

Prepared by and return to: Town Clerk, Town of Carrboro, 301 West Main St. Carrboro, NC 27510

CONDITIONAL REZONING

Motion was made by Alderman Chaney, seconded by Alderman Foushee, that this ordinance be approved.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO
REZONE APPROXIMATELY 35.4 ACRES OF LAND KNOWN AS 700 OLD
FAYETTEVILLE ROAD FROM R-10 AND B-4 to B-4 CZ

Ordinance No. 4/2018-19

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property being described on Orange County Tax Maps by parcel identification numbers shown below shall be rezoned as noted and subject to the following conditions:

PIN	Existing Zoning	Acreage	Proposed Zoning
9779-09-7922	R-10	10.18	B-4-CZ
9778-19-6618	R-10	8.61	B-4-CZ
9778-19-6618	B-4	16.61	B-4-CZ

1. The Concept Plan labeled "Lloyd Farm Carrboro, North Carolina Rezoning Site Plan," dated September 21, 2018 is approved and incorporated herein to indicate all potential land uses, the general location and size of buildings and parking areas, vehicular and bicycle-pedestrian access points, general circulation patterns, stormwater management features, setbacks, preserved trees and other landscaped areas. Other features and issues remain to be decided at the time a conditional use permit is requested for the development. Those features and issues include, but are not necessarily limited to, traffic improvements at the entrance on Old Fayetteville Road and NC Hwy 54, required parking.

The CUP plans submitted are consistent with the approved rezoning Concept Plan.

Town staff: The Phase 1 CUP plans are consistent with the September 21, 2018 Site Plan as described in the condition. Information on the other features and issues, such as traffic improvements at the entrances on Old Fayetteville Road and NC Highway 54 and required parking is provided in the staff report.

2. The residential density of the project shall be capped at a maximum of 250 dwelling units, comprising of a combination of use classifications 1.231 (duplex, maximum 20% > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20%, 1.321 (multi-family townhomes, maximum 20% > 3 bedrooms/dwelling unit) and 1.331 (multi-family apartments maximum 20% > 3 bedrooms/dwelling unit).

N/A for this CUP submittal.

Town staff: The Phase 1 CUP does not include a residential component. This condition is not applicable.

3. 3. The residential portion of the development shall be operated as a 55 and older community. Use classifications 1.321 and 1.331 may include certain dining, health and wellness related amenities not typically included in a multi-family complex intended for the general population.
N/A for this CUP submittal.

Town staff: The Phase 1 CUP does not include a residential component. This condition is not applicable.

4. Related to the project's contribution to the Town's affordable housing goals, the following shall occur: **N/A for this CUP submittal.**
- a) Prior to the issuance of a certificate of occupancy for the residential portion of the development, the applicant shall submit a Payment in Lieu to the Town of Carrboro, determined in accordance with the Town's Land Use Ordinance in lieu of providing affordable housing on site.
 - b) Prior to the issuance of conditional use permit for the project, the applicant shall affirm its intention to either increase the payment in lieu of providing affordable housing on site by \$250,000 or provide for the Town's approval a pricing mechanism for a portion of the over-55 rental apartments that results in affordability for such units substantially consistent with the Land Use Ordinance Section 15-148.1.
 - c) The final plat and restrictive covenants shall designate four of the "cottages" as permanently affordable, for-sale units, consistent with the provisions of Land Use Ordinance Section 15-148.1.

Town staff: The Phase 1 CUP does not include a residential component. This condition is not applicable.

5. Two parcels, (PIN 9779-10-7351 and PIN 9779-20-0449), comprising approximately 4.6 acres shall be dedicated to the Town of Carrboro. These two parcels are not included in the rezoning request. In accordance with Town policy, no further action will be taken on these properties, including encumbrance, sale, or development for any purpose, whether parks, playgrounds, or public infrastructure of any kind, without neighborhood input and subsequent, required public hearings. Neighborhood residents will be engaged to initiate ideas for utilization or restriction and may do so at any time after the lots have been formally deeded to the Town.
The 4.6 acres are excluded from the CUP plans submitted.

Town staff: This condition does not speak to the timing of the dedication. The applicant has indicated that he anticipates dedicating them to the town upon receiving construction plan approval or at the time of filing a final plat for the project. A CUP condition can be written accordingly if that is when the Board of Aldermen wishes to receive the properties.

6. The conditional use permit plans shall be designed such that the meandering multi-use path alongside the internal road shall be constructed with a pavement width of 10-feet.
A 10' path is provided along Merchants Way.

Town staff: The Phase 1 CUP plans comply with this condition.

