

Town of Carrboro

301 W. Main St., Carrboro, NC 27510



Meeting Agenda - Final

Tuesday, April 25, 2023

7:00 PM

Council Chambers - Room 110

Town Council

7:00-7:10**A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS**

1. [23-132](#) Arbor Day Proclamation
2. [23-133](#) Bike Month Proclamation

7:10-7:15**B. ANNOUNCEMENT OF UPCOMING MEETINGS****7:15-7:20****C. PUBLIC COMMENT**

Comments are limited to three minutes per speaker.

7:20-7:25**D. CONSENT AGENDA**

1. [23-122](#) Approval of June 21, 2022 Minutes

2. [23-124](#) Request to Set Legislative Public Hearings for Conditional Rezoning at 501 South Greensboro Street and Associated Text Amendments

PURPOSE: The Town has received a petition to amend the existing M-3-CZ district at 501 South Greensboro Street, known as South Green. The application includes a request for text amendment to add certain multi-family residential uses to the M-3-CZ district, and other associated changes relating to the proposed residential uses. The Town Council must receive public comment before considering these requests. Resolutions setting public hearings are provided for the Council's use.

Attachments: [A-1 - Resolution for Text Amend.doc](#)
[A-2 - Resolution for Rezoning 4-25-2023.doc](#)
[B - Vicinity Map M3CZ.pdf](#)
[C-1 LUO Text Amendment Request Forms.pdf](#)
[C-2 Petition for Rezoning.pdf](#)
[C-3 - South Green Lofts Illustrative Site.pdf](#)
[C-4 South Green- Rendering .pdf](#)
[C-5 - 2023-03-28 South Green Trip Generation Estimate.pdf](#)
[D-1 - Draft Text Amendment M-3 CZ 4-2023 \(2\).pdf](#)
[D-2 Draft Zoning Map Amendment 4-04-2023.pdf](#)
[E - Excerpts from ART-IX & ART XX.pdf](#)
[F - Racial Equity Pocket Questions.pdf](#)

3. [23-125](#) Request to Set a Public Hearing on Land Use Ordinance Text Amendments Relating to Attendance for Board and Commission Members

PURPOSE: The purpose of this agenda item is for the Town Council to set a public hearing to consider amendments to the Land Use Ordinance to revise notification associated with attendance requirements.

Attachments: [A- PH Resolution](#)
[B - Draft ordinance on attendance for boards and commissions](#)

E. OTHER MATTERS

7:25-7:45

1. [23-113](#) Resolution to Award a Contract to Griffin & Strong PC to Perform a Disparity Study for the Town of Carrboro
PURPOSE: The purpose of this agenda item is to request that the Town Council award a contract to conduct a Disparity Study for contracting and procurement and to authorize the Town Manager to sign any necessary documents.
Attachments: [Attachment A - Resolution](#)
[Attachment B - Racial Equity Tool Pocket Questions](#)

F. MATTERS BY COUNCIL MEMBERS



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-132

Agenda Date: 4/25/2023
In Control: Town Council
Version: 1

File Type: Agendas

Arbor Day Proclamation



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-133

Agenda Date: 4/25/2023
In Control: Town Council
Version: 1

File Type: Agendas

Bike Month Proclamation



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-122

Agenda Date: 4/25/2023

In Control: Town Council

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File Type: Agendas

Approval of June 21, 2022 Minutes



Agenda Item Abstract

File Number: 23-124

Agenda Date: 4/25/2023

File Type: Agendas

In Control: Town Council

Version: 1

Request to Set Legislative Public Hearings for Conditional Rezoning at 501 South Greensboro Street and Associated Text Amendments

PURPOSE: The Town has received a petition to amend the existing M-3-CZ district at 501 South Greensboro Street, known as South Green. The application includes a request for text amendment to add certain multi-family residential uses to the M-3-CZ district, and other associated changes relating to the proposed residential uses. The Town Council must receive public comment before considering these requests. Resolutions setting public hearings are provided for the Council's use.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon, Planning Administrator, 918-918-7325, cmoon@carrboronc.gov <<mailto:cmoon@carrboronc.gov>>; Patricia McGuire, Planning Director, 918-918-7327, pmcguire@carrboronc.gov <<mailto:pmcguire@carrboronc.gov>>; Nick Herman, Town Attorney, 919-929-3905, gnherman@broughlawfirm.com <<mailto:gnherman@broughlawfirm.com>>

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

Setting a public hearing for map and text amendments are required steps in accordance with North Carolina state statutes and Town regulations.

INFORMATION: In 2015, Woodhill NC LLC, received a conditional use rezoning to rezone three parcels at 501 South Green, for the purpose of developing a commercial complex including a combination of retail, office and restaurant uses. The project involved the adoption of a text amendment to create a new zoning district, M-3-CU (light manufacturing, conditional use) which was based on the existing M-1 (light manufacturing) district with the addition of freestanding ATMs and restaurants. The inclusion of restaurants required the applicant to provide a percentage of green building/site features within the project based on a sliding scale. The subsequent adoption of N.C.G.S. Chapter 160D automatically converted the conditional use district to a conditional district (M-3-CZ).

In 2022, Mark Moshier of Legacy Real Property Group reached out to the Town to explore options for replacing the approved commercial building for lot 2 of the South Green project with a residential component. Residential uses are not currently permitted in the M-3-CZ district. In order to add residential uses to the project, three steps are needed: 1) a text amendment to add the new use classification to list of uses permitted in the M-3 district; a rezoning, to apply the new use to the existing three-lot district at 501 South Green; and a modification to the permit. (The adoption of 160D also converted adopted conditional use permits to special use permits so the applicant would be seeking a major modification to the existing special use permit-A.) The Town has received a petition to rezone all three parcels at 501 South Greensboro Street (South Green) to amend the existing zoning district to add certain residential uses (*Attachments C-2 through C-5*). The applicants have also submitted three associated text amendments (*Attachment C-1*). The first to add certain multi-family uses to the district, the second to replace the open space and recreational facilities requirements

associated with residential uses to urban amenities, and the third to increase the maximum building height for the district to accommodate the proposed 4-story buildings for the multi-family units. A draft ordinance for the requested text amendments and a draft rezoning ordinance have been provided (*Attachments D-1 & D-2*). The draft rezoning ordinance includes a list of draft conditions; it is anticipated that the conditions will be further modified during the joint review and public hearing process. The final list of conditions must be mutually agreed upon by the Town and the applicants. Of note, all of the conditions approved as part of the 2015 permit approval remain binding and will be incorporated into the draft rezoning ordinance.

The Town Council must receive public comment before taking action on map and text amendments. Orange County review of the text amendment is also required. Article XX of the Land Use Ordinance describes the procedure for the Town Council to consider a map and text amendments and Section 15-322 describes the role of the Planning Board and other advisory boards (*Attachment E*). Responses to the pocket questions relating to the amendment process have been provided (*Attachment F*). A discussion of the specifics of the project will be provided as part of the public hearing materials.

The process for considering the amendments would be to hold both public hearings sequentially on the same night. The council would open the hearing for the text amendment first, followed by the rezoning.

FISCAL IMPACT: The petitioner has submitted materials and fees, as applicable, for reviewing and processing these requests, including providing envelopes for the mailed notice for the rezoning. Staff time will be necessary for public notice and agenda preparation for advisory board review and public hearings.

RECOMMENDATION: Staff recommends that the Town Council consider:

- (Attachment A-1) setting a public hearing for May 23, 2023 for the text amendments and referring draft ordinance for the text amendments to Orange County and the Planning Board, and other advisory boards as appropriate,
- (Attachment A-2) setting a public hearing on the same date for the map amendment and referring the petition for change of zoning to the Planning Board and other advisory boards as appropriate.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY THE PROVISIONS RELATING TO THE M-3 SPECIAL LIGHT MANUFACTURING DISTRICT

WHEREAS, the Carrboro Town Council 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 Town Council sets a public hearing on May 23, 2023, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Modify Uses, Building Height, and Open Space Standards Related to the M-3 Special Light Manufacturing District.”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following Town of Carrboro advisory boards and commissions.

☒ Appearance Commission

☐ Recreation and Parks Commission

☒ Transportation Advisory Board

☐ Northern Transition Area Advisory Committee

☒ Environmental Advisory Board

☒ Affordable Housing Advisory Commission

☒ Economic Sustainability Commission

☐

This is the 25th day of April in the year 2023.

A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED CONDITIONAL
DISTRICT REZONING AT 501 SOUTH GREENSBORO STREET

WHEREAS, the Carrboro Town Council seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a Conditional District Rezoning for the property known as the South Green development, located at 501 South Greensboro Street; and

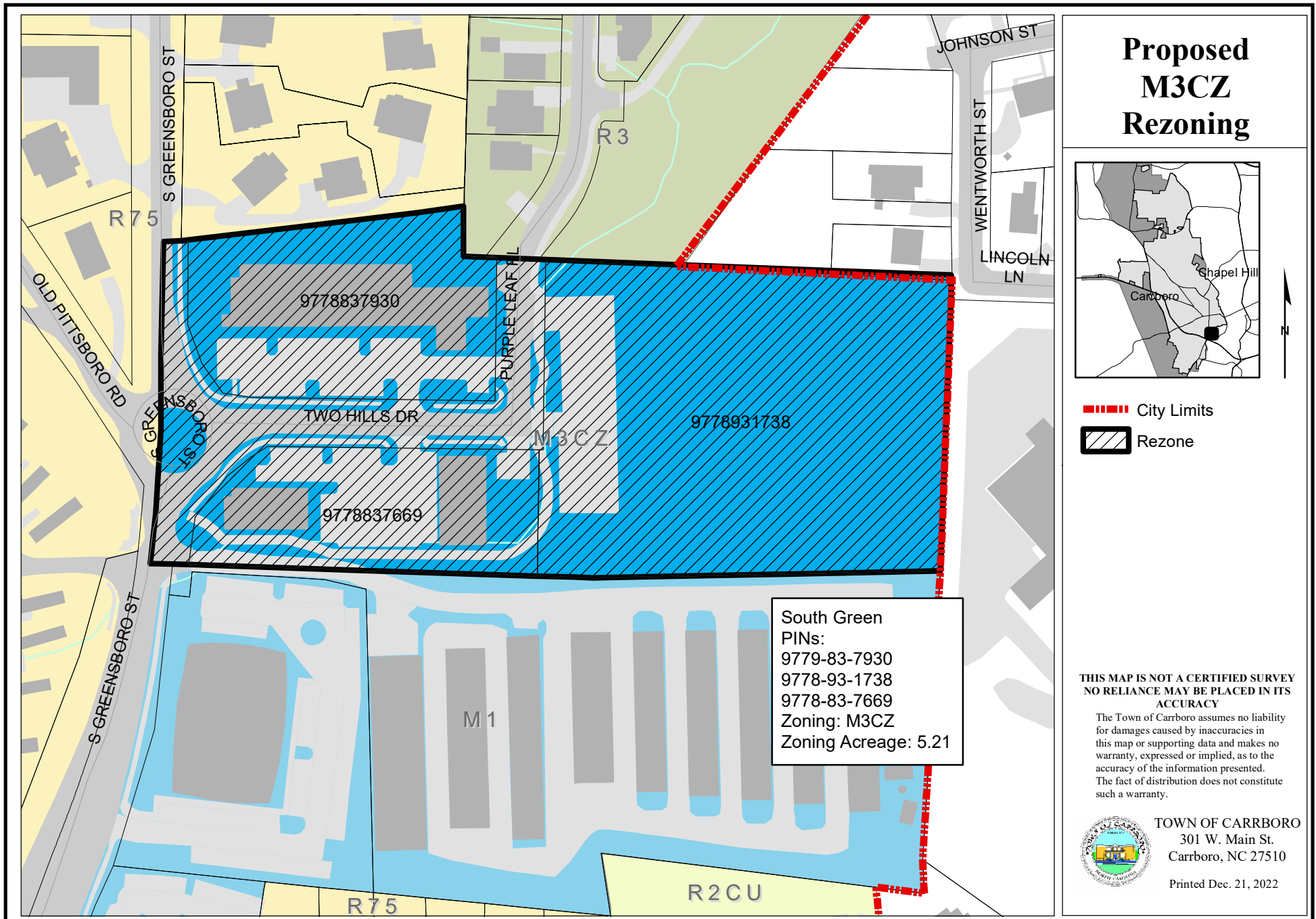
WHEREAS, the application includes a petition to rezone three properties that may be identified by Orange County PIN Numbers (#9778-83-7930, #9778-93-1738, #9778-83-7669) from M-3-Conditional to M-3, Conditional.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that the Council call a public hearing on May 23, 2023 to discuss the rezoning petition.

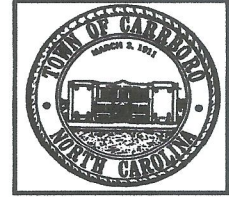
BE IT FURTHER RESOLVED that the rezoning petition is referred to the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- | | |
|--|--|
| <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 checked="" type="checkbox"/> Environmental Advisory Board | <input checked="" type="checkbox"/> Affordable House Advisory Commission |
| <input checked="" type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____ |

This is the 25th day of April in the year 2023.



TOWN OF CARRBORO



LAND USE ORDINANCE AMENDMENT REQUEST

"Dear Potential Business Operator:

Please be advised that it may be necessary to meet with several members of Town staff as well as outside agencies to identify and fully understand all rules, regulations, and policies applicable to your business. Please refer to the 'Checklist for Opening a Business in Carrboro.'

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

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

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

Per Land Use Ordinance Article X, page TPU-1 Use Group 1.000 Residential is not allowed in the M-1-CZ zoning district. Therefore, in accordance with LUO Section 15-141.4(c)(2), Use Group 1.000 Residential is not allowed in the M-3-CZ zoning district, as the uses allowed in M-3-CZ are the same as those allowed in M-1-CZ, except that use 3.230 is allowed in M-3-CZ in addition.

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

Proposed amendment would add the following residential uses as allowable uses in the M-1-CZ zoning district, and therefore also in the M-3-CZ district:

1.310 Multi-Family Conversion
 1.321 Multi-Family Townhomes, Max 20% Units > 3 bedrooms/du
 1.322 Multi-Family Townhomes, no bedroom limit
 1.331 Multi-Family Apartments, Max 20% Units > 3 bedrooms/du
 1.332 Multi-Family Apartments, no bedroom limit
 1.350 Triplex

- 3) State the reasons for the proposed amendment:**

This amendment is proposed in order to add greater flexibility, thus promoting mixed-use and live/work/play. COVID-19 heavily impacted the retail and food service industries and including these residential uses as options in this zoning district will help ensure the Town remains vibrant and that the high demand for well-designed housing can be met.

