# Carrboro Community Zoning Conversations:
## *Results and Recommendations*

**A report to the Board of Aldermen from the Carrboro Planning Board with input from the EAB, ESC and TAB**

March, 2014

## Summary

In October 2013, the Planning Board hosted its second annual observance of National Community Planning Month, aimed at encouraging residents to learn about and engage with important planning issues. With an eye toward a number of major projects in the development review pipeline that require rezoning or conditional use rezoning applications, the Planning Board opted for a series of **Community Zoning Conversations,** each focused on a different part of Carrboro:

- **Changing the Landscape: Subdivisions in Carrboro** explored primarily residential, suburban areas of the community. (October 10th, Carrboro Town Hall)

- **Mills, Malls and Mini Marts in Carrboro** evaluated the possibilities for commercial growth outside of downtown in predominantly residential areas. (October 15th, McDougle Middle School)

- **A Downtown Destination** focused on what is needed to support a healthy, vibrant core downtown. (October 30th, 7 pm, The Arts Center)

In addition to exploring specific issues in these three areas of town, the series was designed to help people understand the basics of zoning, including the application process, permissible uses, and ways zoning can support or conflict with the community's vision and needs. An important goal for the Planning Board, as well as Aldermen and staff in attendance, was to better understand how residents and business owners envision their neighborhoods, and how well these neighborhoods connect and relate to the rest of the town.

Each session included a presentation and discussion about zoning history and concepts; an interactive small group exercise (sample attached); and facilitated discussion. Content was enhanced with each successive event, and included the following topics:

- Typical zoning requirements
- Carrboro's zoning map and table of permissible uses
- Plans and ordinances related to zoning (comprehensive plans, vision documents.)
- Legislative and quasi-judicial zoning decisions
- Definition and role of evidence in quasi-judicial decisions
- Conditional use standards and districts
- Conditional zoning
- Community participation in legislative versus quasi-judicial processes
- Annexation
- Extraterritorial planning jurisdictions
- Special districts and other tools commonly used in downtown areas

Agendas, presentation handouts, session notes, evaluation summaries, and two session videos are posted on the Town's website.

Turnout was modest but engaged, with 53 individuals attending at least one session and an average 24 people attending each night. Participants included neighborhood residents, business owners, architects and planners, students, representatives from the Chapel Hill-Carrboro Chamber of Commerce, Chapel Hill Transit and OWASA, and town staff, advisory board members and aldermen. Participants actively contributed to the small group exercises and larger conversations, and offered positive and constructive evaluations that will improve Planning Board outreach sessions in the future.

Critical support for the series was provided by **Adam Lovelady**, Assistant Professor of Public Administration and Government at the UNC School of Government, who presented information about the concept, application, and legal issues related to zoning; **Trish McGuire**, Planning Director, and **Tina Moon,** Planning Administrator, both of whom offered research, content and other guidance; and **Jane Tuohey**, Administrative Assistant, who coordinated logistics throughout the series. **Dan Jewell,** architect with Coulter Jewell Thames, P.A.; **Leo Gaev**, owner of Leo Gaev Metalworks; **Marty Roupe**, Development Review Administrator; and **Annette Stone**, Community and Economic Development Director, served as panelists during one or more of the conversations. The ArtsCenter generously provided space free of charge for the final event.

What follows is a summary of key themes, lessons and concerns raised by conversation participants, as well as a limited set of recommendations to the Board of Aldermen related to zoning process, community education and engagement.

## Key Themes and Lessons

Thanks in part to skilled facilitation, event discussions gave rise to a number of powerful themes. These can be grouped into two broad categories.

- Challenges residents face when attempting to negotiate the zoning process, especially related to a particular development.
- Tensions inherent in zoning: the need to balance competing uses, priorities and interests.

**Challenges for Residents**

Participants in the first two outreach events, which focused on zoning in residential areas, came seeking information that would allow them to join a zoning process at the right time and in the right ways. They noted a number of hurdles to public participation:

- Zoning terms and town regulations are difficult to decipher. The technical jargon often associated with zoning can be confusing, and the dense land use ordinance provides little guidance for the layperson.

