



## TOWN OF CARRBORO

NORTH CAROLINA

### TRANSMITTAL

### PLANNING DEPARTMENT

**DELIVERED VIA:** ☐ HAND ☒ MAIL ☐ FAX ☐ EMAIL

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

**From:** Tina Moon, Planning Administrator

**Date:** March 21, 2018

**Subject:** Request for Conditional Use Rezoning for Proposed Development at 802 & 806  
Merritt Mill Road

### REQUEST

CASA NC, in combination with property owner Greenstreet Builders, Inc., has submitted a petition to have the zoning of approximately two acres of land changed from R-7.5 to R-2-conditional use (R-2-CU). The subject properties are located at 802 and 806 South Merritt Mill Road, in the vicinity of the Chapel Hill-Carrboro School Central Office, formerly known as the Lincoln High School.

A conditional use rezoning request involves the simultaneous review of a conditional use permit application for the site specific development of these properties. A vicinity map and site plan are included in the attached Zoning Division staff report, along with a detailed description of the proposed development and associated analysis. The rezoning request and permit application were submitted for advisory board recommendations in advance of the public hearing scheduled for March 27, 2018.

### PETITIONERS

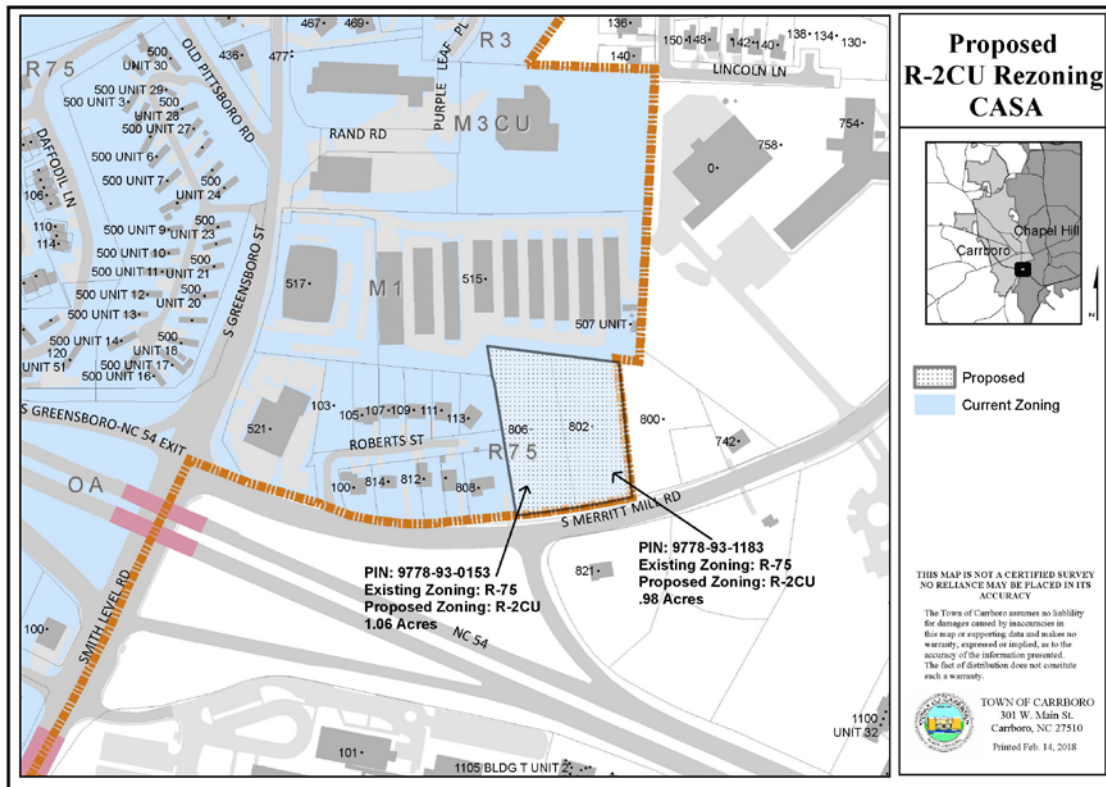
CASA NC.

### OWNERS

Greenstreet Builders, Inc. owns both properties.