SIGNATURE:


 applicant

Mark E. Moshier, Legacy Real Property Group
 {print}

ADDRESS:

100 Timberhill Place, Suite 129
 Chapel Hill, NC 27514

TELEPHONE NUMBER:

(919) 932-2600

TOWN OF CARRBORO



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

Per Land Use Ordinance Section 15-204(a), the Downtown Livability Area and Urban Amenities Provisions apply to areas zoned B-1(G), B1(c), B-2, or CT.

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

Proposed amendment would add the M-1 zoning district to the list of the zoning districts where the Downtown Livability Area and Urban Amenities Provisions apply.

- 3) State the reasons for the proposed amendment:**

A separate proposal has been submitted to allow limited residential development in the M1 zoning district and this request would go hand-in-hand with that request. Properties in the M1 zoning district are typically developed to a higher degree of intensity and often do not contain enough open space to meet the standards of Sections 15-196 thru 15-198 should residential development be pursued on those properties. The Downtown Livability Area and Urban Amenities Provisions would allow residential projects in the M-1 district to create unique and enjoyable outdoor spaces within the limited room that is available for open space and recreational amenities.

SIGNATURE:



 applicant

Mark E. Moshier, Legacy Real Property Group

 {print}

ADDRESS:

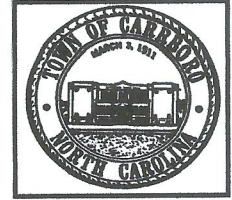
100 Timberhill Place, Suite 129

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TELEPHONE NUMBER:

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TOWN OF CARRBORO



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

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

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

Per Land Use Ordinance Section 15-185(a)(2), the maximum building height in the M-1 zoning district is three stories.

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

Proposed amendment would increase the maximum building height in the M-1 zoning district to four stories.

- 3) State the reasons for the proposed amendment:**

Major construction cost increases and reduced land availability have made it significantly more difficult to complete quality development projects. Increasing the maximum building height slightly will allow for increased density, which will help reduce costs and provide some additional flexibility.

SIGNATURE:



applicant

Mark E. Moshier, Legacy Real Property Group

{print}

ADDRESS:

100 Timberhill Place, Suite 129

Chapel Hill, NC 27514

TELEPHONE NUMBER:

(919) 932-2600



Ballentine
Associates, PA

Integrity. Service. Results.

South Green Text Amendment & LUO Rezoning Narrative 21 Dec 2022

The South Green/Triem property was rezoned to M-3-CU in June 2015 concurrently with the approval of a Conditional Use Permit. In 2019, the zoning district was automatically converted to M-3-CZ in accordance with changes made to NC law through approval of GS 160D. When the South Green project was going through the original approval process, the inclusion of residential uses was considered, but the developer ultimately decided not to pursue those uses, as the vision for South Green was to establish more of a retail and dining destination.

As we all witnessed, COVID-19 had huge negative impacts on the retail and restaurant industries. Although it has been challenging, the development of South Green Lots 1 and 3 has been completed. However, the owner has not been able to find a suitable tenant or buyer for Lot 2, which lies on the eastern end of the property. As a result, this lot has been sitting vacant for several years.

Legacy Real Property Group, a local developer specializing in quality residential & mixed-use development, has gone under contract for Lot 2 and desires to construct a mixed-use project on the site featuring small commercial spaces on the ground floor with residential units above. For this plan to be approved, the Carrboro Land Use Ordinance must be amended to allow limited residential uses in the M-3-CZ zoning district. The text amendment application that has been submitted requests that only use groups 1.200 Two-Family Residences and 1.300 Multi-Family Residences be added.

A rezoning will also be required in order to modify the South Green Conditional Zoning approval to include the revised site plan. A revised illustrative site plan reflecting the proposed new layout and uses on Lot 2 has been submitted with this rezoning request.

No changes are proposed to South Green Lots 1 and 3 as part of these requests.

The applicant believes the proposed development of Lot 2 as shown on the revised illustrative plan will be in harmony with the surrounding area and will provide quality housing opportunities on a site that has excellent connectivity to surrounding areas and downtown Carrboro.

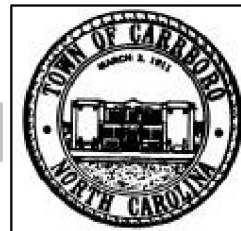
Proposed Zoning Conditions

1. Except for the prohibition of residential uses, all conditions that were included in the June 2015 approval of the M-3-CU zoning district shall remain in effect.
2. Residential uses shall be limited to those included in use groups 1.200 Two-Family Residences and 1.300 Multi-Family Residences.

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

TOWN OF CARRBORO

PETITION FOR CHANGE OF ZONING

PETITIONER: Woodhill NC LLC

DATE: 28 Mar 2023

The Petitioner named above respectfully requests the Town Council of the Town of Carrboro to rezone the below-described property from M-3-CZ to M-3-CZ zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME Woodhill NC LLC, Attn: Gary Hill
ADDRESS: PO Box 4022 Chapel Hill, NC 27515
TELEPHONE #:(919)913-1116
2. INTEREST IN PROPERTY(IES):
Owner
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS : Lots 1-3 of South Green (Triem), east of S. Greensboro St. and bisected by Two Hills Dr.
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
 - a. OWNER: Woodhill NC LLC
TAX MAP: _____ BLOCK: _____ LOT: 1 ACREAGE: 1.25 PARCEL: PIN 9778837930
SUBDIVISION NAME: South Green/Triem FRONTAGE: 600' DEPTH : 182'
EXISTING STRUCTURES AND USES:
(1) bldg, 17,908 sf retail use
 - b. OWNER: Woodhill NC LLC
TAX MAP: _____ BLOCK: _____ LOT: 2 ACREAGE: 2.99 PARCEL: PIN 9778931738
SUBDIVISION NAME: South Green/Triem FRONTAGE: 198' DEPTH : 414'

**CARRBORO DEVELOPMENT GUIDE
APPENDIX A**

EXISTING STRUCTURES AND USES:

vacant

c. OWNER: Woodhill NC LLC

TAX MAP: _____ BLOCK: _____ LOT: 3 ACREAGE: 0.97 PARCEL: PIN 9778837669

SUBDIVISION NAME: South Green/Triem FRONTAGE: 438' DEPTH: 126'

EXISTING STRUCTURES AND USES:

(2) bldgs, 7,867 sf total, retail use

d. OWNER: _____

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES:

5. NAMES AND ADDRESSES OF ALL PERSONS WHOSE PROPERTY OR ANY PART THEREOF IS WITHIN 1000 FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.

NAME	ADDRESS
see attached	

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES X NO ____
IF "YES", WHEN? 9 June 2015

7. PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN. MORE SPECIFICALLY:

- (a) How do the potential uses in the new district classification relate to the existing character of the area?

The proposed rezoning would add limited residential uses to the list of allowable uses in M-3-CZ. Residential uses are the prominent use in the area, so the proposed uses will relate well to the existing character of the area.

**CARRBORO DEVELOPMENT GUIDE
APPENDIX A**

The residential uses proposed to be added to the zoning district include the following:

- 1.310 Multi-Family Conversion
- 1.321 Multi-Family Townhomes, Max 20% Units > 3 bedrooms/du
- 1.322 Multi-Family Townhomes, no bedroom limit
- 1.331 Multi-Family Apartments, Max 20% Units > 3 bedrooms/du
- 1.332 Multi-Family Apartments, no bedroom limit
- 1.350 Triplex

- (b) **In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?**

The proposed rezoning would add the limited residential uses above to the list of allowable uses in M-3-CZ. Being part of the South Green development and being close to downtown, the property is very well-suited for residential uses due to its excellent connectivity to retail opportunities and employment centers. Rezoning to allow residential uses in within South Green is in the public interest, as there is a shortage of quality housing and in particular, housing that is affordable to lower income families who are part of the Carrboro community.

- (c) **How will the proposed rezoning affect the value of nearby buildings?**

The proposed rezoning is necessary to ensure timely development of this currently vacant and underutilized property and development of the property with quality residential opportunities can only enhance the value of nearby properties. In addition enhancing the value of nearby property, we believe the proposed rezoning advances public health, safety, and welfare, as it will allow the thoughtful development of this property to move forward, which once completed will eliminate an undeveloped piece of property in Town that could become an attractive nuisance if left vacant for an extended period of time.

- (d) **In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?**

The rezoning encourages greater live/work/play opportunities by adding a much-needed residential component to the South Green development, making it a true mixed-use development. Mixed-use developments situated near transit facilities and downtown areas help to promote greater pedestrian and bicycle transportation and transit use, each of which help to reduce greenhouse gases. Prior to COVID-19, market conditions were more conducive to commercial/retail development and these uses would have been most appropriate at the time. Changed conditions, however, have made residential uses the most appropriate uses for the remainder of the property.

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 28th DAY OF March, 2023.

PETITIONER'S SIGNATURE:


Gary Hill, Woodhill NC, LLC

PLEASE NOTE:

For all the persons identified under "5", please attach addressed envelopes with the correct postage. Oversight of this requirement could delay processing your rezoning request.

28 Mar 2023

Ms. Christina Moon
 Planning Administrator
 Town of Carrboro
 301 W. Main Street
 Carrboro, NC 27510



Subject: South Green Rezoning
 Trip Generation Estimate

Dear Tina,

We have prepared a trip generation estimate as requested in comment #12 of your recent review of the rezoning application submitted for the referenced project. This estimate is intended to provide a basic comparison between the daily trip generation figures included in the August 13, 2014 letter from Davenport and the trips that we believe can be expected to be generated by the South Green development should the proposed rezoning be approved.

The attached calculations were performed using the 11th edition of the ITE Trip Generation Manual and are based on 1) the actual tenant mix that currently occupies South Green Lots 1 and 2, as provided by Woodhill NC LLC and 2) on the uses we have proposed on Lot 2. Please note that we have not reduced the estimated trips for by-pass, but the results show that the current configuration of South Green will generate fewer unadjusted trips than the adjusted (lower) number of trips estimated by Davenport in their August 13, 2014 letter. The unadjusted estimated daily trips based on 27 Mar 2023 South Green Illustrative Plan are:

Existing Uses – Lots 1 & 3:	1,306 trips
<u>Proposed Uses – Lot 2:</u>	<u>678 trips</u>
Total	1,984 trips

Yours Very Truly,
 BALLENTINE ASSOCIATES, P.A.

George J. Retschle, PE
 President



Attachments: Ballentine Associates' Trip Generation Calculations
 August 13, 2014 Davenport Trip Generation Letter

South Green - Trip Generation Estimate

Latest print date:

3/28/2023

221 Providence Road
Chapel Hill, NC 27514919.929.0481
ballentineassociates.com**Existing Uses on Lots 1 & 3***

Lessee	Size (SF)	Carrboro Use Group	ITE Land Use Code	Trip Rate	Average Weekday Trips
Dayna Kelly Law	1,219	3.110	710 - General Office	10.84/1000 sf GFA	
DuFour Law	1,531	3.110	710 - General Office	10.84/1000 sf GFA	
Kumon Learning Center	1,838	3.110	710 - General Office	10.84/1000 sf GFA	
Total 3.110	4,588				50
Noble Orthodontics	3,500	3.130	720 - Medical/Dental Office	36/1000 sf GFA	
Emerge Pediatric	4,340	3.130	720 - Medical/Dental Office	36/1000 sf GFA	
Total 3.130	7,840				282
Carrboro Yoga	1,777	6.110	492 - Health/Fitness Club	16.4/1000 sf GFA**	
Total 6.110	1,777				29
Flying Pierogi	1,040	8.100	932 - High-Turnover Restaurant	107.2/1000 sf GFA	
Craftboro Brewing Depot	2,340	8.100	932 - High-Turnover Restaurant	107.2/1000 sf GFA	
Coronato Pizza	2,277	8.100	932 - High-Turnover Restaurant	107.2/1000 sf GFA	
Oasis Cigar Lounge	1,777	8.100	932 - High-Turnover Restaurant	107.2/1000 sf GFA	
Total 8.100	7,434				797
Kindred Heart Vet	4,294	12.100	640 - Animal Hosp/Vet Clinic	21.5/1000 sf GFA	
Total 12.100	4,294				92
Deluxe Dry Cleaner	1,018	16.200	822 - Strip Retail < 40k	54.5/1000 sf GFA	
Total 16.200	1,018				55
Total Lot 1 & 3	26,951				1,306

* As provided by Woodhill NC LLC

** Based on 1.31/1,000 AM Peak Hour and assuming AM Peak Hour is 8% of ADT

General Office Building (710)

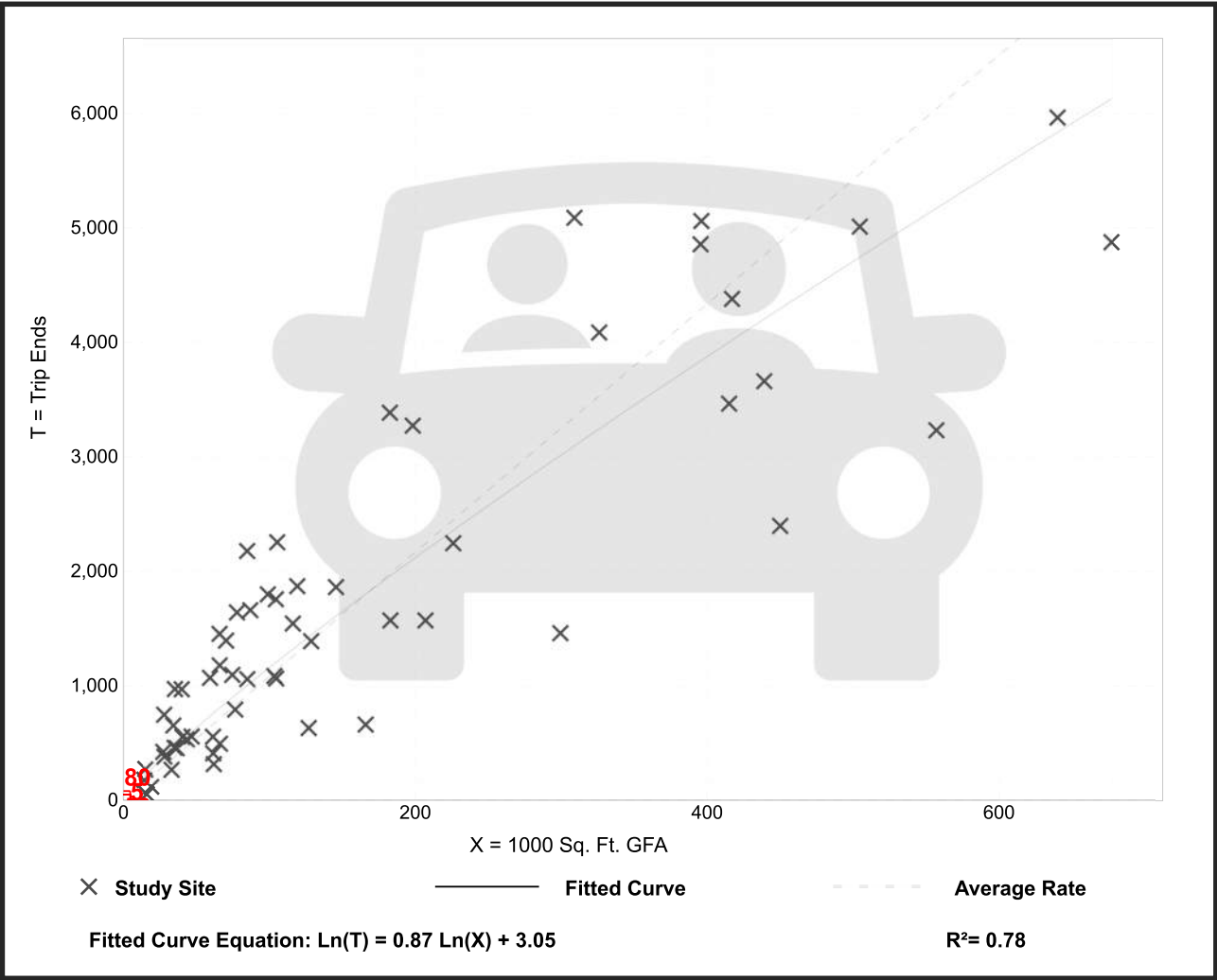
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 59
Avg. 1000 Sq. Ft. GFA: 163
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
10.84	3.27 - 27.56	4.76

