard Recommendation Template**
- **NTAAC Annotated FLEX district text amendment document**
- **Summary Recommendations**

## EXHIBIT A

**RE:** Past NTAAC report presented to the Board re: MURT district on 11/4/14 (the MURT District proposal preceded the FLEX District Proposal);

*Reformatted for clarity.*

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The Northern Transition Area Advisory Committee responds to the proposal by staff for a new mixed use rural-transition zoning district as follows.

- A. The town's LUO sections – Sec. 15-176.2 (a) et. al., or “VMU zoning” - that regulate mixed-use in the Northern Study Area were the product of extensive consensus building with residents during two workshops facilitated in 1996 by Randall Arendt, a well-respected land planner paid by the Board of Aldermen (BOA) for his services. From Mr. Arendt's report a committee of residents was appointed to prepare recommendations to the BOA regarding zoning to effect the consensus from those meetings. Those recommendations were memorialized by the BOA after several years of careful study and further citizen input in Sec.15-176.2 (a) et. al.
- B. In February, 2011, a second, two-day “design” workshop was facilitated at the request of the BOA to receive input and ideas from citizens from the Northern Study Area as well as other parts of Carrboro. The goal of the workshops was to elicit neighborhood input on what a mixed use development look like on thirty acres at the intersection of Old NC 86 and Eubanks Road, the same type of inclusive process as was initiated and supported by the BOA in 1996 and in general. (See page 5 of the February 17, 2012, Durham Area Designers (DAD) NTA Workshop Report as presented to the Board of Aldermen).
- C. The report stated that “the history of both the agricultural enterprise and of the village of Carrboro (including the fact that Old NC 86 was the historic route of the main road between Chapel Hill and Hillsborough) influenced workshop participants' vision for the character of a new mixed use village at the corner of Old NC 86 and Eubanks road. Two strong sentiments were expressed. First, participants wanted to retain the agricultural landscape and the rural character of Old NC 86. Second, they wanted a village characterized by small scale and North Carolina vernacular buildings”. (p. 3, Report)
- D. Based on the discussions, the participants created a list of potential acceptable uses, building scale, and concerns about buffering and preservation of rural character. (p.5, DAD Report) Attendees were assured by the BOA's paid facilitators that “any decisions on zoning map changes and Use Permits would still entail a long public process, and would ultimately need to be voted on by the Carrboro Board of Aldermen after public hearings.” (p. 8, DAD Report)
- E. The following were noted by the facilitators as themes emphasized by the participants:

- a. Calming devices on Old NC 86 and Eubanks Road for the “overwhelming” problem of traffic, particularly trucks, on Old NC 86 and the threat of increased truck traffic from any big box development in Chapel Hill at the intersection of I-40 and Eubanks;
  - b. Small, human, neighborhood-scale development with commercial and civic uses serving residents in nearby neighborhoods, school parents, and visitors to the planned county park and recreational area;
  - c. Protection of the character of Old NC 86 with the current 100 foot buffer and the creation of a landmark as a visual entrance to the town marked by this location;
  - d. Focus on retirement community and child care center as potential uses;
  - e. Limits to the heights of buildings to two stories;
  - f. Minimization of parking, including locating it behind businesses, and light pollution;
  - g. Shared off-road biking and pedestrian pathways as well as connecting greenway trails to Duke Forest;
  - h. Building design that is traditional and rural in character.
- F. STATEMENT: The NTAAC specifically endorses a modified mixed-use transition zone that incorporates the above-concepts and specific proposals into the current mixed-use zoning (see Sec. 15-176.2 (a) et. al.) along with the following more specific zoning and use ideas that were advocated during the workshop:
- a. Build multiple speed tables to discourage trucks from using any route through or by the mix-used development;
  - b. Require a neighborhood scale development with pedestrian-scale, streets, and an identifiable center and buildings that front on a community square or park;
  - c. Identify as permitted neighborhood-focused, small business uses and scale like the development at Homestead Rd. and MLK Jr. Blvd, uses such as medical offices, childcare center, retirement community, small grocery store like Saxapahaw General Store, café or coffee shop, local bakery, live-work units, and a variety of housing such a single family, townhomes and patio homes – no gas stations;
  - d. Ensure that the town’s Vernacular standards are required for both residential and commercial development;
  - e. Protect the view-shed of Old NC 86 at locations of any such mixed zoning with buffering, screening and set-back zoning;
  - f. Establish either a three-way stop at Old NC 86 and Eubanks Road and evaluate a stoplight if necessary (for drivers exiting Eubanks onto Old NC 86, there now exists a blind spot for seeing traffic traveling south on Old 86);
- G. STATEMENT: In the past the NTAAC has advocated strongly and continues to advocate for the following:

