



Town of Carrboro

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

Meeting Agenda Board of Aldermen



Tuesday, May 17, 2016

7:30 PM

Board Chambers - Room 110

A. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:45-7:50

B. RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1. [16-158](#) Introduction of Partnership to End Homelessness Coordinator

7:50-7:55

C. ANNOUNCEMENT OF UPCOMING MEETINGS

7:55-8:00

D. CONSENT AGENDA

1. [16-156](#) Approval of Previous Meeting Minutes of April 26, 2016 and May 3, 2016
2. [15-0355](#) Ordinance Amending Town Code Section 7-19 (c)- Adding the St Paul AME 5K to the List of Exempt Events

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider a request by the organizers of the St Paul AME 5K to add both their race to the current exempt event list outlined in the Town Code Section 7 - 19 (c).

Attachments: [St Paul AME 5K AMENDING TOWN CODE SECTION 7-19\(c\)](#)

E. PUBLIC HEARING

8:00-8:15

1. [16-152](#) Public Hearing on Town Manager's Recommended Budget for FY 2016-17

PURPOSE: To hold a public hearing on the Town Manager's recommended budget for the upcoming fiscal year as required by G. S. 159-12 (b).

Attachments: [Notice of Public Hearing](#)

F. OTHER MATTERS

8:15-8:45

1. [16-159](#) Update and Discussion of the Homestead-Chapel Hill High School Multi-Use Path

8:45-9:15

2. [16-154](#) Hydrology Study and Stormwater Drainage Policy

PURPOSE: The purpose of this item is to receive the results of preliminary engineering hydrologic studies related to drainage concerns in three areas of Town. This item will also present the Board of Alderman with the Town's current drainage policy as adopted by the Town on June 12, 1984.

Attachments: [Town Drainage Policy](#)

9:15-10:00

3. [16-155](#) Request-to-set Public Hearings on the Lloyd Farm Conditional Rezoning at 700 Old Fayetteville Road and associated LUO Text Amendments

PURPOSE: The Town has received an application to rezone property at NC Hwy 54 and 700 Old Fayetteville Road to B-4-conditional rezoning (B-4-CZ) for the construction of a mixed-use development to include a grocery store, commercial outparcels and a multi-story apartment building. Applications for text amendments to the Land Use Ordinance, relating to the project have also been submitted. The Board of Aldermen must receive public input before reaching a decision on these requests. A hearing date of June 26, 2016, has been identified. Resolutions setting two public hearing are provided for the Board's use.

Attachments: [Attachment A - 1 Resolution for Rezoning](#)
 [Attachment A - 2 Resolution for Draft LUO Text Amendments](#)
 [Attachment B - 1 Petition for Change of Zoning \(corrected\)](#)
 [Attachment B - 2 Request for LUO Text Amendments](#)
 [Attachment C -1 Draft conditions for rezoning](#)
 [Attachment C - 2 Draft LUO amendments relating to B-4CZ zoning district](#)
 [Attachment D - Vicinity Map for Rezoning](#)
 [Attachment E - Exhibit - Lloyd Farm - Conditonal Zoning 5-13-2016](#)
 [Attachment F- Excerpts from 12 ART-IX_5-2016](#)

G. MATTERS BY BOARD MEMBERS

H. MATTERS BY TOWN MANAGER

I. MATTERS BY TOWN ATTORNEY

10:00-10:35

J. CLOSED SESSION - NCGS 143-318.11 (4)



Town of Carrboro

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Agenda Item Abstract

File Number: 15-0355

Agenda Date: 5/17/2016

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Ordinance Amending Town Code Section 7-19 (c)- Adding the St Paul AME 5K to the List of Exempt Events

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider a request by the organizers of the St Paul AME 5K to add both their race to the current exempt event list outlined in the Town Code Section 7 - 19 (c).

DEPARTMENT: Public Works

CONTACT INFORMATION: JD Freeman - 918-7427

INFORMATION: The first St Paul AME 5K event was held in 2013 and was hosted by the St. Paul AME 5K Committee. The initial event was a success and has grown larger in attendance each year. In addition, this event has the important value of reaching a part of our community that most of the other events in the list do not. The organizers demonstrated that they can put on a good event consistent with the requirements of the code.

The organizers would like the Board to consider approving this event under the current exempt event listing which exempts this event from a public hearing and notice process.

FISCAL & STAFF IMPACT: No impact at this time.

RECOMMENDATION: Review and consider approving the draft ordinance.

**AN ORDINANCE AMENDING TOWN CODE SECTION 7-19(c) TO ADD
THE OPEN STREETS EVENT TO THIS LIST OF EXEMPT EVENTS**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Town Code Section 7-19(c) is amended to read as follows:

() The Board finds that the annual Christmas parade sponsored by the Chapel Hill Chamber of Commerce, the Fourth of July Celebration sponsored by the Town of Carrboro, the Carrboro Day celebration sponsored by the Town of Carrboro, the Carrboro Music Festival sponsored by the Town of Carrboro, the Four on the Fourth Road Race, the Carrboro 10K Road Race, and the Gallop and Gorge Road Race sponsored by the Cardinal Track Club, the Frangelism in the Park event sponsored by St. Joseph AME Church, the Open Streets Event sponsored by the Town of Carrboro, and the St. Paul AME 5k have become established traditions that are expected and anticipated by those whose properties or businesses are affected by them and that are well publicized apart from the public hearing procedures set forth in this article. Therefore, the annual Christmas Parade, the Fourth of July celebration, the Carrboro Day celebration, the Carrboro Music Festival, the Four on the Fourth Road Race, Carrboro 10K Road Race, the Gallop and Gorge Road Race, and Frangelism in the Park, the Kidney Kare 5K and the Open Streets Event, and the St. Paul AME 5k are exempt from the requirements of this section. (Amend. 1/8/86, 1/9/90, 3/19/91, 4/4/95, 3/19/96, 6/6/2000, 9/6/2005, 9/2/08, 10/6/09, 2/2/14, 5/ /16).

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

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 2014.

Ayes:

Noes:

Absent or Excused:



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Agenda Item Abstract

File Number:16-152

Agenda Date: 5/17/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Public Hearing on Town Manager's Recommended Budget for FY 2016-17

PURPOSE: To hold a public hearing on the Town Manager's recommended budget for the upcoming fiscal year as required by G. S. 159-12 (b).

DEPARTMENT: Town Manager

CONTACT INFORMATION: David L. Andrews, 918-7315 and Arche L. McAdoo 918-7439

INFORMATION: On May 3, 2016 the Town Manager presented his recommended budget for Fiscal Year 2016-17. The recommended budget totaled \$31.6 million comprised of the following: General Fund budget \$22.0 million; Capital Fund \$8.2 million; and Special Revenue Fund \$1.4 million.

To ensure that the public has access to the budget document and is aware of the public hearing, North Carolina G.S. 159-12 (a) requires the Town Clerk to have the budget document available for public inspection until the budget ordinance is adopted. The document is also available on the Town's website at www.townofcarrboro.org.

The statute also requires the Town Clerk to make a copy of the budget available to all news media in the county and to publish a statement that the budget has been submitted to the governing board, and is available for public inspection. The statement must also give notice of the time and place of the budget public hearing. Attached is the notice of the public hearing published by the Town Clerk.

