

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

APRIL 21, 2016

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

Motion was made by Whittemore and seconded by Tiemann that the Planning Board recommends that the Board of Aldermen approve the draft ordinance with the following alteration: to add to Section 15-141.5 (b) a requirement that a tract must be subject to a Small Area Plan. We see this as a potential tool for the downtown and other areas where a twenty-five acre minimum may not be appropriate.

VOTE:

AYES: (8) Adamson, Cohen, Rosser, Foushee, Haggerty, Pendergrass, Tiemann, Whittemore

ABSENT/EXCUSED: (1) Clinton

NOES: (1) Poulton

ABSTENTIONS: (1) Hunt

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 Whittemore and seconded by Tiemann that the Planning Board 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

- 1.3 Endorse the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.6 Create a new business/office/assembly area that would allow certain types of light manufacturing, flex space, and office uses subject to performance standards.
- 7.3 Develop a process for dialogue between developers and existing residents.
- 7.4 New residential areas in the Study Area should be developed on a neighborhood-scale.

- 8.1** Promote cluster and traditional style development, providing for neighborhood-scale commercial uses in residential areas, and developing pedestrian and bicycle networks, will all serve to foster a pedestrian scale community.

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:

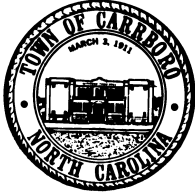
AYES: (8) Adamson, Cohen, Rosser, Foushee, Haggerty, Pendergrass, Tiemann, Whittemore

ABSENT/EXCUSED: (1) Clinton

NOES: (1) Poulton

ABSTENTIONS: (1) Hunt

 4/21/2016
(Chair) (Date)



TOWN OF CARRBORO
Economic Sustainability Commission

301 West Main Street, Carrboro, North Carolina 27510

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

APRIL 7, 2016

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

Motion was made by Matt Neal and seconded by Shelia Walsh Reedy that the ESC recommends that the Board of Aldermen approve the draft ordinance.

VOTE:

AYES: (7)

ABSENT/EXCUSED: (2)

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the ESC 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 Bill Thompson and seconded by Terri Turner that the ESC of the Town of Carrboro finds the proposed text amendment 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

- 1.3** Endorse the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.6** Create a new business/office/assembly area that would allow certain types of light manufacturing, flex space, and office uses subject to performance standards.
- 7.3** Develop a process for dialogue between developers and existing residents.
- 7.4** New residential areas in the Study Area should be developed on a neighborhood-scale.

- 8.1** Promote cluster and traditional style development, providing for neighborhood-scale commercial uses in residential areas, and developing pedestrian and bicycle networks, will all serve to foster a pedestrian scale community.

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 ESC 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.

Further, the ESC recommends that public transit be considered an important part of planning for FLEX districts.

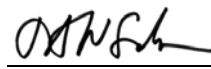
VOTE:

AYES: (7)

ABSENT/EXCUSED: (2)

NOES: (0)

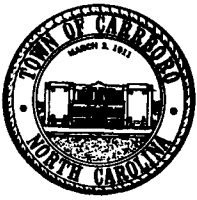
ABSTENTIONS: (0)



(Chair)

April 21, 2016

(Date)



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

APRIL 21, 2016

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

Motion was made by Turner and seconded by Perera that the EAB has concluded in principle that the draft amendment is acceptable. However, the EAB recommends that the draft ordinance provides the EAB with the same level of review as the EAB currently has with development review, and that the public continue to have the opportunity to review a detailed site plan. Our concerns are: 1) that the EAB get detailed enough plans that the EAB can perform its duties and perform a comprehensive and detailed environmental review and provide recommendations to the Board of Aldermen, as most of the work the EAB performs is based on detailed plans, and 2) that we seek more clarity on when in the process sufficient detail be made available to perform this review.

VOTE:

AYES: (O'Connor, Patrick, Perera, Sinclair, Turner)

ABSENT/EXCUSED: (Crook, Hoban)

NOES: ()

ABSTENTIONS: ()

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 O'Connor and seconded by Patrick that the EAB of the Town of Carrboro finds the proposed text amendment is consistent with Carrboro Vision 2020, particularly the following provisions:

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.

