



## 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:** June 13, 2019

**Subject:** Rezoning Proposal – Historic Rogers Road

### **BACKGROUND**

During that last four months, the Board of Aldermen has received four presentations from Renaissance Planning and Town staff regarding the collaborative effort of the Town of Chapel Hill and the Town of Carrboro to implement the vision of the residents of the Historic Rogers Road neighborhood, as expressed through the *Mapping our Community's Future* report. (<http://www.townofcarrboro.org/DocumentCenter/View/5936/Mapping-Our-Communitys-Future-Report>) The presentations and subsequent discussions have focused on the series of community workshops where different land use planning and zoning concepts have been discussed for resident input and consideration as ways to help realize the guiding principles expressed in the report:

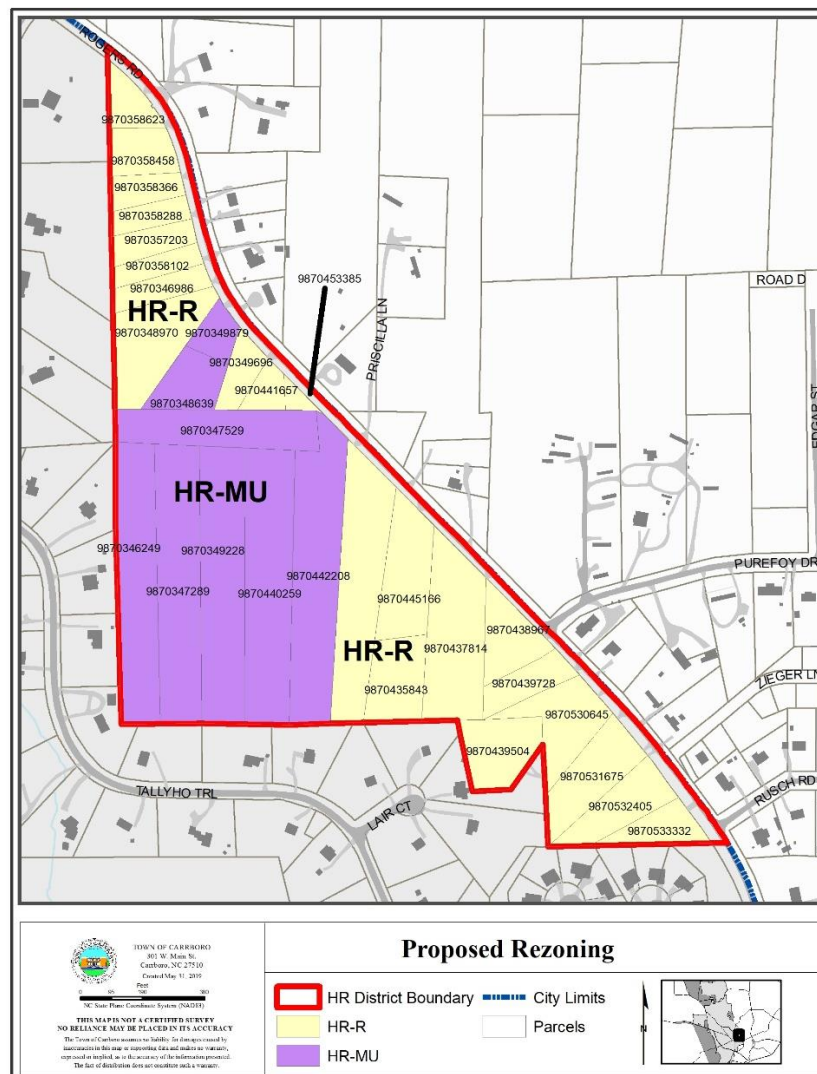
- Retains families who have lived here for decades/generations
- Connects us with each other and the larger community
- Preserves socioeconomic & cultural diversity for the future
- Respects the physical/natural character of the neighborhood.