FISCAL & STAFF IMPACT: The total recommended budget for FY 2016-17 is \$31.6 million comprised of the following: General Fund budget \$22.0 million; Capital Fund \$8.2 million; and Special Revenue Fund \$1.4 million.

RECOMMENDATION: The Board is requested to: 1) hold a public hearing and receive

Agenda Date: 5/17/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

comments from the public on the Town Manager's recommended budget; and, 2) provide directions to the Town Manager for preparation of the final budget ordinance for FY 2016-17.

NOTICE OF PUBLIC HEARING

The Board of Aldermen will hold a public hearing on Tuesday, May 17, 2016 at 7:30 p. m. in Town Hall Board Room to receive citizen comments on the Town of Carrboro Recommended Budget for 2016-17. The budget is available for inspection in the Town Hall. Citizens are invited to make written or oral comments. Comments may be emailed to cwilson@townofcarrboro.org. The entire budget document may be viewed in the Town Clerk's Office from 8:30 a.m. to 5:00 p.m. weekdays or on the Town website at www.townofcarrboro.org.



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Agenda Item Abstract

File Number:16-159

Agenda Date: 5/17/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Update and Discussion of the Homestead-Chapel Hill High School Multi-Use Path

The purpose of this item is for the Board of Aldermen to receive an update from Town staff and the Town Attorney regarding the Homestead-Chapel Hill High School Multi-Use Path and consider next steps.



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Agenda Item Abstract

File Number:16-154

Agenda Date: 5/17/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Hydrology Study and Stormwater Drainage Policy

PURPOSE: The purpose of this item is to receive the results of preliminary engineering hydrologic studies related to drainage concerns in three areas of Town. This item will also present the Board of Alderman with the Town's current drainage policy as adopted by the Town on June 12, 1984.

DEPARTMENT: Public Works

CONTACT INFORMATION: JD Freeman - (919) 918-7427 jfreeman@townofcarrboro.org
<<mailto:jfreeman@townofcarrboro.org>> Henry Wells - (919) 859-2243 hwells@sungatedesign.com
<<mailto:hwells@sungatedesign.com>>

INFORMATION: On March 1st, 2016 the Board of Alderman authorized the Town to conduct comprehensive hydrology and hydraulic studies for Toms Creek, Piedmont Health, and Morningside Drive. This agenda item follows on reports provided on January 12th (

<<http://carrboro.legistar.com/gateway.aspx?m=l&id=/matter.aspx?key=2278>>) and March 1st (<<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2592401&GUID=1DB27FB9-9403-4411-8D4F-40A817C71887>>)

At the meeting Tuesday night, Town staff and Town Engineer (Sungate Design Group, PA) will present the findings of recently completed hydrologic studies and will be prepared to distribute the associated reports. This approach will allow the Board of Aldermen sufficient opportunity to consider the information. The first step is to allow the Board to hear the overview presenting not only the findings but the procedures and assumptions utilized for calculations and receive the written reports. The next step will be for the Board to consider in detail at the June 14th work session. Due to the comprehensive and detailed nature of these studies, and the interest of the Board of Alderman to consider this information before the end of the fiscal year, we are presenting the information to the Board of Alderman in this way.

These engineering studies got underway in earnest by mid-March and have involved significant efforts to collect and compile the needed field data to allow for numerous analyses of various stormwater alternatives. Of the alternatives evaluated, each study focuses in detail on the top three or four options and advises the Board on how it does or does not mitigate the stormwater concerns. Town Staff will also present the Town's current drainage policy as adopted by the Town on June 12, 1984. Attached to this item are excerpts from the June 12, 1984 minutes which detail the adopted drainage policy.

FISCAL & STAFF IMPACT: There is no fiscal or staff impact for your considering this information.

Agenda Date: 5/17/2016

File Type:Agendas

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Preliminary costs have been previously presented for two of the areas studied. Fiscal and staff impacts will be determined as the Board decides on the next steps.

RECOMMENDATION: The recommendation is that the Board receive the presentations Tuesday evening, review the attached drainage policy and provide feedback.

A regular meeting of the Carrboro Board of Aldermen was held on June 12, 1984 at 7:30 p.m. in the Town Hall Board Room, the regular place of meeting.

Present and presiding:

Mayor	James V. Porto, Jr.
Aldermen	Zona Norwood
	Jim White
	John Boone
	Doug Anderson
	Joyce Garrett
Town Manager	Robert W. Morgan
Town Clerk	Sarah C. Williamson
Town Attorney	Michael B. Brough

Absent:
Alderman Hilliard Caldwell

APPROVAL OF MINUTES OF PREVIOUS MEETING

MOTION WAS MADE BY JOHN BOONE AND SECONDED BY DOUG ANDERSON THAT THE MINUTES OF MAY 22, 1984 BE APPROVED WITH CORRECTIONS. VOTE: AFFIRMATIVE ALL

VOTE OF APPRECIATION

The Board expressed its appreciation to Don Casper for a job well done during the time he served as Interim Town Manager. In addition, the Board expressed its appreciation to the town staff for coping so well under the restrictions of a tight budget and its ability to end the year with a \$90,000 fund balance.

CHARGE TO NEW TOWN BOARD MEMBERS

A charge was issued by the Town Clerk to Donald Peninger, a recent appointee to the Planning Board and Douglas Sharer, a recent appointee to the Transportation Advisory Board.

REQUESTS TO SET PUBLIC HEARINGS

(1) Conditional Use Permit Request/Chambers Ridge

Queens Realty Group of Charlotte has applied for a conditional use permit which will allow construction of 102 multi-family rental units on a 9-acre parcel on the south side of Westbrook Drive, formerly a part of the Weatherhill property. The parcel is presently zoned Residential-3.

The administration requested that a public hearing be set for June 26, 1984.

(2) Conditional Use Permit Request/Fidelity Street Project

David Curl Building Associates has applied for a conditional use permit which will allow construction of 36 multi-family units in an architecturally integrated subdivision on three parcels of land known as the Howard Hearn Subdivision on Fidelity Street. The parcels are identified as Tax Map 98, Block 1, Lot 2B; Tax Map 102, Block D, Lot 28; and Tax Map 98, Block 1, Lot 2. The parcels are presently zoned Business-3.

The administration recommended that a public hearing be set for June 26, 1984.

Mr. Thorn to the Downtown Revitalization Committee until additional charges are assigned to the Committee.

AMENDMENTS TO DRAINAGE POLICY

At its meeting on May 22, 1984, the Board of Aldermen adopted in principal several revisions to the town's drainage policy and directed the Town Attorney and Public Works Director to incorporate these changes into a revised town drainage policy statement. The revised policy and adopting resolution are attached.

The Board of Aldermen at its worksession held on June 6, 1984 recommended adoption of the revised policy and adopting resolution.

The following resolution was introduced by Alderman Boone and duly seconded by Alderman White.

A RESOLUTION REVISING THE TOWN'S DRAINAGE POLICY

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The attached town drainage policy, incorporated by reference herein, is hereby adopted.