- a. Reduction of the speed limit from the intersection of Old NC 86 and Eubanks Road to Hillsborough Road to 35 mph. and other modifications to create a village scale street as opposed to a through road.
- b. As requested at the workshop, building of the Lake Hogan Farm Road (designated as a Connector Road for many years) as the town's highest transportation priority to relieve traffic on Old NC 86 and provide easy access from Lake Hogan and adjoining neighborhoods to Eubanks and I-40. The NTAAC has communicated its concerns in writing to the Carrboro Planning Board and also to the County Commissioners.
- c. As to the actual proposal, the NTAAC appreciates the time and work of Tina Moon, planning administrator, on the idea of a modified mixed use transition zone. However, the proposed zone and reasoning for it differs in several significant ways from the wishes of the participants in the workshop, whose views should be honored and implemented by the BOA as has occurred with past collaborative and inclusive zoning initiatives in the Northern Study (Transition) Area.
  - i. First, the expansion of a mixed-use zone in terms of commercial use and density to attract commuters traveling on I-40 was not supported by the workshop participants.
  - ii. Second, the idea of eliminating specific uses to focus on the form of uses and their placement on the site was not discussed and therefore not agreed to. The basic understanding was that the VMU was to stay largely intact.
  - iii. Third, the aforementioned themes of the workshop participants indicate that large-scale density would not be in keeping with a neighborhood focused development. The NTAAC would object strongly to an increased density above the workshop participants' desire of density based on R-7.5 to R-15 zoning. The suggested 180 homes would not be in keeping with the workshop participants' proposals. The NTAAC believes that any development should be designed to not impact the significant amount of wetland acreage on the site, and that any generalized ordinance should continue in effect the town's strong protection of such areas.
  - iv. Fourth, as indicated above, two stories was the maximum most participants supported, in direct contrast to the staff's proposed 35 feet height limit.
  - v. Fifth, High Volume Sales and Retail (2.110) and Specialty High Volume Retail (2.112) would not be appropriate within the vision of the workshop participants.
  - vi. Sixth, the NTAAC does not see, nor does it appear to be the intention of the workshop participants, that this village be some sort of urban restaurant

- district. The report indicates uses such as a café or coffee shop and a restaurant.
- vii. Seventh, the NTAAC has long contended that the buffer and view-shed along Old NC 86 should be maintained. The NTAAC disagrees that the commercial area in any site along Old NC 86 should be visible from Old 86. Appropriately designed and modestly sized signage in accordance with the town's sign ordinance as well as the fact the current Eubanks Road is heavily travelled will adequately attract local residents and those who use these roads to the commercial ventures.
  - viii. Eighth, with one exception, the performance standards on pages 3 and 4 of the staff report seem adequate in theory although the NTAAC will need to see the actual language proposed for an ordinance change to compare it with what already exists in the LUO for such standards as well as with the existing VMU zoning. However, the NTAAC strongly disagrees with No. 5 of the potential standards. The zoning should not have "potential" for increased density. Such a request, if made, would need to go through the normal application and public hearing CUP/SUP permitting process.
  - ix. Ninth, as previously stated, there was not any consensus among the participants regarding changing the current VMU zoning to a form-based code for such mixed-use zoning. Neither was there discussion or consensus of the use of the principles of Complete Streets, NC DOT Traditional Neighborhood Development Street Design Guidelines, or shared streets approach (the facilitators state that the third approach seems most appropriate to insure very slow speeds of vehicles).
  - x. Ten, most of the submitted photographs are for third and fourth story buildings. The NTAAC would ask that staff evaluate any photographs of possible building design in terms of whether they would meet the town's Vernacular Standards.

Thank you for allowing the NTAAC its input. We look forward to further input on the next steps of any proposed modification to the LUO's zoning in the Northern Study Area, including input and recommendations regarding language changes to the LUO.

