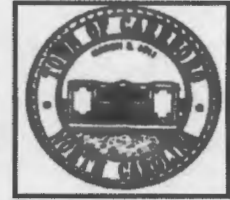


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TOWN OF CARRBORO

LAND USE ORDINANCE AMENDMENT REQUEST



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

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

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

See Attached

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

See Attached

- 3) State the reasons for the proposed amendment:

See Attached

SIGNATURE:

E. B. Chapp
applicant

Eric B. Chapp for Capkov Ventures
Inc.
[print]

ADDRESS:

258 East Wilmore Ave, Carrboro, NC 27510

TELEPHONE NUMBER:

(919) 260-7262



Tina Moon
Planning/ Zoning Administrator
Town of Carrboro
301 West Main Street, Second Floor
Carrboro, North Carolina 27510

Dear Ms. Moon,

Please accept this as a formal application from Capkov Ventures Inc. for a "Land Use Ordinance Amendment Request". I have filled out and executed the appropriate application form and attached it hereto.

Answers to Questions 1 – 3.

- 1) The Land Use Ordinance, at present, would allow (description/ quote, page and number of section in question):
 - a. The current Land Use Ordinance, Section 15-141.2(a)(7), page #14, reads that a Village Mixed Use community must achieve the objective by the "Provision of buildings for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community."
 - b. The current Land Use Ordinance specifically references and allows Civic Uses to be placed in the Storefront Use Areas and the Townhouse Use areas.
- 2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):
 - a. The proposed amendment would revise Section 15-141.2(a)(7) to read that a Village Mixed Use Community must achieve the objective by the "Provision of buildings **or**

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structures for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community". Adding the words "**or structures**" would recognize the fact that places for civic assembly are often not enclosed in a building in the technical sense as described in the paragraph below responding to question number (3).

- b. Adding Section 15-176.2(e)(5) to the Land Use Ordinance would specifically reference and allow the option of placing Civic Uses in homeowners association owned Common Space. The new sub-section (5) would read "Open Space owned by homeowners associations as Common Space may include Civic Uses for gathering or assembly as defined in Section 15-141.2(a)(7). Civic Uses shall be restricted to Common Space appropriate for gatherings or assembly."
- 3) State the reason for the proposed amendment:

Answer: Capkov Ventures Inc. has spent the last 15 years developing the Winmore community off Homestead Road in Carrboro. It was the Town's first, and to date the only, community to be built under the Village Mixed Use provisions within the Carrboro Land Use Ordinance. As you might imagine, when you develop an entirely new category of community development in a Land Use Ordinance you can expect to have a few glitches. We have discovered many things in developing the Winmore community that we might have planned better had we known then what we know today. Despite a few bumps along the way, not the least of which being the "Great Recession", I can stand back looking at Winmore and be proud of the community that has been built.

For the Winmore community the amendment will allow a twelve-unit condominium building to be constructed on the Civic Use lot that which has remained vacant for the last 13 years. The last lot in Winmore. We have followed every avenue we could think of to find a user for the lot to no avail. The lot is in a wonderful location within the community, across from the live work units, adjacent to existing town homes, and high on East Winmore Avenue. The problem is that there was never any parking allocated to the lot that would support any of the Civic Uses allowed. The vacant lot adds nothing to the community, leaves an unfinished look, and contributes only a fraction of what it should as a developed lot. The 12-unit condominium building would be consistent with the surrounding uses, be a significant visual improvement to the community, allow the community to maximize the allowable density by providing more homes, and add to Carrboro's and Orange Counties tax base. The architecture of the proposed building will require Town approval.

In addition to the benefit the amendment would provide to the Winmore community the amendment to the Village Mixed Use provisions in the Carrboro Land Use Ordinance would benefit the wider community and future Village Mixed Use communities by allowing more flexibility for the Board of Aldermen to approve civic oriented uses on community common area, and the types of civic uses which could be provided. One of the things that we learned in developing communities over the last 30 years is that home owners associations have limited resources, and they are generally insufficient to bear the burden of maintaining a

building as the Carrboro Land Use Ordinance currently requires of a Civic Use (Section 15-141.2(a)(7). This is certainly the case with Winmore. However, civic gathering spots could be integrated into the community on common space where no land value is assigned making Civic Uses financially feasible for communities. Examples of civic gathering places that are not necessarily "Buildings" in the technical sense are numerous. I think of the pit area on UNC campus behind the library where U.S Representative Price has spoken, amphitheaters that are generally associated with the US or North Carolina Parks System, the Forest Theater, and the roof of the downtown parking garage in Chapel Hill where summer movies are show. All wonderful Civic meeting places that don't require heating, air conditioning, electricity, cleaning, routine and long-term maintenance, not to mention the initial construction cost. We believe that amending the Carrboro Land Use Ordinance to allow Civic Uses on community common space, and to broaden the definition of Civic Uses to include structures other than "Buildings" will give the Board of Aldermen the flexibility to approve these types of alternative Civic Uses. We ask for your support in approving this Carrboro Land Use Ordinance Text Amendment.

Best Regards, Eric Chupp



4/1/2019

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