Section 2. The attached policy becomes effective upon adoption and supersedes all previously adopted policies. However, the Tom's Creek Project, which has previously been considered by the town and respect to which the town has been awarded some funding assistance by the State and has applied for additional funding, shall not be affected or controlled by the attached policy.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 12th day of June, 1984:

Ayes: Boone, White, Norwood, Anderson
Noes: Garrett
Absent or Excused: Caldwell

REQUEST FOR APPROVAL OF PROCEDURE FOR DISPOSING OF SURPLUS ITEMS WORTH LESS THAN \$500

Recently adopted legislation gives city councils the right to set up policies governing the disposal of town personal property valued at less than \$500.00 (any one item or a group of items). These policies would establish a procedure that would allow a designated town employee to arrange for disposal of surplus or outdated approval of relatively low value without securing council approval in each instance.

The administration recommends adoption of the attached resolution authorizing the convenient disposal of surplus personal property owned by the town having a value of less than \$500.00.

The Board of Aldermen at its worksession held on June 6, 1984, concurred with the administration's recommendation.

The following resolution was introduced by Alderman White and duly seconded by Alderman Boone.

A RESOLUTION AUTHORIZING THE CONVENIENT DISPOSAL OF SURPLUS PERSONAL PROPERTY OWNED BY THE TOWN HAVING A VALUE OF LESS THAN \$500

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Town Manager is authorized to declare surplus any personal property valued at less than \$500.00 for one

BOARD OF ALDERMEN

Item No D(4)

ACTION AGENDA ITEM ABSTRACT

MEETING DATE: 6/12/84

Subject: Amendments to Stormwater Drainage Policy

Department: Town Attorney
Attachment(s): Drainage Policy Resolution

Public Hearing <u> </u> Yes <u> X </u> No
For Information Contact: Mike Brough, Ext. 216

The following information is provided:

☒ Background ☒ Action Requested ☐ Analysis ☐ Alternatives ☐ Recommendations

Background

At the Adequacy Planning Conference, the Board of Aldermen instructed the staff to review the drainage policy that has been in operation for several years in the town. Pursuant to that request, the administration presented proposals for revision to the Board at its worksession on May 16, 1984. At its regular meeting on May 22, 1984, the Board of Aldermen adopted in concept a revised drainage policy and directed the Town Attorney and Public Works Director to incorporate the revisions into a revised town drainage policy statement. The revised policy, together with an adopting ordinance are attached.

Action Requested

The administration requests that the Board adopt the attached resolution adopting a revised drainage policy that incorporates the changes agreed upon by the Board.

The following resolution was introduced by Alderman Boone
and duly seconded by Alderman White.

A RESOLUTION REVISING THE TOWN'S DRAINAGE POLICY

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The attached town drainage policy, incorporated by reference herein, is hereby adopted.

Section 2. The attached policy becomes effective upon adoption and supersedes all previously adopted policies. However, the Tom's Creek Project, which has previously been considered by the town and with respect to which the town has been awarded some funding assistance by the State and has applied for additional funding, shall not be affected or controlled by the attached policy.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 12th day of June, 1984:

Ayes: Boone, White, Norwood, Anderson

Noes: Garrett

Absent or Excused: Caldwell

TOWN DRAINAGE POLICY

The following constitutes a statement of the official policy of the Town of Carboro, as adopted by the Board of Aldermen on June 12, 1984, relating to the improvement and maintenance of drainage ways within the town. This supersedes all previously adopted policies.

I. Drainage on Public Rights-Of-Way and Easements

The town will continue to maintain at its own expense all drainage ditches, piped and unpiped, and other drainage ways located within public street rights-of-way or drainage easements conveyed to and accepted by the town.

II. Drainage Problems On Private Property For Which the Town Is Legally Responsible

The town will correct at its own expense a drainage problem created on private property where it is demonstrated to the reasonable satisfaction of the Public Works Director that: (i) surface water is being channeled from the public street right-of-way onto private property in a location where water would not naturally have flowed in the pre-development stage; or (ii) the drainage problem is created by water being channeled from the public street right-of-way onto private property, into a natural drainage way that is inadequate to handle the volume of water so channeled, and a substantial portion of the water consists of runoff from land not drained by the natural drainage way in the predevelopment stage; or (iii) the town is otherwise legally responsible and liable for creating the drainage problem.

III. Town Participation In Drainage Improvements On Private Property Where The Town Is Not Legally Responsible For The Drainage Problem.

A. The Board of Aldermen has determined that drainage problems exist throughout the town and that it is in the public interest and serves a public purpose for the town to establish a public drainage system and to participate in the costs of making improvements to the public drainage system in accordance with the policies and procedures set forth in this section.

B. The Board of Aldermen hereby adopts that map entitled Stormwater Drainage Map and dated May 1, 1984 as the official public drainage system map for the town. The map indicates the network of natural drainage ways located on private property within the town that the town will improve and maintain, subject to the remaining provisions of this section. This map may be amended from time to time by resolution of the Board.

C. A property owner or owners desiring town assistance under this section in correcting a drainage problem shall present a petition to the town (on a form furnished by the town) requesting such assistance and signed by the owners of all properties where work will have to be done to make the necessary improvements.

D. Approval of projects by the Board of Aldermen shall be based upon the availability of funds, and priority for available funds shall be determined according to (i) the date a fully completed petition was submitted and (ii) the relative seriousness of the drainage problem, considering such factors as the danger to existing buildings, potential soil erosion problems or other ecological damage, or other potential dangers to the public health or safety.

E. The policy of town participation in drainage improvements set forth in this section is subject to the following qualifications;

(1) The policy applies only to drainage ways identified on the map referenced in subsection B.

(2) The policy applies only to drainage ways crossing lots developed exclusively for single-family detached residences or two-family residences, as defined in the Carrboro Land Use Ordinance.

(3) The policy does not apply to undeveloped lots, except that if a lot capable of development only for single-family or two-family residential use is crossed by a drainage way that also crosses other eligible lots, this shall not defeat the project from consideration. However, the policy is not designed or intended to benefit land developers, who are required by the Land Use Ordinance to handle drainage problems as part of the development process.

(4) No project will be funded unless the town is granted a permanent drainage easement across all properties where improvements are maintained. The town shall prepare the necessary easement forms, but the applicant shall be responsible for obtaining all necessary signatures on the easements.

F. With respect to any project undertaken by the town under this section, the town will bear the initial expense of completing the project and will then recover fifty percent (50%) of the project costs from the benefited property owners through a special assessment procedure. In levying the special assessment, the town will follow the procedures set forth in article 10 of Chapter 160A of the General Statutes. Property owners may pay the special assessment in five annual installments, with the unpaid principal bearing interest at an annual rate of eight percent (8%).



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Agenda Item Abstract

File Number:16-155

Agenda Date: 5/17/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request-to-set Public Hearings on the Lloyd Farm Conditional Rezoning at 700 Old Fayetteville Road and associated LUO Text Amendments

PURPOSE: The Town has received an application to rezone property at NC Hwy 54 and 700 Old Fayetteville Road to B-4-conditional rezoning (B-4-CZ) for the construction of a mixed-use development to include a grocery store, commercial outparcels and a multi-story apartment building. Applications for text amendments to the Land Use Ordinance, relating to the project have also been submitted. The Board of Aldermen must receive public input before reaching a decision on these requests. A hearing date of June 26, 2016, has been identified. Resolutions setting two public hearing are provided for the Board's use.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, James Thomas - 919-918-7335; Marty Roupe - 919-918-7333, Patricia McGuire - 919-918-7327, Nick Herman - 919-929-3905

INFORMATION: On September 16, 2014 the Board received a request to set a public hearing on a proposed conditional use rezoning/conditional use permit application for the Lloyd Farm, a mixed use development at 700 Old Fayetteville Road. The Board did not set the public hearing but instead directed staff to explore options with the Dispute Settlement Center for developing a facilitated process by which the applicant, Argus Development, LLC, the Town and representatives from the adjacent neighborhood could better address neighbor concerns about the project. A mediation process followed and included a series of meetings during the summer and early fall of 2015. At the outset, the stakeholders agreed to a shared objective that at the end of mediation process the applicants would have a revised site plan and would be ready to resume the public hearing process. There was no formal endorsement of the site plan from any of the stakeholders, but rather an understanding that the project could begin again as a request for conditional zoning.

