



## TOWN OF CARRBORO

NORTH CAROLINA

### TRANSMITTAL

### PLANNING DEPARTMENT

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

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

**From:** Tina Moon, Planning Administrator

**Date:** September 21, 2018

**Subject:** Request for Rezoning and LUO Text Amendments for Proposed Development  
at 700 Old Fayetteville Road

### **SUMMARY**

The Town has received a revised application from Argus Development Group, LLC, for a mixed-use development on property known as the Lloyd Farm located at 700 Old Fayetteville Road. The proposal includes a request to rezone two parcels to B-4, Conditional, (B-4-CZ), and a request for associated text amendments. Public hearings on the text amendments and rezoning have been set for September 25, 2018. Proposed conditions for the rezoning are listed as part of the draft ordinance for the map amendment (*Attachment B*).

The following staff memorandum provides a description of the 2018 application materials for the Lloyd Farm development proposal, including the text amendments and map amendment. The report includes a comparison of the existing and proposed zoning districts with an analysis of the policy considerations relating to consistency. An explanation of the role of conditions in conditional zoning request is discussed, along with a brief outline of the proposed conditions for the project with information relating to conditions that are new or modified from the 2016 application. Excerpts of relevant sections of the Land Use Ordinance are provided. Information relating to the potential economic impacts of the project is also provided (*Attachment H*).

## **LOCATION**

The Lloyd Farm property is located at the northeast corner of NC Hwy 54 and Old Fayetteville Road. The Carrboro Plaza shopping center is located directly across the street on the south side of NC Hwy 54. The Carrboro Post Office is located just to the east of the Lloyd property.

## **DEVELOPMENT PROPOSAL**

The 2018 development proposal for the Lloyd property involves the construction of a mixed-use project including high volume retail, with a grocery store serving as an anchor store, restaurants and office space as well as a residential component geared toward adults ages 55 and older. The residential component is designed as a multi-story apartment building containing approximately 200 units, constructed on a podium system with structured parking. A series of ten duplex cottages (20 dwelling units) surround the apartment building. The apartments are intended to have amenities, such as dining services, to support the residents. The development summary on the illustrative master plan lists the proposed uses (by use classification category) along with the anticipated square footage for the uses overall, including approximately 145,322 square feet of commercial space, and roughly 570 parking spaces.

## **BACKGROUND**

At the September 5, 2014 Board of Aldermen meeting, the Board considered a request to set a public hearing on a proposed conditional use rezoning/conditional use permit application for the Lloyd Farm. The Board directed staff to explore options with the Dispute Settlement Center for developing a facilitated process by which the applicant, the Town and representatives from the adjacent neighborhood could discuss and address concerns about the project. A mediation process followed that summer and early fall, and, in February 2016, the applicants submitted a new application for a conditional zoning of the property.

The change to conditional rezoning affects the application process in a couple of important ways. First it affects the sequence of the review/approval process. With conditional use zoning the applicant submits the rezoning request and conditional use permit (CUP) materials at the same time; with conditional zoning the applicant submits the rezoning request first and, if approved, the applicant submits a CUP application as a subsequent step. Second, because of the legislative nature of the decision for conditional zoning, the mechanism offers additional opportunities for public input and allows the Board greater flexibility to participate in conversations about the project outside of formal meetings. Binding conditions are decided as part of the rezoning, and must be mutually agreed upon by both the applicant and the Town. On May 26, 2016, the Board set public hearings for the rezoning and associated text amendments and held a public hearing on the project on June 22, 2016, which was continued over a series of meetings until December 6th. (The agenda materials for the June 22<sup>nd</sup> meeting may be found at the following link: <https://carrboro.legistar.com/LegislationDetail.aspx?ID=2769769&GUID=C990FA00-4AA3-4996-9101-AA73063BF241&Options=ID|Text|&Search=lloyd+farm>).

## **2018 APPLICATIONS: MAP AND TEXT AMENDMENTS**

In April, 2018, Ted Barns of Argus Development Group, LLC, submitted a new petition to rezone the Lloyd Farm property with a revised illustrative site plan and updated text amendment request. Two of the text amendments proposed with the 2016 plan remain part of the application and are linked to the B-4-CZ or B-4-CU zoning districts: A) adding flexibility to the collector street standards to allow a cross section with a slower design speed, and B) allowing multi-family residential uses. A request for new text amendments address features in the revised design: 1) creating a new use subcategory for office/medical uses larger than 10,000 square feet, 2) allowing for the pick-up/delivery of goods for a high volume retail use with outdoor storage (this request is related to current grocery store design and associated facilities), and 3) establishing flexibility in the number of required bicycle parking spaces, as a parallel to ordinance provisions allowing flexibility in vehicular parking spaces. The text amendments are needed for the project to comply with the Land Use Ordinance.

The language in the draft ordinance addressing items 1) the new subcategory for office/medical uses up to 30,000 square feet in building size, and 2) the new subcategory for high volume retail with outdoor display and curbside pick-up delivery and/or drive-through window has been drafted broadly, meaning that as currently written the new uses (3.131 and 2.250 respectively) would be allowed in a number of zoning districts. This has been set up as a parallel to the existing uses that are similar: use 3.130 – office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area, and 2.100 - the general category for high volume retail with no outdoor display. When drafting ordinances it is always easier to diminish the scope of the amendment rather than to add to it, and there may be utility in including these districts as interest in the new uses may increase, particularly the model for new grocery stores to include a curbside pick-up lane and pharmacy window. The Board may wish to narrow these uses however, linking them to a conditional or conditional use district such as the B-4-CZ and B-4-CU, and/or to require a conditional use permit for the use category, using similar language to what was prepared in the draft ordinance for the proposed residential uses.