7. 15,000 shall be provided to the Town of Carrboro to conduct a neighborhood-level traffic calming study of the Plantation Acres, Plantation Acres Extension, and R.S. Lloyd subdivisions, known collectively as the "Plantation Acres" neighborhood and/or to pay for the installation of traffic calming devices or other improvements. Contribution shall be made at the time a building permit is granted for the first phase of the project. The traffic calming study shall be conducted by the Town as and when it deems appropriate.

N/A for CUP review. Contribution will be made prior to issuance of first phase building permit.

Town staff: An attachment is included in the Board's packet regarding staff's work to date regarding this topic.

8. The study shall include an operational analysis of converting some or all of Carol Street to a one-way street, and/or installing bollards or other infrastructure in Carol Street to eliminate through traffic as well as a survey of Carol Street residents to gauge support for either proposal. The study shall also include the consideration of installing MUTCD approved signage on Carol Street to read "Local Traffic Only" (MUTCD R11-3) or "No Thru Traffic" (MUTCD R11-4); installation shall be subject to NCDOT review.

N/A for CUP review.

Town staff: An attachment is included in the Board's packet regarding staff's work to date regarding this topic.

9. The development shall include the design and installation of a visual and physical barrier between the southern boundaries of the lots on Carol Street (from Old Fayetteville Road to the western edge of 211 Carol Street) and the commercial uses and associated vehicle accommodation areas constructed as part of the development. In addition to preserved trees, physical barriers and/or evergreen vegetative materials that will satisfy a Type A screening requirement shall be installed. The visual and physical barrier shall be designed to retain portions of the existing wooded areas immediately adjacent to the northern property line and include additional features such as, but not necessarily limited to, a berm, landscaping or fencing, or a combination of such features, as schematically indicated on the Concept Plan.

A landscaped buffer, berm and fence are provided as shown on the landscape plans.

Town staff: The Phase 1 CUP plans comply with this condition.

10. All commercial buildings shall display a uniformed architectural design in terms of materials and detailing, consisting predominately of brick, and other first-class materials such as but not limited to wood, stone, hardiplank and EFIS, in traditional colors with four primary elevations, rather than a façade and secondary or rear elevations. The commercial buildings shall also conform to the design standards described in Section 15-178(5) of the Carrboro Land Use Ordinance as it relates to articulating large buildings into smaller increments through the use of different techniques such as setbacks or entrances or window bays.

The buildings have been designed to meet this condition. The revised CUP plans include elevations that document compliance.

Town staff: The Phase 1 CUP plans comply with this condition.

11. Deliveries to retail tenants shall be restricted to the hours of 6 am to 10 pm on weekdays and 7 am

to 10 pm on weekends.

Tenant agreements will restrict delivery times.

Town staff: Information submitted to date does not demonstrate compliance with this condition. Review and approval of the referenced "tenant agreement" must take place prior to approval of the construction plans. A CUP condition has been included regarding this topic.

12. Trash/recycling collections shall be limited to the hours of 7:30 am and 10:00 pm, and not after 9:00 pm whenever possible

Trash/recycling pickup will be scheduled to be within the time window noted above.

Town staff: Information submitted to date does not demonstrate compliance with this condition. Review and approval of the referenced "tenant agreement" must take place prior to approval of the construction plans. A CUP condition has been included regarding this topic.

13. Landscaping maintenance shall be limited to the hours of 8 am to 6 pm or sunset, whichever is earlier, Monday through Saturday and 12 pm to 6 pm or sunset, whichever is earlier, on Sundays.

Landscaping maintenance contracts will restrict hours as noted above.

Town staff: Information submitted to date does not demonstrate compliance with this condition. Review and approval of the referenced "tenant agreement" must take place prior to approval of the construction plans. A CUP condition has been included regarding this topic.

14. The greenspace area shown on the site plan at the southwest corner of the site shall not be developed but shall remain as open greenspace in perpetuity.

Noted. This area is dedicated as an open space and amphitheater area as shown on the CUP plans.

Town staff: The Phase 1 CUP plans comply with this condition.

15. The conditional use permit plans shall be designed to allow for the Town's future construction of a side path along NC Hwy 54, as per the Town's preliminary plans for bike and pedestrian access to Anderson Park and parts west. The side path project shall be designed so as to not encroach into the parking areas along the southern edge of the developed portion of the site. Coordination with the Town and NCDOT will be needed to ensure that the interface between the side path and any NC 54 access point maintain safe sight lines, signage, pavement markings and other appropriate treatments, and shall occur during the driveway permit application process with NCDOT and/or prior to the installation of final payment markings or plantings near this intersection.

The layout has been designed anticipating the future path along NC Hwy 54.

Town staff: The Phase 1 CUP plans comply with this condition by way of not modifying the plans in any way that further encroaches into the area designated for the side path.