Change to the Process. In February 2016, the applicants submitted a new application for the process using the conditional zoning mechanism rather than the conditional use zoning mechanism (Attachment B-1). The change affects the process. With conditional use zoning the applicant submits the rezoning request and conditional use permit (CUP) materials at the same time; with conditional zoning the applicant submits the rezoning request first and, if approved, the CUP application follows afterward. The use of conditional zoning offers additional opportunity for public input and allows the Board greater flexibility to participate in conversations about the project outside of formal meetings; binding conditions are decided as part of the

rezoning.

Changes to the Project. Changes to the project that were made in response to the mediation process are as follows:

- 1) Residential use - The residential component of the current proposal includes a senior-living (restricted to 55 years of age or older) development with approximately 200 apartments, a parking deck and 20 duplex cottages, instead of 293 apartments with a parking deck.
- 2) Tree protection/open space - The mature hardwood tree stand at the corner of Old Fayetteville Road with NC 54 will now be preserved as open space without intrusion of buildings or parking. To accomplish this, Lloyd Farm's development program in that immediate area was reduced by 9,455 square feet. Twenty-eight parking spaces were also eliminated.
- 3) Proposed dedication of land to the Town - The applicant is offering the 4.67-acre tract (lots 3 and 4) at the northeast corner of the property and near the intersection of James and Carol Streets to be dedicated to the Town of Carrboro for neighborhood park purposes instead of becoming a townhome community.
- 4) Vehicular access & circulation - Vehicular access and circulation differ between the two applications as a roundabout is now proposed for the Old Fayetteville Road entrance and a "left-over" entrance-only median break on NC 54 is proposed for use by eastbound traffic at the main NC 54 entrance. Both changes were requested during the mediation process. The applicant is in the process of updating the TIA to reflect these changes as well as the change to the residential units.
- 5) Other site design changes - The retail shops have been reoriented to shift shop frontages away from the adjoining neighborhood; the community gathering area has moved closer to the greenway; the 24-space parking lot north of the retail shops has been eliminated; and a 35-space parking lot located north of the access road has been eliminated.

Project Summary. The subject property includes four parcels known collectively as the Lloyd Farm and located at the northeast corner of NC Hwy 54 and Old Fayetteville Road. The parcels are further identified by Orange County PIN numbers and shown on a vicinity map (Attachment D) as Lot 1 (PIN #9779-09-7922), Lot 2 (PIN #9778-19-6618), Lot 3 (PIN # 9779-10-7351) and Lot 4 (PIN # 9779-20-0449). All four parcels will be included in the forthcoming CUP proposal as part of an architecturally integrated subdivision (AIS); no development is proposed for Lots #3 and #4. In the draft list of conditions associated with the rezoning, the applicant has included a condition to offer Lots #3 and #4 to the Town for public use.

The vicinity map also delineates, with a heavy outline, the extent of the entire forty-acre site which currently falls within different zoning classifications. The petition for change of zoning includes two of the four parcels: lots 1 and 2. Lot 2 currently falls within two different zoning classifications: R-10 and B-4. If approved all of lots 1 and 2 would be rezoned to B-4-CZ. The remaining two smaller parcels fronting James Street are not included in the rezoning petition. Part of the overall development proposal, lots 3 and 4 will retain their current zoning--R-10 and R-20 respectively. The table below offers an "at a glance" summary.

Agenda Date: 5/17/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Lot	PIN	Existing Zoning	Proposed Zoning	Acreage
1	9779-09-7922	R-10	B-4-CZ	10.18
2	9778-19-6618	R-10	B-4-CZ	8.61
2	9778-19-6618	B-4	B-4-CZ	16.61
3	9779-10-7351	R-10	R-10	3.73
4	9779-20-0449	R-20	R-20	0.94

Process for consideration of Rezoning. Section 15-141.4 of the Land Use Ordinance, Conditional Zoning Districts, describes the procedure for the Board to consider a conditional rezoning. Should Board approve the rezoning, the applicant would submit an application use permit (CUP). Section 15-57 and 15-322 speak to the role of the Planning Board and other advisory boards in the review of CUPs and rezonings prior to the public hearing.

Text Amendments. Ted Barnes of Argus Development Group, LLC, has also submitted a text amendment request to modify the Land Use Ordinance in three areas related to the B-4 zoning district: 1) adding flexibility to the collector street standards to allow a cross section with a slower design speed; 2) allowing multi-family residential uses at a density of approximately R-3 or 3000 square feet per dwelling unit; and 3) increasing the maximum building height 15 feet taller than the maximum building height for the district (50 feet in B-4) Attachment B). A draft ordinance (Attachment C-2) has been prepared.

The Board of Aldermen must receive public comment before adopting amendments to the Land Use Ordinance (map and text). Planning Board and Orange County review is also needed.

One or two public information meetings will also be offered before the public hearing. Dates for these meetings are pending space and time availability.

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

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolutions setting two public hearings for June 26, 2016 and for referring both applications to advisory boards: Attachment A-1 for the request for rezoning and Attachment A-2 for the requested LUO text amendments.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CONDITIONAL
DISTRICT REZONING AT 700 OLD FAYETTEVILLE ROAD

Draft Resolution No.

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

WHEREAS, an application has been received for a Conditional District Rezoning for the property located at the northeast corner of NC Hwy 54 and Old Fayetteville Road, known as 700 Old Fayetteville Road; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on June 26, 2016 to discuss the proposed project at 700 Old Fayetteville Road.

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

☒ Appearance Commission

☐ Recreation and Parks Commission

☒ Transportation Advisory Board

☐ Northern Transition Area Advisory
Committee

☒ Environmental Advisory Board

☐ _____

☒ Economic Sustainability Commission

☐ _____

This is the 17th day of May in the year 2016.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FLEXIBILITY WITH RESPECT TO STREET DESIGN STANDARDS IN THE B-4-CU DISTRICT, TO ALLOW MULTI-FAMILY USES IN THE B-4-CZ DISTRICT, AND TO INCREASE THE BUILDING HEIGHT LIMIT FOR MULTI-FAMILY BUILDINGS IN THE B-4-CZ DISTRICT.

DRAFT 5-12-2016

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 June 28, 2016, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Provide Flexibility with Respect to Street Design Standards in the B-4-CZ District, to Allow Multi-family uses in the B-4-CZ District, and to Increase the Building Height Limit for Multi-family Buildings in the B-4-CZ District.”

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

☒ Appearance Commission

☐ Recreation and Parks Commission

☒ Transportation Advisory Board

☐ Northern Transition Area Advisory Committee

☒ Environmental Advisory Board

☐ _____

☒ Economic Sustainability Commission

☐ _____

This is the 17th day of May in the year 2016.

