

## APPENDIX A – 3

# LAND USE ORDINANCE AMENDMENT REQUEST FORM

# TOWN OF CARRBORO

## LAND USE ORDINANCE AMENDMENT REQUEST



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

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

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

see attached

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

see attached

- 3) State the reasons for the proposed amendment:

see attached

SIGNATURE:

*[Handwritten Signature]*  
applicant

*RYNOR Cole Woods*  
(print)

ADDRESS:

*PO Box 4022, Chapel Hill NC 27515*

TELEPHONE NUMBER:

*919-418-2121*

## TOWN OF CARRBORO

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

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

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

Therefore,

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

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

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

3.110 thru 3.130 Office, Clerical

4.100 Manufacturing inside

5.120 thru 5.400 Educational, Cultural, Social

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

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

3.250 Automatic teller machines freestanding  
16.200 Dry Cleaner/Laundromat

These uses would be subject to a conditional use permit.

This proposed amendment would also allow:

8.100 Restaurants  
8.200 Outside service or consumption

8.500 Carryout service

8.700 Food delivery

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

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

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

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

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

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

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

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

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

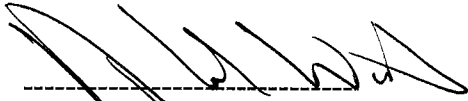
B: Radius. Where Rand Road turns north and joins Purple Leaf Place, the connection has a centerline radius of 100 feet, as opposed to the 200 foot radius in the LUO. Using the standard 200 foot radius in this location would push the east side curb and gutter more deeply into the stream buffer and outside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

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

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

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

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

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

Runyon Cole Woods,  
partner, Woodhill NC LLC

2-25-15

3/6/2014

**Woodhill NC, LLC**

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

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

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

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

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

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

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

Thank you for your attention to this matter.