The Historic Rogers Road neighborhood extends across the boundary between the Town of Carrboro and the Town of Chapel Hill. The April 23<sup>rd</sup> public hearing included a review of a draft ordinance for land use text amendments which would apply to the thirty properties in Carrboro's portion section of the neighborhood. Staff from the Town of Chapel Hill have been preparing a similar draft ordinance which would apply to those properties in Chapel Hill's jurisdiction. Both jurisdictions have been working to make the ordinances as similar as possible to maintain the overall neighborhood cohesiveness while still meeting the individual requirements of each municipality's land use plan and zoning regulations.

The Carrboro ordinance if adopted, would establish two new districts (HR-R and HR-MU), with provisions for slightly higher density, expanded home occupation choices, and, for those parcels

identified for HR-MU, opportunities for flex space and office uses. These more intensive non-residential uses permitted for the HR-MU parcels would be subject to the appropriate land use permit (Z/SUP/CUP) as identified in the Table of Permissible Uses as well as all other relevant Land Use Ordinance provisions, including stormwater management.

An updated version of the draft ordinance for the Town of Carrboro was presented to the Board of Aldermen on May 21, 2019. (Agenda materials and discussion at the following link: <https://carrboro.legistar.com/MeetingDetail.aspx?ID=678580&GUID=7D464B79-950E-4FC9-B0D3-0F02D6E9771F&Options=&Search=>) The Board is scheduled to continue its discussion and deliberation on the draft ordinance for the text amendments at the meeting on June 18<sup>th</sup>, as part of a separate agenda item, and subject to the outcome of that item will consider, as a separate matter, a map amendment to rezone the thirty parcels in Carrboro's jurisdiction to either HR-R or HR-MU as shown on the map below.



## **ZONING OVERVIEW**

Section 15-320 of the Land Use Ordinance (LUO) separates zoning map amendments into two categories--major and minor on basis of the number of lots involved and the amount of acreage. A major map amendment, described in subsection (b) involves a change in 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. As such, this particular request is classified as a “major map amendment.”

## **PETITIONERS**

The proposed rezoning for the Historic Rogers Road neighborhood and associated text amendment was initiated by town staff under the direction of the Board of Aldermen, per Section 15-321. A public hearing is anticipated to be set for June 18, 2019, to receive public comment on the proposed changes.

## **OWNERS**

A list of owners is included in the draft ordinance (Attachment B).

## **DESCRIPTION OF THE AREA**

The thirty properties subject to the rezoning are located along the southeastern side of Rogers Road, extending north from Rusch Road to a point just south of Meadow Run Court. The area is currently zoned RR (Rural Residential, residential, one acre per dwelling unit). Fourteen lots contain one house, three lots contain two houses, and four properties are owned by churches. In almost all cases the existing buildings are set back from Rogers Road farther than the 40 feet required by the LUO for the Rural Residential District creating a more rural setting.

Surrounding properties include the Meadow Run and Fox Meadows subdivisions to the west, zoned Rural Residential and the Highlands North subdivision to the south, zoned R-20 (residential, 20,000 square feet per dwelling unit). Property to the east of Rogers Road is in the Town of Chapel Hill’s jurisdiction. The subject area is shown in the vicinity map below.

A comparison of the density and dimensional requirements between the existing (RR) and proposed zoning districts (HR-R and HR-MU) is also provided in the following table, and offers a sense of the potential development impact on adjacent properties, should the zoning change occur. It should be noted that the draft text amendment includes a requirement to retain existing landscaping or to plant new trees so as to provide a 30-foot Type A screen along the perimeter of the entire HR-MU district.