APPENDIX A – 2

PETITION FOR CHANGE OF ZONING FORM

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

TOWN OF CARRBORO

PETITION FOR CHANGE OF ZONING



PETITIONER: Argus Development Group, LLC
2908 Oak Lake Blvd. Ste 203
Charlotte, NC 28208

DATE:
1-15-2016

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from R-10-B-4 to B-4-CZ zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME Ted Barnes for Argus Development Group, LLC
ADDRESS: 2908 Oak Lake Blvd., Ste. 203
TELEPHONE #:() (704) 376-9848
2. INTEREST IN PROPERTY(IES): Contract Purchaser
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: NE Corner of Old Fayetteville Road and NC Hwy. 54
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
 - a. OWNER: Shelton Gene Lloyd & Brodie L. Lloyd
Pin# 9779-09-7922 ACREAGE 10.15 AC PARCEL:
SUBDIVISION NAME: RS Lloyd FRONTAGE DEPTH:
EXISTING STRUCTURES AND USES: Cabin / Garage
 - b. OWNER: Estate of Roy Shelton Lloyd
Pin# 9778-19-6618 ACREAGE 25.22 AC
SUBDIVISION NAME: RS Lloyd FRONTAGE DEPTH:

See Attached Maps - Existing and Proposed Zoning

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: _____

- [illegible]

- _____
- _____
- _____
- _____

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

See Attachment B

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

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

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

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 15 DAY OF January, 2016

PETITIONER'S SIGNATURE

Russ B...

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.

OWNER SIGNATURE ADDENDUM
LLOYD FARM CONDITIONAL REZONING APPLICATION

Shelton Gene Lloyd
Shelton Gene Lloyd, Co-Executor of the
Estate of Roy Shelton Lloyd

5/6/2016
Date

Brody Lemuel Lloyd
Brody Lemuel Lloyd, Co-Executor of the
Estate of Roy Shelton Lloyd

5/6/2016
Date

Shelton Gene Lloyd
Shelton Gene Lloyd

5/6/2016
Date

Brody Lemuel Lloyd
Brody Lemuel Lloyd

5/6/2016
Date

Attachment B

PETITION FOR CHANGE OF ZONING

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?

Lloyd Farm is most visible to the community from its NC Highway 54 frontage. From that viewpoint, the non-residential uses are consistent with the pattern of land use along NC Highway 54. There is existing retail development on the south side of NC Highway 54 and along the highway corridor. While the economic function of the retail component of Lloyd Farm is similar in nature and scale to neighboring retail, its form is more compact and walkable and its building and landscape design more aesthetically pleasing. For example, Lloyd Farm incorporates existing stands of mature hardwoods into its design, maintaining a soft green viewshed at the intersection.

Lloyd Farm also provides on-site multi-family housing in the form of senior-living apartments and cottages with ADA-accessible pedestrian-friendly connections provided to food and other essential urban services. The juxtaposition of residential use with Lloyd Farm's non-residential uses is consistent with the development pattern on the south side of NC Highway 54.

The character of the existing single-family neighborhoods to the north and east of Lloyd Farm is preserved by the establishment of building setbacks 200'+ to 400'+ deep in dimension from exterior property lines, the preservation of substantial stands of mature hardwood trees along the northern and eastern edges of Lloyd Farm, and the dedication of the northeastern portion of the property assemblage to the Town for civic use.

Retention of the existing vegetative edge along Old Fayetteville Road, supplemented as necessary by additional evergreen landscape material, maintains the existing viewshed along the property's Old Fayetteville Road frontage.

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

This assemblage of properties was identified in the Town's 2006 "Creating Carrboro's Economic Future" report as an opportunity site on the NC Highway 54 corridor for non-residential development:

"The greatest asset of this corridor is that it has the only commercial area in Carrboro with direct access to a four-lane road (the Highway 54 Bypass), which

makes it attractive to retailers. There is one available parcel next to the US Post Office large enough (25 acres) to sustain a significant new retail presence."

A portion (16.6 acres) of this property is already zoned B-4 (Outlying Concentrated Business). The net result of the proposed conditional rezoning (B-4-CZ), once the open space area is deducted, is the approximate amount of developable acreage that was anticipated within that report.

Furthermore, the property is well-served by public transit, with three bus routes having bus stops located within walking distance and a bus stop provided on-site at Lloyd Farm's retail plaza area.

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

The conditional rezoning process provides a means by which specific conditions and plans can be attached to the property's zoning to address identified concerns. The application proposes substantial building setbacks and preserved hardwood stands, with additional evergreen landscaping installed as necessary, to buffer property owners to the north and east of the property and to maintain important elements of their viewshed.

No vehicular connections are proposed to the adjoining neighborhood streets. Instead, paved greenway connections to Lloyd Farm are provided mid-block to the north and to the east for neighborhood bicycle and pedestrian access.

The introduction of public space and the provision of food and other essential urban services enhances this area of Carrboro. The value of nearby properties is preserved and enhanced by the provision of convenient and direct access to urban services and amenities within easy walk/bike distance, a much-desired feature for residential neighborhoods to have as an active living by design option.

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

Conditional rezoning of the property in the manner proposed fulfills the Town's goal of encouraging non-residential development within designated areas and furthers the goal of creating a diversity of housing by providing senior-living housing proximate to the urban services and amenities provided by Lloyd Farm's non-residential components.

The NC Highway 54 corridor from Jones Ferry Road to Fayetteville Road is designated as being suitable for retail development, particularly because of the access provided to Orange County residents by the divided-median highway corridor. All three of the Town's existing B-4 zoning districts are located along this highway corridor.

This proposed conditional rezoning to B-4-CZ adjusts one of those three existing B-4 zoning districts to be similar in net developable acres to that of neighboring commercial property. However, by use of compact design, shared parking, and vertical construction, the similarly-sized non-residential program also adds senior-living housing within approximately the same total amount of developable acreage as the existing traditional non-residential development on the south side of NC Highway 54.

LAND USE ORDINANCE AMENDMENT REQUEST



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:

- Permissible Use - See Attachment A

- See Attached

- 3) State the reasons for the proposed amendment:
See Attached

Ted Barnes for Argus
Development Group, LLC

SIGNATURE: _____
applicant {print}

ADDRESS: 2908 Oak Lake Blvd., Ste. 203, Charlotte, NC 28208

TELEPHONE NUMBER: 704-376-9848

Attachment A

LAND USE ORDINANCE AMENDMENT REQUEST

Permissible Use

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

Article X, Section 15-146, Multi-Family Apartments 1.331 Maximum 20% > 3 bedrms/du is currently not an allowable use in the B-4 zoning district.

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

Designate Multi-Family Apartments 1.331 as an allowable use within the B-4 zoning district by adding a "C" in the B-4 column, thereby requiring a Conditional Use Permit.

3) State the reasons for the proposed amendment:

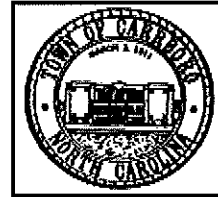
The proposed amendment allows the incorporation of rental multi-family housing into the B-4 zoning district, as allowed within most other business zoning districts, specifically in the form of apartments where no more than 20 percent of the units can be greater than three bedrooms (versus the "no bedroom limit" option).