Amy Jeroloman, Chair, on behalf of Northern Transition Area Advisory Committee,

November 4, 2014

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**ADVISORY BOARDS  
 AGENDA ITEM ABSTRACT**

(Comments in ***bold italics*** represent NTAAC comments & recommendations)

**MEETING DATE: September 17, 2015**

**TITLE: Land Use Ordinance Amendments to Provide for a new Site Specific, Flexible Zoning District**

<b>DEPARTMENT: Planning</b>	<b>PUBLIC HEARING: YES ___ NO_X_</b>
<b>ATTACHMENTS:</b> A. Recommendation Template B. Draft Ordinance C. Petition for Change of Zoning Form D. Draft Supplemental Checklist for FLX Zoning District Applications	<b>FOR INFORMATION CONTACT:</b> Christina Moon – 918-7325 Patricia McGuire -- 918-7327

**PURPOSE**

The purpose of this item is to consider amending the Land Use Ordinance to create a new Site Specific, Flexible Zoning District (FLX). A public hearing date has been set for October 13, 2015. Advisory Board review has been requested prior to the public hearing.

**INFORMATION**

Between May 1998 and June 1999, all three Joint Planning Area governing boards—the Town of Carrboro, the Town of Chapel Hill and Orange County--adopted resolutions incorporating the Facilitated Small Area Plan for Carrboro’s Northern Study Area (NSA Plan). Some implementing actions followed, including adoption of Land Use Ordinance provisions and approval of the Winmore Village Mixed Use development. In 2007, at the request of the Planning Board, the Board of Aldermen initiated a process to review the implementation of the NSA Plan and a committee was subsequently appointed (Northern Study Area Plan Implementation Review Committee (NSAPIRC)). The NSAPIRC’s charge was to review the implementation of the NSA Plan; the group met, held two community forums and prepared a series of recommendations toward realizing the goals of the plan. In February of 2011, the Town hosted a series of design workshops facilitated by the Durham Area Designers (DAD) to further explore design elements and potential zoning concepts identified by the NSAPIRC. The Board received a presentation on the findings from the design workshops including concept plans for the study site on February 21, 2012.

Since the presentation of the design workshop concept plans, the Board has held three work sessions to begin to formulate a possible new zoning district for mixed-use development opportunities in the Northern Study Area. While each work session focused on different aspects of a proposed district, two themes have remained consistent.

***(NTAAC: The themes were retention of the agricultural landscape and the rural character of Old 86, and support of a village characterized by small scale and North Carolina vernacular buildings. (see Exhibit A, p. 1, no. 4))***



**NTAAC FLEX Recommendations EXHIBIT B-2**

The first was consistency with the NSA Plan; establishing a district that would allow the land uses identified by the design workshop participants and the site owner, while retaining the “design with nature themes” that seem appropriate for an area under transition. The second was the creation of a new mixed-use district which would allow the property owner

***(NTAAC: The 2011 Design Workshops were to only address a plan and ideas for the site at the corner of Eubanks Road and Old N.C. 86, not any other site in the Northern Study Area. The use of the term, “property owner”, is ambiguous and could be interpreted to include other property owners beside the owner of the site at Eubanks and Old 86. It was never the intent to use a zone for this site for other sites.)***

both additional certainty of development potential and some flexibility that would allow the development program to respond to marketplace demands.

Up to this point, staff have been exploring options for a new general mixed-use zoning district, which would allow residential and commercial uses, something similar in concept to the existing OR-MU district. However, after further consideration, staff has prepared a draft ordinance that would authorize the creation of a new site specific, flexible zoning district, tentatively called FLX (Attachment B). Though the draft FLX district responds to the recommendations of the NSAPIRC to increase mixed-use development opportunities in the Northern Study Area, the ordinance does not limit the district to any specific geographic area so long as it meets certain criteria.

***(NTAAC: The language in the above paragraph is problematic for the same reasons as stated in the previous insert.)***

As currently proposed, the four key criteria for FLX zoning district consideration are: (1) to be at least twenty-five acres in size, (2) to be under single ownership or control,

***(NTAAC: The words “single” and “control” are confusing and ambiguous.)***

(3) to be located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial,

***(NTAAC: The participants in the Design Workshops has serious concerns about the impact of additional traffic on Old 86 without reduction in the speed limits and other traffic calming devices (see Exhibit A) and a plan for creating a pedestrian, bike friendly, town like road.)***

and (4) to have been the subject of a site specific planning study by the Town to determine the most appropriate potential development options for such tract.