Data Plot and Equation



Medical-Dental Office Building - Stand-Alone (720)

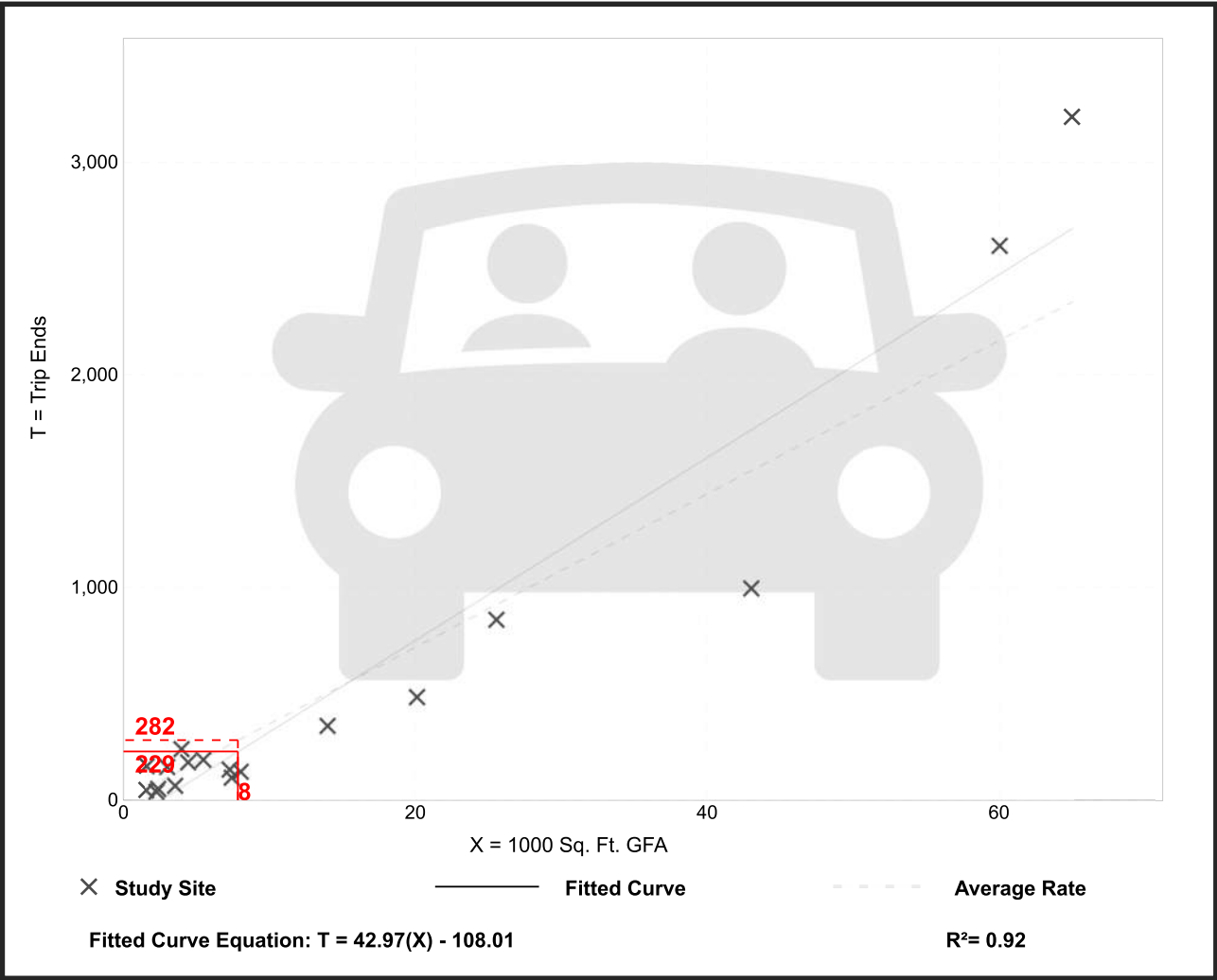
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 18
Avg. 1000 Sq. Ft. GFA: 15
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
36.00	14.52 - 100.75	13.38

Data Plot and Equation



Health/Fitness Club

(492)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 6

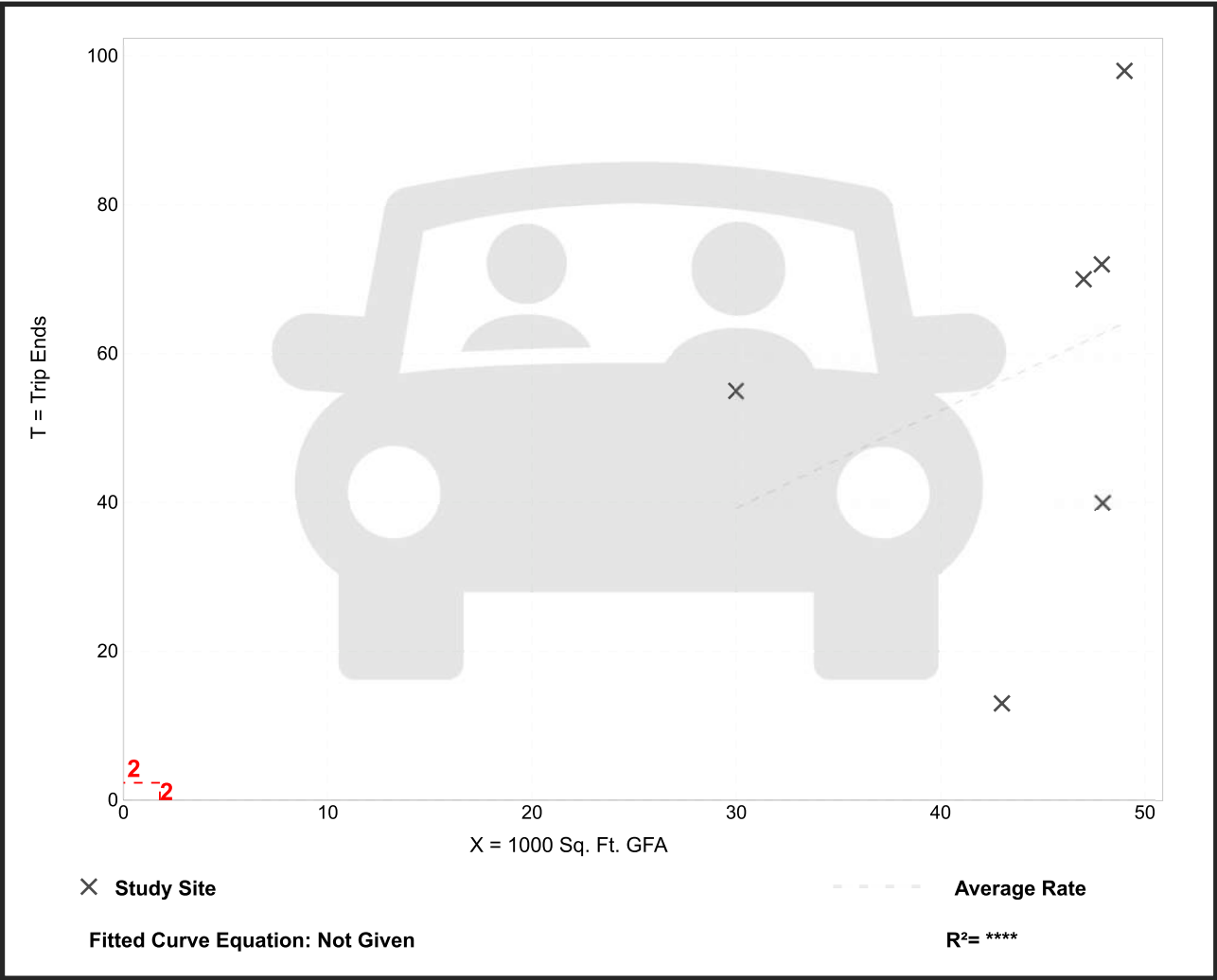
Avg. 1000 Sq. Ft. GFA: 44

Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.31	0.30 - 2.00	0.64

Data Plot and Equation



High-Turnover (Sit-Down) Restaurant (932)

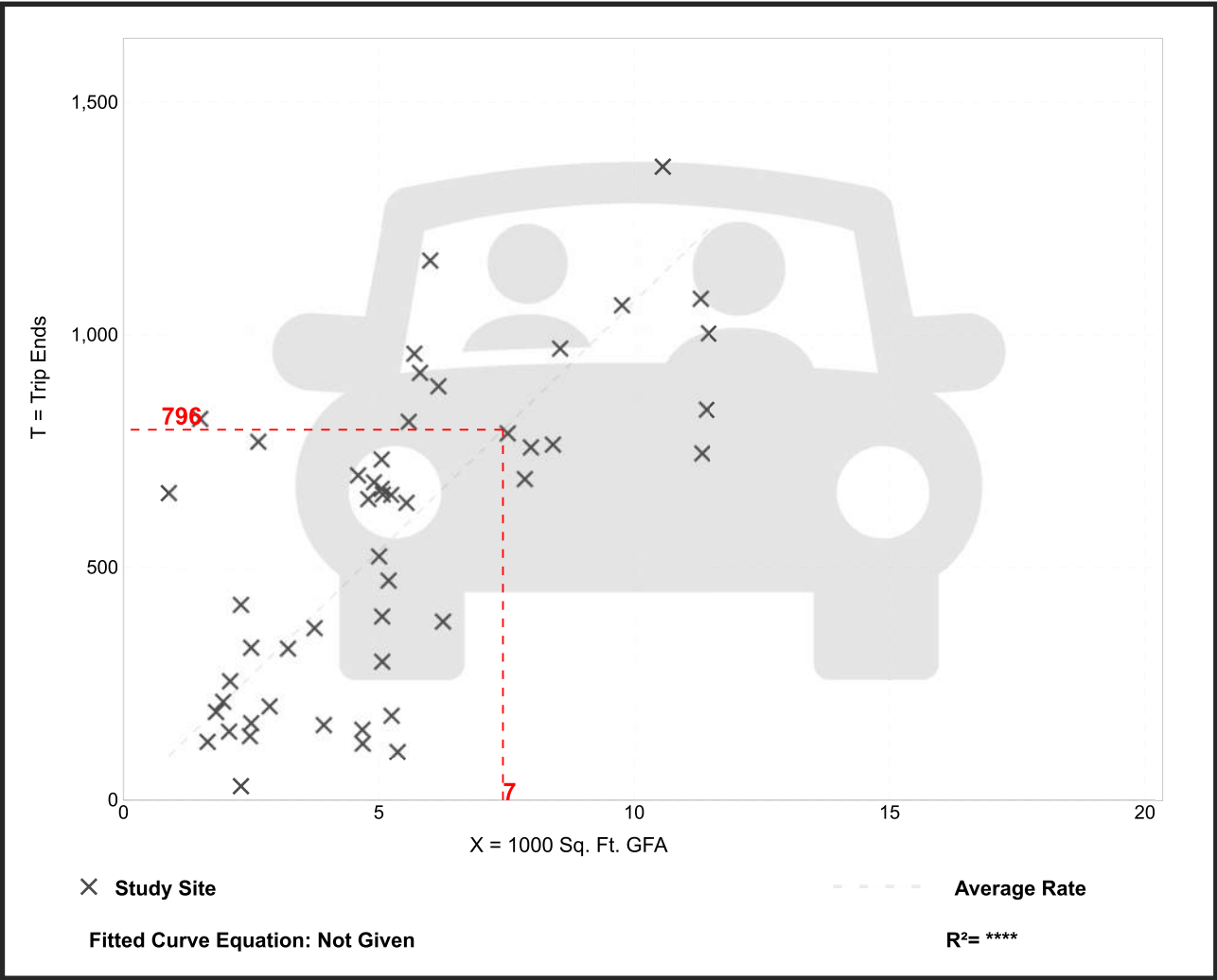
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On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 50
Avg. 1000 Sq. Ft. GFA: 5
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
107.20	13.04 - 742.41	66.72

Data Plot and Equation



Animal Hospital/Veterinary Clinic (640)