### **Project Comparison 2016 to 2018**

The applicant has provided a detailed description of the changes in the proposal from 2016 to 2018 (*Attachment E*). The most notable changes are listed below.

- Tree protection/open space – The mature hardwood tree stand at the corner of Old Fayetteville Road with NC Hwy 54 intended to be preserved as open space has been enlarged and amenities added including an amphitheater so that it can be used as an “event lawn.”
- The grocery store – The anchor grocery store has been reoriented so that the main entrance is in the southwest corner instead of the northwest corner. An “energy center,” a gas station with multiple fuel types, and multimodal service facilities (such as a bicycle repair station) has been incorporated into the project as an outparcel use and other elements such as a grocery pick-up lane have been added; these modifications reflect changes to the grocery store industry. As

noted above, new text amendment has been requested and prepared to allow high-volume retail (grocery) with curbside pick-up lanes.

- **Outparcels** – The design and use of some of the other outparcels have changed. Two buildings along the southern (NC 54) portion of the site have been redesigned to accommodate office/medical uses in multi-story structures. A new text amendment has also been requested and prepared to allow larger office/medical facilities anticipated for these parcels.
- In addition, the buildings facing the grocery parking area have been moved from the south side of the parking lot to the north side, to provide for the event lawn expansion.

## **REZONING**

The proposed development site consists of two parcels that are classified by different zoning districts: R-10 and B-4. The applicant is petitioning to rezone both parcels to B-4, Conditional (B-4-CZ) to allow for the construction of a single unified project. The use of the conditional zoning mechanism incorporates the use of an illustrative site plan which locks in the overall project design as one of a several binding conditions.

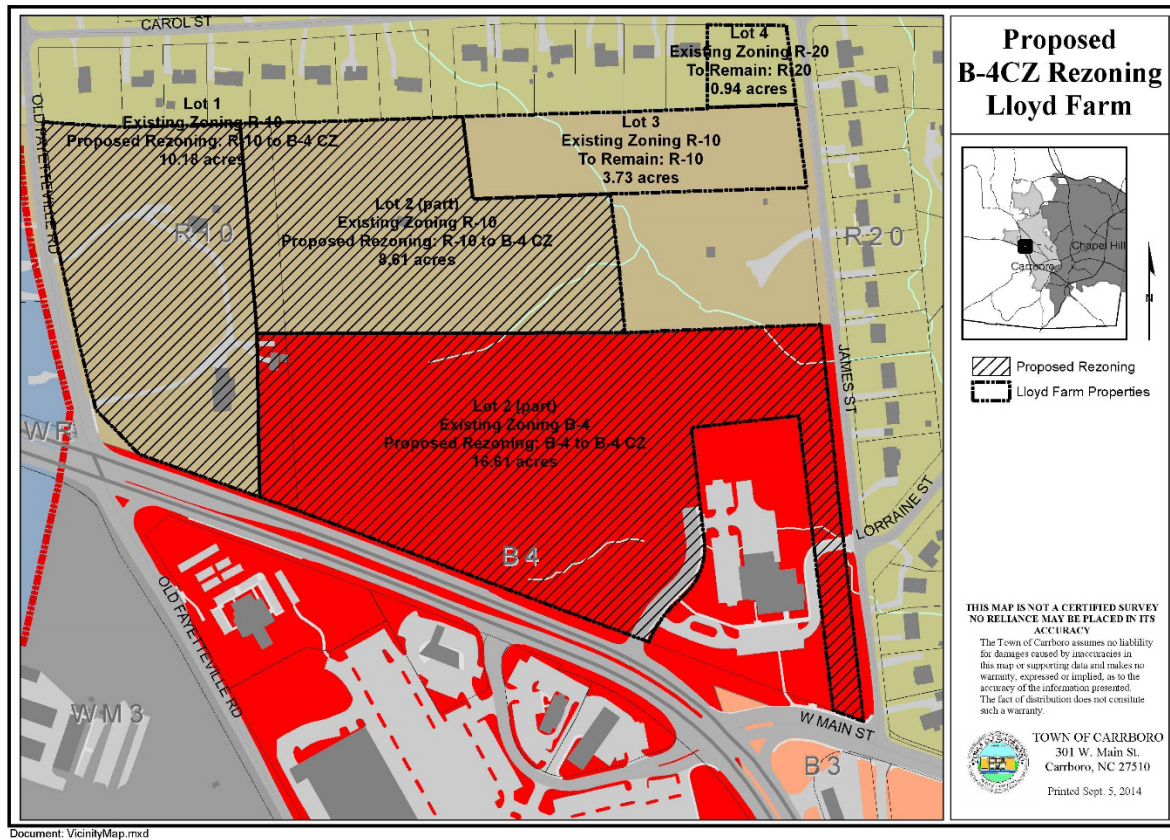
### **Petitioners/Owners**

The subject property is owned by Shelton Gene Lloyd and Brody Lemuel Lloyd, owners and joint executors of the estate of Roy Shelton Lloyd. Ted Barnes, of Argus Development, LLC, is the developer.