VOTE:

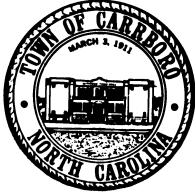
AYES: (O'Connor, Patrick, Perera, Sinclair, Turner)

ABSENT/EXCUSED: (Crook, Hoban)

NOES:

ABSTENTIONS:

for Paul C. Will 4/22/2016
(Chair) (Date)



TOWN OF CARRBORO

Northern Transition Area Advisory Committee

301 West Main Street, Carrboro, North Carolina 27510

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

APRIL 7, 2016

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

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

VOTE:

AYES: 4

ABSENT/EXCUSED: 0

NOES: 0

ABSTENTIONS: 0

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 Vrana and seconded by Bryan that the NTAAC of the Town of Carrboro finds the proposed text amendment in 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

- 1.3** Endorse the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.6** Create a new business/office/assembly area that would allow certain types of light manufacturing, flex space, and office uses subject to performance standards.
- 7.3** Develop a process for dialogue between developers and existing residents.
- 7.4** New residential areas in the Study Area should be developed on a neighborhood-scale.

- 8.1** Promote cluster and traditional style development, providing for neighborhood-scale commercial uses in residential areas, and developing pedestrian and bicycle networks, will all serve to foster a pedestrian scale community.

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 does not find 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: 4

ABSENT/EXCUSED: 0

NOES: 0

ABSTENTIONS: 0



(for Amy Jeroloman, chair) on April 22, 2016.

NTAAC Recommendations FLX 4-21-2016

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

The Northern Transition Area Advisory Committee (NTAAC) has advised the Carrboro Board of Alderman to NOT adopt the ordinance amending “Carrboro Land Use Ordinance to Provide for a Site Specific Flexible Zoning District”

The NTAAC is not in favor of this ordinance because it falls short of legally enforceable specificity. Multiple examples of these short falls are listed in documents to follow.

The FLX zoning proposal eliminates the Conditional Use Process (CUP) and by doing so a specific list of performance standards as currently required by the Land Use Ordinance cannot be legally ensured in this rezoning proposal. Carrboro Aldermen have spent decades ensuring these specific safeguards are adequately defined in their zoning process. The NTAAC recommends the same level of specific scrutiny and community vision be afforded the Northern Transition Area and its neighborhoods and residents.

The NTAAC has offered detailed comments addressing their concerns on the FLX ordinance document as it is currently being proposed. (See the documents listed below and to follow.)

The NTAAC is presenting an alternative amendment which incorporates the omissions its members believe exist in the current FLX zoning proposal. This new amendment is called FLX Community Building Mixed Use Zoning District (FLXCBMU).

The NTAAC believes this new amendment safeguards the development of the area by incorporating a site specific and master plan vision as directed by community residents and the Town of Carrboro.

Thank you for your time and consideration of our concerns. Sincerely, Amy Jeroloman, Chair NTAAC

Section 1st

- 4-7-2016 NTAAC 5 points about FLX with the sample language at the end (Handed out at 4/7/2016 Joint review ‘NTAAC Comments FLX Zoning’)
- 1-15-2016 NTAAC’s Interpretation of the Proposed FLX Rezoning Workflow (Handed to BoA on 2/16/2016)
- 10-13-2015 NTAAC’s Public Hearing Comments RE) Proposed FLX Rezoning
- 11-3-2015 NTAAC Vision 2020 Revisited Recommendations & NTA Major milestones

Section 2:

- Signed copy of the Town of Carrboro’s Land Use Ordinance Amendment Request.
- Attachment A – The justifications for the changes (Attachment “A” to Town of Carrboro’s Land Use Ordinance Amendment Request) and 4-7-2016 NTAAC’s Proposed Flexible Community Building Zoning District (FLXCBMU)

Section 3:

- 11-4-2014 Report & Recommendations of NTAAC to BoA on Proposed Mixed Use Rural –Transition Zoning District