***(NTAAC: The NTAAC has serious concerns about the town doing a site specific study without clear guidelines for facilitation and inclusion of residents from the Northern Study Area, and when it appears that the wishes of the residents who participated in the 2011 Workshops are not being adequately addressed in the new proposed flex zoning. How will a site specific planning study include public input & ensure integrity of established neighborhoods? (Vision 2020 2.0 & 3.1)***

Property owners seeking the FLX zoning district would have to petition for a change of zoning. (The petition for change of zoning form is provided as Attachment C). The application materials would include a narrative describing the purpose or theme of the proposed district and

how that purpose is consistent with the outcome(s) from the planning study. The application would also include a site plan that shows key elements in the proposal, such as the placement of exterior

**NTAAC FLEX Recommendations EXHIBIT B-3**

entrances, Connector roads to adjacent neighbors and internal circulation systems, initial stormwater analysis and related features, as well as the location of the proposed land uses and their approximate size. (A draft checklist to assist with the preparation of a FLX rezoning request is provided as Attachment D.) Staff would evaluate the applicant's submittal for compliance with the elements in the FLX ordinance and consistency with the outcomes from the planning study, and draft any conditions.

***(NTAAC: Any rezoning should abide by the current LUO and require a CUP/public hearing with adequate notice to affected property owners and other residents of the Northern Study Area. The zoning if approved should not include any plan since that should be part of the CUP for the development itself.)***

If the Board approved the rezoning, the description of the district, the specific conditions and the site plan would be recorded with Orange County and filed with zoning staff. Following the rezoning, the use of the property would be "by right" subject to a zoning permit, approved at the staff level based on standard requirements for zoning permits and any specific requirements described in the district narrative, conditions or site plan.

***(NTAAC: The current CUP process, as opposed to a zoning permit managed by staff, should remain as the regulatory process.)***

Each request for a site specific, flexible zoning district would be specific to the particulars of the parcel(s) involved. As a legislative decision, the Board of Aldermen would consider the particulars of the petition and the site plan as a policy matter. The Board's decision would be guided by Section 15-324(a-e) which speaks to consistency with adopted plans and policies, and particularly Section 15-325, Ultimate Issue Before Board on Amendments, which outlines the central issue for the Board as whether the rezoning advances the public health, safety or welfare.

***(NTAAC: The current CUP process, as opposed to a zoning permit managed by staff, should remain at the regulatory process. The BOA could consider the particulars of a petition or site plan but only in accordance with the LUO regulations for a public hearing/CUP.)***

The Board of Aldermen must receive public comment before adopting amendments to the LUO. At the June 23<sup>rd</sup> meeting, the Board set a public hearing for October 13<sup>th</sup> and referred the draft ordinance to the Planning Board, the Transportation Advisory Board, the Appearance Commission and Northern Transition Area Advisory Commission. The Board discussed the proposed text amendments again on September 8, 2015 and referred the draft ordinance to the Environmental Advisory Board and the Economic Sustainability Commission as well.

## **RECOMMENDATION**

Staff recommends that Advisory Boards review the draft ordinance and adopt a recommendation pertaining to the proposed amendment for inclusion in the October 13th public hearing materials.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE  
FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT

\*DRAFT 6-16-2015\*

THE CARRBORO

BOARD OF ALDERMEN ORDAINS:

Section 1. The Carrboro Land Use Ordinance is amended by adding a new Section 15-141.5 to read as follows:

***(NTAAC: as a general comment, the NTAAC has very concerned about the general lack of specificity of the ordinance in response to the NTAAC'S concerns and recommendations, based on the 2011 design workshops, as stated in Exhibit A.***

***(NTAAC: Add the following definition: The site at Eubanks and old 86 is referred to as "the agreed upon site".)***

Section 15-141.5 Site Specific, Flexible Zoning District

- (a) A site specific, flexible zoning district (FLX) may be established in accordance with the provisions of this section. The purpose of such a district is to establish detailed standards for alternative possibilities for the development of a specific tract of land, thereby facilitating the development of that property according to the demands of the market, but in a way that is consistent with sound planning and the promotion of the public health, safety, and welfare.