- There is confusion about the difference between quasi-judicial and legislative decision-making. Aspects of the quasi-judicial process, especially rules pertaining to ex parte communication and heightened evidentiary standards, create uncertainty and a sense of disempowerment. For example, residents may not know or understand the prohibition against local officials talking to one side only. As a result, when letters and e-mails to the Board of Aldermen about a proposed development application fail to elicit an acknowledgement or a reply, residents feel they are not being heard. Similarly, residents who want to speak at a quasi-judicial hearing can be frustrated when the requirement for 'evidence' means their input is devalued.

- There is an "information gap," as one participant termed it, between stakeholders. Different stakeholders are privy to different information about development projects and the zoning process, and community members feel they know the least.

- For people not already involved in community politics or advocacy groups, it can be intimidating when considering how to address one's concerns, and confusing as to the most effective and appropriate forum in which to do so.

Some participants described a perception that the town, inadvertently or not, favors developers in the rezoning process. One participant commented that neighbors affected by rezoning seem to "get less time" with planning department staff than the applicants for rezoning. This leads to a view that the town is helping the developer, which enters the process proactively, more than it is helping neighborhood residents, who generally enter the process reactively.

Others felt the developer has the upper hand, regardless of the town's involvement, because of their sheer access to information and resources. For example, one participant noted that the developer seems to control the timing of the community engagement process. The point at which neighbors are engaged, this participant pointed out, can affect the community response, the tone of the discussion, and the outcome. Another participant noted that the perceived imbalance between developers and residents was exacerbated by the cost of development in Carrboro. Only the "big guys" can afford the significant expense entailed by development, including the cost of the process itself.

**Tensions Inherent in Zoning**

The third outreach event examined how zoning affects economic development, with special attention paid to Carrboro's downtown. Many participants commented on the tensions that arise when zoning is used as a tool to foster economic growth. In particular, they expressed concern that when zoning is used to support policy preferences for certain sectors of the local economy, the result can be displacement or crowding out of other kinds of businesses. For example, a zoning code designed to support the development of an arts district could drive light manufacturing--a creative industry in and of itself--from downtown. This would alter the landscape of certain downtown neighborhoods, while limiting the types of jobs and livelihoods available to residents within the core.

The economic impact of zoning also raised larger questions from participants:

- How does Carrboro's zoning classification and process support and advance our *values*, not just our policies?

- What if those values come into conflict?
- If property becomes more valuable because of zoning and its effects, what happens to older or lower income residents or business owners?
- How can we use zoning to honor and reflect "old Carrboro" while also embracing its future?
- Can people afford to live and work here?

As they articulated these larger questions, participants strongly suggested that it may be time to reevaluate Carrboro's land use ordinance to ensure it is aligned with a clear strategy for economic growth. In this way, the town will be better equipped to balance the interests of individuals, neighborhoods and the town overall.

## Recommendations

Planning and zoning decisions have real consequences when it comes to bridging economic development goals with community visions and values. What Carrboro becomes in five or twenty years is based not only on economic development policy, but on its zoning code. The zoning conversations suggest that Carrboro has an important opportunity to foster an approach to zoning that aligns with its vision: protecting what is cherished while preparing for the future needs of those who will live, work and play in Carrboro. The ability for residents to engage in meaningful dialogue around zoning and development priorities, and to do so on more equally informed footing with owners and developers, should be part of this approach.

Community members from the outlying suburbs to those working and living downtown have made it clear that they wish to be empowered decision-makers in and contributors to town planning. Participants offered some good ideas to reduce barriers to the process while encouraging a balanced approach that ensures visions and decisions are closely aligned:

- Develop information geared toward the average resident that describes the zoning classification(s) and permissible uses in their neighborhood. Mail this information once to all residents, to newcomers, and to residents within a certain distance from a proposed development. This information should be easily categorized and accessible on the Town's website.

- Develop an on-line primer for community residents seeking to engage in zoning and other project-related decision-making, including a "roadmap" for legislative and quasi-judicial processes, clear contact information, and a guide for effectively making one's

voice heard. This resource could be a particularly useful springboard for neighbors who seek to organize and represent an effective, collective voice to the town.