If deemed desirable, the mixed-use ratio standards incorporated into the B-1(g) zoning district for mixed-use projects could be similarly used for B-4 zoning district mixed-use projects, with a base residential density of R-3.

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

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):

Building Height - See Attachment A

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

See Attached

- 3) State the reasons for the proposed amendment:

See Attached

SIGNATURE: _____

applicant

Ted Barnes for Argus
Development Group, LLC

{print}

ADDRESS: _____

2908 Oak Lake Blvd., Ste. 203, Charlotte, NC 28208

TELEPHONE NUMBER: _____

704-376-9848

Attachment A

LAND USE ORDINANCE AMENDMENT REQUEST

Building Height

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

Article XII, Section 15-187 (a)

In any architecturally integrated subdivision, the developer may create lots and construct buildings without regard to any minimum lot size or setback restrictions except that:

(1) Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision; and

(2) Each lot shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this chapter.

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

Article XII, Section 15-187 (a)

In any architecturally integrated subdivision, the developer may create lots and construct buildings without regard to any minimum lot size or minimum setback restrictions, or **maximum building height** except that:

(1) Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision; and

(2) Each lot shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this chapter.

3) State the reasons for the proposed amendment:

Since the intent of the Architecturally Integrated Subdivision option is to allow reviewable design flexibility in order to maximize open space preservation, among the dimensional attributes subject to that flexible approach and design review should be the vertical height of the proposed building envelope, not just the horizontal envelope, in order to maximize open space preservation opportunities

Specifically for Lloyd Farm, the design review process afforded by adding building height to the horizontal design elements within the Architectural Integrated Subdivision approach is a more appropriate means to evaluate building heights (both overall and at specific locations) than the standard building height method based on mean average grade. Additionally, only then can building height envelopes be considered in relationship to Lloyd Farm's internal streets, sidewalks, and other public places, plus any external viewsheds, where visual setbacks are much greater. In particular this flexible design review approach will be useful to meaningfully evaluate Lloyd Farm's apartment building that is designed to step up the existing site's slope.

LAND USE ORDINANCE AMENDMENT REQUEST



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:

- Street Design - See Attachment A

- See Attached

- 3) State the reasons for the proposed amendment:
See Attached

SIGNATURE: _____ Ted Barnes for Argus
Development Group, LLC

applicant {print}

ADDRESS: 2908 Oak Lake Blvd., Ste. 203, Charlotte, NC 28208

TELEPHONE NUMBER: 704-376-9848

Attachment A

LAND USE ORDINANCE AMENDMENT REQUEST

Street Design

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

Article XIV (Streets and Sidewalks) contains definitions for various classifications of public streets that are based upon their level of traffic count volume. Article XIV then refers to minimum design components (street width, radius of curves, etc.) contained in Appendix C that would result in a street design speed that would not be appropriate for the level of traffic calming desired for an internal local access road.

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

Add Section 15-227 "Flexibility in Administration Authorized" to Article XIV (Streets and Sidewalks) to allow the permit issuing authority to be able to lower design speeds and therefore vary the minimum design requirements for internal streets associated with a Conditional Use Permit project.

3) State the reasons for the proposed amendment:

Without this proposed amendment to Article XIV (Streets and Sidewalks), the permit issuing authority has no means to lower street design speeds below those that are by ordinance associated with a street classification system based solely on traffic counts. Higher minimum design speeds result in streets internal to the project that can be driven faster than might be desirable for traffic calming and pedestrian safety purposes due to increased widths and larger centerline curve radii.

Proposed B-4-CZ Zoning District Conditions

1. That the Rezoning Site Plan dated February 10, 2016 is incorporated herein to indicate potential land uses, the general location and size of buildings and parking areas, vehicular and bicycle/pedestrian access points, general circulation patterns, stormwater management features, setbacks, preserved trees and other landscaped areas.
2. That approximately 4.6 acres of the 40-acre property assemblage remain zoned residential and be dedicated to the Town of Carrboro for neighborhood civic use.
3. That \$15,000 be provided to the Town of Carrboro for a neighborhood-level traffic calming study to be conducted.
4. That, as a component of any subsequent Conditional Use Permit, appropriate fencing will be installed along the northern property line of the rezoned portion of the property assemblage.
5. That trash/recycling collections and landscape maintenance will be limited to the hours of 6 am to 6 pm on weekdays and 8 am to 5 pm on weekends.
6. That deliveries to retail tenants will be restricted to the hours of 6 am to 10 pm on weekdays and 7 am to 10 pm on weekends.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FLEXIBILITY WITH RESPECT TO STREET DESIGN STANDARDS IN THE B-4-CZ DISTRICT, TO ALLOW MULTI-FAMILY USES IN THE B-4-CZ DISTRICT, TO INCREASE THE BUILDING HEIGHT LIMIT FOR MULTI-FAMILY BUILDINGS IN THE B-4-CZ DISTRICT.

DRAFT 5-12-2016

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The first sentence of Subsection 15-216(c) of the Carrboro Land Use Ordinance ("LUO") is amended to read:

"Subject to subsections (d), (d1), (e), and (f), collector streets and other streets not constructed according to the requirements of subsection (b) shall conform to the requirements of this subsection and the specifications referenced in Section 15-219."

Section 2. Section 15-216 of the LUO is amended by adding the following new Subsection (d1):

(d1) The Board may, for any development approved with a conditional use permit on property zoned B-4-CZ, authorize a deviation from the standards set forth in subsection (b) and Appendix C relative to streets and sidewalks if the Board concludes that (i) the proposed streets and sidewalks would serve the functions they are designed to serve as well as or better than streets and sidewalks constructed in conformity with subsection (b) and Appendix C; and (ii) such streets and sidewalks will not impose on the town any undue or unreasonable costs or burdens relating to repairs and maintenance.

Section 3. Subsection 15-141.3(c) is amended to read as follows:

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

(1) Property that is zoned B-4-CZ may be developed for use classifications 1.322 (multi-family townhomes, no bedroom limits) and 1.332 (multi-family apartments with no bedroom limits) in addition to other uses permissible in the B-4 district, subject to a conditional use permit and the following: (i) not more than 25% of the area covered by the CUP in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

(2) (Reserved)

Section 4. Section 15-147 is amended by adding a new subsection (n) to read as follows:

(n) Notwithstanding the foregoing, use classifications 1.322 and 1.332 may be permitted in the B-4-CU zoning district, subject to subsection 15-141.3(c).

Section 5. Section 15-185 of the LUO (Building Height Limitations) is amended by adding a new subsection (h) to read as follows:

(h) Notwithstanding the remaining provisions of this section, the Board of Aldermen, in approving a conditional use permit for a multi-family apartment building within the B-4-CZ zoning district, may allow the maximum building height authorized in subsection (a)(2) of this section to be increased by one foot for every ten feet the building is set back from the otherwise applicable setback line, up to a maximum height of 65 feet, if the Board finds that (i) at least one full story of the building is devoted to parking, and (ii) the building is designed and constructed in relation to the contours of the site in such a manner as to minimize the visual impact of the additional height on adjoining properties.