***(NTAAC: see previous comments and report. the standards should be codified in the LUO first subject to a public hearing, so that property owners as well as adjoining neighbors and residents understand the zoning and possible development. The Town should set the standards through a public hearing process, which it has initiated through the 2011 design workshops, not the market place.)***

- (b) To be considered for FLX zoning, a tract must (i) be at least twenty-five acres in size, (ii) be under single ownership or control, (iii) be located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial, and (iv) have been the subject of a site specific planning study by the Town to determine the most appropriate potential development options for such tract.

***(NTAAC: The participants in the Design Workshops had serious concerns about the impact of additional traffic on Old 86 without reduction in the speed limits and other traffic calming devices (see Exhibit A) and a plan for creating a pedestrian, bike friendly, town like road. The NTAAC has serious concerns about the town doing a site specific study without clear guidelines for facilitation and inclusion of residents from the Northern Study Area, and when it appears that the wishes of the residents who participated in the 2011 Workshops are not being adequately addressed in the new proposed flex zoning.)***

- (c) A FLX zoning district shall address the following:

- (1) The types of uses that are permissible within the FLX district, along with a maximum (and if applicable, a minimum) percentage of the gross land area that will be devoted to each such use. The description of uses may be in reference to the use classification numbers set forth in the Table of Permissible Uses, or the uses may otherwise be described. The district regulations may also establish density or intensity limitations

(expressed in terms of a maximum number of dwelling units or square feet of building floor area).

***(NTAAC: The NTAAC disagrees with allowing this flexibility as to both uses and density as not in keeping with the 2011 Design Workshops. The agreed-upon site should be subject to the current regulations in the LUO except as necessary to achieve the points from the 2011 Design Workshops as outlined in Exhibit A with the current regulations allowing for public hearings/CUP.)***

(2) The dimensional restrictions (building height, minimum lot size, setbacks) that shall apply throughout the district. Different restrictions may apply to different portions of the district, depending on the uses located therein. The dimensional restrictions may be described by reference to those applicable within particular zoning districts, or otherwise.

***(NTAAC: The dimension restrictions for agreed-upon site should be subject to the current regulations in the LUO. The general consensus at the Design Workshops was a two story maximum height for both residential and commercial as befitting the Northern Study Area. (see Exhibit A, p. 2, no. 5, P. 4, NO. 2))***

(3) Any limitations on the areas within the district where particular types of uses may be allowed.

***(NTAAC: Same as LUO except as necessary to achieve the points from the 2011 Design Workshops as outlined in Exhibit A with the current regulations allowing for public hearings/CUP.)***

(4) Any architectural standards that will apply to all or designated portions of the district.

***(NTAAC: The LUO's vernacular standards should apply to all portion of the agreed upon site.)***

(5) Any limitations on the timing or sequence of development of various portions of the district.

***(NTAAC: Same as LUO except as necessary to achieve the points from the 2011 Design Workshops as outlined in Exhibit A with the current regulations allowing for public hearings/CUP.)***

(6) The location of entrances to the tract zoned FLX & **How the tract zone roads will connect to adjacent neighborhood**

***(NTAAC: The entrance should be created on Old NC 86 to protect the view shed (see exhibit a, p. 3, no. 2; p. 4, no. 5)***

(7) The manner in which the development of the property will comply with the stormwater requirements set forth in Section 15-263. All developed lots within the district shall be subject to these standards, regardless of the amount of land disturbance, but the FLX district may allow the necessary stormwater treatment facilities to be constructed to meet these standards on a lot by lot basis, or some other basis that provides effective and efficient treatment for all new construction.

(8) Any limitations on the location or design of parking lots and facilities.

***(NTAAC: Same as LUO except as necessary to achieve the points from the 2011 Design Workshops as outlined in Exhibit A with the current regulations allowing for public hearings/CUP.)***

(9) Specifications and standards for the internal circulation system serving vehicular and pedestrian traffic, including a statement as to whether such facilities will be dedicated to the Town.

