



Town of Carrboro

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

Meeting Minutes

Board of Aldermen

Tuesday, October 23, 2018

7:30 PM

OWASA Community Room

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

Also Present: Rebecca Buzzard, Acting Town Manager; Andressa Thorne, Deputy Town Clerk; Nick Herman, Town Attorney

POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

Susan Spalt read a poem entitled, "Time Will Tell."

PROCLAMATION - HONORING ANDREW "ANDY" SACHS UPON HIS RETIREMENT

Mayor Lavelle proclaimed October 24, 2018 as Andrew "Andy" Sachs day to honor his retirement.

FEMA SMALL BUSINESS ADMINISTRATION ASSISTANCE

Corey D. Williams, a Public Information Officer from the Small Business Administration, spoke to the Board about grants and loans available to businesses that were impacted by Hurricane Florence.

REQUEST TO SET A PUBLIC HEARING ON LAND USE ORDINANCE AMENDMENTS RELATING TO PERFORMING ARTS SPACE

The purpose of this item was for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance that would create a new use classification and associated permit and development requirements.

Motion was made by Alderman Seils, seconded by Alderman Slade, that this resolution be approved.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ALLOW PERFORMING ARTS SPACES IN EXISTING BUILDINGS IN CERTAIN DISTRICTS

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on November 27, 2018, to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Allow Performing Arts Spaces in Existing Buildings in Certain Districts."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Appearance Commission | <input type="checkbox"/> Recreation and Parks Commission |
| <input checked="" type="checkbox"/> Transportation Advisory Board | <input type="checkbox"/> Northern Transition Area Advisory Committee |
| <input type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> _____ |
| <input checked="" type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____ |

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, Alderman Sammy Slade, Alderman Damon Seils

PUBLIC HEARING ON A LAND USE ORDINANCE AMENDMENT RELATING TO THE STANDARDS FOR OUTDOOR LIGHTING

The purpose of this agenda item was for the Board of Aldermen to consider a text amendment to the Land Use Ordinance regarding the provisions for outdoor lighting.

Tina Moon, the Town’s Planning Administrator, provided the staff report.

Mayor Lavelle opened the public hearing.

There were no comments provided from the public.

Mayor Lavelle closed the public hearing.

Motion was made by Alderman Seils, seconded by Alderman Foushee, 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 (N.C. Gen. Stat. 160A-383)

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 TO AMEND THE TOWN OF CARRBORO LAND USE ORDINANCE RELATING TO STANDARDS FOR OUTDOOR LIGHTING*.

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

Section 1. The Board has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

_____ *Consistent* with current adopted plans, the Town of Carrboro Land Use Ordinance for the following reason(s):

Section 15-242 of the Land Use Ordinance speaks to the purpose and intent of the Town’s lighting regulations to provide safety for persons and property.

Section 2. The Board of Aldermen’s action is reasonable and in the public interest for the following reason(s):

The proposed text amendment is reasonable in the public interest because it addresses a situation, such as public streets internal to a development, where existing regulations can conflict.

Section 3. Therefore, the Carrboro Board of Aldermen has: approved the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes 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, Alderman Sammy Slade, Alderman Damon Seils

Motion was made by Alderman Seils, seconded by Alderman Slade, that this ordinance be approved.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO THE STANDARDS FOR OUTDOOR LIGHTING
ORDINANCE NO. 5/2018-19

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-242.5 of the Carrboro Land Use Ordinance (“LUO”) is amended by adding the following new subsection 15-242.5(b), and renumbering the subsequent subsections (b) through (f) to (c) through (g).

(b) Notwithstanding the foregoing, the permit-issuing authority may allow or require deviations from the lot line footcandle limitations described in Subsection 15-242.5(a), along public rights-of-way, where such rights-of-way are located within an unified commercial or mixed-use development operating under a single conditional use permit. The right-of-way must extend through the development, not along the perimeter, and it must be dedicated to the Town.

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 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, Alderman Sammy Slade, Alderman Damon Seils

CONTINUATION OF BOARD OF ALDERMEN CONSIDERATION AND DELIBERATION ON THE PROPOSED REZONING AND ASSOCIATED LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO THE LLOYD FARM DEVELOPMENT

The purpose of item was for the Board to continue their deliberation on the proposed rezoning at 700 Old Fayetteville Road from R-10 and B-4 to B-4-CZ, and associated Land Use Ordinance text amendments for the Lloyd Farm development proposal.