- 1) *The current version of the FLX Zoning Ordinance continues to lack specificity to establish performance standards. The NTAAC believes performance standards are necessary if the safe guards of the CUP (Conditional Use Permit) process are removed. (See examples on the following pages.)*
- 2) *The current version of the FLX Zoning Ordinance also lacks specificity to define and guide the site specific study. The NTAAC recommends that this be a charrette process with facilitation and notification of the public clearly defined. Guidelines will help ensure that the facilitator is qualified, the process can result in a high quality product, there will be outreach to area residents and appropriate follow up with the participants. (The majority of NTA residents do not live in areas with homeowner associations or neighborhood watches, and most residential areas lack density all which makes it challenging to communicate any public hearing or notice of a site specific planning event in order to obtain public input and notification for this rural audience.)*
- 3) *The NTAAC is concerned that the site specific study and its report be recent and therefore recommends the following language for any study that is more than 5 years old and if consensus is not achieved between the public and the FLX applicant/developer. In addition, traffic issues and congestion impacts the quality of every citizen's life. That being said, old Hwy 86 continues to have structural constraints that remained unaddressed by DOT, yet the current FLX zoning and checklist fails to mention any traffic mediation.*
- 4) *The NTAAC recommends that the language of the FLX checklist be incorporated into the ordinance so that it can be used as a measureable performance standard.*
- 5) *The NTAAC recommends clearly defining the participation of the Advisory Boards in the FLX review.*
- 1) *Here are some examples of the language about character aspects we (the NTAAC) are recommending to establish performance standards:*
 - The preservation of open space, scenic vistas, agricultural lands and natural resources within the Town of Carrboro and its planning jurisdiction and to minimize the potential for conflict between such areas and other land uses;
 - The creation of a distinct physical settlement surrounded by a protected landscape of generally open land used for agricultural, forest, recreational and environmental protection purposes.
 - Dwellings, shops, and workplaces generally located in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the development.
 - Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner.
 - A generally rectilinear pattern of streets, alleys and blocks reflecting the street network in existing small villages which provides for a balanced mix of pedestrians and automobiles.
 - Squares greens, landscaped streets and parks woven into street and block patterns to provide space for social activity, parks and visual enjoyment.
 - Provision of buildings for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community.
 - A recognizable, functionally diverse, but visually unified development focused on a neighborhood green or square.
 - Development of a size and scale, which accommodates and promotes pedestrian travel rather than motor vehicle trips within the development.
 - The preservation of open space, scenic vistas, agricultural lands and natural resources within the Town of Carrboro and its planning jurisdiction and to minimize the potential for conflict between such areas and other land uses;
 - The creation of a distinct physical settlement surrounded by a protected landscape of generally open land used for agricultural, forest, recreational and environmental protection purposes.

2) Here are some examples of the language to define and guide the site specific study, and to notify a rural audience:

Attachment B 11

- term “**site specific planning study**” shall be established as follows:
- The study shall be structured as a charrette of a minimum of one to two days duration or more as determined by the facilitator and a committee comprised of the chair or designee of the Northern Transition Areas Advisory Committee, chair or designee of the Planning Board, and a member of the town staff;
- term “**site specific planning study**” shall be established as follows:
- The study shall be structured as a charrette of a minimum of one to two days duration or more as determined by the facilitator and a committee comprised of the chair or designee of the Northern Transition Areas Advisory Committee, chair or designee of the Planning Board, and a member of the town staff;
- The charrette shall be conducted and managed by a qualified facilitator (from the Dispute Settlement Center of Orange County) with no ties to the town, any developer, the applicant, the owner of the property being studied, or the development community;
- The facilitator shall be recommended to the Board of Aldermen for approval by the aforementioned committee;
- The agenda for the charrette shall be established by the aforementioned committee and the facilitator; and shall include background information about the site from the town as to soils, wetlands and other environmental constraints, current zoning and uses, etc. in sufficient detail so that the participations can review and discuss proposed FLX development. This background shall be presented at the first day of the charrette and any concerns or issues about any proposed FLX development shall be addressed in the second day of the charrette. The results of the charrette shall be the foundation of a Master Plan (the formal development concept plan) which shall be submitted with the application for FLX zoning district.
- A minimum of sixty (60) day notice shall be given by Town staff to all residents in the Northern Study Area and the town of Carrboro in accordance with the provisions of the Town's Land Use Ordinance, and at a minimum to all residents living within one thousand (1000) feet of the tract being studied, and to the homeowners' associations of any subdivisions located within two miles of the tract being studied;
- The facilitator shall be responsible for preparing a final report of the results of the charrette including but not limited to the requirements of the check list;
- In a public meeting properly noticed, attendees to the charrette shall be allowed the opportunity for input into the draft of the facilitator's report before its distribution and finalization.