*(NTAAC: same as no. 8 above.)*

(10) All infrastructure improvements proposed to be constructed in conjunction with the development of the property zoned FLX (including but not limited to improvements to adjoining streets) together with a schedule that links construction of such improvements to the development of the property.

*(NTAAC: same as no. 8 above.)*

(d) Development of any lot within a FLX zoning district shall require a zoning permit (and a sign permit if applicable), but not a special or conditional use permit.

*(NTAAC: same as no. 8 above.)*

(e) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any FLX district established pursuant to this section.

***(NTAAC: The agreed upon site should be subject to the current LUO except as necessary to achieve the points from the 2011 Design Workshops as outlined in Exhibit A with the current regulations allowing for public hearings/CUP.)***

(f) A text amendment establishing a FLX district as well as a map amendment applying such district to a particular tract shall be initiated and processed in accordance with the following provisions:

(1) The owner of property who wishes to have such property zoned FLX shall submit a written request to the Board of Aldermen, identifying the subject property and explaining briefly why the property is a good candidate for FLX zoning. The Board may, in its discretion, summarily deny the request or direct the town attorney and planning staff to work with the property owner to develop an ordinance pursuant to this section that establishes an appropriate FLX district and that applies this district to such property.

***(NTAAC: The NTAAC disagrees with any language allowing a flex zone except for the agreed upon site at Eubanks and Old 86. The language in (1) above implies that the Board could "approve" the request. The concern is that the process for approval and for public input is being changed from what currently is required.)***

(2) Once an ordinance has been drafted as provided in subdivision (f)(1), such ordinance shall be processed in accordance with the provisions of Article XX of this chapter applicable to ordinance amendments initiated by the town administration, except that (i) the Board may establish such additional processes as deemed necessary to ensure that the public has an adequate opportunity for input into the proposed FLX district (***including but not limited to the Immediate referral to Citizen Advisory Committees***), and (ii) no property may be rezoned FLX without the consent of the property owner (which consent may be withdrawn at any time before the adoption of the ordinance establishing the FLX district. The text and the map amendment may be processed simultaneously.

***(NTAAC: This section (2) appears to recommend bypassing the protections for public hearings (LUO 15-54), and burden of presenting evidence and burden of persuasion (LUO 15-55, among other regulations protecting the public, as stated in Article 4 of the LUO. The NTAAC disagrees with this recommendation. These protections include the right to contend that the development under 15-54 will danger the public health or safety, or will injure the value of adjoining property, or will not be in harmony with the area it is being built, or is not in conformity with the Carrboro LU Plan, with the Thoroughfare Plan or any other officially adopted plan.)***

- (3) Amendments to the FLX shall be initiated and processed in the same manner as the initial ordinance.

*(NTAAC: The NTAAC believes any amendments to an approved development for the agreed upon site should be in accordance with Article IV, not Article XX. Under Article IV, 15-59, any modifications of an approved development that are significant in that they will have a discernible impact on neighboring properties or the general public or on those who are occupying the property would be subject to the same language as in 15-45: whether or not the amendment will danger the public health or safety, or injure the value of adjoining property, or not be in harmony with the area it is being built, or not be in conformity with the Carrboro LU Plan, with the Thoroughfare Plan or any other officially adopted plan.)*

- (g) Property within a FLX district may be subdivided according to the provisions of this chapter applicable to minor subdivisions, even if such subdivision involves the creation of more than a total of four lots or the creation of a new public street.

*(NTAAC: The NTAAC does not understand the need for this provision as it may be an exception to how properties can be currently developed.)*

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

Section 3. This ordinance shall become effective upon adoption.

FORM:

REVIEW DATE:

REVIEWED BY:	REVIEW #:
PROJECT NAME:	DATE OF PREVIOUS REVIEW:

## SITE PLAN GUIDE AND CHECKLIST FOR SITE SPECIFIC, FLEXIBLE ZONING DISTRICTS (FLX)

### SUPPORTING/SUPPLEMENTAL INFORMATION FOR PETITION FOR CHANGE OF ZONING FORM (APPENDIX A-2)

(SUBMIT/ADDRESS ALL ITEMS)