Christina Moon, the Town’s Planning Administrator, provided the staff report and answered questions from the Board.

Nick Herman provided a clarification regarding the rezoning process versus a conditional use process and noted that if the rezoning is approved, the applicant will have to return to the Board with a conditional use permit request. He noted that the conditional use permit process is quasi-judicial rather than legislative in process. He noted that the conditional use permit conditions could not be structured in a way that would negate the conditions that pertain to the rezoning.

Ted Barnes, the applicant, and Travis Fluitt, the engineer with Kimley-Horne, provided project specific information to the Board.

Travis Fluitt discussed the traffic impact analyses that have been completed for the project. The first traffic impact analysis was completed in 2013 and the most recent in 2016. The most recent plan shows a reduction of traffic of up to 20%.

Allan Maness, with VHB Engineering, discussed the sites stormwater control measures in concept. He stated that the final design would meet the conditions of the Land Use Ordinance. He stated that the applicant is committing to 100 year stormwater control rather than the 25 year storm.

Ellis Coleman, the project manager for the senior housing component of the development, discussed the affordability of the proposed senior housing.

Nick Herman, the Town’s Attorney, discussed the dedication of the proposed 4.6 acres and noted that the condition does not have to do with the use of the property and that it does not specify use. He stated that the question of use would be a separate question from the rezoning itself because the applicant has nothing to say about the rezoning.

Alderman Gist stated that she would like to see the donated land used for a park and not for housing.

Alderman Slade stated that he would like to see a public process to determine the use for these parcels.

Alderman Foushee stated that she would not be comfortable setting the use of the parcels during the conditional use rezoning.

Trish McGuire stated that the property has materials that have been left on it and that it would have some zoning considerations that need to be discussed. She stated that the Town would want to examine the permissible uses.

Alderman Seils stated that he would like to have the use discussion at a later time and that a public process would be necessary. He noted that it is not appropriate to discuss the future use of this property during the rezoning because he is not able to adequately discuss all of the options. He stated that Alderman Chaney suggested an added condition that would require a public process in the future to determine any use of the donated property.

Alderman Chaney stated that the Town has a policy to hear from the public on the use of public land and that to restrict the uses of the donated parcel at this point would stray from that. She stated that it will take an inventory on possible uses and the public’s input to determine possible uses for the parcels. She stated that it is possible that this parcel may become part of a stormwater solution in the future.

Mayor Lavelle stated that she agrees that the public should be involved on the use discussion and that it should be part of a separate discussion from this rezoning.

Alderman Haven-O'Donnell stated that the neighbors were not under the impression that the Town would be the developer in the future and that they made the assumption that the 4.6 acres of donated land would be open-space for them.

Alderman Chaney suggested adding language to condition #5, which was amended by Alderman Haven-O’Donnell to read, “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 Mayor and Board of Aldermen discussed their opinions on the conditional rezoning request. After those comments were made, the following actions were taken.

Motion was made by Alderman Chaney, seconded by Alderman Gist, that this ordinance 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 (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO STREET DESIGN STANDARDS AND MULTI-FAMILY USES IN THE B-4-CU AND B-4-CZ DISTRICTS, AND HIGH VOLUME RETAIL, MEDICAL OFFICES, AND BICYCLE PARKING REQUIREMENTS
NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board has reviewed the draft amendment to the map of the Land Use Ordinance and concludes that the proposed amendment is:

Consistent with current adopted plans, Carrboro Vision2020 (provisions 2.52, 3.312, 4.51, 4.52, and 6.11, and 6.16) for the following reason(s):

2.52 The town should continue to require the construction of a diverse housing stock.

3.312 All shopping centers should be connected to residential areas with increased pedestrian access.

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.

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.

Section 2. The Board of Aldermen’s action is reasonable and in the public interest for the following reason(s): The above described amendment is reasonable and in the public interest because it links the potential for mixed-use development and more diverse housing options as part of conditional use or conditional zoning, a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

Section 3. Therefore, the Carrboro Board of Aldermen has: *approved* the proposed amendment to the map of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes 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

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

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO STREET DESIGN STANDARDS AND MULTI-FAMILY USES IN THE B-4-CU AND B- 4-CZ DISTRICTS, AND HIGH VOLUME RETAIL, MEDICAL OFFICES, AND BICYCLE PARKING REQUIREMENTS
ORDINANCE NO. 3/2017-18**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