3) Here are some examples of the language to address a study that is more than 5 years old, if consensus is not achieved between the public and the FLX applicant/developer, and traffic issues:

- The original site specific study participants shall be contacted and the updated **master plan** (the formal development concept plan) provided along with a summary of the changes/revisions that have occurred since the site specific study was conducted. This summary shall include but not be limited to any other adjacent developments, the objectives, concerns of the participants and adjacent neighborhoods, and how FLX district would fulfill these concerns. (For example, the planning study participants expressed overwhelming support for transit connections and internal pedestrian networks, the proposed FLX District, could include 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 **master plan**.)
- The updated **master plan** shall be made available to the public for a minimum of sixty 60 days. The original site specific study participants and the public shall be able to provide comments/feedback on the updated **master plan** during this 60 day period. These comments and or concerns must be included and addressed in the FLX application and made available to the public.
- A recent (within 3 years) traffic study and a traffic impact analysis shall be included. The **master plan** must demonstrate how the project will mitigate any traffic impacts in the area, including but not limited to how the project will connect to adjacent neighborhoods.

4) Here are some examples of how to incorporated the FLX checklist be into the ordinance so that it can be used as a measureable performance standard:

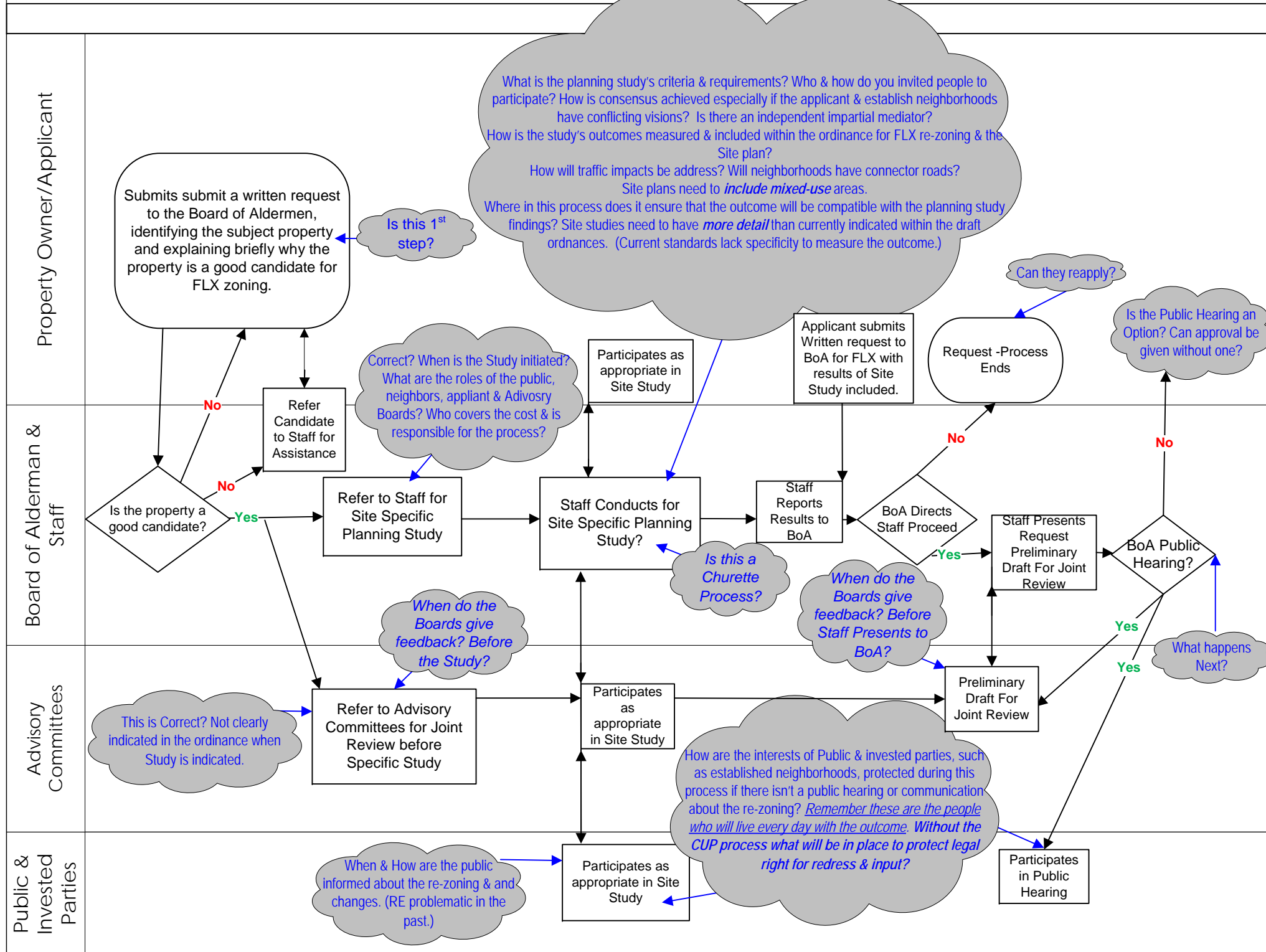
- The **master plan** shall address the **recommendations of the charrette** and shall show, through a combination of graphic means and text (including without limitation proposed conditions to be included in the conditional use permitting process for the proposed development):
- The location, types, and densities of residential uses;
- The location, types, and maximum floor areas and impervious surface areas for non-residential uses;
- The location, orientation, and design of buildings, parking areas, recreational facilities, and open spaces in realistic dimensional proportion;
- Specifications and standards for the internal circulation system serving vehicular, bicycle, and pedestrian traffic, including a statement as to whether such facilities will be dedicated to the Town;
