

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

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TRANSMITTAL DELIVERED VIA EMAIL

September 30, 2015

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

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

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

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

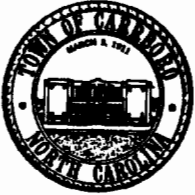
We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

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

Sincerely,

A handwritten signature in black ink that reads "Perdita Holtz". The signature is written in a cursive style.

Perdita Holtz, AICP
Planning Systems Coordinator



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

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

OCTOBER 1, 2015

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

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

VOTE:

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

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

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

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

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

Goals and Objectives – Carrboro's Northern Study Area

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

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

Provisions in Vision 2020

2.0 DEVELOPMENT

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

2.5 Balanced and Controlled Growth

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

3.0 ECONOMIC DEVELOPMENT

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

3.1 Nature of Development

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

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

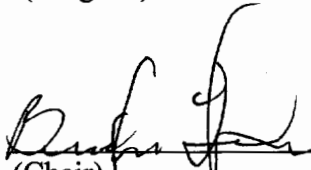
VOTE:

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

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

NOES: (0)

ABSTENTIONS: (0)


(Chair)

10/2/15
(Date)



TOWN OF CARRBORO

301 West Main Street, Carrboro, North Carolina 27510

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

SEPTEMBER 17, 2015

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

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

VOTE:

AYES: Rob, Colleen, Diana, Kurt

ABSENT/EXCUSED: Linda, John, Sarah

NOES:

ABSTENTIONS:

Associated Findings

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

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

Goals and Objectives – Carrboro's Northern Study Area

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

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

Provisions in Vision 2020

2.0 DEVELOPMENT

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

2.5 Balanced and Controlled Growth

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

3.0 ECONOMIC DEVELOPMENT

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

3.1 Nature of Development

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

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

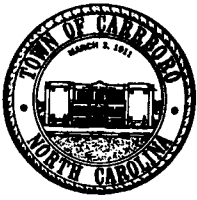
TAB Comment:

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


 (Chair)

10/5/15
 (Date)

For Linda Haac



TOWN OF CARRBORO

Environmental Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

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

OCTOBER 1, 2015

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

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

VOTE:

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

ABSENT/EXCUSED: Cotter

NOES: None

ABSTENTIONS: None

Associated Findings

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

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

Goals and Objectives – Carrboro's Northern Study Area

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

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

Provisions in Vision 2020

2.0 DEVELOPMENT

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

2.5 Balanced and Controlled Growth

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

3.0 ECONOMIC DEVELOPMENT

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

3.1 Nature of Development

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

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

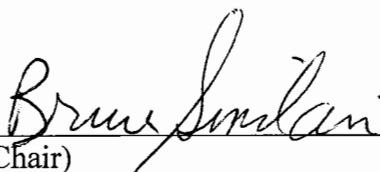
VOTE:

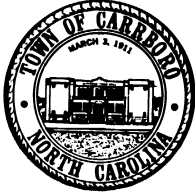
AYES: Crook, O'Connor, Patrick, Reddy, Sinclair, Turner

ABSENT/EXCUSED: Cotter

NOES: None

ABSTENTIONS: None


(Chair) 10/2/15
(Date)



TOWN OF CARRBORO

301 West Main Street, Carrboro, North Carolina 27510

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

SEPTEMBER 17, 2015

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

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

VOTE:

AYES: (Bryan, Vrana, Moore, Jeroloman)

ABSENT/EXCUSED: (None)

NOES: (None)

ABSTENTIONS: (None)

Associated Findings

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

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

Goals and Objectives – Carrboro's Northern Study Area

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

- 8.A.** Provide for adequate commercial space such that citizens are able to conduct commercial transaction within walking distance of their homes.
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Provisions in Vision 2020

2.0 DEVELOPMENT

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

2.5 Balanced and Controlled Growth

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

3.0 ECONOMIC DEVELOPMENT

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

3.1 Nature of Development

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

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

VOTE:

AYES: (Bryan, Vrana, Moore, Jeroloman)

ABSENT/EXCUSED: (None)

NOES: (None)

ABSTENTIONS: (None)

(Chair)

(Date)



Town of Carrboro Northern Transition Area Advisory Committee

NTAAC FLEX district Recommendations

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

Committee Members: Amy Jeroloman, Jeanette Moore, Jay Bryan, Anahid Vrana

Staff Present: Jeff Kleaveland

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

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

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

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

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

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

NTAAC FLEX District Recommendations CONTINUED

in a public hearing/CUP for all matters relating to the BOA's discussion and vote on such zone.

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

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

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

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

EXHIBIT A

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

Reformatted for clarity.

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

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

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

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

district. The report indicates uses such as a café or coffee shop and a restaurant.

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

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

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

November 4, 2014

ADVISORY BOARDS

AGENDA ITEM ABSTRACT

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

MEETING DATE: September 17, 2015

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

DEPARTMENT: Planning	PUBLIC HEARING: YES ___ NO <u>X</u>
ATTACHMENTS: A. Recommendation Template B. Draft Ordinance C. Petition for Change of Zoning Form D. Draft Supplemental Checklist for FLX Zoning District Applications	FOR INFORMATION CONTACT: Christina Moon – 918-7325 Patricia McGuire -- 918-7327

PURPOSE

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

INFORMATION

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

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

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

NTAAC FLEX Recommendations EXHIBIT B-2

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

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

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

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

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

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

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

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

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

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

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

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

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

NTAAC FLEX Recommendations EXHIBIT B-3

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

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

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

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

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

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

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

RECOMMENDATION

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

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

DRAFT 6-16-2015

THE CARRBORO

BOARD OF ALDERMEN ORDAINS:

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

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

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

Section 15-141.5 Site Specific, Flexible Zoning District

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(NTAAC: same as no. 8 above.)

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

(NTAAC: same as no. 8 above.)

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

(NTAAC: same as no. 8 above.)

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

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

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

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

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

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

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

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

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

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

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

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

Section 3. This ordinance shall become effective upon adoption.

FORM:

REVIEW DATE:

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

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

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

(SUBMIT/ADDRESS ALL ITEMS)

- ☐ 1. HOLD A PRESUBMITTAL CONFERENCE WITH TOWN STAFF
 - a. Attend a meeting with Town Staff at Development Review.
- ☐ 2. COMPLETE PETITION FOR CHANGE OF ZONING FORM (Appendix A-2)
- ☐ 3. PROVIDE THE FOLLOWING INFORMATION TO DEMONSTRATE ELIGIBILITY FOR THE FLX ZONING DISTRICT (Section 15-141.5(b)).
 - a. Acreage (25-acre minimum)
 - b. Ownership information
 - c. Major arterial access location
 - d. Subject of *recent provide date* site specific planning study by the Town
 - e. Describe in detail the specifics of the planning study and its recommended outcome, and explain how the proposed FLX district would fulfill those objectives. (For example, the planning study participants expressed overwhelming support for transit connections and internal pedestrian networks, the proposed FLX District, includes transit stops with _____ shelters along both arterials access roads and a series of paved pedestrian paths that link to the main meandering boulevard. These features are shown on the accompanying site plan.)

F. Specifically indicate how the 'Mixed Use' will be implemented.

- ☐ 4. LAND USES FOR THE PROPOSED FLX ZONING DISTRICT (Please consult Section 15-141.5(c))
 - a. List the requested land uses for the proposed FLX district.
 - b. Describe and show on the associated site plan where the proposed land uses would occur.
 - c. List the requested amount of density, or intensity limitations, such as the minimum-maximum range of dwelling units, and the minimum-maximum range of building square footage.
 - d. Provide dimensional specifications.

- e. List any restrictions relating to the type of use and location on the site.

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

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

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

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