## **DESCRIPTION OF THE AREA**

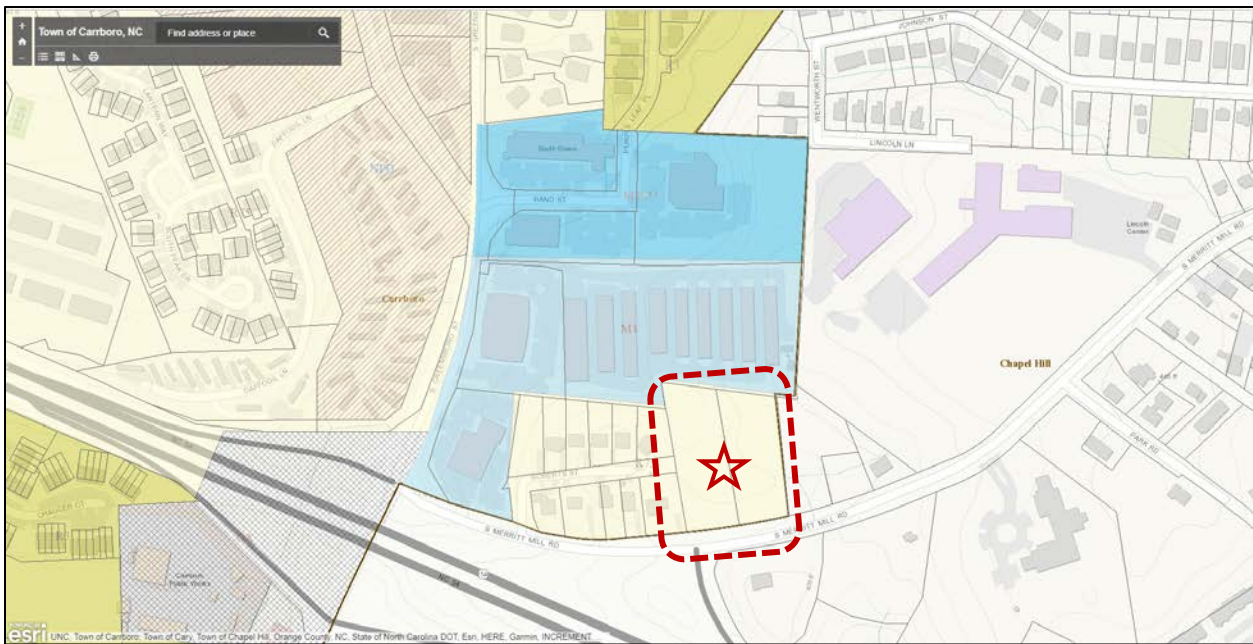
The site is situated on northwest side of South Merritt Mill Road, almost directly across from the location where the NC 54 exit ramp for Merritt Mill Rd/South Greensboro St intersects with Merritt Mill Road. The total development project encompasses four properties, two in the Town of Carrboro and two in the Town of Chapel Hill. The Carrboro parcels contain approximately two acres and may be more specifically described by their Orange County PIN numbers 9778-93-1183 and 9778-93-0153, as shown in dark outline on the map below. The parcels are currently undeveloped, with no standing structures at either location.



*Vicinity Map*

## **ADJACENT LAND USES AND ZONING**

The existing land uses and zoning adjacent to the subject property are shown in detail in the conditional use permit staff report and permit plans. An excerpt from the Zoning Map showing the subject properties along with adjacent parcels is provided below. Surrounding land uses in Carrboro include single-family residential (R-7.5 Zoning District shown in light tan) to the west, the Public Storage facility to the north, (Light Manufacturing or M-1 Zoning District shown in light blue), and the future South Green commercial project (M-3-CU Light Manufacturing-conditional use shown in the medium blue). To the east of the subject properties, across the jurisdictional boundary into Chapel Hill, include undeveloped lots, single family residential and the Chapel Hill-Carrboro School Central Office property. The Chapel Hill properties are shown in light gray.



*Surrounding Land Uses & Zoning (the site is outlined in dashed line)*

### **COMPARISON OF ZONES**

Sections 15-135 and 15-136 of the Land Use Ordinance (LUO) provide the following descriptions of the existing zoning classification.

Both zoning classifications, the existing district R-7-5 and the proposed district R-2-CU are residential in nature and described by ordinance as follows: The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. The primary difference between the districts is relating to density—the number of dwelling units per acre, which is based in part on the minimum number of square feet per lot: 7500 square feet per dwelling unit for R-7.5 and 2000 or 4000 square feet per dwelling unit for R-2; the density for R-2 for multi-family residential uses is 2000 square feet per dwelling unit. The density and dimensional requirements for R-2 and R-2-conditional use are the same.

### **CONDITIONAL USE ZONING DISTRICTS**

In 2004, the Town amended the LUO to provide nineteen conditional use districts in a new section, Section 15-141.3. The establishment of conditional use zoning was designed to provide more opportunities for rezoning requests throughout the town's jurisdiction in association with site-specific development proposals. Development standards and permitted uses are based on the standard zones on which these districts are mirrored. The bulk of the review of such a request involves the particulars of the site plan/conditional use permit application. Section 15-136(1) provides the description for the general zoning district upon which this conditional use district is based. An additional conditional use district M-3-CU was added to the LUO in 2015. Unlike general zoning districts, conditional use zoning districts may be established only in response to a petition signed by all property owners; the development standards and permitted uses, however, are based on the standard zones on which these districts are mirrored.

As described in Section 15-141.3(c), the newly created conditional use districts were designed as a mirror of existing general use districts.

(c) The uses permissible within a conditional use zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional use district corresponds, except as otherwise provided in this section. For example, property that is rezoned to a B-2-CU district may be developed in the same manner as property that is zoned B-2, except as provided in this section.