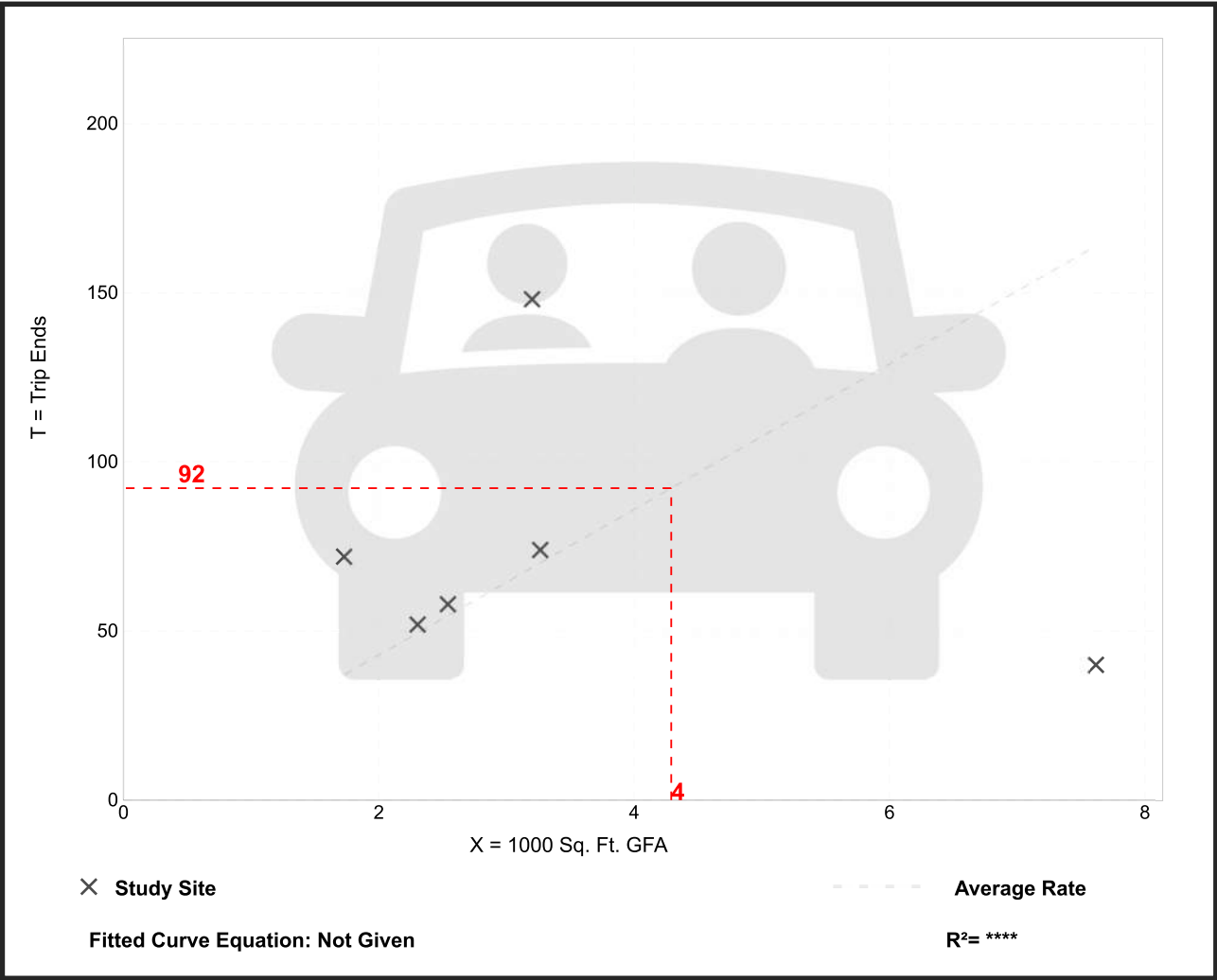
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On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. 1000 Sq. Ft. GFA: 3
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
21.50	5.25 - 46.25	16.50

Data Plot and Equation



Strip Retail Plaza (<40k)

(822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

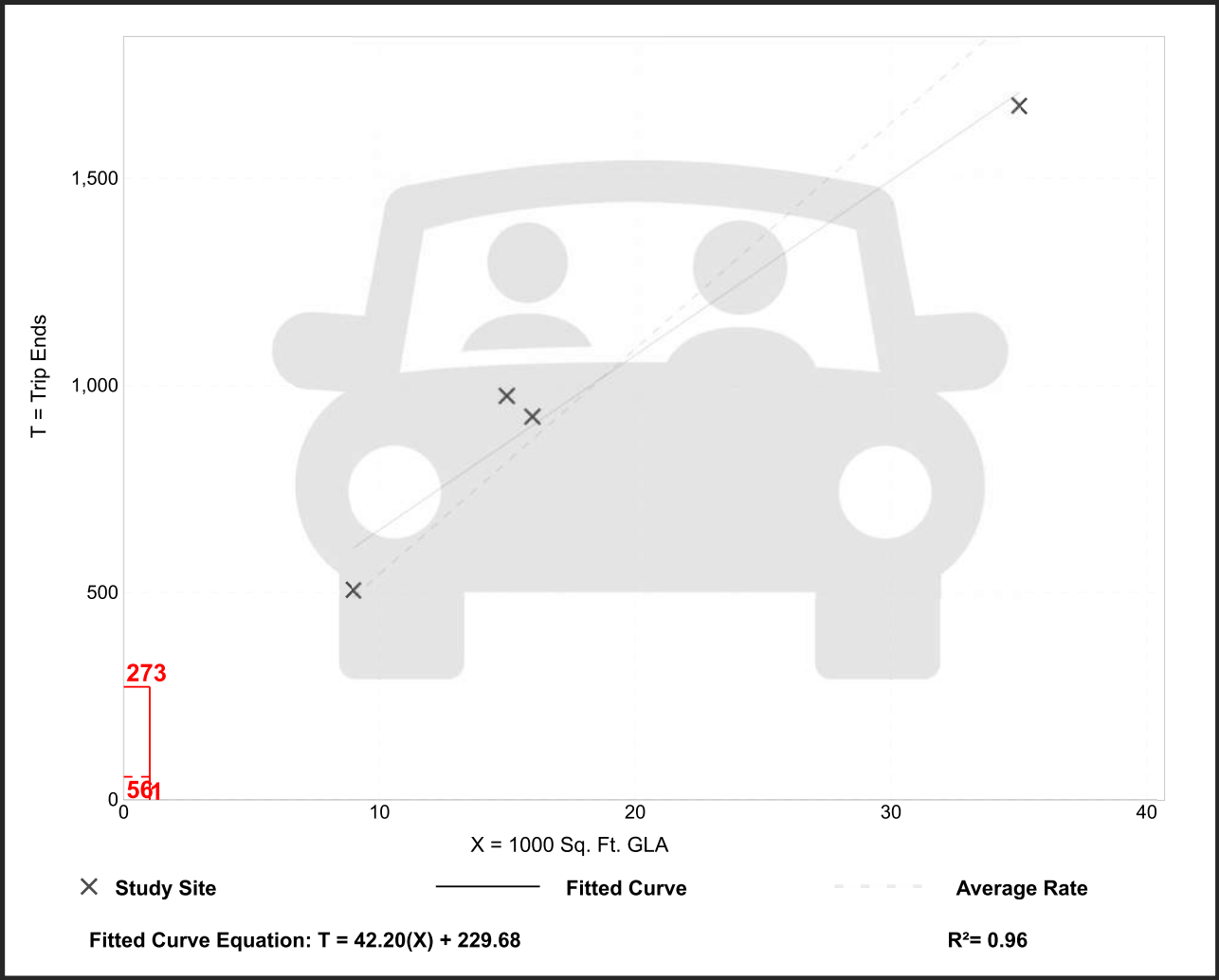
Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GLA: 19
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation

Caution – Small Sample Size



South Green - Trip Generation Estimate

Latest print date: 3/28/2023

**Proposed Uses on Lot 2***

Use	Size (SF)	Dwelling Units	Carrboro Use Group	ITE Land Use Code	Trip Rate	Average Weekday Trips
Multi-family Apartments	68,000	57	1.331	221 - Multifamily (Mid-Rise)	4.54/dwelling unit	
Total 1.331	68,000					259
Commercial**	7,700		3.110	822 - Strip Retail <40k	54.45/1000 sf GFA	
Total 3.130	7,700					419
Total Lot 2	75,700					678

* Per 27 Mar 2023 Illustrative Plan

** Includes 1,200 sf of indoor amenity space associated with multifamily

Multifamily Housing (Mid-Rise) Not Close to Rail Transit (221)

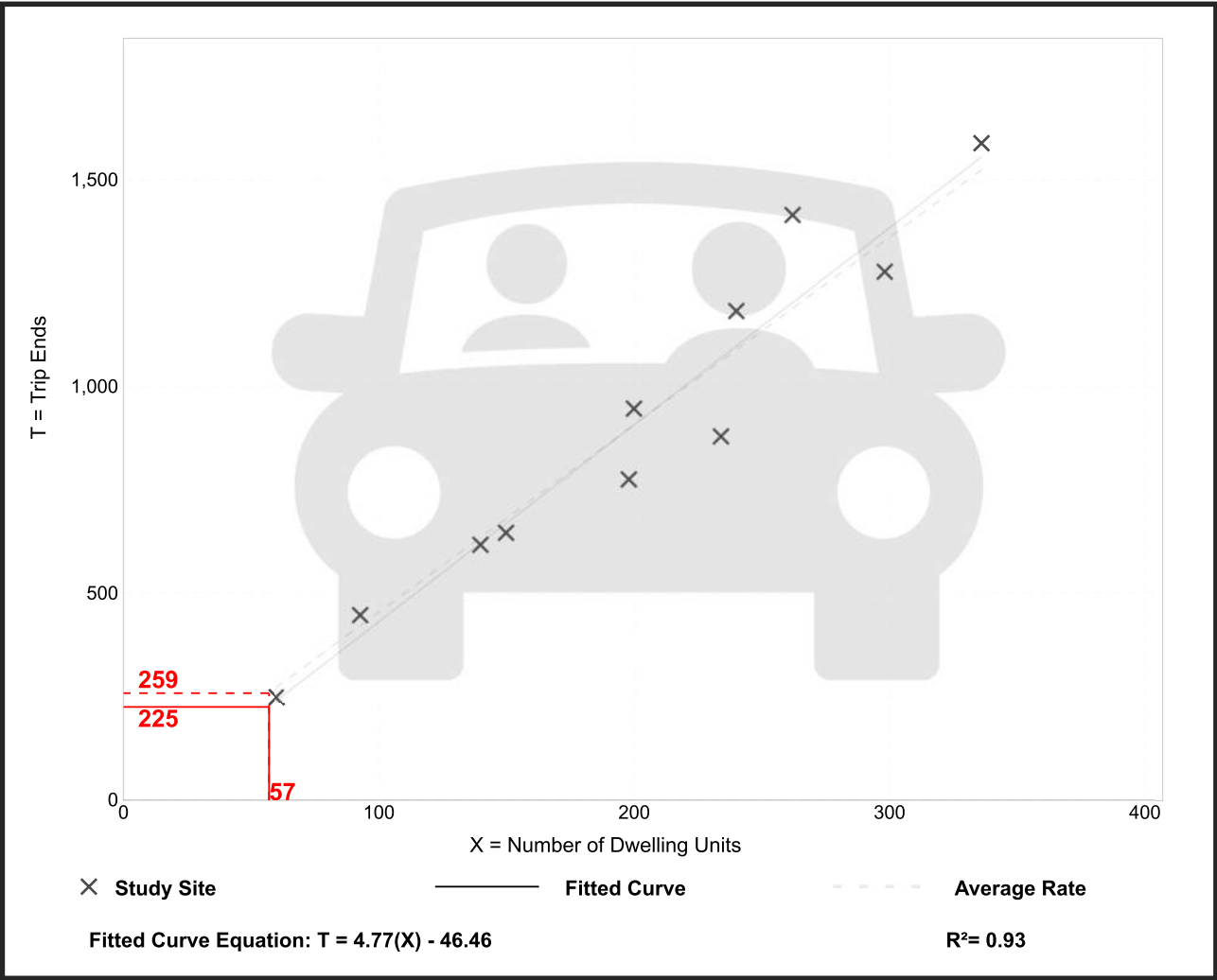
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 11
Avg. Num. of Dwelling Units: 201
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.54	3.76 - 5.40	0.51

Data Plot and Equation



Strip Retail Plaza (<40k) (822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

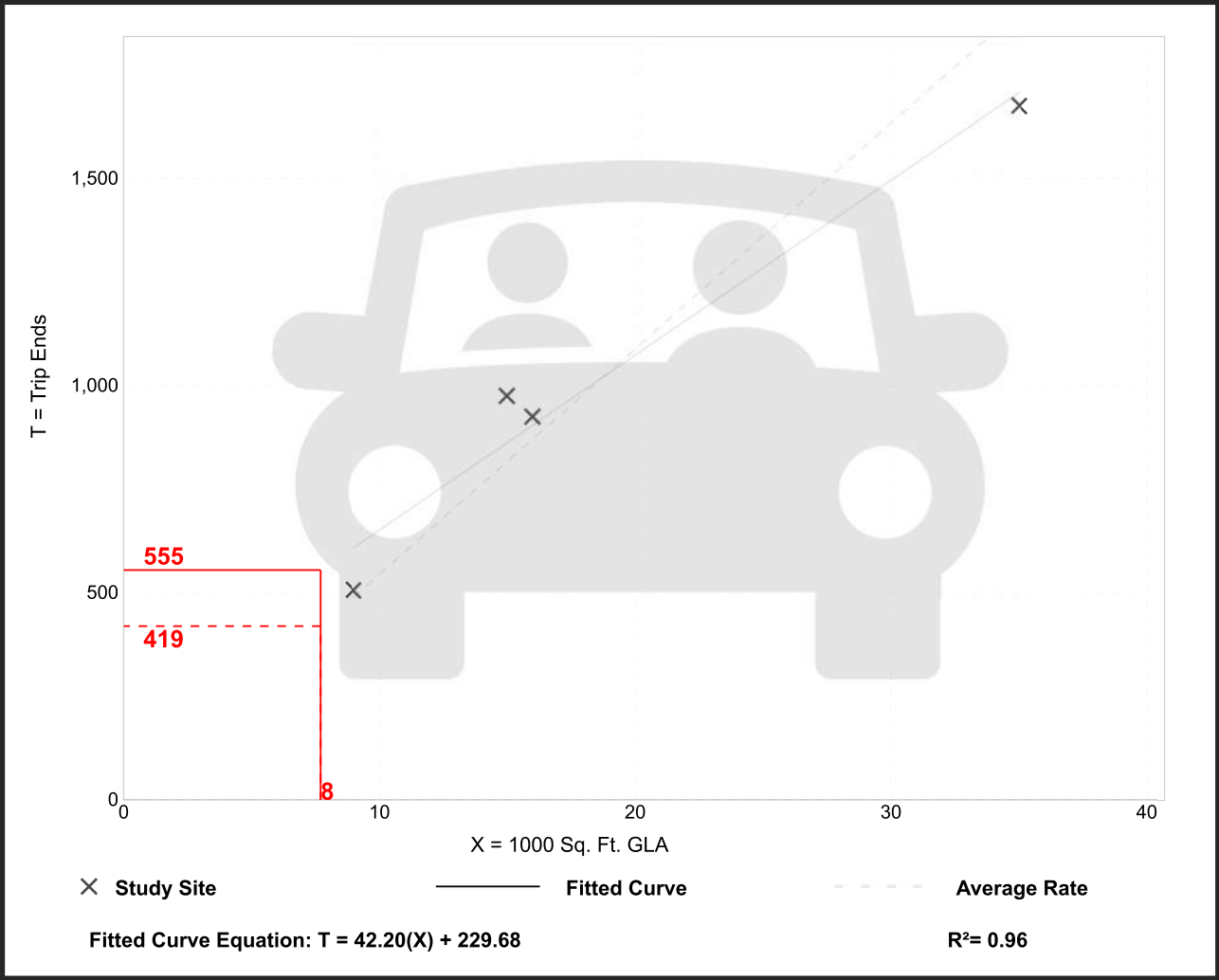
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Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation

Caution – Small Sample Size





August 13, 2014

Mr. Chuck Edwards, PE
District Engineer
NC Department of Transportation
127 East Crescent Square Dr.
Graham, NC 27253

RE: Revised Trip Generation for 501 S. Greensboro Street in Carrboro, NC – (DAVENPORT Project Number **13-414**)

Dear Mr. Edwards:

In August 2013, DAVENPORT submitted a Transportation Impact Analysis (TIA) to NCDOT for the project stated above. The project is located at the intersection with Old Pittsboro Road on the east side of South Greensboro Street. The development was studied to consist of 30,350 square feet of retail and a 3,000 square foot bank with 2 drive-thru lanes. After pass-by reductions, this development would generate 2,213 daily trips and 95 AM peak hour net trips and 218 PM peak hour net trips.