### **Overview**

Section 15-320 of the Land Use Ordinance (LUO) separates zoning map amendments into two categories--major and minor. This particular request involves fewer than five parcels of land and less than fifty acres overall. Per subsection 15-320 (b) the rezoning request is classified as a “minor map amendment.”

The map (below) shows the extent of the entire forty-acre site associated with the Lloyd family. The development proposal (2018) includes two parcels encompassing approximately 35.40 acres, shown with diagonal hatching. The parcels may be further identified by Orange County PIN numbers: Lot 1 (PIN #9779-09-7922) and Lot 2 (PIN #9778-19-6618). Lot 1 is currently zoned R-10; Lot 2 is within two different zoning classifications: R-10 and B-4. The applicant has petitioned to rezone both lots to B-4, Conditional (B-4-CZ), and if approved, all of lots 1 and 2 would be rezoned to the new district and subject to the parameters defined by the conceptual site plan and associated conditions.



The 2016 proposal for the Lloyd Farm development included two additional parcels facing James Street, Lot 3 (PIN #9779-10-7351) and Lot 4 (PIN # 9779-20-0449). During the review of the project, the applicant offered a condition to dedicate both parcels to the Town. The applicant has offered the same condition as part of the 2018 application and removed lots 3 and 4 from the development proposal. Accordingly, the total amount of acreage described in the rezoning request

has decreased from approximately 40 acres to about 35.4 acres. A possible use or uses for lots 3 and 4 has not been determined.

The table below offers an “at a glance” summary.

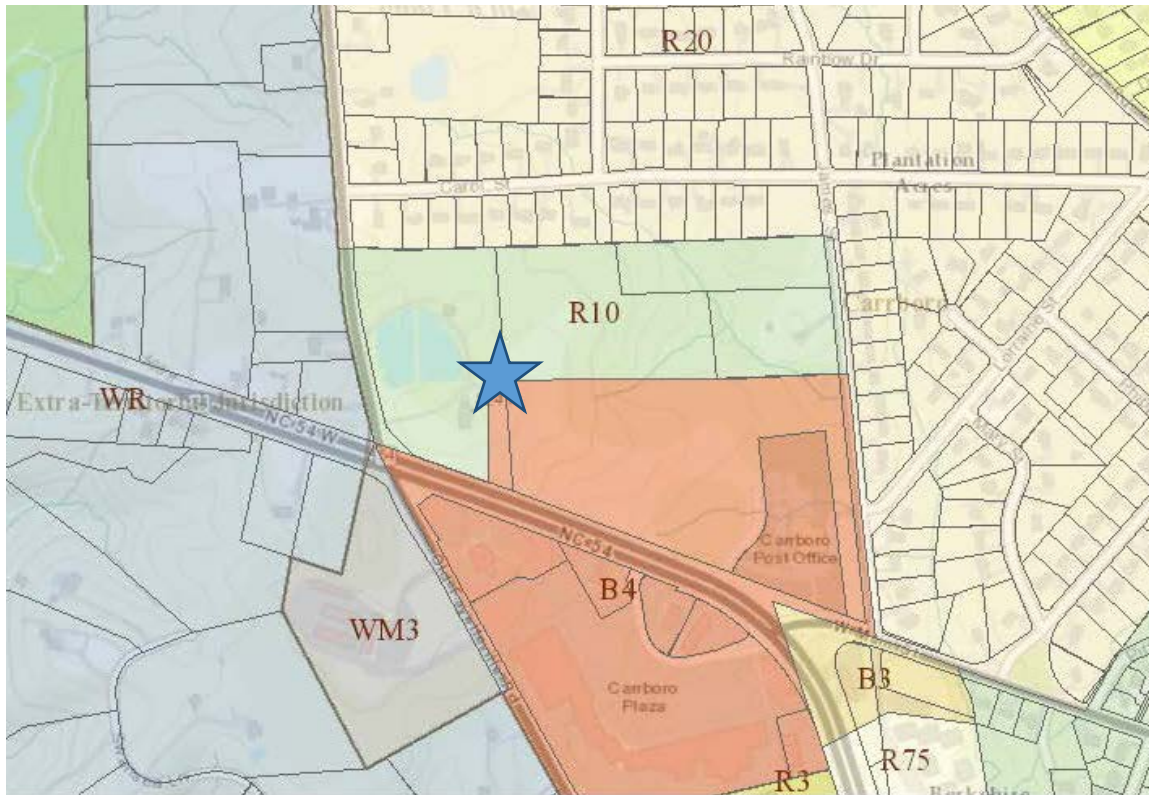
Lot	PIN	Existing Zoning	Proposed Zoning	Acreage
1	9779-09-7922	R-10	B-4-CZ	10.18
2	9778-19-6618	R-10	B-4-CZ	8.61
2	9778-19-6618	B-4	B-4-CZ	16.61
<b>Total 35.40</b>				
<i>Offered by Condition to be dedicated to the Town</i>				
3	9779-10-7351	R-10	R-10	3.73
4	9779-20-0449	R-20	R-20	0.94
<b>Total 4.67</b>				

### **Description of the Area**

**Density and Dimensional Regulations.** A comparison of the density and dimensional requirements between the existing (R-10 and B-4) and proposed zoning districts (B-4-CZ) provides a sense of the potential development impact on adjacent properties, should the zoning change occur. The surrounding properties to the north and west are mainly single family residential. The units to the north of the proposed site, part of the subdivision known as Plantation Acres are zoned R-20; the single family residential units located on the west side of Old Fayetteville Road are zoned WR (Watershed Residential). The Carrboro Post Office is located just to the east of the subject properties, and Carrboro Plaza is located along the southeast side of NC Hwy 54; both of these commercial uses are zoned B-4. Dimensional requirements are presented in the table below.