- A recent (within 3 years) traffic study and a traffic impact analysis shall be included. The **master plan** must demonstrate how the project will mitigate any traffic impacts in the area, including but not limited to how the project will connect to adjacent neighborhoods.
- How the development proposes to minimize or mitigate any adverse impacts on neighboring properties and the environment, including without limitation impacts from traffic and storm water runoff; and
- 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.
- The extent to which, and the manner in which, development within the tract zoned FLX will be required to meet the goals of Low Impact Design and or exceed the standards for LEED gold certification.
- 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.
- The extent to which, and the manner in which, development within the tract zoned FLX will be required to meet the goals of Low Impact Design and or exceed the standards for LEED gold certification.

5) Here are some examples of how to define the Advisory Boards participation in FLX:

- The planning board, Northern Transition Advisory Committee, Appearance Commission, Environmental Advisory Board, Transportation Advisory Board (and other advisory boards to which the Board of Aldermen may refer the application) shall review the proposed **master plan** at the same time it considers the applicant's rezoning request. In response to suggestions made by the planning board (or other advisory boards), the applicant may revise the **master plan** before it is submitted to the Board of Aldermen.

NTAAC's Interpretation of Proposed FLX Rezoning Workflow 1-15-2016

Attachment D - 13



Good Evening,

October 13, 2015 Sent D - 14

I'm Amy Jeroloman, the current chair of the NTAAC (Northern Transitional Area Advisory Committee). The rest of the committee is here to tonight to help address any questions you might have about our recommendations to **deny the draft ordinance for the new Flexible (FLX) zoning district**. To put our response in perspective, **two of our members served on the 2007 Northern Study Area Plan Implementation Review Committee (NSAPIRC); Three of our members** attend the **charrettes** (the series of design workshops facilitated by the Durham Area Designers (DAD), which focused on site designs & planning for one specific property in the NSA, Located off Eubank road and Old Hwy 86).