Since the submittal, the client has made some changes to the site plan that would affect the land use and intensities. Attached are the site plans (two options are being studied) along with the trip generation comparison table of the original and the revised site plans.

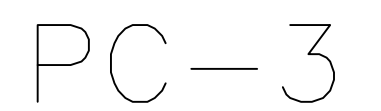
Please let know if a revised TIA is needed to reflect these changes or if this trip generation letter would suffice.

Please feel free to contact me with any questions at 336-744-1636.

Sincerely,

Dionne C. Brown

Dionne C. Brown, PE



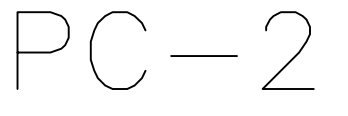


Table XX.X - ITE Trip Generation - Original

Average Weekday Driveway Volumes				24 Hour	AM Peak		PM Peak	
				Two-Way	Hour		Hour	
<u>Land Use</u>	<u>ITE Land Code</u>	<u>Size</u>		<u>Volume</u>	<u>Enter</u>	<u>Exit</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center	820	30.350	Th.Sq.Ft.GLA	3,129	46	30	140	146
Bank with Drive-Thru	912	2	Lanes	279	11	8	27	28
Total Unadjusted Trips				3,408	57	38	167	174
Shopping Center Pass-by Reduction (34% PM)				-1,064	0	0	-48	-50
Bank Pass-by Reduction (47% PM)				-131	0	0	-13	-13
Total Adjusted Trips				2,213	57	38	107	111

Table XX.X - ITE Trip Generation - CP3

Average Weekday Driveway Volumes				24 Hour	AM Peak		PM Peak	
				Two-Way	Hour		Hour	
<u>Land Use</u>	<u>ITE Land Code</u>	<u>Size</u>		<u>Volume</u>	<u>Enter</u>	<u>Exit</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center	820	34.5	Th.Sq.Ft.GLA	3,400	50	31	141	153
General Office Space	710	2.8	Th.Sq.Ft.GLA	87	10	1	14	68
Sit-down Restaurant	932	5.4	Th.Sq.Ft.GLA	687	32	26	32	21
Total Unadjusted Trips				4,174	92	58	187	242
Shopping Center Pass-by Reduction (34% PM)				-1,156	0	0	-48	-52
Restaurant Pass-by Reduction (43% PM)				-295	0	0	-14	-9
Total Adjusted Trips				2,723	92	58	125	181

Table XX.X - ITE Trip Generation - CP2

Average Weekday Driveway Volumes				24 Hour	AM Peak		PM Peak	
				Two-Way	Hour		Hour	
<u>Land Use</u>	<u>ITE Land Code</u>	<u>Size</u>		<u>Volume</u>	<u>Enter</u>	<u>Exit</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center	820	32.1	Th.Sq.Ft.GLA	3,245	48	30	134	146
General Office Space	710	2.8	Th.Sq.Ft.GLA	87	10	1	14	68
Sit-down Restaurant	932	5.4	Th.Sq.Ft.GLA	687	32	26	32	21
Total Unadjusted Trips				4,019	90	57	180	235
Shopping Center Pass-by Reduction (34% PM)				-1,103	0	0	-46	-50
Restaurant Pass-by Reduction (43% PM)				-295	0	0	-14	-9
Total Adjusted Trips				2,620	90	57	121	176

NOTES

1. THIS SITE PLAN IS ILLUSTRATIVE AND ACCOMPANIES A REZONING REQUEST WHICH HAS BEEN SUBMITTED TO ALLOW THE ADDITION OF LIMITED RESIDENTIAL USES TO SOUTH GREEN LOT 2. THE APPLICANT UNDERSTANDS AND ACCEPTS THAT THIS SITE PLAN EXHIBIT DOES NOT IN ANY WAY RELIEVE THE APPLICANT OF SUBMITTING A DETAILED SITE PLAN WITH A SUP-A MODIFICATION APPLICATION THAT DEMONSTRATES FULL COMPLIANCE WITH THE CARRBORO LAND USE ORDINANCE.
2. SOUTH GREEN LOTS 1 AND 3 ARE FULLY DEVELOPED IN ACCORDANCE WITH THE ORIGINAL SOUTH GREEN APPROVALS AND NO CHANGES ARE PROPOSED ON LOTS 1 AND 3. ACCORDINGLY, THE SITE DATA PROVIDED BELOW FOCUSES ON LOT 2, ALTHOUGH SOME BASIC INFORMATION IS PROVIDED FOR LOTS 1 AND 3 TO PROVIDE CONTEXT.
3. A MINIMUM OF (3) LEVEL 2 EV CHARGING STATIONS SHALL BE PROVIDED ON LOT 2 AND A MINIMUM OF 20% OF THE TOTAL PARKING SPACES PROVIDED ON LOT 2 SHALL BE EV CAPABLE.

SITE DATA

APPLICANT/PROPERTY OWNER: WOODHILL NC, LLC
PO BOX 4022
CHAPEL HILL, NC 27515

LOT 2 DEVELOPER: LEGACY REAL PROPERTY GROUP
ATTN: MARK MOSHIER
100 TIMBERHILL PLACE, SUITE 129
CHAPEL HILL, NC 27514
PH. (919) 932-2600
MARK@LEGACY-NC.COM

PROPERTY ADDRESS: 477 S. GREENSBORO ST, 120 TWO HILLS DR., 100-110 TWO HILLS DR.
CARRBORO, NC 27510

PIN NUMBERS: 9778-83-7930, 9778-93-1738, 9778-83-7669

DEED REFERENCES: BK 6361 / PG 25

LOT SIZES:

LOT 1:	54,644 S.F. =	1.25 AC.
LOT 2:	130,295 S.F. =	2.99 AC.
LOT 3:	42,371 S.F. =	0.97 AC.
PUBLIC R/W (TWO HILLS DR + PURPLE LEAF PL)	22,408 S.F. =	0.51 AC.
TOTAL:	249,718 S.F. =	5.73 AC.

EXISTING ZONING: M-3-CZ

CURRENT LAND USE: 3,130, 8,100, 16,200

PROPOSED ZONING: M-3-CZ

LOT 2 PROPOSED BUILDING SUMMARY:

LOT	BUILDING	USE	USE GROUP	# UNITS	# BEDS	S.F.	LAND AREA (SF)
2	1	COMMERCIAL	TBD**			6,500	130,295
2	1	RESIDENTIAL	1.300	18	36	30,000	
2	2	RESIDENTIAL	1.300	34	41	31,400	
2	3	RESIDENTIAL	1.300	AMENITY		1,200	
3	3	RESIDENTIAL	1.300	5	9	6,600	
TOTAL				57	86	75,700	130,295

BUILDING SETBACKS IN M-3-CZ:

BOUNDARY SETBACK 0'

ROAD CENTERLINE SETBACK 30'

VEHICULAR PARKING SUMMARY:

LOT 1 (AS APPROVED IN ORIGINAL CUP) 53

LOT 2

REQUIRED: - RESIDENTIAL (USE 1.300): 1 SPA/BDRM + 1 SPA/4 DU = 86 + 14 = 100 SPA

- COMMERCIAL (USE 3.110 ASSUMED): 1 SPA/200 SF GROSS FA = 33 SPA

TOTAL SPA REQUIRED = 133 SPA

TOTAL SPA PROVIDED (33% REDUCTION REQUESTED DUE TO JOINT USE AND PROXIMITY TO TRANSIT): 89

LOT 3 (AS APPROVED IN ORIGINAL CUP) 42

SOUTH GREEN TOTAL 184

EV CHARGING STATIONS (LOT 2):

LEVEL 2 STATIONS REQUIRED: 3% OF TOTAL AUTO SPACES (2 MIN). 3% OF 89 = 2.67 = 3

LEVEL 2 EV STA PROVIDED: 3

EV CAPABLE PARKING SPACES (LOT 2):

EV CAPABLE SPACES REQUIRED: 20% OF TOTAL AUTO SPACES. 20% OF 89 = 18

EV CAPABLE SPACES PROVIDED: 18

BICYCLE PARKING SUMMARY:

LOT 1 (AS APPROVED IN ORIGINAL CUP) 20

LOT 2

REQUIRED: - RESIDENTIAL (USE 1.300): 1.5 SPA/DU = 86 SPA

- COMMERCIAL (USE 3.110 ASSUMED): 1 SPA/10 REQUIRED AUTO SPA (5 MIN) = 5 SPA

TOTAL BIKE SPA REQUIRED = 91 SPA

TOTAL SPA PROVIDED: 1 IN EACH DU (57) + 34 ON SITE 91

LOT 3 (AS APPROVED IN ORIGINAL CUP) 8

SOUTH GREEN TOTAL 119

RECREATION (LOT 2):

POINTS REQUIRED: (28) 1-BEDROOM UNITS @ 5.94 POINTS/UNIT = 166.32 PTS

(29) 1-BEDROOM UNITS @ 9.47 POINTS/UNIT = 274.63 PTS

TOTAL REC POINTS REQUIRED = 440.95 PTS

POINTS PROVIDED: 1,200 SF CLUBHOUSE @ 0.508 POINTS/SF = 609.6 PTS

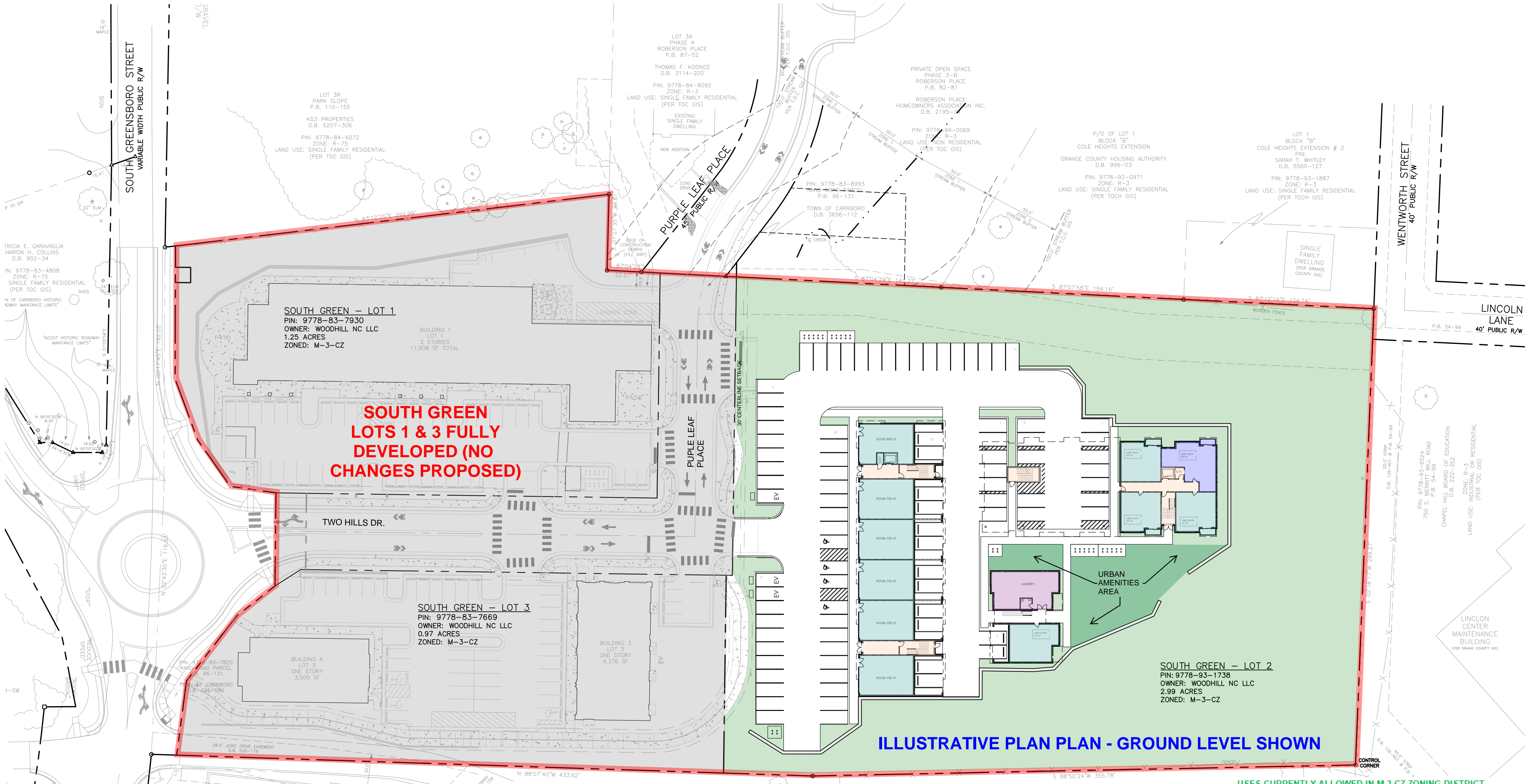
DOWNTOWN LIVABILITY AREA CALCULATIONS (LOT 2):

AREA OF PROPERTY TO BE DEVELOPED = 64,500 SF

% OF PROPERTY TO BE DEVELOPED 0.495 %

SIZE OF DEVELOPMENT SITE PER LUO 150-204(i) 64,500 SF

SIZE OF DLA AT 10% OF DEVELOPMENT SITE 6,450 SF



USES CURRENTLY ALLOWED IN M-3-CZ ZONING DISTRICT

- 2.110 Sales and Rental / No Outside Storage / High-Volume
- 2.120 Sales and Rental / No Outside Storage / Low-Volume
- 2.130 Wholesale Sales / No Outside Storage
- 2.210 Sales and Rental / With Outside Display / High-Volume
- 2.220 Sales and Rental / With Outside Display / Low-Volume
- 2.230 Wholesale Sales / With Outside Display
- 3.110 Office Serving Clients On Premises
- 3.120 Office Attracting Little or No Client Traffic
- 3.130 Medical Offices < 10,000 sq. ft.
- 3.150 Copy Centers / Printing Operations
- 3.220 Office Attracting Little or No Client Traffic (Operations Inside or Out)
- 3.250 ATM Freestanding
- 4.100 Manufacturing Within Fully Enclosed Building
- 5.120 Trade or Vocational School
- 5.130 Colleges
- 5.200 Churches, Synagogues, Temples, etc.
- 5.400 Social Clubs, Lodges, Union Halls, and Similar Uses
- 6.110 Indoor Recreation Facilities
- 6.121 Movie Theaters with < 301 capacity
- 6.140 Community Center (Public / Non-Profit)
- 8.100 Restaurants, Bars, Night Clubs Inside Service
- 8.200 Restaurants, Bars, Night Clubs Outside Service
- 8.500 Restaurants, Carry Out Service
- 8.600 Restaurants, Food Delivery
- 8.700 Mobile Prepared Food Vendors
- 12.100 Animal Services, Veterinarian
- 13.100 Police Stations
- 15.100 Post Office
- 16.200 Dry Cleaners/Laundromat without Drive-thru
- 19.200 Horticultural Sales with Outdoor Display
- 27.000 Combination Uses

USES PROPOSED IN M-3-CZ ZONING DISTRICT

- 1.310 Multi-Family Conversion
- 1.321 Multi-Family Townhomes, Max 20% Units > 3 bedrooms/du
- 1.322 Multi-Family Townhomes, no bedroom limit
- 1.331 Multi-Family Apartments, Max 20% Units > 3 bedrooms/du
- 1.332 Multi-Family Apartments, no bedroom limit
- 1.340 Single-Room Occupancy
- 1.350 Triplex

FLOOR PLANS LEVELS 2-3

FLOOR PLANS LEVEL 4



SOUTH GREEN LOFTS

27 MAR 2023







28 Mar 2023

Ms. Christina Moon
 Planning Administrator
 Town of Carrboro
 301 W. Main Street
 Carrboro, NC 27510



Subject: South Green Rezoning
 Trip Generation Estimate

Dear Tina,

We have prepared a trip generation estimate as requested in comment #12 of your recent review of the rezoning application submitted for the referenced project. This estimate is intended to provide a basic comparison between the daily trip generation figures included in the August 13, 2014 letter from Davenport and the trips that we believe can be expected to be generated by the South Green development should the proposed rezoning be approved.

