



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Meeting Minutes

Board of Aldermen

Tuesday, April 28, 2015

7:30 PM

Board Chambers - Room 110

Present: Mayor Lydia Lavelle, Alderman Damon Seils, Alderman Michelle Johnson, Alderman Randee Haven-O'Donnell, Alderman Bethany Chaney and Alderman Sammy Slade, Alderman Jacquelyn Gist

Also Present: David Andrews, Town Manager, Catherine Wilson, Town Clerk, Nick Herman, Town Attorney

CLOSED SESSION - PERSONNEL MATTER

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN SEILS TO ENTER INTO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER AND A MATTER OF ECONOMIC DEVELOPMENT. VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO RETURN TO OPEN SESSION. VOTE: AFFIRMATIVE ALL

COMMUNITY HOME TRUST INTERLOCAL AGREEMENT

The purpose of this item is for the Board to consider authorizing the Town Manager to execute an Interlocal Agreement with the Towns of Chapel Hill and Hillsborough and Orange County regarding the Community Home Trust.

Robert Dowling, the Executive Director of the Community Home Trust, addressed the Board regarding the agreement.

Mayor Lavelle clarified that the agreement is renewable annually.

Nick Herman, the Town's Attorney, noted that existing Boards cannot bind future Boards to the

financial decisions of any agreement, including this type of agreement. Mr. Dowling acknowledged the fact that this contract cannot bind future Boards.

MOTION WAS MADE BY ALDERMAN SLADE, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO APPROVE THE RESOLUTION BELOW AND TO INCLUDE THE SENTENCE "NOTWITHSTANDING THE OTHER PROVISIONS OF THIS AGREEMENT, THIS AGREEMENT IS NOT INTENDED TO AND DOES NOT OBLIGATE THE COUNTY OR THE TOWNS TO APPROPRIATE TO COMMUNITY HOME TRUST ANY SPECIFIC AMOUNT OF FUNDS OR ANY FUNDS AT ALL" INTO THE NEXT FISCAL YEAR AGREEMENT.

A RESOLUTION AUTHORIZING THE MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE TOWNS OF CHAPEL HILL AND HILLSBOROUGH AND ORANGE COUNTY REGARDING THE COMMUNITY HOME TRUST (2015-04-28)

WHEREAS, in 1990, the Town, along with Chapel Hill, Hillsborough, and Orange County, created the Orange Community Housing Corporation (OCHC) to create affordable housing opportunities in Orange County; and

WHEREAS, the Towns and the County have annually provided operating support to the organization since its inception; and

WHEREAS, the purpose of an interlocal agreement is to clarify the responsibilities of the Towns, the County and the Community Home Trust; and

WHEREAS, an interlocal agreement would establish a formula for providing operating funds for the organization.

NOW, THEREFORE, BE IT RESOLVED that the Board of Aldermen authorizes the Town Manager to execute an interlocal agreement with the Towns of Chapel Hill and Hillsborough and with Orange County regarding the Community Home Trust.

BE IT FURTHER RESOLVED that the agreement will be effective in fiscal year 2015-16.

BE IT FURTHER RESOLVED that the Board of Aldermen will annually review the interlocal agreement, including the funding formula.

This 28th day of April, 2015.

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Seils, Alderman Slade, Alderman Chaney, Alderman Johnson, Alderman Gist, and Alderman Haven-O'Donnell

PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS TO CREATE A NEW M-3-CU SPECIAL MANUFACTURING DISTRICT

The purpose of this item was for the Board of Aldermen to consider text amendments to the Land Use Ordinance that would create a new Special Manufacturing conditional use district (M-3-CU). The Board must receive public comments before taking action on the amendments

Tina Moon, the Town's Planning Administrator, made the staff report.

Alderman Seils confirmed with staff that the ATM would only be allowed as conditional use permit.

Alderman Slade suggested that staff review ways for the Board to discuss and decide the provision of public art and/or the provision of outdoor amenities for public use in future decisions. He also asked for staff to review ways to create a true manufacturing zone and explore areas that are primed for manufacturing in the Town. He asked staff to update the Town Code to prefer LED lighting in developments.

Alderman Chaney suggested the use of a separation distance requirement between districts.