- As the town moves forward on its website redesign, create an interactive zoning and planning page that:

    - Helps residents and developers understand the link between zoning classifications and Carrboro's Vision 2020 statement.
    - Archives past projects and identifies where current and proposed development or zoning applications are in the pipeline.
    - Enables people to comment on a current or proposed development and/or zoning application and to have their comments included and acknowledged as part of the decision-making process. Perhaps it would be most constructive to require commenters to provide their name and address and to make comments invisible to the open web. This would encourage informative, constructive discussion, while also mitigating the combative nature typical of online comments sections.
    - Includes a *"What matters to me?"* section whereby residents may articulate the ideals that are important to them as Carrboro's zoning, planning and economic development priorities continue to evolve. This could prove quite effective as a "continuous visioning" tool and a barometer for Carrboro's decision-making.

- Rewrite portions or all of the Land Use Ordinance in plain, straightforward language, adding concrete examples that the average user and the expert alike can understand and put to use. Minimize jargon and "legalese," and explain in direct terms how zoning may affect property owners, residents, individuals, businesses and neighborhoods.

- Improve protocols for directing and responding to resident concerns about zoning and planning issues. Provide clearer on-line guidance to residents about "go to" staff for particular issues or development applications, or assign a staff person to play the role of community ombudsman. In the case of quasi-judicial matters, develop a policy that both encourages and enables Aldermen to acknowledge resident communication while complying with the law regarding ex parte communication. Both listening and responding to the voices of the community are important for residents to feel they are an authentic part of the process.

- Improve not only the *means* of conversation and community input, but the *quality* of it as well. Suggestions from participants included:

- Incentivizing zoning/development applicants to have higher-quality community engagement processes.
- Convene focus group meetings in different areas of Carrboro, and brainstorm together how to better empower our diverse residents to share their respective interests.
- Develop better tools and connections to facilitate neighborhood-Town contact. Homeowners associations do not exist in all neighborhoods, and are not relevant to all neighbors.

The bottom line is that continuing to invest in town planning processes is important, and this investment must include better tools for active listening and proactive planning that considers the multifaceted relationships between public and private interests.

## Conclusion

The Planning Board is keenly aware of how difficult it can be to engage a large cross-section of Carrboro. While we sincerely appreciated the attendance and contribution of those present at our zoning conversations, we struggled with how to do a better job of drawing interest from a wider swath of the community. While providing new and easier tools to engage is vital, the key is to make sure these tools are relevant to diverse neighborhoods and across social, economic and other demographic bounds.

We know our neighbors have vision and ideas. They are spoken on porches or in backyard cookouts; between business owners; at community gathering spots, restaurants and bars; at the farmer's market; between faith congregations; between parents and children at school and in the park; at the bus stop; and at meetings between board members, developers, and municipal employees. Perhaps it is time to revisit Carrboro's Vision 2020 and test whether the vision it articulates still reflects these diverse voices in the context of current zoning, planning and economic development decision-making. A renewed vision and investment in community engagement will ensure that Carrboro can best utilize zoning and other planning tools to shape a healthy, vibrant and inclusive future.

***Attachment***

## *Mills, Malls and Mini Marts in Carrboro*
## *Small Group Exercise*

- **Objective:** Participants will make decisions about commercial growth in a largely rural part of town.

- **The Lot and Zone:**
  - Lot size is 2.5 acres, zoned for residential, and is currently undeveloped (including no water/sewer tap).
  - Under this zone, minimum lot size for any development is .5 acre. This means a maximum of five single-family homes can be built on this lot. An exception is if one affordable unit is built, in which case you will win a density bonus, allowing you to build 6 houses.
  - A residential development of more than 4 lots is considered a major subdivision. To build a major subdivision in this zone requires a special use permit, but not a rezoning.

- **The Scenario:**
  - Potential buyers of this property are developers who would like to construct a convenience store and gas station.
  - The zone currently does not allow for this type of land use, so a proposal would need to be submitted to the Town of Carrboro for a conditional use rezoning, requiring a public hearing.