The proposed new zoning districts Rogers Road-Residential and Historic Rogers Road-Mixed Use, if established, would only be available for the thirty properties in the Carrboro portion of the Historic Rogers Road neighborhood. The map amendment, if adopted, would rezone, twenty-two parcels from Rural Residential (Rural Residential, one acre per dwelling unit) to HR-R (Historic Rogers Road-Residential, 14,520 square feet per dwelling unit) and eight parcels from Rural Residential (Rural Residential, one acre per dwelling unit) to HR-MU (Historic Rogers Road-Mixed Use, 7,500 square feet per dwelling unit). Home occupations and the major home occupations would be allowed in both new districts. The more intensive mixed-uses such as live-work space, office space and other types of flex space would only be allowed in the HR-MU District. As currently proposed, the HR-MU district would allow just under six dwelling units per acre, with the opportunity to increase the density to about eight dwelling units per acre using the density bonus provisions in the LUO.

	<b>Surrounding Zoning – R-20</b>	<b>Existing &amp; Surrounding Zoning - RR</b>	<b>Proposed Zoning – HR-R</b>	<b>Proposed Zoning – HR-MU</b>
<b>Density</b>	20,00 per dwelling unit	43,560 per dwelling unit	14,520 per dwelling unit	7,500 per dwelling unit
<b>Height</b>	35 feet	35 feet	35 feet	40 feet*
<b>Setbacks</b>	40/20 r/w; 20 lot boundary	40/20 r/w; 20 lot boundary	50/20 r/w; 20 lot boundary	50/20 r/w; 30 lot boundary

## **COMPARISON OF ZONES**

Existing Residential District. RR is a residential district with a minimum lot size/density requirement of one acre (43,560 square feet) per dwelling unit. Permitted uses in the RR 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)..

Proposed Residential District. The HR-R zoning district is designed to protect and preserve the character of existing lower-density areas (minimum lot size 14,520 square feet, or no more than three lots per acre) within the neighborhood while providing for compatible new development, including new housing choice options, and increased home occupation opportunities for residents

Proposed Mixed Use District. The HR-MU district is designed to provide for a broader range of housing and employment options by concentrating new development into nodes which will balance providing areas for desired new uses while protecting the overall neighborhood character. Uses appropriate in the HR-MU district include live-work units, flex space, and low-intensity neighborhood-serving establishments such as healthcare, assisted living, elder care, child care, and recreation facilities.

A comparison of permitted uses in the zoning districts is summarized in the table below. It is important to note that a number of non-residential uses are allowed in the existing RR Zoning District, including the opportunity for multi-family residential uses that would not be allowed in either of the potential new districts: HR-R or HR-MU as currently proposed. For example libraries, indoor and outdoor recreation facilities, certain institutions such as hospitals, kennels, emergency services, public facilities such as a post office, cemetery/crematorium, etc. The key potential new uses for the HR districts would include major home occupations, and for the HR-MU parcels some office/flex space and possibly a restaurant.

<b>General Use Category</b>	<b>Number of Uses Permitted in RR District</b>	<b>Number of Uses Permitted in Proposed HR-R District</b>	<b>Number of Uses Permitted in Proposed HR-MU District</b>	<b>Change in Uses Permitted HR-R/HR- MU</b>
Residential (1.000)	25	17	18	<b>-8/7</b>
Sales and Rental of Goods (2.000)	3	3	3	<b>0</b>
Office, Clerical, Research (3.000)	1	0	4	<b>-1/+3</b>
Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment(4)	0	0	1	<b>0/+1</b>
Educational, Cultural, Religious, Philanthropic, Social (5.000)	4	2	2	<b>-2/-2</b>
Recreation (6.000)	5	0	0	<b>-5/-5</b>
Institutional Residence or Care of Confinement Facilities (7.000)	1	0	0	<b>-1/-1</b>
Restaurant, Bar, Nightclub (8.000)	0	0	1	<b>0/+1</b>
Motor Vehicle-related (9.000)	0	0	0	<b>0/0</b>
Storage and Parking (10.000)	0	0	0	<b>0/0</b>