The attached calculations were performed using the 11th edition of the ITE Trip Generation Manual and are based on 1) the actual tenant mix that currently occupies South Green Lots 1 and 2, as provided by Woodhill NC LLC and 2) on the uses we have proposed on Lot 2. Please note that we have not reduced the estimated trips for bypass, but the results show that the current configuration of South Green will generate fewer unadjusted trips than the adjusted (lower) number of trips estimated by Davenport in their August 13, 2014 letter. The unadjusted estimated daily trips based on 27 Mar 2023 South Green Illustrative Plan are:

Existing Uses – Lots 1 & 3:	1,306 trips
<u>Proposed Uses – Lot 2:</u>	<u>678 trips</u>
Total	1,984 trips

Yours Very Truly,
 BALLENTINE ASSOCIATES, P.A.

George J. Retschle, PE
 President



Attachments: Ballentine Associates' Trip Generation Calculations
 August 13, 2014 Davenport Trip Generation Letter

South Green - Trip Generation Estimate

Latest print date:

3/28/2023

221 Providence Road
Chapel Hill, NC 27514919.929.0481
ballentineassociates.com**Existing Uses on Lots 1 & 3***

Lessee	Size (SF)	Carrboro Use Group	ITE Land Use Code	Trip Rate	Average Weekday Trips
Dayna Kelly Law	1,219	3.110	710 - General Office	10.84/1000 sf GFA	
DuFour Law	1,531	3.110	710 - General Office	10.84/1000 sf GFA	
Kumon Learning Center	1,838	3.110	710 - General Office	10.84/1000 sf GFA	
Total 3.110	4,588				50
Noble Orthodontics	3,500	3.130	720 - Medical/Dental Office	36/1000 sf GFA	
Emerge Pediatric	4,340	3.130	720 - Medical/Dental Office	36/1000 sf GFA	
Total 3.130	7,840				282
Carrboro Yoga	1,777	6.110	492 - Health/Fitness Club	16.4/1000 sf GFA**	
Total 6.110	1,777				29
Flying Pierogi	1,040	8.100	932 - High-Turnover Restaurant	107.2/1000 sf GFA	
Craftboro Brewing Depot	2,340	8.100	932 - High-Turnover Restaurant	107.2/1000 sf GFA	
Coronato Pizza	2,277	8.100	932 - High-Turnover Restaurant	107.2/1000 sf GFA	
Oasis Cigar Lounge	1,777	8.100	932 - High-Turnover Restaurant	107.2/1000 sf GFA	
Total 8.100	7,434				797
Kindred Heart Vet	4,294	12.100	640 - Animal Hosp/Vet Clinic	21.5/1000 sf GFA	
Total 12.100	4,294				92
Deluxe Dry Cleaner	1,018	16.200	822 - Strip Retail < 40k	54.5/1000 sf GFA	
Total 16.200	1,018				55
Total Lot 1 & 3	26,951				1,306

* As provided by Woodhill NC LLC

** Based on 1.31/1,000 AM Peak Hour and assuming AM Peak Hour is 8% of ADT

General Office Building (710)

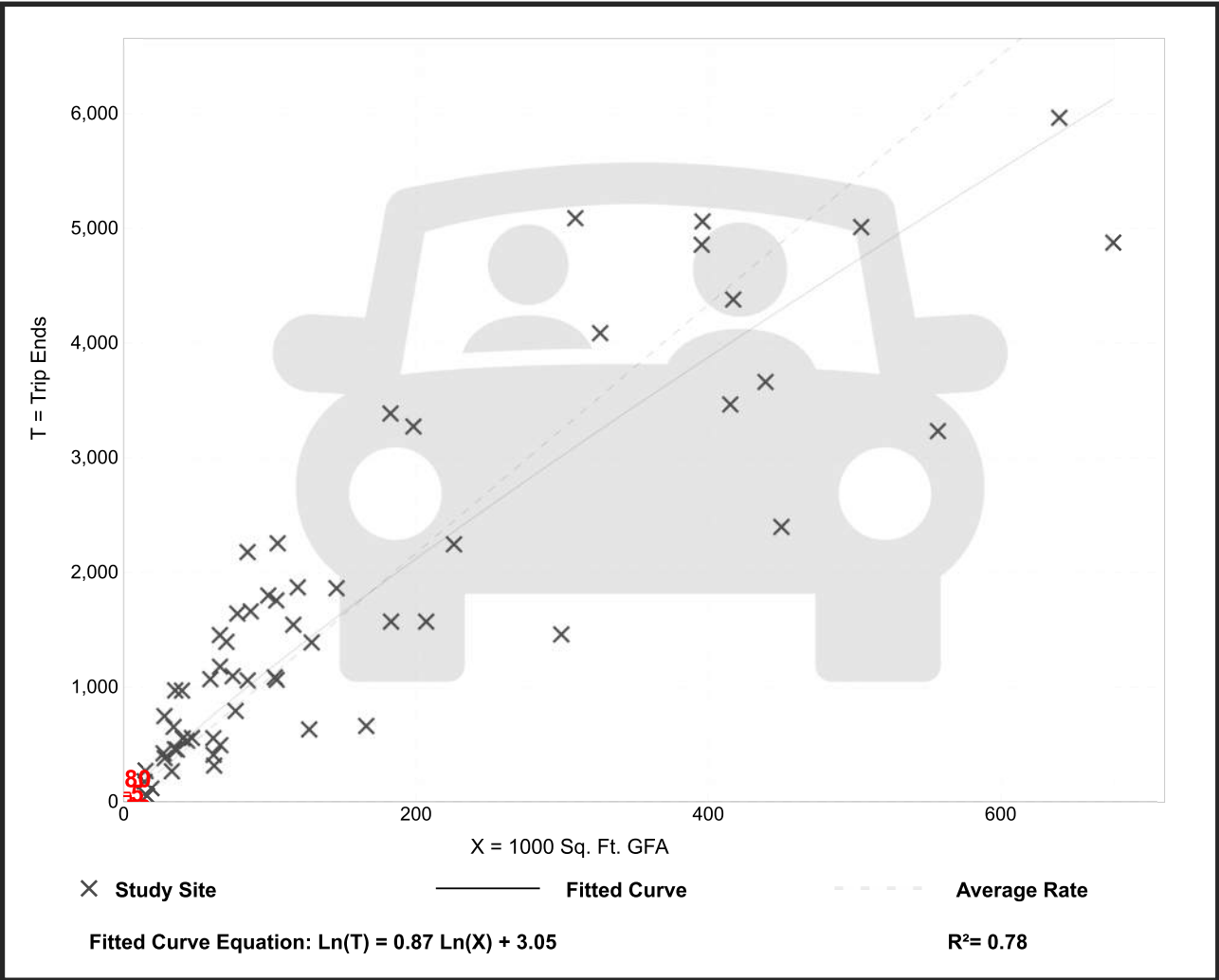
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 59
Avg. 1000 Sq. Ft. GFA: 163
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
10.84	3.27 - 27.56	4.76

Data Plot and Equation



Medical-Dental Office Building - Stand-Alone (720)

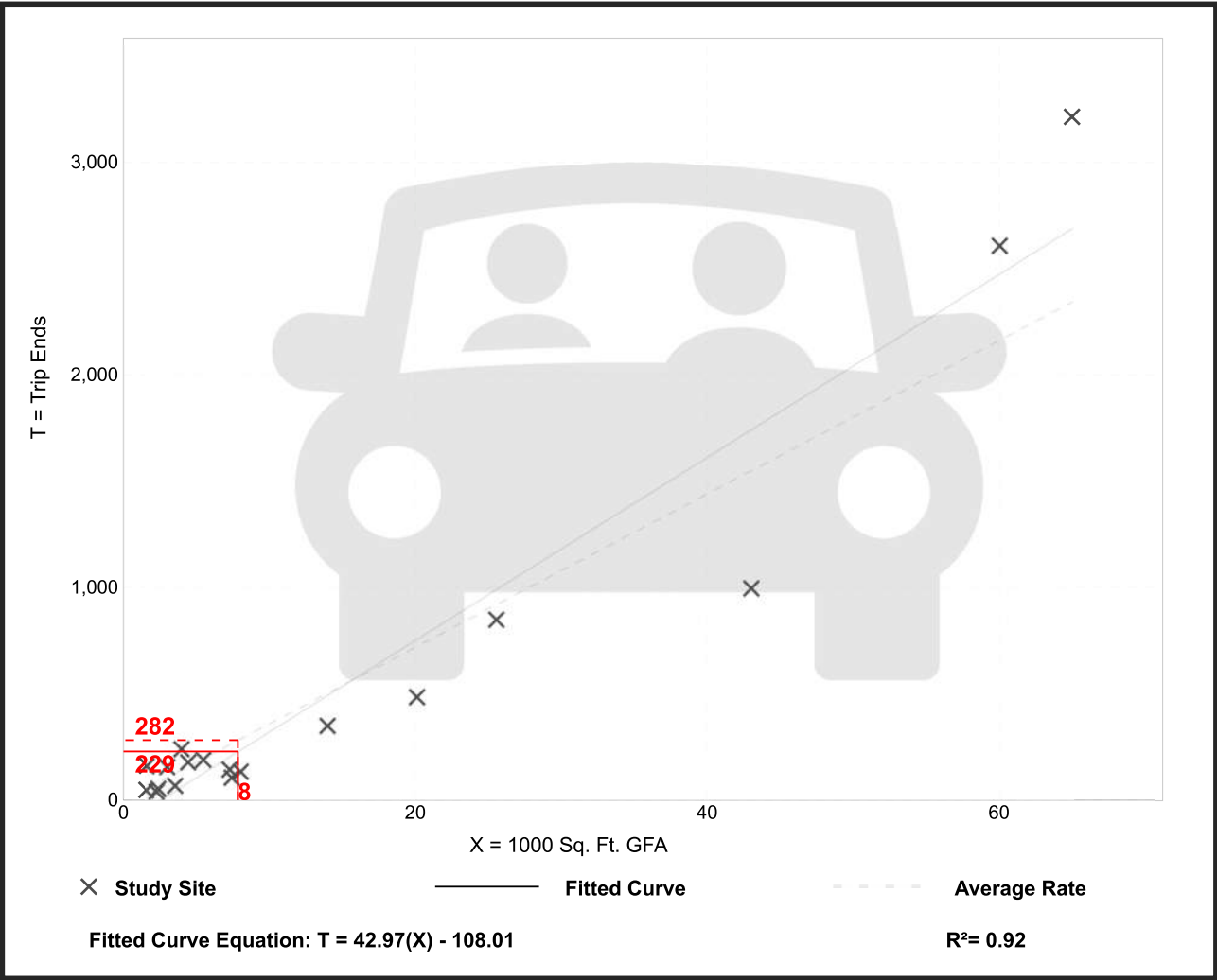
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Health/Fitness Club

(492)