MOTION WAS MADE BY ALDERMAN CHANEY, SECONDED BY ALDERMAN JOHNSON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

A motion was made by Alderman Chaney, seconded by Alderman Seils, that this resolution be approved.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE
CARRBORO LAND USE ORDINANCE

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE CREATING A SPECIAL MANUFACTURING CONDITIONAL USE (M-3-CU) ZONING DISTRICT AND MAKING CORRESPONDING CHANGES TO SECTION 15-141.3 (CONDITIONAL USE ZONING DISTRICTS).

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with *Carrboro Vision 2020*, particularly the following provisions:

2.1 Avoidance of Adverse Effects on Public Health and Safety

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

2.5 Balanced and Controlled Growth

2.53 Careful attention should be paid to the carrying capacity of the existing infrastructure as growth occurs.

3.0 Economic Development

With the population of Carrboro expected to increase during the Vision 2020 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.

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.

3.20 Downtown Vitality

3.21 The town should develop a plan to govern the continuing development of downtown. Toward that end, the town should double commercial square footage in the downtown from that existing in the year 2000.

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 areas, but may be approved throughout the town's jurisdiction.

3.6 Economic Diversity

3.63 The town should encourage the development of underutilized property in the downtown area.

5.20 Water

5.23 Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing on waterways.

5.50 Energy

5.51 The town should publicly promote every available means of energy conservation. The town's own alternative and renewable energy targets include passive and active solar, and composted waste co-generated to fuel public vehicles and the heating of town facilities.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it will contribute toward the creation of a more vibrant and successful community and provide essential public infrastructure.

Section 3. This resolution becomes effective upon adoption.

This 28th day of April, 2015.

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Seils, Alderman Slade, Alderman Chaney, Alderman Johnson, Alderman Gist, and Alderman Haven-O'Donnell

A motion was made by Alderman Chaney, seconded by Alderman Slade, that this ordinance be approved.

AN ORDINANCE CREATING A SPECIAL MANUFACTURING CONDITIONAL USE
(M-3- CU) ZONING DISTRICT AND MAKING CORRESPONDING CHANGES TO
SECTION 15-
141.3 (CONDITIONAL USE ZONING
DISTRICTS)

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Section 15-141.3 of the Carrboro Land Use Ordinance is revised as follows:

Section 15-141.3 Conditional Use Zoning Districts

(a) The following conditional use zoning districts are hereby established: RR-CU, R-20-CU, R-15-CU, R-10-CU, R-7.5-CU, R-3-CU, R-2-CU, R-S.I.R-CU, R-S.I.R.-2-CU, B-1(c)-CU, B-1(g)-CU, B-2-CU, B-3-CU, B-4-CU, CT-CU, B-3-T-CU, O-CU, M-1-CU, and M-2-CU. A Special Manufacturing Conditional Use (M-3-CU) zoning district is also established. The provisions of this section applicable to these conditional use-zoning districts do not affect or apply to ~~other conditional use zoning districts established under this chapter,~~ including the Office/Assembly Conditional Use District, or the Village Mixed Use Conditional Use District.

(b) The conditional use zoning districts established in this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) Subject to subsection (c1) and other provisions of this section, the uses permissible within a conditional use zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional use district corresponds. ~~except as otherwise provided in this section.~~ For example, property that is rezoned to a B-2-CU district may be developed in the same manner as property that is zoned B-2, except as provided in this section.

(c1) Except as otherwise provided in this subsection, the uses that are permissible within an M-3-CU district, and the regulations applicable to property within such a district shall be those uses and those regulations that would be applicable to any property zoned M-1-CU (i.e. excluding specific conditions made applicable to specific property zoned M-1-CU) with the addition of use 3.250.

(1) If the Board concludes that a proposed development of property zoned M-3- CU will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Board may approve a conditional use permit that allows up to a specified maximum percentage of the gross floor area of the development to be devoted to any combination of uses 3.250, 8.100, 8.200, 8.500, 8.600, and 8.700. The specified maximum percentage of the gross floor area of the development that may be devoted to such uses shall be proportional to the extent to which the development provides site and building elements that exceed the basic requirements of this ordinance. Such site and building elements are intended to be selected from the following five areas: stormwater management and water conservation; substantial transportation improvement and alternative transportation enhancement; on- site energy production and energy conservation; creation of new and innovative light

manufacturing operations; and the provision of public art and/or provision of outdoor amenities for public use.