In addition, members of our committee attended the 9/17/2015 joint review where the Flex (FLX) zoning ordinance was presented. We also viewed the 9/9/2015 Board of Alderman Mgt video where Flex was addressed. The NTAAC met twice on 9/21 & 10/5/2015 where we reviewed & discussed the ordinances. So, we really do appreciate the time and work that staff, and others have put into this.

That being said, NTAAC believes this ordinance still needs work. You might recall that on November 4, 2014, the NTAAC (our committee) submitted 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. Now we have cross referenced this same report to the Flex (FLX) Zoning District. **(Exhibit A in your packets.)**

The NTAAC finds that the FLEX district proposal falls short in a number of keys areas:

- 1) The proposed text amendment is **inconsistent** with the Facilitated Small Area Plan for Carrboro's Northern Study Area and Carrboro Vision 2020 **because its regulations lack sufficient specificity to ensure compatibility with the findings of the DAD NSA Workshop report.**
- 2) The described text amendment is **not reasonable and not in the public interest because it does not guarantee a public process that pertains to the final proposed land use for properties zoned FLX. (The draft FLX ordinance does not have a defined method to ensure public input or the integrity of established neighborhoods.)**

The NTAAC (we) therefore recommends that FLX zoning keep the CUP (Conditional Usage Permit) in accordance with the current LUO (Land Use Ordinance) in Article IV, not Article XX, to allow for citizen participation in a public hearing format that protects their legal right for redress and input. (Public = The interests of all members of the community, including property owners, neighbors, and other interested citizens, such as Citizen Advisory Committees, are all considered when making development decisions.)

- 3) In terms of land use, **there isn't a requirement that the new zoning even include mixed-use areas.** (We fine this omission confusing.)
- 4) **There is mention of a site specific planning study but no requirements as to what this study needs to include/cover or if its recent.** (You can't assume that other property owners will engage in a series of charrettes.)
- 5) Both Planning Board and Alderman expressed confusion as to where the text amendment will apply, & some asked if it would only apply in NSA. Perhaps this is because the only property that currently qualifies for this new zoning is located in NSA. The NTAAC (we) believe **the Flex District does have the appearance of 'Spot Zoning.'** (Or zoning for a specific property.)
- 6) The participants in the Design Workshops had serious concerns about the impact of additional traffic on Old 86 as a result from new development. Yet the Ordinance and check list doesn't specifically **require recent traffic studies or any plans that demonstrate how additional traffic will be mitigated.**
- 7) Finally, there isn't a specific requirement to ensure tract zone **roads will connect to adjacent neighborhoods.**

Given the above and the detailed comments in your packets (exhibits A & B) we recommend that you deny the draft ordinance for the new Flexible (FLX) zoning district. Any Questions?

NTAAC Vision 2020 Revisited Recommendations & NTA Major Milestones 11-3-2015

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

Staff Present: Marty Roupe

The Northern Transition Area Advisory Committee (NTAAC) appreciates the opportunity to participate in the review of Vision 2020 and respectfully submits the following comments and recommendations to the Board of Alderman.

Overall, we found that many of the Vision 2020 goals did not specifically consider the NSA. The majority of our comments/recommendations are to correct this. Also, we worked to incorporate the last fifteen years of accomplishments and changes within the NSA into our review. Here is a list of the major milestones.