	<b>Surrounding Zoning – R-20</b>	<b>Surrounding Zoning - WR</b>	<b>Existing Zoning – R- 10</b>	<b>Requested Zoning – B-4-CZ</b>
<b>Density</b>	20,000 per dwelling unit	217,800 per dwelling unit	10,000 per dwelling unit	1,500 per dwelling unit
<b>Height</b>	35 feet	40 feet	35 feet	50 feet
<b>Setbacks</b>	40/20 r/w; 20 log boundary	35/17.5 r/w; 20 lot boundary	25/12.5 r/w; 12 lot boundary	30/15 r/w; 10 lot boundary





### **Comparison of Zones**

**Existing Residential District.** R-10 is a residential district with a minimum lot size/density requirement of 10,000 square feet per dwelling unit. Permitted uses in the R-10 district include a range of residential activities, civic, community, recreational, utility uses, and day cares and are allowed subject to the appropriate land use permit (zoning permit, special use permit or conditional use permit)..

**Existing Business District.** The B-4 (Outlying Concentrated Business) zoning district is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.

**Proposed Business District.** The B-4-CZ (Outlying Concentrated Business, Conditional) zoning district is a conditional district, further described in Section 15-141.4. Conditional zoning districts are zoning districts in which the development and use of property so zoned is governed by the regulations applicable to one of the general use districts listed in the Table of Permissible Uses as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to a particular property. In accordance with Subsection 15-141.4 (d) the

conditional zoning district petition may be approved with a list of conditions and site-specific standards to address the conformance of the development and use of the site.

An illustrative site plan is attached to the agenda materials, separate from the staff memo. A draft list of conditions for the rezoning is also attached as part of a draft ordinance for the map amendment. The list of conditions may be further refined during the public hearing process. Should the Board of Aldermen adopted the proposed text amendment submitted as part of the development project, use classifications 1.232 (duplex, no bedroom limit), 1.242 (two family apartment, no bedroom limit), 1.322 (multi-family townhomes, no bedroom limits), and 1.332 (multi-family apartments with no bedroom limits) would also be a permitted use in the B-4-CZ district. A proposed condition would cap the residential density of the project at a maximum of 250 dwelling units, comprising of a combination of the residential units described above. Other new use categories proposed as part of the 2018 text amendment application include 3.131 for Office or clinics of physicians or dentists not greater than 30,000 square feet in size and 2.250 high volume retail with outdoor display and curbside pick-up/drive-through window.

A comparison of permitted uses in the zoning districts is summarized in the table below. The conceptual rezoning site plan identifies the uses the applicants have proposed for the project.

<b>General Use Category</b>	<b>Number of Uses Permitted in R-10 District</b>	<b>Number of Uses Permitted in B-4 District</b>	<b>Proposed Number of Uses in B-4- CZ District</b>	<b>Change in Uses Permitted</b>
Residential (1.000)	26	0	4	-22
Sales and Rental of Goods (2.000)	0	6	6	+6
Office, Clerical, Research (3.000)	0	7	7	+7
Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment(4)	0	0		0
Educational, Cultural, Religious, Philanthropic, Social (5.000)	3	7	7	+4
Recreation (6.000)	4	8	8	+6
Institutional Residence or Care of Confinement Facilities (7.000)	0	0	0	0
Restaurant, Bar, Nightclub (8.000)	0	6	6	+6
Motor Vehicle-related (9.000)	0	3	3	+3
Storage and Parking (10.000)	0	0	0	0
Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards (11.000)	0	0	0	0
Services and Enterprises Related to Animals (12.000)	0	1	1	+1
Emergency Services (13.000)	4	4	4	0
Agricultural, Silvicultural, Mining, Quarrying (14.000)	3	1	1	-2
Public/Semi-public Utility Facilities (15.000)	2	6	6	+4
Dry Cleaner, Laundromat (16.000)	0	2	2	+2
Utility Facilities (17.000)	3	4	4	+1
Towers and Related Structures (18.000)	2	3	3	+1



General Use Category	Number of Uses Permitted in R-10 District	Number of Uses Permitted in B-4 District	Proposed Number of Uses in B-4- CZ District	Change in Uses Permitted
Open Air Markets, Horticultural Sales (19.000)	0	1	1	+1
Funeral Home (20.000)	0	1	1	+1
Cemetery (21.000)	1	3	3	+2
Day Care (22.000)	4	4	4	0
Temporary Structure or Parking (23.000)	1	1	1	0
Commercial Greenhouses (25.000)	0	0	0	0
Subdivisions (26.000)	2	2	2	0
Combination Uses (27.000)	1	1	1	0
Planned Unit Developments (28.000)	1	1	1	0*
Special Events (29.000)	1	1	1	0
Planned Industrial Development(30.000)	0	0		0*
Off-Premises Signs (31.000)	0	0		0
Village Mixed Use (32.000)	0	0		0*
Office/Assembly Planned Development (33.000)	0	0		0*
Temporary Lodging (34.000)	1	1		0

**Comparison of the Number of Uses, by General Category, in Existing and Proposed Zoning Districts.**

- \* Permissible only in Planned Unit Development District, Planned Industrial Development, Village Mixed Use District, or Office/Assembly Planned Development (respectively) and subject to a conditional use permit.