- Section 1. The first sentence of Subsection 15-216(c) of the Carrboro Land Use Ordinance (“LUO”) is amended to read:
- “Subject to subsections (d), (d1), (e), and (f), collector streets and other streets not constructed according to the requirements of subsection (b) shall conform to the requirements of this subsection and the specifications referenced in Section 15-219.”
- Section 2. Section 15-216 of the LUO is amended by adding the following new Subsection (d1):
- (d1) The Board may, for any development approved with a conditional use permit on property zoned B-4-CU or B-4-CZ, authorize a deviation from the standards set forth in subsection (b) and Appendix C relative to streets and sidewalks if the Board concludes that (i) the proposed streets and sidewalks would serve the functions they are designed to serve as well as or better than streets and sidewalks constructed in conformity with subsection (b) and Appendix C; and (ii) such streets and sidewalks will not impose on the town any undue or unreasonable costs or burdens relating to repairs and maintenance.
- Section 3. Section 15-146 (The Table of Permissible Uses) of the Carrboro Land Use Ordinance is amended by adding new use classification 2.250 “High Volume Retail with Outdoor Display and Curb-side Pickup and/or Drive Through Window (service directly to vehicle to pick- up pre-ordered grocery or pharmacy items for off-premises consumption)” and by adding the letter “C” opposite this use classification under the B-4 zoning district columns to indicate that this use is permissible in this district with a conditional use permit.
- Section 4. Section 15-146 (The Table of Permissible Uses) of the Carrboro Land Use Ordinance is amended by adding new use classification 3.131 “Office or clinics of physicians or dentists with not more than 30,000 square feet of total building gross floor area.” and by adding the letter “C” under the B-4 zoning district columns to indicate that this use is permissible in this district with a conditional use permit.
- Section 5. Section 15-291(g) Part I. Parking Requirement (Except as Noted in Part II of this Table) is amended by the addition of the following information to the table:

2.240 2.250	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.
3.130 3.131	1 space per 150 square feet of gross floor area

Section 6. Subsection 15-141.3(c) is amended to read as follows:

(c) Except as otherwise provided in this subsection, 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. 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 subsection.

(1) Property that is zoned B-4-CU may be developed for use classifications 1.231 (duplex, maximum 20% units > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20% units > 3 bedrooms/dwelling unit), 1.321 (multi-family residences, maximum 20% units > bedrooms/dwelling unit and 1.331 (multi-family, maximum 20% units > 3 bedrooms/dwelling unit) in addition to other uses permissible in the B-4 district, subject to a conditional use permit and the following: (i) not more than 25% of the total land area covered by the CUP in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

(2) (Reserved)

Section 7. Subsection 15-141.4(c) is amended to read as follows:

(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).

(1) Property that is zoned B-4-CZ may be developed for use classifications 1.231 (duplex, maximum 20% units > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20% units > 3 bedrooms/dwelling unit), 1.321 (multi-family residences, maximum 20% units > bedrooms/dwelling unit and 1.331 (multi-family, maximum 20% units > 3 bedrooms/dwelling unit) 1 in addition to other uses permissible in the B-4 district, subject to a conditional use permit, and the following: (i) not more than 25% of the total land area covered in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

(2) (Reserved)

Section 8. Subsection 15-147 is amended by adding a new subsection (p) to read as follows:

(p) Notwithstanding the foregoing, use classifications 1.231, 1.241, 1.320 and 1.331 may only be permitted in the B-4-CU district, subject to subsection 15-141.3(c) and in the B-4-CZ zoning district, subject to a conditional use permit and subsection 15-141.4(c).

Section 9. Subsection 15-147 is amended by adding a new subsection (q) to read as follows:

(q) Notwithstanding the foregoing, use classifications 2.250 and 3.131 may only be permitted in the B-4-CU district and in the B-4-CZ district subject to a conditional use permit.

Section 10. Subsection 15-141.3(d) is amended to read:

(d) Subject to subsection(s) (f) and (g), 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.

Section 11. Subsection 15-141.4 is amended by inserting a new subsection (f) to read as shown below. The existing subsections (f) and (g) to be retained in full and renumbered accordingly as subsections (g) and (h).

(f) Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district shall require the issuance of a conditional use permit.

Section 12 Section 15-141.3 is amended by adding a new subsection (g) to read as follows:

(g) If a tract is rezoned to a B-4-CU zoning district, the Board of Aldermen may, in connection with that rezoning, approve a conditional use permit that authorizes the tract to be divided into two or more lots, so long as (i) the application for the CUP contains sufficient information to allow the Board of Aldermen to approve (and the Board does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e, the subdivision and development of such lot(s) require no further review by the Board); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Board.