- 2003 - Lake Hogan Farm development's new entrance ("Hogan Hill Road") extends to Old Hwy 86. Workers cut all the telecommunication lines on Deer Ridge Drive multiple times; Carrboro did not assist with this effort.
- 2006 – After a ~ 5 year campaign by the Deer Ridge Drive Community the site blind hill on old Hwy 86, located north of their road, is decreased; Carrboro did not assist with this effort.
- 2007 the Northern Study Area Plan Implementation Review Committee (NSAPIRC) is formed. The committee held two community forums which residents of NSA participate.
- 2008 - Morris Grove Elementary School Opens 2008; Traffic on Old HWY 86 significantly increases. Despite multiple memos to both Orange County Commissions and Board of Alderman, no action has been taken to mitigate the traffic.
- ~ 2008 Ballentine Development begins. Located off Hogan Hill Road on Legends way, within Lake Hogan Farms area. Though the developer is to connect Lake Hogan Farm Road to Morris Grove as a new North/South connector, work on this remains stalled. Additional traffic is routed onto Old Hwy 86.
- 2009 Chapel Hill Zen Center Opens at 5322 Old Hwy 86. Located off a section of Old 86 that has site blind hill, no shoulders or walkability to nearby neighborhoods.
- 2011 the Durham Area Designers (DAD) hold two neighborhood charrettes at Morris Grove School. The charrettes include a series of workshops focusing on site designs/planning for one property in the NSA, Located off Eubank road and Old Hwy 86.
- ~ 2013 Eubank Road entrance off Old 86 is relocated further North. (RE to mitigate site blind hill in this section.)
- Members of the Board of Alderman do not seem to understand the boundaries and issues of NSA.
- 2014 Rodgers road community final has a recreational center and (do they have water yet?)
- 2014 PSNC builds a natural gas pumping station off Old Hwy 86. Confusion as to who has jurisdiction to regulate and mitigate construction impacts on adjacent property owners.

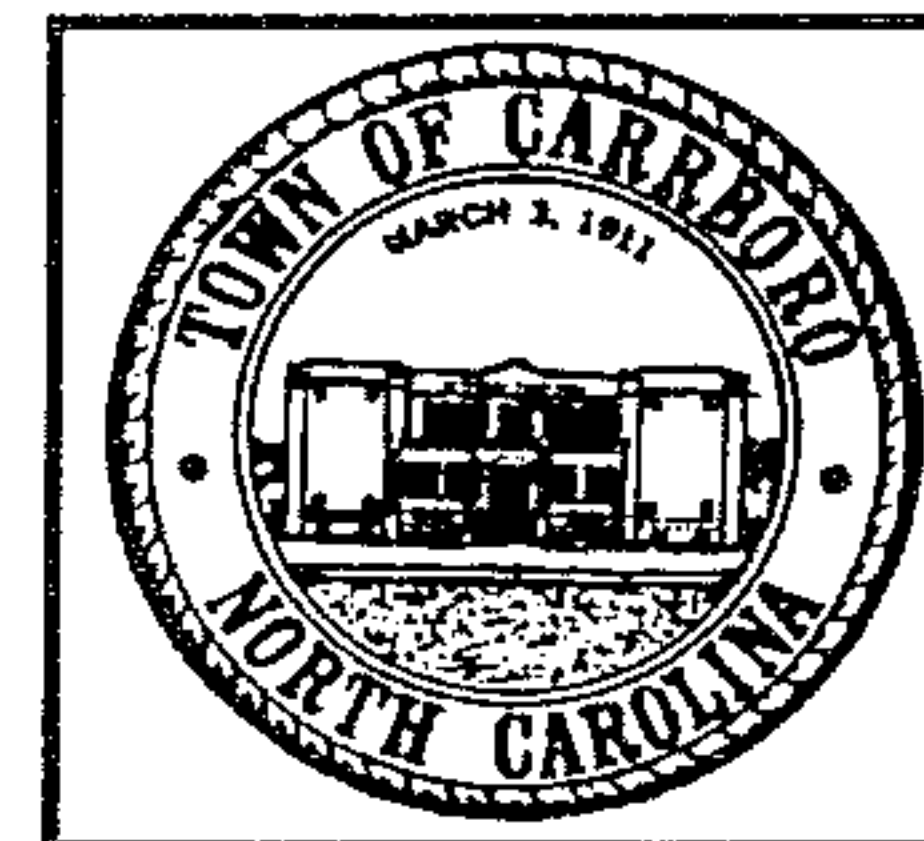
- Old Hwy 86 and Dairy Land Roads remain narrow, curvy roads with site blind hills and no without shoulders and therefore are dangerous to pedestrians and bicyclists.