16. As part of the conditional use permit, the applicant shall demonstrate through a feasibility study compliance with the provisions of Article XVI, Part II, of the LUO, Stormwater Management. Prior to construction plan approval, the applicant shall demonstrate that the post-development peak discharge rates from the project will be less than or equal to the predevelopment peak discharge rates for the 1-, 2-, 5-, 10-, 25- 50- and 100 year 24-hour design storms at the discharge points from the property. (Analysis of the 50 and 100 year storms exceed the requirements of the LUO). The applicant will coordinate the analysis with the Town Engineer.

The stormwater management system has been designed to meet this condition.

Town staff: The Phase 1 CUP plans comply with this condition. The town engineer has reviewed the plans in accordance with the condition and has concluded and agrees with the applicant's engineer that the proposed plan complies with the LUO in general and the standards above the LUO requirements imposed through the rezoning for the property.

17. The conditional use permit application shall include a timeline for the installation of stormwater features as well as the schedule for converting erosion control features into permanently maintained BMPs/SCMs. Erosion control features shall be designed and installed to provide sufficient stabilization during each phase of development.

These details are provided on the erosion control plans.

Town staff: The Phase 1 CUP plans comply with this condition.

18. In advance of draining the property's constructed ponds near Old Fayetteville Road, the applicant will engage a wildlife relocation organization such as NC State Turtle Rescue Team to assess options for developing and implementing a strategy to relocate turtles currently residing in the ponds. The applicant shall evaluate its stormwater management plan to determine if the construction of stormwater devices can provide a receiving area for some or all of the existing turtles.

N/A for CUP review. Future coordination item.

Town staff: The Phase 1 CUP plans do not address this condition. This matter will be addressed during review of the construction plans for the project and must be completed ahead of construction plan approval. A CUP condition requiring this has been included.

19. A left turn out of the site will be provided at the Old Fayetteville Road exit, and applicant will seek approval from NCDOT for a left out of the site at the NC 54 exit during the conditional use permit process. NCDOT's rejection of a left out at the NC 54 exit shall not prevent approval of the condition use permit for the project.

Roadway connections to the site have been designed based on recommendations in the TIA. A left out is provided onto Old Fayetteville Road. A left out onto NC 54 was evaluated but was not approved by NCDOT.

Town staff: The Phase 1 CUP plans comply with this condition, subject to NCDOT formally approving the driveway permit for the project ahead of construction plan approval. A CUP condition has been included requiring as much.

20. The applicant will coordinate with the Town, Chapel Hill Transit and NCDOT as part of the conditional use permit process, to identify opportunities for transit service with possible stops in the vicinity of the grocery store and senior living complex.

Transit stops will be provided as shown on the Site Layout Plans.

Town staff: The Phase 1 CUP plans comply with this condition. A CUP condition has been included requiring additional discussion of the matter prior to construction plan approval as well.

21. The bike-ped trail shown on the conceptual master plan as beginning at the northeast bend of the meandering internal street and ending at the edge of the property line abutting the Lisa Drive right-of-way, shall be extended along the Lisa Drive right-of-way to a point near the intersection of Lisa

Drive and Carol Street as mutually agreed upon with the Town. The portion of the path in the abandoned right-of-way shall not exceed the lessor of the width of the right-of-way or 10 feet. Materials used for the construction may be asphalt, raised wood or a combination of those materials. Maintenance of the portion of the path in the Lisa Drive right-of-way shall be the responsibility of the Town.

A path connection is provided to the Carol Street/Lisa Drive intersection as shown on the CUP plans.

Town staff: The Phase 1 CUP plans comply with this condition.

22. The applicant shall agree to limit the location of the primary construction entrance to Old Fayetteville Rd and/or NC Hwy 54. Some access to the property via James Street, may be necessary to provide for utility connections.

Primary construction entrances will be in the locations noted above as shown on the erosion control plans.

Town staff: The Phase 1 CUP plans show the construction entrance where noted and do comply with this condition.

23. As part of final plat approval, the 60-foot easement shown on a 1994 plat, extending from Old Fayetteville Road east, approximately 200 feet, shall be abandoned.

N/A for CUP review. Future coordination item.

Town staff: A CUP condition has been included requiring that the easement be formally abandoned during the final plat stage of the project.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall become effective upon adoption.

This 23rd day of October 2018.

The motion is carried by the following vote:

Aye: Mayor Lydia Lavelle, Alderman Haven-O'Donnell, Alderman Bethany Chaney, Alderman Barbara Foushee, Alderman Jacquelyn Gist

Noes: Alderman Sammy Slade, Alderman Damon Seils



