



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☒ MAIL ☐ FAX ☐ EMAIL

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

From: Tina Moon, Planning Administrator

Date: January 8, 2014

Subject: General Use Zoning Strategy/NSA Implementation

SUMMARY

Efforts were already underway to consider establishing a new mixed-use district in response to changing needs in the Northern Transition Area (NSA), when the Board of Aldermen received an April 2012 memo from the Planning Board recommending modifications to the B-4 District (outlying concentrated business). With a subsequent request from the developers of the former Rogers-Triem site to amend the M-1 District, the Town had three separate developers seeking to amend zoning districts in order to develop complex projects involving multiple uses. These circumstances have presented an opportunity to examine a number of the Town's existing zoning districts to determine if minor modifications to any one district could accommodate all of these proposals in a way that is consistent with the Town's expressed goals and adopted plans and policies. The following offers a brief overview of some of the key elements from the different projects, focusing on the findings from the design workshop for the NSA (the first project in the cue) along with sample language for a new general use zoning district based on the framework used in the Office-Residential Mixed Use District (OR-MU). The draft new district is provided as possible zoning strategy to begin implementing the recommendations from the Northern Study Areas Plan Implementation Review Committee.

BACKGROUND

In February of 2007, the Board of Aldermen held a work session to consider 13 recommendations from the Northern Study Areas Plan Implementation Review Committee (NSAPIRC). On April 8, 2008, the Board decided to move forward with four of those recommendations including, recommendation #1 to target and rezone specific tracts on the east side of Old NC 86 for

commercial and/or Village Mixed use (VMU) development. (Information from that agenda item may be found at the following link: http://www.townofcarrboro.org/BoA/Agendas/2008/04_08_2008.htm). In February 2011, the Town hosted two design workshops at Morris Grove Elementary School to explore future land uses in the Northern Transition Area. Carrboro had contracted with Durham Area Designers (DAD) to facilitate the workshop which, was a response to rezoning recommendations from NSAPIRC. After an overview session guided by the DAD, workshop participants formed five small groups to design concept plans incorporating the new land uses identified during the overview. The Board received three presentations on the findings from the workshop on February 21, 2012, April 10, 2012 and September 18, 2012. Agenda materials from the September meeting may be found at the following link: http://www.townofcarrboro.org/BoA/Agendas/2012/09_18_2012.htm). The Board discussed the findings again on January 29, 2013, to provide an opportunity for Omar Zinn, the owner of the design workshop study site to more fully participate in the conversation. Information from the January meeting can be found at the following link: http://www.townofcarrboro.org/BoA/Agendas/2013/01_29_2013.htm).

During the spring of 2012, the Planning Board expressed concerns over the process for considering the concept plan for the Lloyd Farm in a memo to the Board, dated April 19, 2012. The subject property is located within two zoning districts, with the bulk of the property located at the corner of NC Hwy 54 and Old Fayetteville Road zoned B-4. The B-4 zoning district is designed to provide for concentrated commercial uses outside of the downtown along major thoroughfares. Located across NC Hwy 54 from Carrboro Plaza, the concept plan for the new project showed a similar type of development—a shopping center with outparcels that anticipated patrons arriving by car. The Planning Board questioned the suitability of the car-oriented shopping center model for Carrboro's long-term vision and expressed a need to encourage a more urban mixed-use development that would offer more density to support transit and provide a better interface with the adjacent neighborhood, Plantation Acres.

Board members considered the Planning Board memo during their discussion of the NSA findings on September 18th and January 29th and expressed interest in the possibility of modifying the B-4 district to address the concerns outlined in the memo, and to implement the recommendations from NSAPIRC. The Board asked about the status of B-4 project during the November 19, 2013 public hearing for text amendments relating to the M-1 Zoning District. Staff had considered the possibility of modifying the B-4 district so that it would accommodate all three development proposals: the NSA design workshop site, Lloyd Farm, and the former Rogers-Triem site but ultimately determined that the specifics of each site and each project required at least two different zoning classifications. Staff has moved forward toward developing a possible new mixed-use zoning classification to respond to the NSAPIRC recommendations, the first project in the work plan. Recommendations for modifying the B-4 district are forthcoming as part of the Lloyd Farm development proposal. Potential changes to the M-1 district are under consideration.

SUMMARY OF KEY ELEMENTS FROM THE DESIGN WORKSHOP FINAL REPORT

After a detailed analysis of the five concepts plans and a thorough review of the DAD report the following elements emerged as commonalities that could be used to create the foundation for a

new zoning classification. The overall tone speaks to an interest in a potential mixed-use district that would encourage developments to follow a “design by nature” theme. Comparing the list proposed land uses, the potential district seems most similar to the B-3 and B-4 zoning classifications. Residential density seems to suggest something in the range of R-7.5 to R-15, calculated for the entire site not just the portion dedicated for residential use. The potential for additional residential density at R-5 or higher, perhaps linked to transportation oriented design (TOD), affordable housing, and offers additional options for increasing density based on the merits of a specific project. Potential performance standards based on specific comments are as follows.