1. HOLD A PRESUBMITTAL CONFERENCE WITH TOWN STAFF
- a. Attend a meeting with Town Staff at Development Review.
2. COMPLETE PETITION FOR CHANGE OF ZONING FORM  
(Appendix A-2)
3. PROVIDE THE FOLLOWING INFORMATION TO DEMONSTRATE  
ELIGIBILITY FOR THE FLX ZONING DISTRICT (Section 15-141.5(b)).
- a. Acreage (25-acre minimum)
- b. Ownership information
- c. Major arterial access location
- d. Subject of ***recent provide date*** site specific  
planning study by the Town
- e. Describe in detail the specifics of the planning study and its recommended  
outcome, and explain how the proposed FLX district would fulfill those  
objectives. (For example, the planning study participants expressed  
overwhelming support for transit connections and internal pedestrian  
networks, the proposed FLX District, includes transit stops with  
shelters along both arterials access roads and a series of paved pedestrian  
paths that link to the main meandering boulevard. These features are shown  
on the accompanying site plan. )
- F. Specifically indicate how the 'Mixed Use' will be implemented.***
4. LAND USES FOR THE PROPOSED FLX ZONING DISTRICT  
(Please consult Section 15-141.5(c))
- a. List the requested land uses for the proposed FLX district.
- b. Describe and show on the associated site plan where the proposed land uses  
would occur.
- c. List the requested amount of density, or intensity limitations, such as the  
minimum-maximum range of dwelling units, and the minimum-maximum  
range of building square footage.
- d. Provide dimensional specifications.

- e. List any restrictions relating to the type of use and location on the site.
5. ARCHITECTURAL STANDARDS
- a. Provide information relating to proposed architectural standards and images that display the types of building designs for the projects. (Please note that the submitted images will be used by zoning staff to determine zoning/building permit compliance.)
6. DESCRIBE THE PHASING SCHEDULE
- a. Show phasing lines on the site plan.
- b. Delineate any proposed subdivisions as part of the proposed development.
7. DESCRIBE AND SHOW PROPOSED INFRASTRUCTURE IMPROVEMENTS (ROADWAY, UTILITY, ETC.), ALONG WITH A PROPOSED SCHEDULE THAT LINKS THE CONSTRUCTION OF SUCH IMPROVEMENTS TO THE DEVELOPMENT OF THE PROPERTY.
- a. Describe the schedule for connecting the proposed road and bicycle/pedestrian facilities to existing facilities outside of the FLX district.
- b. Provide trip generation analysis for the proposed FLX district by phase and at total build-out. Provide correspondence from NCDOT regarding the need for facility improvements and the schedule for those improvements to occur.
- C) Provide Recent (within 3 yrs.) traffic studies & demonstrate how will mitigate additional traffic
- D) Demonstrate how roads connect to adjacent neighborhoods.
8. TRAFFIC, CIRCULATION
- a. Show the locations of all entrances or access points to the subject property.
- b. Show the internal circulation system.
- c. Show additional circulation systems for bicycle/pedestrian networks.
- d. Show proposed transit stops.
- e. Identify whether facilities are intended to be public or private and provide a statement as to whether facilities will be dedicated to the Town.
- f. Describe how the proposed traffic and circulation is consistent with the recommendations from the Town Planning Study.
9. IDENTIFY LOCATIONS AND DESIGNS FOR PARKING LOTS AND DESCRIBE ANY LIMITATIONS ON PARKING.
- a. Identify tentative locations for bicycle parking, including sheltered bicycle parking.
10. EXPLAIN HOW THE DEVELOPMENT WILL COMPLY WITH THE STORMWATER REQUIREMENTS OF SECTION 15-263.



- a. Show the type and location of all major stormwater devices.
- b. Provide the schedule for installation including the timeline for changing from erosion control devices to permanent stormwater devices.
- c. Include a sealed statement from a registered Engineer that the proposed stormwater plan will be in compliance with requirements of 15-263.

11. LABEL ALL NATURAL AREAS AND SITE CONSTRAINTS, AND EXPLAIN HOW THE DEVELOPMENT WILL PROTECT THESE AREAS.

12. DESCRIBE HOW THE DEVELOPMENT OF THE FLX DISTRICT WILL COMPLY WITH ALL PROVISIONS OF THE LAND USE ORDINANCE. (Please note: the combined information—narrative and site plan—must provide sufficient specificity to determine zoning permit compliance.)