## ANALYSIS

### Policy

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:

### 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. *(The use of the conditional rezoning process and subsequent conditional use permit process requires two public hearings, two opportunities for community input.)*

### 2.5 Balanced and Controlled Growth

2.52 The town should continue to require the construction of a diverse housing stock. *(The project includes a residential component for older adults including rental (apartments) and ownership (cottages) units, a payment in-lieu for affordable housing, and a percentage of affordable cottages for sale.)*

### 3.0 ECONOMIC DEVELOPMENT

With the population of Carrboro expected to increase during the Vision2020 period, additional commercial development should be anticipated both downtown and in peripheral areas. Carrboro should seek to reduce the tax burden on single-family owners by increasing the percentage of commercial space in town. *(An analysis of the potential economic impact of the project is provided separately as Attachment H.)*

### **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 rezoning includes a condition relating to an enhanced buffer separating the commercial aspect of the project from the adjacent neighborhood, and a condition increasing the stormwater management design to the 50 and 100-year storm.)*

### **3.3 New Commercial Growth**

Opportunities for new commercial growth exist primarily in four areas: downtown, across from the Carrboro Plaza Shopping Center, within the commercial core of a village mixed-use development, and within new office/assembly conditional use developments. The latter two options are most obviously appropriate in the transition area, but may be approved throughout the town's jurisdiction.

3.312 All shopping centers should be connected to residential areas with increased pedestrian access. *(The project is located in one of the areas identified for new commercial growth, and is within walking distance of residential areas.)*

### **4.5 New Development**

4.51 The town should continue to require developers to install sidewalks and bicycle paths in new developments.

4.52 New developments should bear the costs of upgrading connector and arterial facilities in the areas adjacent to their properties to the extent appropriate, including upgrades to serve pedestrians and bicycles, given the added load to the infrastructure and anticipated use of facilities. *(The project includes infrastructure improvements, including bike-ped facilities.)*

### **6.1 Housing for a Diverse Population** *(The housing component appears to address both a variety of housing types and a focus on needs of an older 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.

6.16 With our growing population of senior citizens, the town should support the creation of more housing that allows our senior citizens to interact fully with the larger community. Senior access to public transit will become an increasingly important concern.

## **Public Benefit**

An analysis of the 2018 conditional rezoning proposal for the Lloyd Farm development reveals the potential for the project, if adopted, to provide public benefit for the Town in a number of different ways.

- The economic impact analysis (Attachment H) indicates a significant increase to the tax base, the creation of temporary construction jobs and permanent jobs, particularly in the service, restaurant and medical sectors. The jobs will be in close proximity to residential areas.
- The residential portion of the project includes housing units for rent and for sale for the 55 and older community, a population for which Carrboro has limited dedicated housing. The rental units are also intended to be operated with amenities, such as dining services.

- The applicant has committed, by condition, to contribute to the Town's affordable housing goal. The 15% affordable housing goal is a Town policy, not a requirement. The offer includes affordable housing units for sale, and either affordable housing units for rent or the applicable payment in lieu of providing affordable housing units (currently listed in the Miscellaneous Fee Schedule as \$32,167 per unit).
- The project includes a multi-use path alongside the main internal street and a meandering bike-ped network that connects the development to the surrounding street network outside of the project and to various locations within the project.
- The project includes an outdoor space suitable for programmed events or casual gathering.
- The applicant has committed, by condition, to gift two parcels to the Town.

### **Proposed Conditions**

Twenty-two conditions have been proposed as part of the conditional rezoning and are listed in their entirety in the draft ordinance for the map amendment (Attachment B). The conditions are described in bullet form below. Additional information relating to conditions addressing stormwater management and traffic are provided after the bullets.

1. Condition one includes standard language identifying elements of the project that are determined as part of the rezoning and elements that are determined, if the rezoning is approved, at the conditional use permit stage.
2. Condition two limits the maximum residential density for the project.
3. The third condition links the residential component of the project to an older population and indicates that the apartments may include certain amenities targeting seniors such as dining services.
4. This detailed condition describes the applicant's commitment to affordable housing through a combination of payment in lieu and sale of units with restrictive covenants relating to cost.
5. Condition five speaks to the applicant's offer to dedicate the two parcels along James Street to the Town.
6. This condition provides standard design requirements for the internal multi-use path that runs parallel to the internal road.
7. Condition seven has been modified from the 2016 application, but adding new language relating to the possibility of modifying Carol Street, subject to a traffic analysis and resident survey.
8. This condition refers to the developer's offer to provide an enhanced buffer between the project and the Carol Street parcels that back up to the project.