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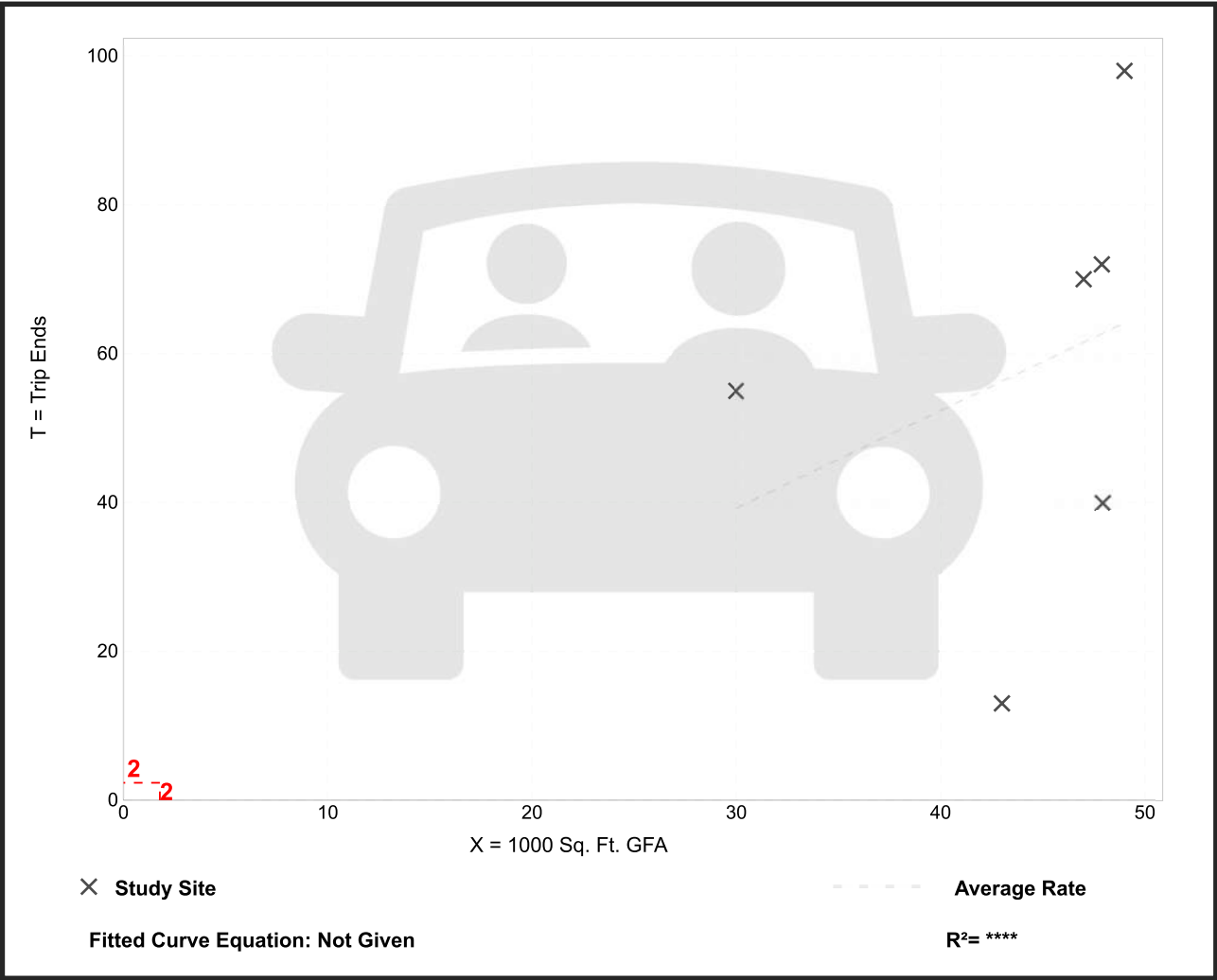
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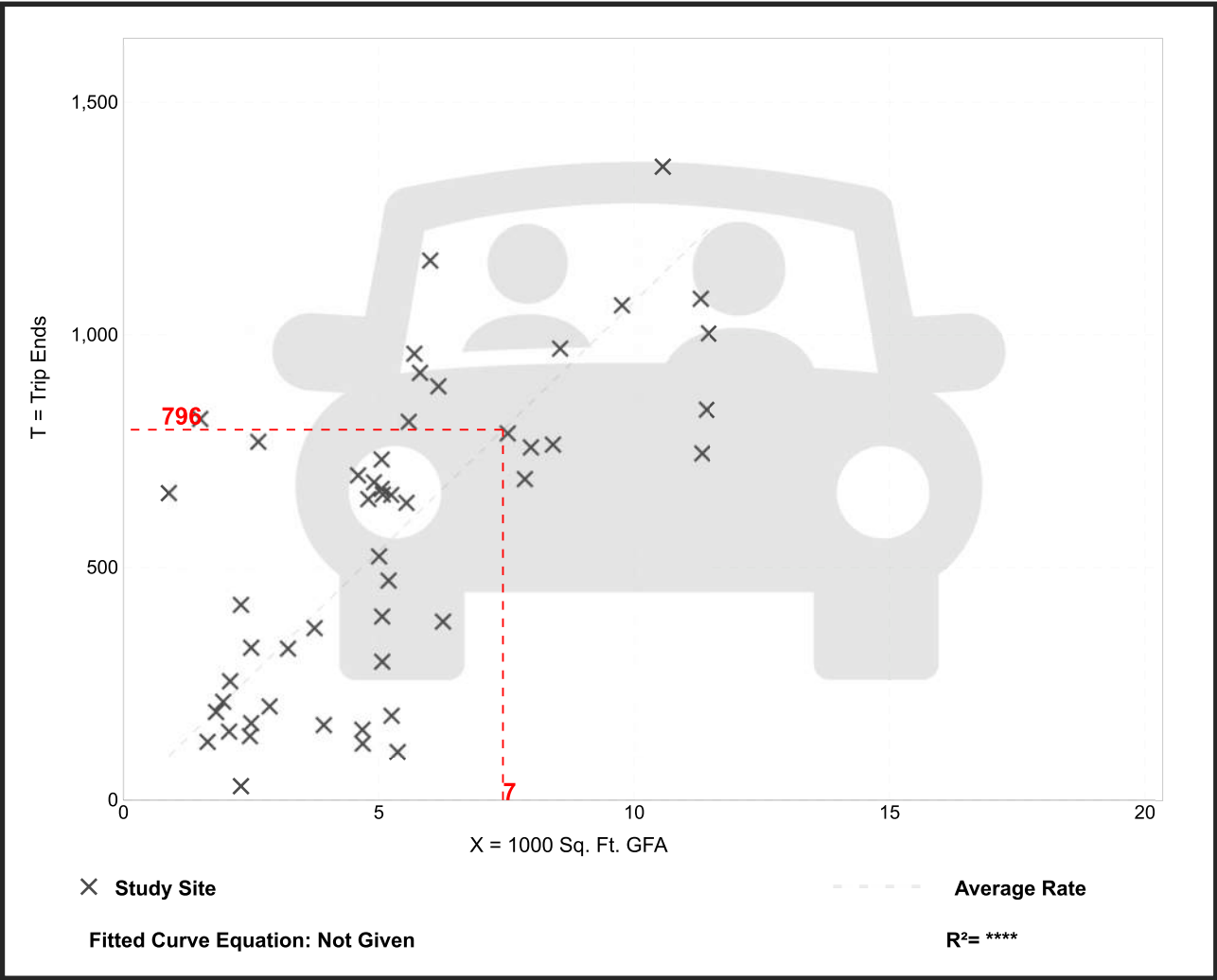
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Animal Hospital/Veterinary Clinic (640)

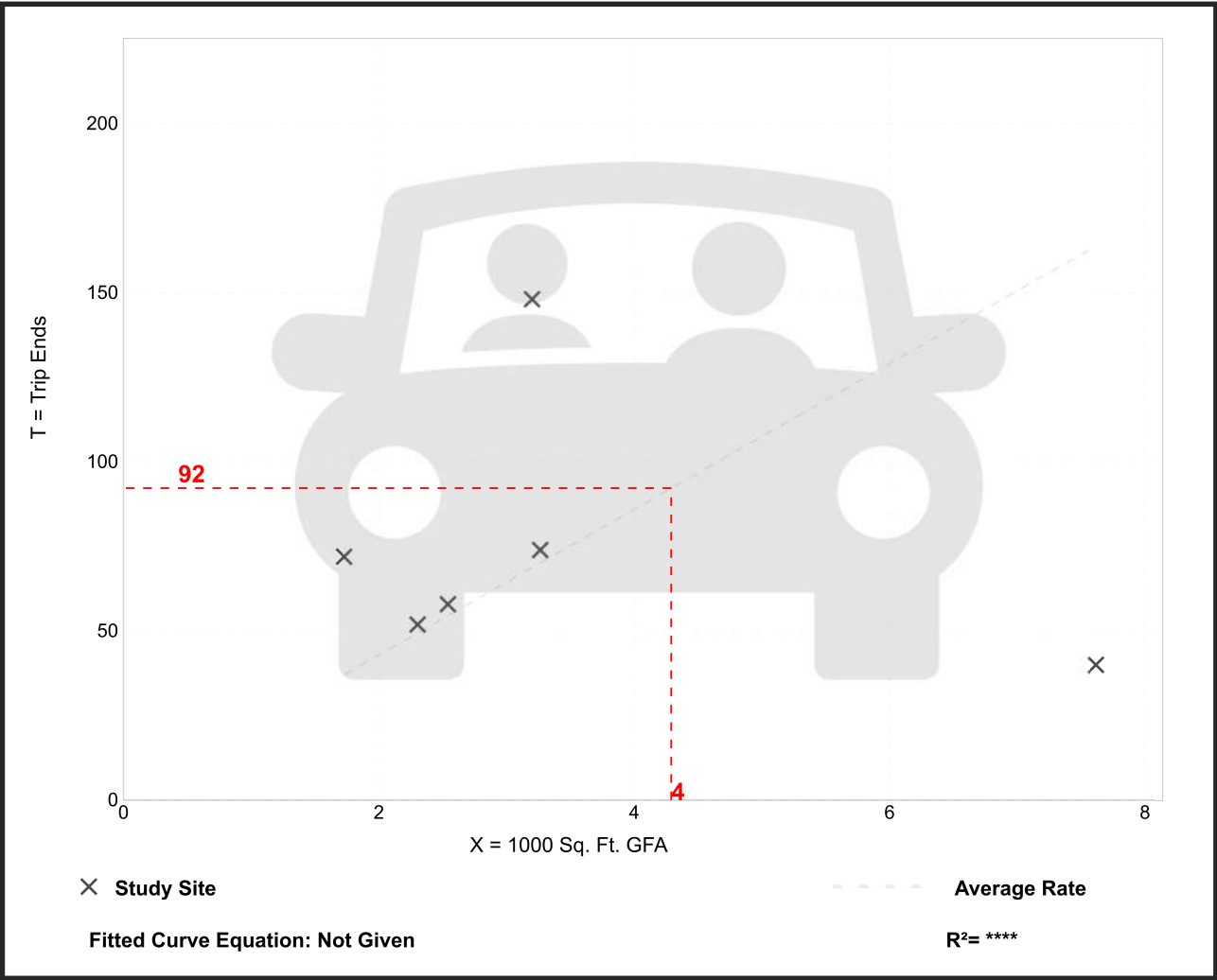
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(822)

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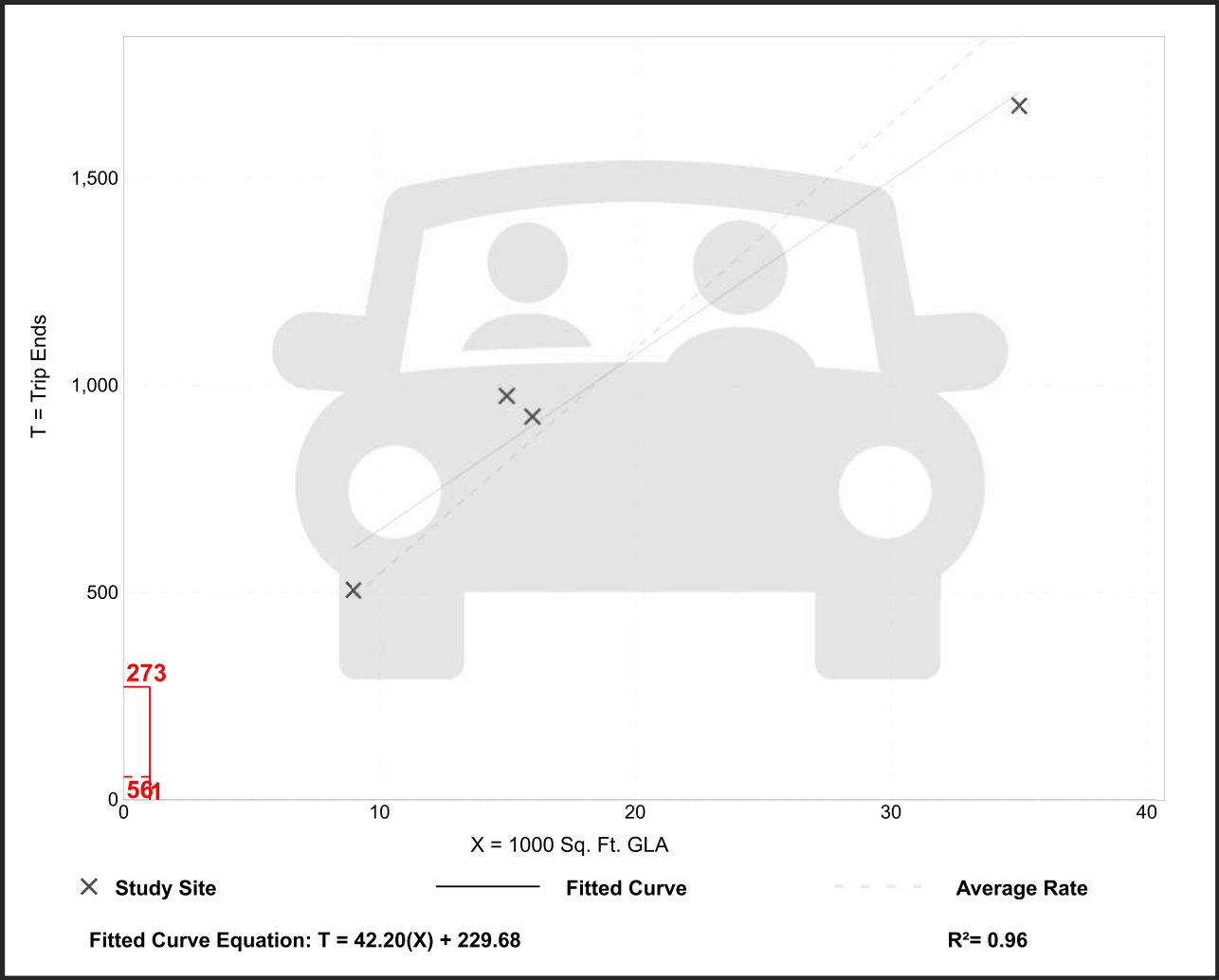
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Data Plot and Equation

Caution – Small Sample Size



South Green - Trip Generation Estimate

Latest print date: 3/28/2023

**Proposed Uses on Lot 2***

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Total 3.130	7,700					419
Total Lot 2	75,700					678

* Per 27 Mar 2023 Illustrative Plan

** Includes 1,200 sf of indoor amenity space associated with multifamily

Multifamily Housing (Mid-Rise)

Not Close to Rail Transit (221)