When a petition for rezoning to a conditional use district is submitted, the applicant must submit an application for conditional use permit (CUP) at the same time. The CUP plans must show how the applicant purposes to develop the entirety of the property covered in the rezoning petition. The rezoning and CUP applications are reviewed simultaneously; the conditional use permit application staff report and permit plans provide details of the compliance of the particular project with the requirements of the proposed R-2-CU zoning district.

#### **SPECIFIC LAND USE ORDINANCE CRITERIA**

The bulk of the review for a conditional use rezoning request involves the specifics of the site plan/conditional use permit application (CUP). The CUP application staff report and permit plans provide details of the compliance of the particular project with the requirements of the R-2 zoning district.

The applicant has included information on the circumstances related to the property and the community that demonstrates the appropriateness of the zoning change in the Petition for Change of Zoning (*Attachment D*). Conditional use rezonings must also be evaluated for compliance with the particulars of Section 15-141.3 as presented below:

Provision	Status
1. The conditional use zoning districts established in this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.	√
2. The uses permissible within a conditional use zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional use district corresponds, except as otherwise provided in this section.	√
3. Subject to subsection (f), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit.	√
4. The applicant shall simultaneously submit a conditional use permit application showing how the applicant proposes to develop the entirety of the property covered in the rezoning petition.	√
5. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.	√
6. The Board of Aldermen shall simultaneously conduct a public hearing on the rezoning and conditional use permit applications, in accordance with the procedures applicable to other conditional use permit applications.	Scheduled for March 27 <sup>th</sup>
7. If the Board concludes in the exercise of its legislative discretion that the proposed rezoning would not be consistent with the public health, safety, or welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request.	To be determined following public hearing on March 27 <sup>th</sup> .
8. If the Board approves the rezoning request, it shall then vote on whether to issue the conditional use permit. Such permit may be issued subject to reasonable conditions and requirements as set forth in Section 15-59.	To be determined following the public hearing.

## **ANALYSIS**

Carrboro Vision2020 presents the policies that are expected to guide the Town's growth and development through the year 2020. In the Petition for Change of Zoning the petitioners have provided responses in support of their assertion that the proposed zoning district classification is consistent with the Town's adopted plans and policies. Staff has identified the following sections of Carrboro Vision2020 that pertain to the request for rezoning:

### **1.3 Human Services**

**1.35** The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed income.

### **2.0 DEVELOPMENT**

Carrboro's development should take place in a manner consistent with a set of adopted values. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

**2.11** Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impacts of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

**2.22** Where development is acceptable, there should be well defined dense development with areas of well-preserved open space.

## **6.0 HOUSING**

The town should develop a comprehensive housing policy that seeks to provide housing for all of Carrboro's citizens.

### **6.1 Housing for a Diverse Population**

**6.11** Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

**6.17** The town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Land Trust, Orange Community Housing Corporation, Empowerment Inc., and Habitat for Humanity.

In the justification for the rezoning, question 7 of the petition for change of zoning form, the applicant has identified Vision2020 provisions 2.11, 2.22, 6.1. The applicant has also cited two goals from the town's Affordable Housing Strategy:

**2.1** Increase the number of rental units that are permanently affordable to individuals and families earning less than 60% of Area Median Income (AMI).

**2.3** Slow the pressure on rental prices by increasing rental housing stock, particularly in high-transit areas.

The town's affordable Housing Strategy document may be found at the following link:

<http://www.townofcarrboro.org/documentcenter/view/1974>.

## **RELEVANT ORDINANCE PROVISIONS**

Section 15-324 of the LUO describes the procedure for the Board's action on amendments:

- (a) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- (b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- (c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.
- (d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt a statement describing whether its action is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plan officially adopted by the Board and explaining why the Board



considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

- (e) A Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (See also Carrboro Town Code Section 2-35).

Section 15-325 of the LUO specifies that when considering a rezoning, the central issue before the Board of Aldermen is “whether the proposed amendment advances the public health, safety or welfare.” The Board of Aldermen is obligated to disregard advantages or disadvantages to the individual requesting the change and must consider the impact of the proposed change on the public at large. Summary comments are offered below.

### **SUMMARY COMMENTS**

- Adopted policies support the establishment of conditional use districts.
- The conditional use district process (combined legislative and quasi-judicial review and action) is expected to mitigate the associated impacts of the additional density requested as part of this development.
- Town policies acknowledge an interest and need for a diverse mix of housing options, particularly for low-, middle- and fixed-incomes.
- The site’s location in proximity to existing transit stops, and destinations within reasonable distances for biking and walking, support the target community who may have limited access to transportation, as well as furthering the Town’s overall interest in encouraging multi-modal travel options.
- The applicant identified policy provisions appear to be consistent with the request.

### **ACTION REQUESTED**

Staff requests that the Board of Aldermen consider the attached materials and advisory board recommendations, and deliberate, on the request to change the zoning of the property (two parcels) located at 802 and 806 South Merritt Mill Road.