(2) The following relationships between site and building elements and uses are hereby deemed to satisfy the standard set forth in subdivision (1) of this subsection: (i) up to fifteen percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of uses 3.250, 8.100, 8.200, 8.500, 8.600, and 8.700 if the development includes at least fifteen percent of the examples of performance measures from the five areas of site and building element categories set forth below; (ii) up to thirty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least thirty percent of the examples of performance measures from the five areas of site and building element categories set forth below; and (iii) up to forty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least forty percent of the examples of performance measures from the five areas of site and building element categories set forth below. In addition, the Board may allow up to forty percent of a development approved pursuant to this section to be devoted to any combination of the foregoing uses if it concludes that the development will be making a substantial enough investment in one or more of the performance measures listed below to satisfy the standard set forth in subdivision (1) of this subsection.

Performance Measures

Site and Building Element Categories	Examples of Performance Measures
Stormwater management and Water conservation	1) Substantial stormwater retrofits 2) Reduction in nitrogen loading from the site by at least 8 percent from the existing condition, as determined by the Jordan Lake Accounting Tool
Substantial transportation improvement and Alternative transportation enhancement	3) 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 4) Substantial improvement to public infrastructure, such as enhanced bicycle and pedestrian paths, or access to transit 5) Construction of substantially improved site entrance, intersection
On-site energy production and energy conservation	6) Meets or exceeds standards for LEED Gold certification 7) Installation of active and passive solar features such as sufficient solar arrays to account for 50 percent or more of the electrical usage for the property 8) Use of harvested rainwater for toilet flushing 9) Use of devices that shade at least 30 percent of south-facing and west-facing building elevations 10) Use of low emissivity (low-e ²) windows along south-facing and

	west-facing building elevations 11) Installation of attic insulation that exceeds the current building code R-value rating by 35 percent or greater 12) Use of geothermal heat system to serve the entire complex 13) Use of LED fixtures for parking and street lights 14) Meets the 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 or the US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030
Creation of new and innovative light manufacturing operations	15) The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers 16) Incorporates technologies to reduce production waste by 50 percent or more
The provision of public art and/or provision of outdoor amenities for public use	17) Outdoor amenities such as major public art 18) Amphitheatre or outdoor theater, outdoor congregating/gathering area 19) Outdoor eating facilities 20) Outdoor tables with game surfaces, etc.

(3) In approving a conditional use permit for a development of infill property zoned M-3- CU, the Board may allow deviations from the otherwise applicable standards relating to public streets as follows:

- a. The Board may approve a curb and gutter street having a right-of way of not less than 50 feet, travel lanes of not less than 11 feet, divided by a raised concrete median, with a two foot planting strip and a five foot sidewalk if the development provides a separate ten-foot wide paved bike path or shared-use path that constitutes a satisfactory alternative to a bike lane with the street right-of-way if the applicant can demonstrate that the proposed road will provide the functional equivalent to the required street classification standard for all modes of travel from the point of origin to the terminus at the property boundaries.
- b. The Board may approve a street lighting system consisting of LED lights on 15 foot poles if satisfactory arrangements are made to ensure that all costs associated with the installation, operation, and maintenance of such poles and lights are borne by the developer or the developer's successor, and not the Town.
- c. The Board may approve a street tree planting plan that provides for the installation of fewer 6" caliper trees rather than the planting of more numerous 2" caliper trees required by Section 15-316.

(d) Subject to subsection (f), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit, regardless of whether a use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses)

a zoning permit, special use permit, or conditional use permit.

(e) When a rezoning petition for a conditional use zoning district is submitted (in accordance with Article XX of this chapter), the applicant shall simultaneously submit a conditional use permit application showing how the applicant proposes to develop the entirety of the property covered in the rezoning petition.

1. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.
2. The Board of Aldermen shall simultaneously conduct a public hearing on the rezoning and conditional use permit applications, in accordance with the procedures applicable to other conditional use permit applications.
3. If the Board concludes in the exercise of its legislative discretion that the proposed rezoning would not be consistent with the public health, safety, or welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request.

~~4. If the Board approves the rezoning request, it shall then vote on whether to issue the conditional use permit. Such permit may be issued subject to reasonable conditions and requirements as set forth in Section 15-59.~~

When a rezoning petition for a conditional use 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 conditional use permit issued in conjunction with the rezoning to the requested conditional use zoning district. 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 use permit. Conditions and site-specific standards imposed in this process 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.