9. Condition nine speaks to the Town's design standards for large commercial buildings and designing the commercial buildings such that all elevations are intended to be visible and attractive.
- 10.-12 Conditions ten through twelve reference limits to deliveries, trash and recycling collections and landscaping maintenances, services which involve potential nuisance concerns relating to noise
13. The condition thirteen requires the open greenspace at the corner of Old Fayetteville and NC 54 to remain undeveloped.
14. Condition fourteen has been modified to provide additional language relating to the interface the project and future transportation improvements along NC 54 and at the intersection of NC 54 and Old Fayetteville to reflect current bike-ped design standards.
15. Condition fifteen speaks to the need for the project to meet the stormwater management requirements of the LUO. Analysis of the 50 and 100 year storms exceed the requirements of the LUO.
16. This condition has been modified to provide more specific direction relating to erosion control prior to the conversion to permanent stormwater devices.
17. No changes have been made to condition seventeen, relating to turtles.
18. This condition remains unchanged from the 2016 application.
19. Staff has drafted this condition to continue discussions with Chapel Hill Transit relating to transit service within the project.
20. This is a new condition, suggested by the Town to provide enhanced bike-ped connectivity to the project in a controlled way, and linking the new bike-ped infrastructure to the existing road network.
21. The applicant is amenable to making the primary construction entrance to the project on Old Fayetteville Road or, although this seems less likely, NC Hwy 54.
22. This is a new condition intended to clarify the location of future roads relating to the project.

### Stormwater Management

Conditions 15 and 16 are related to stormwater management. Condition 15 speaks to the amount of analysis required at each step in the development process: the location and approximate size of stormwater control measures (SCMs) as part of the rezoning site plan, a feasibility study to demonstrate compliance with the LUO as part of the conditional use permit process and full engineering with construction plans. Section 15-49(c2) of the LUO allows developments where at least twenty-percent of the project is devoted to non-residential uses to submit the full engineering plans as part of construction plan approval. The applicant's offer in condition 15 to design the stormwater management system for the 50 and 100-year 24-hour storm exceed the requirements of

the ordinance. Condition 16 requires the design and installation of erosion control devices to provide sufficient site stabilization during construction.

### Traffic Impacts

Conditions 7 and 18 have been drafted in response to traffic concerns, particularly the potential for cut-through traffic on neighboring residential roads. The applicant has engaged Kimley-Horn and Associates (KHA) to analyze traffic as part of the development proposal. KHA submitted a Traffic Impact Analysis (TIA) to NCDOT for the original conditional use rezoning application in 2013, and prepared a revised TIA in 2016 to address the changes in the proposal. KHA has prepared an updated trip generation comparison for the 2018 proposal which provides a comparison of the anticipated trips from the 2016 and 2018 plans (Attachment F). A third TIA will be required from NCDOT as part of the application for driveway permits.

Trip generation (how many new cars will drive to/from the development) in TIAs tend to be slightly conservative, in that they report higher trips in order to completely capture the worst case scenario for traffic and Level of Service (LOS) to ensure necessary capacity improvements are identified and attributed to the development traffic. These improvements may not be necessary if the full development traffic is not realized. Trip distribution (where cars will travel) is based largely on existing traffic patterns, but also based on some basic assumptions about routing.

- Trips will be distributed among the local network analyzed for the TIA based on observations and local knowledge for the shortest route (typically the highest speed route).
- Trips will be routed out the development in an attempt to minimize long delay turns (left turns or U-turns, regardless if at a signal or not).
- Based on these assumptions, the TIA would predict that largest volume of traffic existing the development makes a Right turn onto NC 54 westbound and U-turns at Old Fayetteville Road to head eastbound on NC Hwy 54 rather than make a left turn onto Old Fayetteville southbound and another left onto NC 54 eastbound.

The trip generation comparison analysis projects a reduction in the anticipated number of total daily trips in the revised 2018 proposal by approximately 600 trips. A potential traffic increase was noted for the number of trips entering the development during the AM peak. This increase may reflect the addition of a gas station to the proposal which is identified as the destination for more than 60% of the AM peak trips for “pass-by traffic.” The 2016 TIA projected that 35% of the trips to/from the development would come from NC 54 West, and 25% to/from NC 54 East. 3% of the trips were anticipated to/from the east via Carol Street, approximately 13 AM trips using Carol Street and 24 PM trips.

The Town contracted with an outside engineering firm in 2016 to review KHA 2016 analysis overall, to explore options for a full (right in/out left in/out) movement for the site’s NC 54 access, and to provide recommendations for traffic calming measures on Carol Street to limit anticipated cut-through traffic. Davenport found the analysis to be sound overall, and offered suggestions for a continuous green T-intersection or a full signalized access for the NC 54 entrance. Condition 18 was added to continue discussions with NCDOT regarding ways to enhance this access point.

Davenport also offered input on possible modifications to Carol Street, including converting some/all of it to a one-way street, westbound, and the possibility of constructing bike-ped amenities. Davenport described advantages and disadvantages for conversion of Carol Street to one-way travel:

- Reduced traffic volumes on Carol Street
- Reduction in cut-through traffic on Carol Street
- Benefit to pedestrian and bicyclists with less vehicular traffic, and only one direction of oncoming traffic
- Potential impacts to bus routes (both school and Chapel Hill Transit)
- Potential impact to emergency response
- Impacts to the street network connectivity
- Additional travel time and distance for rerouted traffic.

Some Carol Street residents have indicated that preventing vehicular traffic from entering Carol Street from Old Fayetteville Road, entirely, would address their concerns. There has been no analysis of this strategy, and like the others, would require additional evaluation including how this would affect the distribution of trips throughout the neighborhood, transit/emergency access, etc. It would also require consultation with property owners throughout Planation Acres.