(1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a CUP for the entire tract does not provide sufficient information to allow development approval of such lots by the Board, the Board shall specify (by way of a condition upon the CUP) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Board shall consider the extent to which the initial CUP imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Board's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Board. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CU.

(2) Except as provided in subsection (1), the provisions of Section 15-64 and Subsection 15-141.3 shall apply to proposed changes to a CUP issued in connection with a B-4- CU rezoning.

Section 13. Section 15-141.4 is amended by adding a new subsection (i) to read as follows:

(i) For property that is zoned B-4-CZ, the Board of Aldermen may approve a conditional use permit that authorizes the tract to be divided into two or more lots, so long as (i) the application for the CUP contains sufficient information to allow the Board of Aldermen to approve (and the Board does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e, the subdivision and development of such lot(s) require no further review by the Board); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Board.

(1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a CUP for the entire tract does not provide sufficient information to allow development approval of such lots by the Board, the Board shall specify (by way of a condition upon the CUP) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Board shall consider the extent to which the initial CUP imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Board's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Board. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CZ.

(2) Except as provided in subdivision (1) above, the provisions of Section 15-64 and Subsection 15-141.4 shall apply to proposed changes to a CUP issued in connection with a B-4-CZ rezoning.

Section 14. Article XVIII, Parking, is amended by adding a new subsection 15-292(a1), and subsection 15-292(b1) to read as follows:

(a1) The Board also recognizes that due to the particularities of any given development, the inflexible application of bicycle parking standards set forth in Subsection 15-291(h) and 15-295.1 may result in a development either with inadequate parking space or parking space in excess of its needs. Therefore, the permit-issuing authority may permit deviations from the presumptive requirements of Subsection 15-291(h) and 15-295.1 may require more or less bicycle parking subject to the criteria in Subsection 15-292(b1).

(b1) The permit-issuing authority may allow deviations from the bicycle parking requirements set forth in Subsection 15-291(h) when it finds at least one of the following:

(1) A residential development is irrevocably oriented toward the elderly, and or persons with disabilities; or

(2) A residential or commercial development is located on a lot, constrained by size or topography, such that the installation of the presumptive number bicycle parking spaces that comply with the Design Standards for Bicycle Parking in Section 15-295.1 is impracticable. In those cases, the development shall instead provide the maximum number of bicycle parking spaces practicable.

Section 15. Subsections 15-292(c) and 15-292(d) are amended as follows:

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in subsections 15-291(g), 15-291(h) and 15-295.1, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by subsections 15-291(g) and 15-291(h) for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XX.

Section 16. All provisions of any town ordinance in conflict with this ordinance are repealed. Section 17. 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

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

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN’S REASONS FOR ADOPTING AN AMENDMENT TO THE MAP OF THE CARRBORO LAND USE ORDINANCE (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the map of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: 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

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

Section 1. The Board has reviewed the draft amendment to the map of the Land Use Ordinance and concludes that the proposed amendment is:

Consistent with current adopted plans, Carrboro Vision2020 (provisions 2.0, 2.52, 3.0, 3.1, 3.312, 4.51, 4.52, and 6.11, and 6.16) for the following reason(s):

- 2.0 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.
- 2.52 The town should continue to require the construction of a diverse housing stock.
- 3.1 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.
- 3.3 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.
- 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.
- 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.

Section 2. The Board of Aldermen’s action is reasonable and in the public interest for the following reason(s):

The above described amendment is reasonable and in the public interest because it uses a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses

Section 3. Therefore, the Carrboro Board of Aldermen has: approved the proposed amendment to the map of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes 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