5. If the conditional use permit is allowed to expire (under Section 15-62), the Board may initiate action to rezone the property to any appropriate general use district classification. In addition, notwithstanding any other provision of this ordinance, the Board shall be under no obligation to consider any major modification of a conditional use permit issued in connection with a conditional use rezoning or any new conditional use permit for property that has been the subject of a conditional use rezoning.

(f) If a conditional use permit issued in connection with a conditional use rezoning authorizes the creation of a residential subdivision containing lots intended for development with not more than four dwelling units each, and the conditional use permit application does not provide sufficient information to authorize a development permit for such lots, then such lots may be developed

pursuant to the issuance of a zoning permit (i.e. each lot will not require an amendment to the conditional use permit issued for the overall development).

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

This 28th day of April, 2015.

The motion carried by the following vote:

Aye: Mayor Lavelle, Alderman Seils, Alderman Slade, Alderman Chaney, Alderman Johnson, Alderman Gist, and Alderman Haven-O'Donnell

**PUBLIC HEARING ON THE CONDITIONAL USE DISTRICT REZONING AND
CONDITIONAL USE PERMIT FOR 501 SOUTH GREENSBORO STREET**

The Town received applications for an M-3-conditional use rezoning (M-3-CU) and a conditional use permit (CUP) to allow for the construction of a three- to four- building commercial development on property located at 501 South Greensboro Street, also known the former Rogers-Triem site.

All speakers shown below were sworn in by the Town Clerk prior to speaking.

Tina Moon, The Town's Planning Administrator, presented the staff report and application overview.

Jeff Kleaveland, the Town's Zoning Administrator, made the staff presentation and discussed the details of the project.

Alderman Gist stated that she did not wish to see this project go forward with additional conversations with neighbors regarding the relinquishment of their right-of-way.

Runyon Woods and Hannah Byrum, representing the applicant, Woodhill, INC LLC, made the presentation.

Matthew Jordy, a resident of Purple Leaf Place, stated that most residents are excited about the development but have concerns regarding the vehicle road connections for Purple Leaf and Rand Road. He spoke in favor of leaving the bollards in place.

Mark Serre, a resident of Purple Leaf Place, echoed the statements of Matthew Jordy.

Martha Newport, a resident of Purple Leaf Place, read a statement from Leslie Montana, her neighbor. In the letter, she spoke against opening the road to vehicles and asked to promote biking and pedestrian traffic instead.

Rob Joyner, a resident of Purple Leaf Place, read a statement of conditions that he would like the Board to consider upon approval.

Lisa Hazirjian, a resident of Purple Leaf Place, stated that the road needs to remain closed and currently has blind curves that are dangerous for pedestrians and children playing.

Tommy Koonce, a resident of Purple Leaf Place, stated that he is located the closest to the development and asked for the Board's help in keeping it quiet and safe for his children to be able to sleep at night.

Jack Haggerty, a resident of Fidelity Street in Carrboro, stated that he is in favor of developing the lot but asked the Board to encourage the North and South buildings be built closer to the east and west running streets. He stated that he is also for the Town's connectivity policy and that there was always an intended connection of Roberson Place to South Greensboro Street.

Greg Andeck, a resident of Park Slope, stated that the project is critical and needs to be done right and spoke in favor of the project and the traffic circle. He supports keeping the bollards in place and closed to vehicular traffic.

Pat Garavaglia, a resident that lives directly across the street from the proposed development, spoke against the roundabout and stated that it would take 300 square feet of her property plus an additional 500 square feet of her property to store the equipment during construction. She asked for the project to be completed without the roundabout.

Kurt Gray, a resident of Park Slope, spoke in favor of the development and stated that it would most likely increase the likelihood of having a sidewalk on South Greensboro. He spoke in favor of keeping the bollards in place and expressed concern with the blind curve in Roberson Place.

Jane Kendall, a resident of Old Pittsboro Road, spoke in favor of the project and praised the developers and their contributions to the community.

Amber Hayes, a resident of Carrboro, questioned the placement of the roundabout on a hill and stated that she does not see it working very well and that it will add traffic congestion.

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN HAVEN-O'DONNELL TO CONTINUE THE PUBLIC HEARING TO MAY 5, 2015. VOTE: AFFIRMATIVE ALL