- **Land Use and Other Concerns:**
  - Setbacks
  - Screening
  - Lighting
  - Parking spaces required for commercial
  - Open space requirements for residential
  - Right of way access to road
  - Adjacent conservation area is downstream from the property
  - Two story limitation on homes **and** commercial buildings
  - Storage of hazardous materials
  - No water/sewer currently in place
  - Not on public transportation line

- **Initial Task:**
  - Count off by two.
  - Split into your two groups

- Group leader passes out assignments for each group
- Each group takes 10 minutes to review their assignments before joining their full group

## Group 1—Buyer-Developers

**Scenario:** You have purchased an expensive 2.5 acre lot in a rural area on the edge of Carrboro's town limits. You know there is pent up demand for consumer goods and other critical services in this area, particularly as people who live in adjacent towns and counties travel past this lot on their way to work at the hospital and university in Chapel Hill. You prefer to build a convenience store and gas station, and you have a potential lessor already lined up. You stand to gain a significant amount of income from the long-term lease, given the pent-up demand. Water and sewer hook-up for this kind of business would be a minimal expense, and the lot would not require subdividing.

This purpose will require a rezoning of the property, which would lead to a public hearing. You have a choice to propose a general rezoning to a commercial zone that includes these purposes, or to propose a conditional rezoning.

You anticipate resistance from the neighbors no matter what you choose, as there is a conservation area adjacent to the property and a gas station will set a precedent for commercial development in the area. They may show a preference for residential. To build a residential subdivision, you will have to subdivide the lot and get a special use permit, as well as meet other land use ordinances that require open space and buffers. Your upfront costs would be higher because of multiple water and sewer taps, as well as county impact fees. You may be able to recoup these costs upon sale of the property, but the market is still soft.

**Step 1:** Please convene with your group for about ten minutes to discuss this scenario. Consider the following questions:

- How will you position your proposal with the neighbors to ensure the least resistance to your idea?
- What is your rezoning strategy—general or conditional?
- Are you willing to make concessions about the kind of commercial development you will build? Would you consider building "up" (two stories) for a truly multi-use property? Would your lessor want that?
- Is residential an option for you, and if so, what are your parameters?

**Step 2:** Reconvene with Group 2, the neighbors. You will lead off the discussion by presenting your preferred option in whatever way you see fit. For the next 20 minutes, attempt to form a consensus with the neighbors and get what you need and want from your planned investment. You will use a plot map provided and props to demonstrate what you want to build, and where.

# Group 2—Area Residents

**Scenario:** A developer has purchased an expensive 2.5 acre lot in your rural area, which is on the edge of Carrboro's town limits. The developer would like to build a convenience store and gas station on the lot to satisfy the pent up demand for consumer goods and other critical services in this area. People who live in adjacent towns and counties travel past this lot on their way to work at the hospital and university in Chapel Hill. This commercial purpose will require a rezoning of the property by means of a public hearing. The lot is currently zoned residential.

There is no public transportation in your area, and traffic is a problem in the mornings and evenings. Any development on that lot will stress water and sewer infrastructure. The lot also is adjacent to a conservation area. You and your neighbors drive some distance to get gas and basic food items now, and you are considering whether you want these services any closer to you. On the other hand, the developer could build houses there, which would increase traffic and encourage additional subdivision of larger lots down the road.

**Step 1:** Please convene with your group for about ten minutes to discuss this scenario. Consider the following questions:

- Are you willing to have the lot rezoned for commercial purposes? What about specifically for a gas station and convenience store?
- If you were to agree to commercial rezoning, what are your ideal parameters? Are there other kinds of businesses or services you would like to see on that parcel? Would you be opposed to a two story building instead of one?
- Are there public service needs you feel have to be a condition of this development?
- Is a residential development an option for you, and if so, what are your parameters?

**Step 2:** Reconvene with Group 1, the buyer-developers. They will lead off the discussion by presenting their preferred option for the development. For the next 20 minutes, attempt to form a consensus with the buyer-developers and get what you need and want for your neighborhood. There will be a plot map provided and props that will enable you to offer alternatives to the proposed build-out.

## Key to the Props

| Color/Material/Shapes | Symbolizes |
|---|---|
| Green pipe cleaners | Trees/Screening. Mandatory for commercial development on lot lines adjacent to housing. |
| Orange rectangles | Setbacks. Must be placed on perimeter of all property lines. You cannot build within this zone, but you may place right of ways within this zone. |
| Black square | Parking lot—**must use** for commercial |
| Black rectangles and various shapes | Right of way. Must be provided adequately for each commercial or residential unit. |
| Red paper | Gas pumps. Must use both for commercial |
| Yellow paper | Lighting. Must be adequate for the use. |
| Brown paper with skulls | Gas tanks. Must use all three. |
| Blocks | Buildings. Stack for two stories. |