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

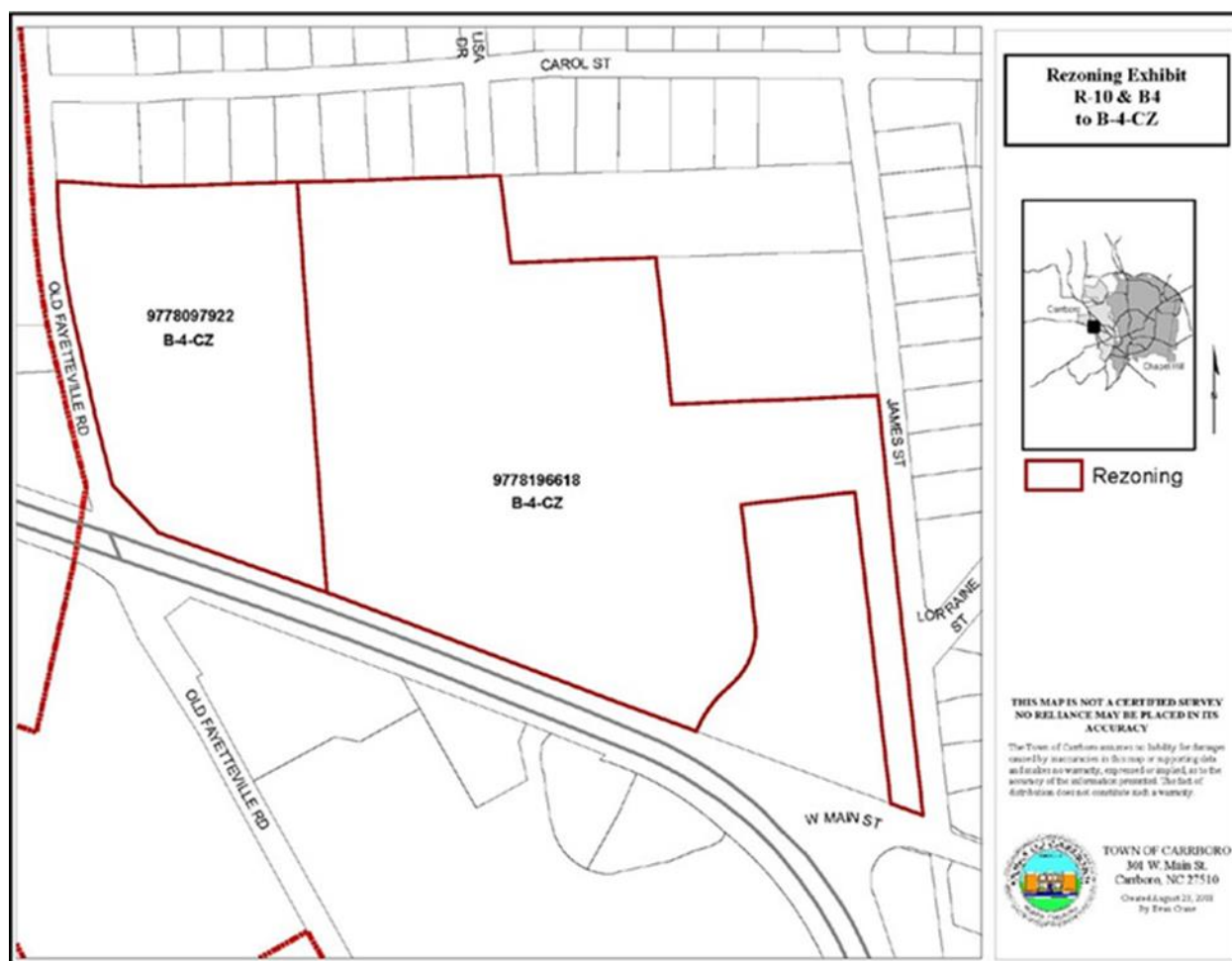
1. The Concept Plan is labeled “Lloyd Farm Carrboro, North Carolina Rezoning Site Plan, “ dated September 21, 2018, is approved and incorporated herein to indicated all potential land uses, the general location and size of buildings and parking areas, vehicular and bicycle-pedestrian access points, general 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.
- 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).
- 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.
- 4.Related to the project’s contribution to the Town’s affordable housing goals, the following shall occur:
 - 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.
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 in initiate ideas for utilization or restriction and may do so at any time after the lots have been formally deeded to the Town.
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.
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.

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.
- 8.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.
- 9.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.
- 10.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.
- 11.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
- 12.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.
13. 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.
14. 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.
15. 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.
16. 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.
 17. 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.
 18. 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.
 19. 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.
 20. 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.
 21. 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.
 22. 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.

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

CLOSED SESSION

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN CHANEY TO ENTER INTO CLOSED SESSION REGARDING A PERSONNEL MATTER - NCGS 143-318.11 (a)(6). VOTE: AFFIRMATIVE ALL

OPEN SESSION

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN GIST TO ENTER INTO OPEN SESSION. VOTE: AFFIRMATIVE ALL

ADJOURNMENT

MOTION WAS MADE BY ALDERMAN SEILS, SECONDED BY ALDERMAN FOUSHEE TO ADJOURN THE MEETING. VOTE: AFFIRMATIVE ALL

Town Clerk

Mayor