The recommendations outlined in Condition 7 for conducting a TIA once traffic impacts from the development are known, and surveying residents for input were generated from the Davenport study. The consultants also noted the potential construction issues with placing a sidewalk along Carol Street and recommended further evaluation for feasibility. Other suggestions such as no cut-through signage are included in the draft condition.

## **CONSIDERATIONS**

The Lloyd family owns four contiguous parcels which together, encompass about forty acres. The family has demonstrated an interest to sell the property. There are numerous ways that the site can be developed and each approach offers certain benefits and challenges to the developer, neighboring residents, and the greater Carrboro community. For example, each parcel can be developed independently of the others based on its existing zoning; the parcels can be developed together as part of a unified project; or developed in some combination. NCGS 160A-376 allows for several ways to subdivide land by the recordation of plats without issuance of a permit and exempt from many Town land use regulations. The Land Use Ordinance (LUO) allows up to four dwelling units to be built on an individual lot with a zoning permit. A combination of exempt subdivisions and zoning permits could yield more than twenty lots with groups of four multi-family units, for an estimated total of about 90 units. No public hearing or notice would be required.

Three of the parcels are zoned residential at different density levels. The largest parcel spans two different zoning districts: roughly two-thirds of the lot is zoned B-4 (Outlying Concentrated Business) and the remaining third, R-10, (Residential with 10,000 square feet per dwelling unit). The property could be developed, under the existing zoning, with multi-family and commercial components but the commercial elements would be positioned at the lower portions of the site near the Post Office, and the residential elements at the upper portions of the site along Old Fayetteville



Road and adjacent to residential lots on Carol Street. Full development of the site under a combination of uses would require a CUP. Following the quasi-judicial process associated with a CUP, the project would be eligible for approval if the applicant demonstrated compliance with the LUO and all other requirements of the process were met. Elected officials would be limited in their opportunity to discuss the project with the applicant or private citizens. Sworn, evidence-based testimony would be required at public hearing. Required conditions would be limited in nature to those directly related to the application to ensure its compliance with the ordinance.

The conditional rezoning mechanism provides opportunities for Board and public input during the review and public hearing process and related to the drafting of conditions which, if approved, become binding to the rezoning. The conditions provide an opportunity for the applicant to exceed the requirements of the ordinance as a way of mitigating potential impacts or concerns associated with the project.

The table below provides a comparison of different processes for the Town, which have been discussed as possible ways to develop some/all of the Lloyd Farm.

Process	Authority	Board Input	Citizen Input	Use of Conditions
Exempt Subdivision	Limited Town Staff	NA	NA	NA
Zoning Permit	Town Staff	NA	NA	NA
Special Use Permit	Board of Adjustment	Ex-parte Communication rules apply	Public Hearing - all sworn, expert testimony for some subject matter	Limited to those directly related to development
Conditional Use Permit	Board of Aldermen	Ex-parte Communication rules apply	Public Hearing - all sworn, expert testimony for some subject matter	Limited to those directly related to development
Conditional Use Zoning	Board of Aldermen	Ex-parte Communication rules apply	Public Hearing - all sworn, expert testimony for some subject matter	Limited to those directly related to development, mutual agreement between applicant & Town
Conditional Zoning	Board of Aldermen	May participate in communications with applicant and local citizens	All comments/input may be considered	Broad/negotiation-mutual agreement between applicant & Town

When considering a map amendment, the principal question before the Town is whether the rezoning advances the public health, safety, or welfare (Section 15-325). The project under review seeks approval of a map amendment to a conditional zoning district. During the public hearing, the Board of Aldermen will consider whether the proposed site plan and associated conditions is consistent with Town policies and interests. The review and approval of a request for conditional rezoning does not remove the need for issuance of a land use permit for the proposed use(s) with more detailed compliance requirements. Conditions linked to the rezoning cannot relieve a project

of compliance with the land use regulations. The applicant has submitted requests for text amendments which must be approved in order for the plan submitted with this conditional zoning request to be approvable.

A complete permit review has not been completed as the details required with a conditional rezoning request are limited; staff has not identified any factors which would prevent later approval of a conditional use permit. The review of mutually acceptable conditions Section 15-324 of the LUO requires that the adoption of a statement describing the consistency of the amendment with an officially adopted plan and explaining why the action is reasonable and in the public interest.

## ARTICLE IX

### ZONING DISTRICTS AND ZONING MAP

#### PART I. ZONING DISTRICTS

##### **Section 15-135 Residential Districts Established.**

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. 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. (AMENDED 5/12/81; 12/7/83; 2/4/86)

##### **Section 15-136 Commercial Districts Established (AMENDED 02/4/86; 05/28/02).**

The districts described below are hereby created to accomplish the purposes and serve the objectives indicated:

(5) **B-4 OUTLYING CONCENTRATED BUSINESS.** This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.

##### **Section 15-141.4 Conditional Zoning Districts (AMENDED 5/27/08)**

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ, and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, OACZ, M-1-CZ, M-2-CZ (AMENDED 4/27/10; 06/23/15)

(b) The conditional zoning districts authorized by 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.