Section 6. Subsection 15-141.3(d) is amended to read:

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

Section 7. Section 15-141.3 is amended by adding a new subsection (g) to read as follows:

(g) If a tract is rezoned to a B-4-CZ zoning district, the Board of Aldermen may, in connection with that rezoning, approve a conditional use permit that authorizes the tract to be divided into two or more lots, so long as (i) the application for the CUP contains sufficient information to allow the Board of Aldermen to approve (and the Board does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e, the subdivision and development of such lot(s) require no further review by the Board); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Board.

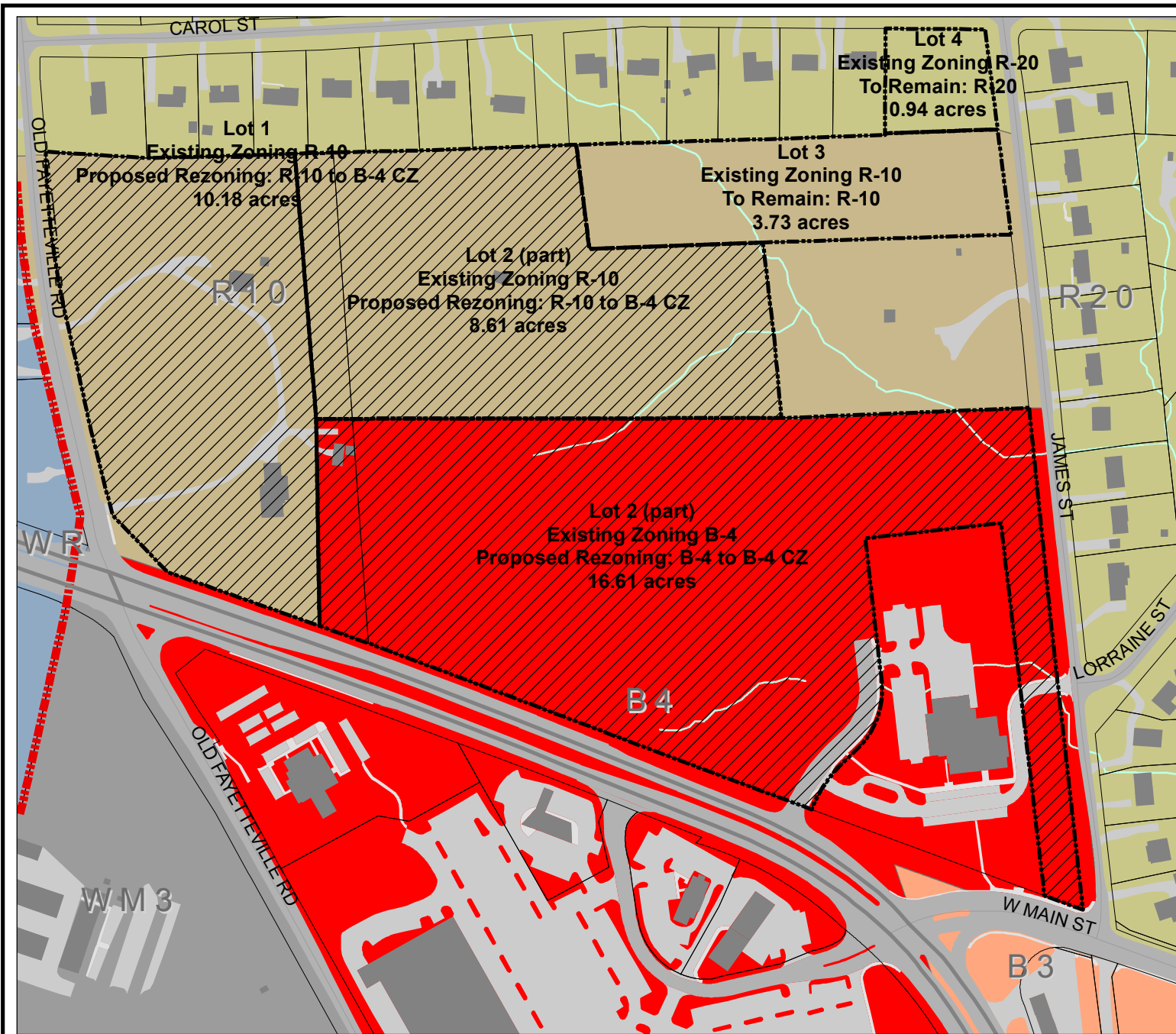
(1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a CUP for the entire tract does not provide sufficient information to allow development approval of such lots by the Board, the Board shall specify (by way of a condition upon the CUP) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Board shall consider the extent to which the initial CUP imposes limitations on the use and design of each such lot

beyond the minimum requirements of this section. The Board's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Board. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CZ.

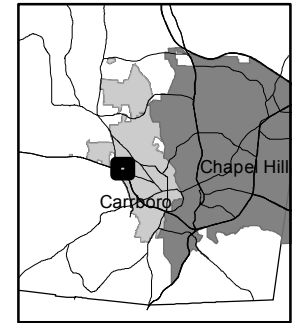
- (2) Except as provided in subsection (1), the provisions of Section 15-64 and Subsection 15-141.3 shall apply to proposed changes to a CUP issued in connection with a B-4-CZ rezoning.

Section 8. All provisions any town ordinance in conflict with this ordinance are repealed.

Section 9 This ordinance shall become effective upon adoption.



Proposed B-4CZ Rezoning Lloyd Farm



- Proposed Rezoning
- Lloyd Farm Properties

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

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



TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

Printed Sept. 5, 2014

LLOYD FARM

Carrboro, North Carolina

Rezoning Site Plan

SITE DATA

Parcel ID #'s: 9778-19-6618 / 9779-10-7351 / 9778-09-7922 / 9779-20-0449

Existing Zoning: B-4, R-10 & R-20

Proposed Zoning: B-4-CZ
(Portions of R-10 & R-20 to remain)

Acreage: 40.08 AC

DEVELOPMENT PROGRAM

Commercial Uses	Size
Anchor: Grocery Store Mezzanine	60,300± SF 4,100± SF
Minors: Retail / Office / Restaurant	23,600± SF
Outparcels: Retail / Restaurant / Bank	32,400± SF
Total	120,400± SF


Note:
The uses illustrated on the outparcel lots are speculative in nature and these lots could be developed with other uses permissible in the B-4-CZ zoning district.