Performance standards would focus on four main areas:

- 1) an overall design that respects the character of surrounding properties, particularly in those cases where the project is creating a transition from low-density community to a more urban development pattern which may require including a substantial perimeter buffer to minimize the visual impact of the project from the road and be subject to (15-161) good “neighbors” performance standards;
- 2) a design that respects the existing landscape, maintains a 40% open space requirement including visibly attractive and usable open space near commercial uses that can serve as traditional green square, park or assembly area, and a strong use of shade trees throughout—along street trees and in parking lots;
- 3) a connected network of complete streets and extra sidewalks to encourages pedestrian travel within the complex, and offers multimodal travel as a reasonable alternative to get to and from the complex—TOD along transit route; and
- 4) a clearly defined phased plan, approved as a master plan step, and the ability to increase density as surrounding parcels become more urban. Future subdivision limitations if density calculation—include density bonus for affordable housing, and efforts to encourage transit and multi-model options.

Common trends identified from the five Design Workshop concept plans, based on the VMU standards:

Included in all five concept plans:

- 40% open space
- OWASA service
- Require traffic study for any project
- CUP required, with phasing such that residential and nonresidential development occur somewhat in tandem and at a controlled rate—rather than all one or the other
- Require shade street trees
- Require parking lots with more than 19 spaces to have shade trees

Included in the majority of concept plans

1. Approximately 10-12% of project for B-3 or OA district
2. Designated commercial area shall provide for everyday needs
3. Commercial units shall be situated to provide access to open space area
4. Commercial units shall be moderately sized—no big-box stores
5. Buildings located in close proximity to encourage pedestrian travel within project

6. Modestly sized buildings fronting main streets in disciplined manner
7. Configure similar uses to face one another
8. Encourage commercial buildings to have traditional storefronts with flat parapets and cornices, and arrange such buildings based on height as much as is reasonable for a harmonious visual impact
9. Construct buildings of natural materials that will give off a feeling of permanence
10. Incorporate North Carolina vernacular design features to residential buildings that will provide natural climate control as well as a timeless appearance
11. Residential area shall include a townhouse section
12. Residential area shall include single-family section, cottages or otherwise
13. Elements of green space within project—squares, parks, etc. for social activity and visual enjoyment
14. Overall design shall respond to existing landscape and natural forms (Olmsteadian)
15. Open space shall likewise respond to and complement existing landscape and environmental features
16. Provide sufficient off-street parking for residential uses, to the side or rear of homes
17. Provide wide public sidewalks to encourage pedestrian travel, interconnectedness, and usable patio space for business—outdoor cafes, etc. Consider using arcades or colonnades over sidewalks to connect buildings and provide multi-seasonal outdoor use
18. Provide sufficient public facilities along sidewalks, i.e. trashcans, benches
19. Street design shall respect that natural contours of the site, while encouraging multimodal transportation at appropriate speeds, and interconnectedness within the complex and to the greater road network

EXISTING DISTRICTS THAT COULD SERVE AS A STARTING POINT FOR A NEW ZONE

The following excerpts from the Article IX of the LUO, Zoning Districts and Zoning Map, include the zoning district description for the B-3, B-3T, B-4 and OR-MU districts.

B-3 NEIGHBORHOOD BUSINESS. This district is designed to accommodate commercial needs arising at the neighborhood level, such as grocery stores, branch banks, gas sales, and the like, as well as other commercial and office uses that are of such size and scale that they can compatibly coexist with adjoining residential neighborhoods. To insure compatibility between B-3 areas and the neighborhoods, no B-3 district shall be greater than five acres, and no areas shall be zoned B-3 if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 3/7/2006)**

B-3-T TRANSITION AREA BUSINESS. This district is designed to accommodate commercial needs arising in the town's more rural neighborhoods, especially in the joint planning transition areas, and which are more appropriately dealt with at the neighborhood level than at a community or regional level. To insure compatibility between B-3-T areas and their associated rural neighborhoods, no B-3-T district shall be greater than five acres, and no areas shall be zoned B-3-T if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 11/14/88)**

B-4 BUSINESS. This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the

neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.

Office-Residential Mixed Use District (OR-MU) The purpose of this district is to provide for mixed use developments, i.e. developments that contain both residential and non-residential elements, within areas that are near the downtown commercial districts.

ANALYSIS

While a couple of Town's existing zoning districts allow most of the land uses described in the concept plans, none provide for all of the uses in a way that captures the overall themes repeated in the work of the design workshop participants. Moreover the use of a conditional, conditional use or Planned Unit Development (PUD) mechanism which would allow more flexibility and negotiation requires property owners to petition to rezone their property, an extra step which some owners find undesirable.