General Use Category	Number of Uses Permitted in RR District	Number of Uses Permitted in Proposed HR-R District	Number of Uses Permitted in Proposed HR-MU District	Change in Uses Permitted HR-R/HR- MU
Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards (11.000)	0	0	0	0
Services and Enterprises Related to Animals (12.000)	2	0	0	-2/-2
Emergency Services (13.000)	4	0	0	-4/-4
Agricultural, Silvicultural, Mining, Quarrying (14.000)	4	0	0	-4/-4
Public/Semi-public Utility Facilities (15.000)	3	0	0	-3/-3
Dry Cleaner, Laundromat (16.000)	0	0	0	0/0
Utility Facilities (17.000)	7	0	0	-7/-7
Towers and Related Structures (18.000)	3	1	1	-2/-2
Open Air Markets, Horticultural Sales (19.000)	0	0	0	0/0
Funeral Home (20.000)	0	0	0	0/0
Cemetery (21.000)	2	0	0	-2/-2
Day Care (22.000)	4	4	4	0/0
Temporary Structure or Parking (23.000)	1	1	1	0/0
Commercial Greenhouses (25.000)	2	0	0	-2/-2
Subdivisions (26.000)	2	2	2	0/0
Combination Uses (27.000)	1	1	1	0/0
Planned Unit Developments (28.000)	0	0	0	0/0*
Special Events (29.000)	1	1	1	0/0
Planned Industrial Development(30.000)	0	0	0	0/0*
Off-Premises Signs (31.000)	0	0	0	0
Village Mixed Use (32.000)	0	0	0	0/0*
Office/Assembly Planned Development (33.000)	0	0	0	0/0*
Temporary Lodging (34.000)	1	1	1	0/0
<b>Comparison of the Number of Uses, by General Category, in Existing and Proposed Zoning Districts.</b>				

\* 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.

## **CONSIDERATIONS**

### **Relevant Ordinance Provision**

Section 15-322 of the LUO describes advisory board review of rezoning requests. The Planning Board is required to:

- 1) 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.
- 2) 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. A recommendation template has been provided to facilitate the preparation of formal comments (Attachment B).

In addition, per Section 15-322, advisory board members 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.

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 consider the impact of the proposed change on the public at large. Summary comments are offered below. Staff will continue to consider the policy issues surrounding this rezoning and may update these comments in the final report prepared for public hearing.

### Policy Analysis

Carrboro Vision2020 presents the policies that are expected to guide the Town’s growth and development through the year 2020. Staff has identified the following sections of Carrboro Vision2020 that pertain to the rezoning:

- Town policies acknowledge an interest and need for guiding development—new development, redevelopment and infill development--in a manner that respects the character of existing neighborhoods.
- Town policies speak to providing housing of a variety of styles, sizes and pricing, including mixed-use development, communal living options, and housing to accommodate senior citizens and to allow them to interact fully with the larger community.
- The specific requirements in the proposed districts have been developed based on the dimensions of existing buildings in the Historic Rogers Road neighborhood, and are designed to ensure that future buildings retain the same or similar size and scale.
- Additional refinements to the proposed districts may be necessary to guide compatible new construction while retaining property rights.
- Rogers Road: Mapping our Community’s Future, encourages the use of a grass roots, or “community-first” approach toward planning and the support of the document’s four guiding principles.
- Facilitated Small Area Plan for Carrboro’s Northern Study Area speaks to opportunities for commercial uses at a community scale and supports efforts to respect the Historic Rogers Road neighborhood as single cohesive community rather than one divided by two jurisdictions.

**ACTION REQUESTED**

Staff recommends that the Board consider whether to adopt the draft ordinance provided (as Attachment B) to rezone thirty parcels in the Historic Rogers Road neighborhood from Rural Residential to either Historic Rogers Road-Residential or from Rural Residential to Historic Rogers Road-Mixed Use.

Relevant excerpts from the Land Use Ordinance, including information relating to the Rural Residential Zoning District are attached below. Information relating to the proposed new zoning districts: HR-R and HR-MU is provided in the draft text amendment included as part of the separate agenda item #19-217.