Finally, the NTAAC recommends that the Town of Carrboro endeavor to incorporate new technology and sustainable practices into plan for new development in order to protect the environment and its citizens.

Sincerely, Amy Jeroloman, Chair NTAAC



TOWN OF CARRBORO



LAND USE ORDINANCE AMENDMENT REQUEST

"Dear Potential Business Operator:

Please be advised that it may be necessary to meet with several members of Town staff as well as outside agencies to identify and fully understand all rules, regulations, and policies applicable to your business. Please refer to the 'Checklist for Opening a Business in Carrboro.'

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 ATTACHMENT A

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

SEE ATTACHMENT A

- 3) State the reasons for the proposed amendment:**

SEE ATTACHMENT A

SIGNATURE:

Amy E. Jeroloman
applicant

chair NTAAC

Amy E. Jeroloman
{print}

ADDRESS:

305 Deer Ridge Drive

Chapel Hill NC 27516

TELEPHONE NUMBER:

(w) 919-966-6621 (h) 919-960-6099

ATTACHMENT “A” TO TOWN OF CARRBORO LAND USE AMENDMENT REQUEST

1) What the LUO presently allows:

The LUO does not have any zone as proposed by this Amendment Request.

2) What the proposed amendment would allow:

The amendment would allow a type of conditional use rezoning with CUP for properties suitable for mixed use development.

3) Reasons for proposed amendment:

The town staff has proposed a FLX zone (proposed 15-141.5) to encourage development in the town and the Northern Study Area. The proposed zone

- a) Eliminates the traditional legal protections afforded by the CUP process in LUO Article IV, including sections 15-55 (burden of persuasion), 15-64 (amendments and modifications of permits, and 15-54 © 1 – 4. 15-54 © 1-4 protects the rights of citizens to require the Board of Aldermen to decide whether the development application should be denied because:
 - 1) it is not within (the BOA’s) jurisdiction;
 - 2) it is incomplete;
 - 3) if completed as proposed, it will not comply with one or requirements of the ordinance; **or**
 - 4) if completed, it more probably than not
 - a. “...will materially endanger the public health and safety;
 - b. will substantially injure the value of adjoining or abutting property,
 - c. will not be in harmony with the area in which it is to be located; **or**
 - d. will not be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board. “
- b) eliminates the CUP regulations used for decades by the Town and Board of Aldermen to ensure that development in Carrboro and its planning jurisdiction is in keeping with the town’s vision, values and desires of its citizens, in favor of a zoning map amendment process where the only finding necessary for approval of amendments under the staff’s proposed FLX Zoning by the Board of Aldermen is that the amendment “...advances the public health, safety or welfare” (15-325);
- c) does not afford clear and adequate requirements for the “site study” process to ensure 1) notice to citizens, 2) neutral facilitation by a person or entity not connected with the town, applicant or development community, and 3) continued input into a final report, among other aspects and necessary protections for citizens;
- d) does not require an applicant for development to adhere to specific performance standards that can be enforced through the CUP process;
- e) is not in the public interest because it does not guarantee a public process that pertains to the final proposed land use for properties or has a defined method to ensure public input or the integrity of established neighborhoods;
- f) undermines and dismantles the visions and intent of sections 15-141.2 and 15-176. 2 of the Land Use Ordinance. These sections were approved by the Board of Aldermen after years of community charrettes and numerous public hearings during which residents testified to the kind of development they would like to see in the Northern Study Area and in town, along with recommendations of a committee of local residents concerning language of the sections;

- g) does not give adequate notice to applicants and residents of what uses and density are to be expected from development applications and to be reviewed by the Board of Aldermen and advisory boards.

The proposed amendment addresses the concerns and interests listed in a) through g) above.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
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131 W. Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278



TRANSMITTAL DELIVERED VIA EMAIL

April 11, 2016

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 revisions to the following Land Use Ordinance amendments received by us March 29, 2016 and proposed for town public hearing on April 26, 2016:

- *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