Using the OR-MU zoning district as a model, staff has outlined a potential new district designed to 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 draft ordinance is provided for discussion purposes. It offers a good starting point to begin to visualize how a medium-to high-density development project could occur in the Town's more rural areas in way that is sensitive to the desires of neighboring residents and consistent with the more rural setting at the edge of Carrboro's jurisdiction.

POTENTIAL COMPONENTS OF A NEW ZONING DISTRICT TITLED - Mixed Use Rural-Transition District (MUR-T)

Possible Definition for New District

There is hereby created a Mixed Use Rural-Transition (MUR-T) zoning district. The purpose of this district is to provide for mixed use developments, i.e. developments that contain both residential and non-residential elements, within the Northern Transition Areas or other areas in transition from rural to urban or already urban in density.

Sample Language for New District – Identifying Possible Uses and Performance Standards

- To promote compatible development in these transitioning areas, MUR-T districts shall retain a _____ undisturbed or planted buffer along the right-of-way and _____ along boundaries adjacent to less intensively developed properties.

- Any lot or tract within the MUR-T district may be developed as a mixed use project in accordance with the following provisions:
 - (1) Development of property under this subsection requires the issuance of a conditional use permit by the Board of Aldermen in accordance with the applicable provisions of this chapter. Before submitting an application for a conditional use permit, the applicant shall submit a conceptual preliminary plan that shall demonstrate that the proposed development shall satisfy the fourteen objectives in Section 15-50 (g) for major subdivisions. This requirement shall be applicable whether or not the development involves a subdivision.
 - (2) A mixed use project approved under this subsection must have both a residential and a nonresidential component.
 - (3) At least one-third but not more than two-thirds of the gross floor area of the mixed use development shall consist of residential uses listed in use classifications 1.100, 1.200, 1.300, 1.480 and 1.630, provided that use classifications 1.480 and 1.630 (combined) shall not comprise more than one-half of the residential component. However, the residential component of the mixed use development may be increased to seventy-five percent of the floor area of the mixed use development if _____.
 - (4) The permissible residential density within the mixed use development shall be calculated as if the development were zoned R-7.5 to R-15, except that the density shall be calculated as if the property were zoned R-3 if the developer_____.
 - (5) Subject to the other provisions of this subsection, the dimensional and other requirements of this chapter applicable to the B-4 district shall apply to a mixed use development permitted under this section. However, the maximum height of buildings within the mixed use development, shall be four stories, except that a fifth story shall be permitted if the developer _____. Notwithstanding other provisions of this chapter, any parking levels that are constructed underneath a building within a mixed use development and that are at least in substantial part constructed below the ground service levels shall not be regarded as “stories” for purposes of the height limitations established herein.
 - (6) Permissible uses within the commercial component of the mixed use shall be those listed in the following use classifications within the Table of Permissible Uses: (i) use classification 3.100; (ii) use classifications 2.100, 2.110, 2.112, 2.120, 2.210, 2.220, provided that such uses do not comprise more than fifty percent of the total commercial space within the mixed use development; (iii) churches, synagogues and temples 5.200 and (iv) restaurant uses 8.100, 8.200, 8.500 and 8.700, so long as any one restaurant business does not occupy more than 1,500 square feet of gross floor area and so long as such restaurant uses do not operate during the hours of 2:00 a.m. to 6:00 a.m.; (v) use classification 7.200 nursing care institutions, intermediate care institutions, and (vi) use classification 22.000 day care.

- (7) A mixed use development may be constructed in phases as provided in Section 15-61. However, the phasing plan shall ensure that, as buildings are constructed and occupied, the relative mix of residential and commercial floor space remains substantially consistent with the percentages approved in the plans.
- (8) If portions of the mixed use development are subdivided, the final plat shall contain notations indicating any limitations on uses or the sequencing of development created as a result of approval of the development as a mixed use under this section.
- (9) The mixed-use development shall include a 40% open space requirement. If the development is constructed in phases, each phase shall provide for 40% open space within that phase of the development or within the current phase under development and any previous phases combined. At least 5% of the open space shall be centrally located, usable outdoor space: regularly mowed, and furnished with benches or other outdoor furniture to encourage passive outdoor activities and visual enjoyment.
- (10) The development shall include an internal network designed to facilitate the safe and convenient travel of pedestrians and bicyclists within the development; and provide for the provision of public transit.

SUMMARY –POTENTIAL NEXT STEPS

The NSAPIRC recommendations called for a mechanism that the Town could use to provide mixed-use development in the NSA. The sample language for the proposed Mixed Use Rural-Transition District offers the beginning framework for a new district using a format already in the Land Use Ordinance. Potential next steps would include fleshing out more detailed performance standards and further refinement.