Residential Uses	Size
Senior Living	220± Units

Commercial Uses Parking	Size
Grocery / Main Retail Area	343± Spaces
Outparcels	171± Spaces

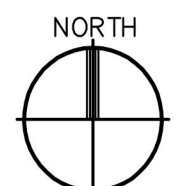
Developer
Carrboro Retail, LLC c/o Argus Development Group

Sources
GIS data from Orange County and Town of Carrboro
Topography: Surveyed 2011 @ 2' increments
Wetlands / Streams: WRN Consultants - Hickory, NC
Surveyed Boundary: BBM Associates, Inc. - Raleigh, NC



THE DESIGN RESPONSE
214 E. Chatham Street
P.O. Box 3585
Cary, NC 27519-3585
(919) 469-2080

NORTH



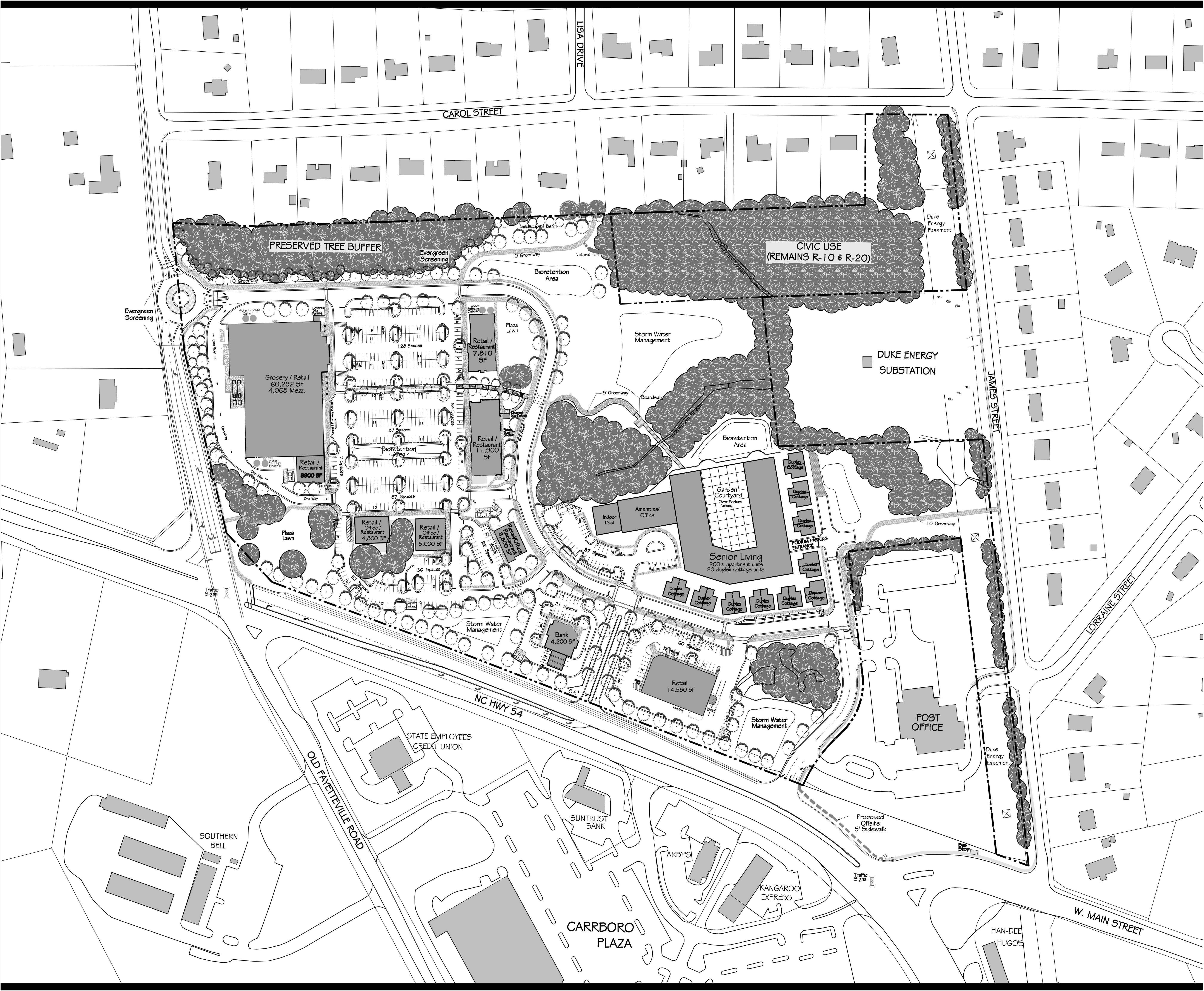
50' 0 100'

DATE:	2-10-2016
SCALE:	1"=100'
DRAWN BY:	EJK, JLS
JOB NO.:	058-001
SHEET NO.	1

4-30-2016 Senior Living Details

DATE:	REVISION:
-------	-----------

OF 1 SHEETS



ARTICLE IX

ZONING DISTRICTS AND ZONING MAP

PART I. ZONING DISTRICTS

Section 15-141.4 Conditional Zoning Districts (AMENDED 5/27/08)

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ , and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, OACZ, M-1-CZ, M-2-CZ (AMENDED 4/27/10; 06/23/15)

(b) The conditional zoning districts authorized by this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) Subject to the provisions of subsections (f) and (g), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d). (AMENDED 11/9/11)

(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 3.260 Social Service Provider with Dining within 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. **(AMENDED 03/22/16)**

(d1) 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. **(AMENDED 03/22/16)**

(d2) 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 conditions incorporated into the conditional zoning district described in subsection (d1) above. **(AMENDED 03/22/16)**

(e) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses), i.e. a zoning permit, special use permit, or conditional use permit.

(f) Notwithstanding the foregoing, in approving a rezoning to a B-1(g) – CZ zoning district, the Board of Aldermen may authorize the property so zoned to be developed at a higher level of residential density than that otherwise permissible in B-1(g) zoning districts under Section 15-182 if the rezoning includes conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas: stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use. Conditions that may be included to meet the above stated objective include but shall not be limited to the following: **(AMENDED 11/9/11)**

(1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the Jordan Lake Accounting Tool

- (2) Energy performance in building requirements to meet one or more of the following
 - a. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better).
 - b. “Designed to Earn the Energy Star” rating.
 - c. Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type.
 - d. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings.
 - e. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
 - f. US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030.
 - g. Specific energy saving features, including but not limited to the following, are encouraged..
 - i. Use of shading devices and high performance glass for minimizing heating and cooling loads
 - ii. Insulation beyond minimum standards;
 - iii. Use of energy efficient motors/HVAC;
 - iv. Use of energy efficient lighting;
 - v. Use of energy efficient appliances
 - vi. LED or LED/Solar parking lot lighting (50-100% more efficient).
 - vii. Active and passive solar features.
- (3) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (4) Use of harvested rainwater for toilet flushing.
- (5) Parking lot meets the standard for a “green” parking lot, per the EPA document Green “Parking Lot Resource Guide.”
- (6) Inclusion of Low Impact Development features.
- (7) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (8) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips
- (9) Inclusion of at least one (1) parking space for car sharing vehicles
- (10) Provision of public art and/or outdoor amenities for public use.
- (11) Use of surface materials that reflect heat rather than absorb it.
- (12) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (13) Provision of affordable housing in accordance with Town policy.

Art. IX ZONING DISTRICTS AND ZONING MAP

(g) If a B-1(g) – CZ zoning district is created and, pursuant to subsection (f) of this section, a higher level of residential density than that otherwise permissible in B-1(g) zoning districts is approved for that district, then it shall be a requirement of such district that at least twenty percent (20%) of the total leasable or saleable floor area within all buildings located within such zoning district shall be designed for non-residential use. Occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1). **(AMENDED 11/9/11)**

PART II. ZONING MAP**Section 15-142 Official Zoning Map.**

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.

(b) The Official Zoning Map dated April, 1973 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 15-143.

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further board authorization or action is required so long as no district boundaries are changed in this process.

Section 15-143 Amendments to Official Zoning Map (AMENDED 4/27/10; 10/26/10); 09/24/13

(a) Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this chapter, as set forth in Article XX.

(b) The administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Board. Upon entering any such amendments to the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the Official Zoning Map.

(d) The planning department shall keep copies of superseded prints of the zoning map for historical reference.