(c) Subject to the provisions of subsections (f) and (g), the uses permissible within a conditional zoning district authorized by this section, 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 district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d). **(AMENDED 11/9/11)**

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. **(AMENDED 10/25/16)**

(d1) A rezoning petition may be submitted to allow use classification 3.260 Social Service Provider with Dining within a building of more than two stories or 35 feet in height. **(AMENDED 10/25/16)**

(1) The petition shall include information that demonstrates that, if the project is completed as proposed, it:

- a. Will not substantially injure the value of adjoining or abutting property; and
- b. Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings; and
- c. Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board. **(AMENDED 03/22/16, 10/25/16)**

(2) All relative 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 conditions incorporated into the conditional zoning district described in subsection (d1) above. **(AMENDED 10/25/16)**

(e) The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional zoning district shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site. **(AMENDED 03/22/16, 10/25/16)**

(f) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses), i.e. a zoning permit, special use permit, or conditional use permit.

(g) Notwithstanding the foregoing, in approving a rezoning to a B-1(g) – CZ zoning district, the Board of Aldermen may authorize the property so zoned to be developed at a higher level of residential density than that otherwise permissible in B-1(g) zoning districts under Section 15-182 if the rezoning includes conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas: stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use. Conditions that may be included to meet the above stated objective include but shall not be limited to the following: **(AMENDED 11/9/11)**

- (1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the Jordan Lake Accounting Tool
- (2) Energy performance in building requirements to meet one or more of the following
  - a. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better).
  - b. “Designed to Earn the Energy Star” rating.
  - c. Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type.
  - d. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings.
  - e. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
  - f. US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030.
  - g. Specific energy saving features, including but not limited to the following, are encouraged.
    - i. Use of shading devices and high performance glass for minimizing heating and cooling loads
    - ii. Insulation beyond minimum standards;
    - iii. Use of energy efficient motors/HVAC;
    - iv. Use of energy efficient lighting;
    - v. Use of energy efficient appliances
    - vi. LED or LED/Solar parking lot lighting (50-100% more efficient).
    - vii. Active and passive solar features.
- (3) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (4) Use of harvested rainwater for toilet flushing.
- (5) Parking lot meets the standard for a “green” parking lot, per the EPA document Green “Parking Lot Resource Guide.”
- (6) Inclusion of Low Impact Development features.
- (7) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (8) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips
- (9) Inclusion of at least one (1) parking space for car sharing vehicles
- (10) Provision of public art and/or outdoor amenities for public use.
- (11) Use of surface materials that reflect heat rather than absorb it.

- (12) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (13) Provision of affordable housing in accordance with Town policy.

(h) If a B-1(g) – CZ zoning district is created and, pursuant to subsection (f) of this section, a higher level of residential density than that otherwise permissible in B-1(g) zoning districts is approved for that district, then it shall be a requirement of such district that at least twenty percent (20%) of the total leasable or saleable floor area within all buildings located within such zoning district shall be designed for non-residential use. Occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1).

**(AMENDED 11/9/11)**



## ARTICLE XX

### AMENDMENTS

#### Section 15-320 Amendments in General

(a) Amendments to the text of this chapter or to the zoning map may be made in accordance with the provisions of this article, or in the case of nonsubstantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 09/01/87)**

(b) The term “major map amendment” shall refer to an amendment that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of fifty acres. All other amendments to the zoning district map shall be referred to as “minor map amendments.”

(c) All properties within the University Lake Watershed are zoned WR, B-5, WM-3 or C. As provided in Subsection 15-137(b), no additional areas may be rezoned WM-3 or B-5, and no areas within the University Lake Watershed may be rezoned to any classification other than WR, or C. **(AMENDED 10/15/96)**

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. 143-214.5. Copies of all amendments to Sections 15-265 or 15-266 shall be sent to the Division of Community Assistance, Division of Environmental Health, and Division of Water Quality. **(AMENDED 10/15/96)**

#### Section 15-321 Initiation of Amendments

(a) Whenever a request to amend this chapter is initiated by the Board of Aldermen, the planning board, the board of adjustment, the appearance commission, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the Board of Aldermen so that a date for a public hearing may be set.

(b) Any other person may also petition the Board to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

- (1) The name, address, and phone number of the applicant.
- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.
- (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.
- (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.

- (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.
- (c) Upon receipt of a petition as provided in (b), the planning staff shall either:
  - (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
  - (2) Forward the petition to the Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).
- (d) Upon receipt of a proposed ordinance as provided in subsection (a), the Board may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance.

**Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments  
(AMENDED 10/24/06)**

- (a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues. **(AMENDED 09/19/95)**
- (b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen. The planning board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report. **(AMENDED 10/24/06)**
- (c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen, and the Board of Aldermen is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**
- (d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board) shall not vote on recommendations regarding 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. **(AMENDED 10/24/06)**

**Section 15-323 Hearing Required: Notice**

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term "owners" shall mean the persons shown as owners on Orange County's computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97; 3/26/02)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons.

(f) The planning staff shall take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(g) The notice required or authorized by this section (other than the posted notice required by subsection (e)) shall: **(AMENDED 11/24/09)**

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.

- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.
- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Board's intention that the notice requirements set forth in this section that are not required by state law shall not be regarded as mandatory, and therefore a failure to comply with such requirements shall not render any amendment invalid. **(AMENDED 11/24/09)**

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the Board of Aldermen that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Board of Aldermen that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 11/24/09)**

(j) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 15-323(i) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a city-initiated zoning map amendment. **(AMENDED 11/24/09)**

#### **Section 15-324 Board Action on Amendments (AMENDED 10/24/06)**

(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 Ultimate Issue Before Board on Amendments**

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a conditional use district or conditional zoning district, the Board shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. **(AMENDED 05/25/99; 05/27/08)**
- (2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.