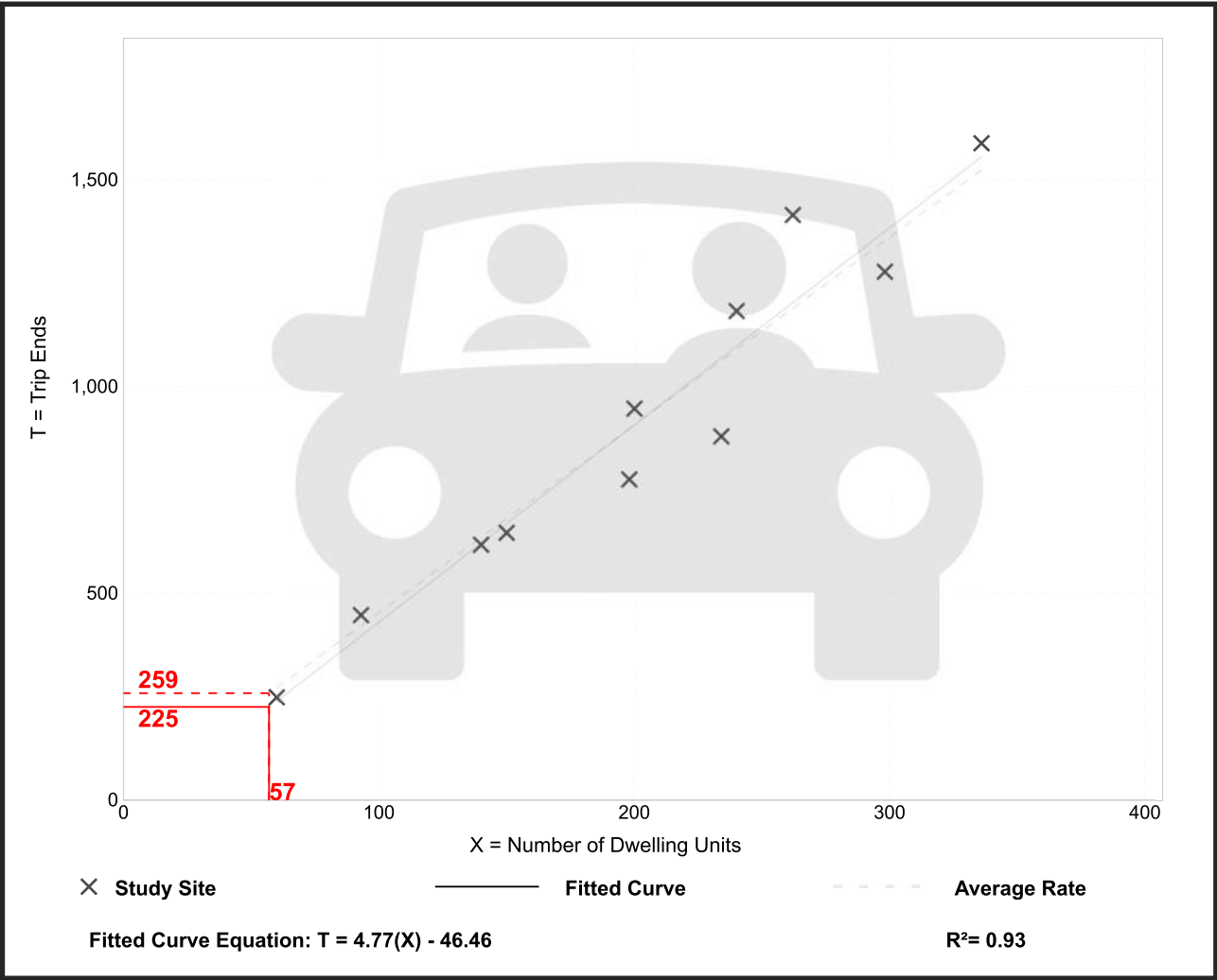
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On a: Weekday

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Number of Studies: 11
Avg. Num. of Dwelling Units: 201
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
4.54	3.76 - 5.40	0.51

Data Plot and Equation



Strip Retail Plaza (<40k) (822)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA
On a: Weekday

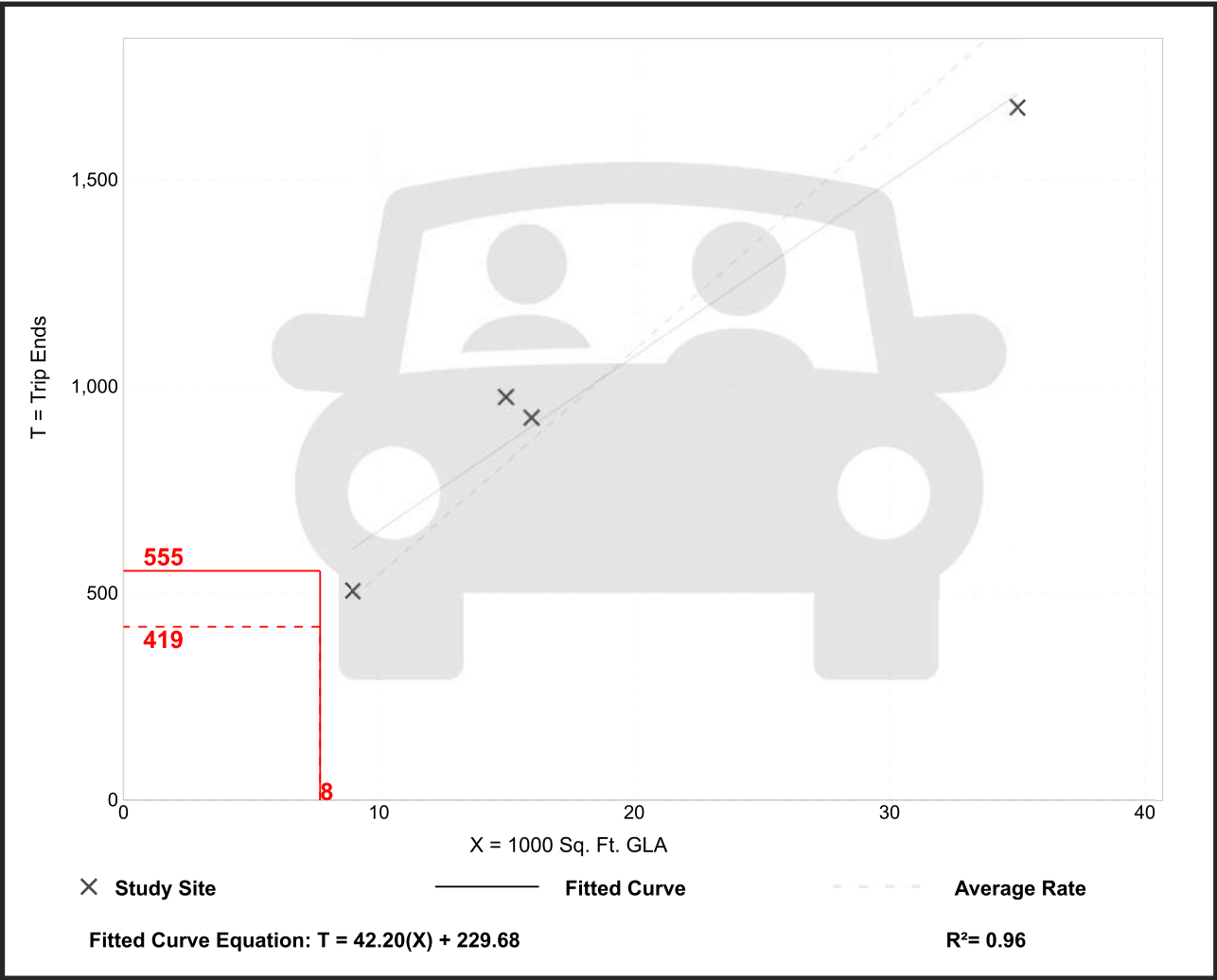
Setting/Location: General Urban/Suburban
Number of Studies: 4
Avg. 1000 Sq. Ft. GLA: 19
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
54.45	47.86 - 65.07	7.81

Data Plot and Equation

Caution – Small Sample Size





August 13, 2014

Mr. Chuck Edwards, PE
District Engineer
NC Department of Transportation
127 East Crescent Square Dr.
Graham, NC 27253

RE: Revised Trip Generation for 501 S. Greensboro Street in Carrboro, NC – (DAVENPORT Project Number **13-414**)

Dear Mr. Edwards:

In August 2013, DAVENPORT submitted a Transportation Impact Analysis (TIA) to NCDOT for the project stated above. The project is located at the intersection with Old Pittsboro Road on the east side of South Greensboro Street. The development was studied to consist of 30,350 square feet of retail and a 3,000 square foot bank with 2 drive-thru lanes. After pass-by reductions, this development would generate 2,213 daily trips and 95 AM peak hour net trips and 218 PM peak hour net trips.

Since the submittal, the client has made some changes to the site plan that would affect the land use and intensities. Attached are the site plans (two options are being studied) along with the trip generation comparison table of the original and the revised site plans.

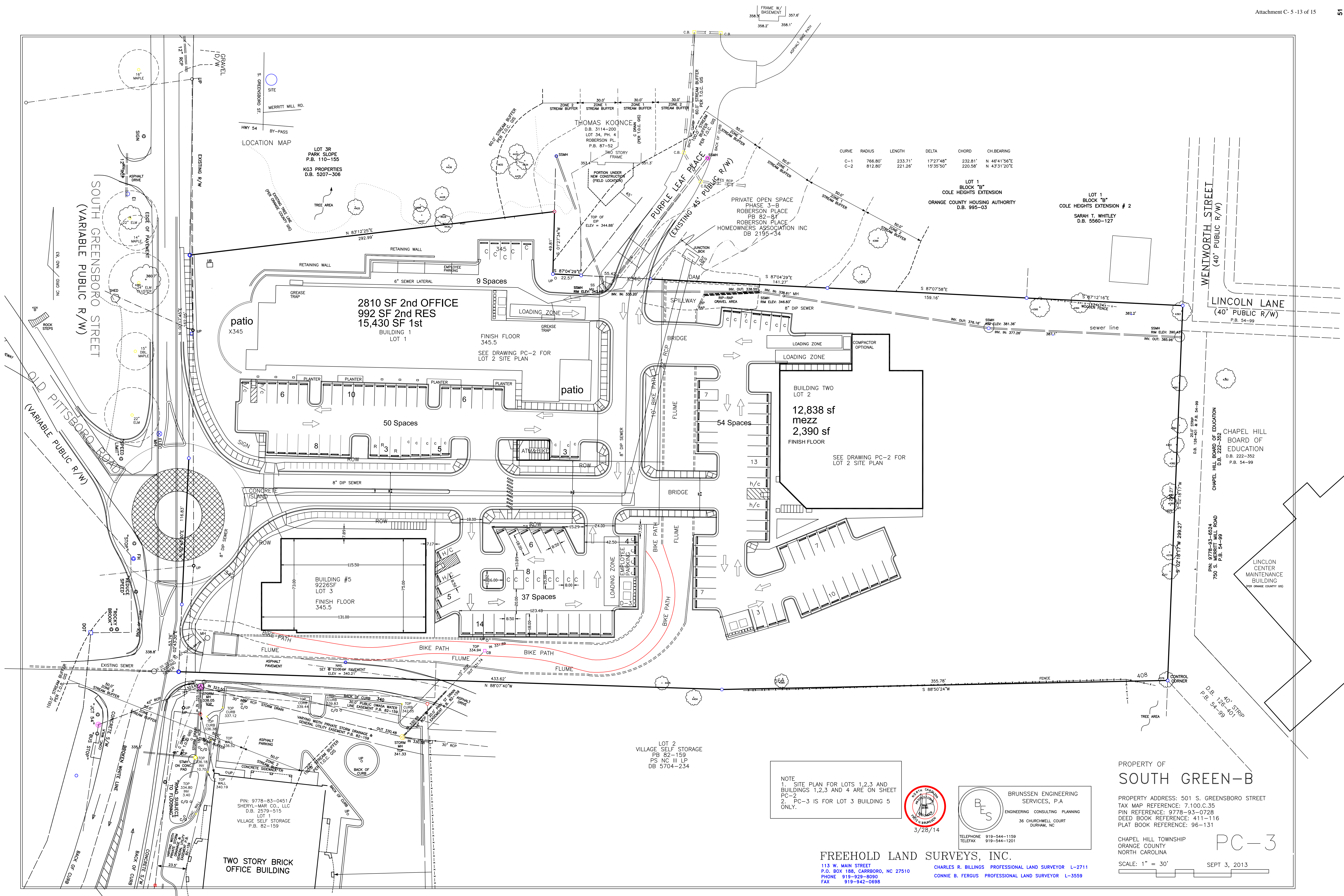
Please let know if a revised TIA is needed to reflect these changes or if this trip generation letter would suffice.

Please feel free to contact me with any questions at 336-744-1636.

Sincerely,

Dionne C. Brown

Dionne C. Brown, PE



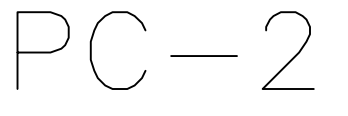


Table XX.X - ITE Trip Generation - Original

Average Weekday Driveway Volumes				24 Hour	AM Peak Hour		PM Peak Hour	
				Two-Way				
<u>Land Use</u>	<u>ITE Land Code</u>	<u>Size</u>		<u>Volume</u>	<u>Enter</u>	<u>Exit</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center	820	30.350	Th.Sq.Ft.GLA	3,129	46	30	140	146
Bank with Drive-Thru	912	2	Lanes	279	11	8	27	28
Total Unadjusted Trips				3,408	57	38	167	174
Shopping Center Pass-by Reduction (34% PM)				-1,064	0	0	-48	-50
Bank Pass-by Reduction (47% PM)				-131	0	0	-13	-13
Total Adjusted Trips				2,213	57	38	107	111

Table XX.X - ITE Trip Generation - CP3

Average Weekday Driveway Volumes				24 Hour	AM Peak Hour		PM Peak Hour	
				Two-Way				
<u>Land Use</u>	<u>ITE Land Code</u>	<u>Size</u>		<u>Volume</u>	<u>Enter</u>	<u>Exit</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center	820	34.5	Th.Sq.Ft.GLA	3,400	50	31	141	153
General Office Space	710	2.8	Th.Sq.Ft.GLA	87	10	1	14	68
Sit-down Restaurant	932	5.4	Th.Sq.Ft.GLA	687	32	26	32	21
Total Unadjusted Trips				4,174	92	58	187	242
Shopping Center Pass-by Reduction (34% PM)				-1,156	0	0	-48	-52
Restaurant Pass-by Reduction (43% PM)				-295	0	0	-14	-9
Total Adjusted Trips				2,723	92	58	125	181

Table XX.X - ITE Trip Generation - CP2

Average Weekday Driveway Volumes				24 Hour	AM Peak Hour		PM Peak Hour	
				Two-Way				
<u>Land Use</u>	<u>ITE Land Code</u>	<u>Size</u>		<u>Volume</u>	<u>Enter</u>	<u>Exit</u>	<u>Enter</u>	<u>Exit</u>
Shopping Center	820	32.1	Th.Sq.Ft.GLA	3,245	48	30	134	146
General Office Space	710	2.8	Th.Sq.Ft.GLA	87	10	1	14	68
Sit-down Restaurant	932	5.4	Th.Sq.Ft.GLA	687	32	26	32	21
Total Unadjusted Trips				4,019	90	57	180	235
Shopping Center Pass-by Reduction (34% PM)				-1,103	0	0	-46	-50
Restaurant Pass-by Reduction (43% PM)				-295	0	0	-14	-9
Total Adjusted Trips				2,620	90	57	121	176

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY
USES, BUILDING HEIGHT, AND OPEN SPACE STANDARDS RELATED TO THE M-3
SPECIAL LIGHT MANUFACTURING DISTRICT

DRAFT 04-20-23

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-141.4 (n) of the Carrboro Land Use Ordinance is amended to read as follows:

(n) For property that is zoned M-3-CZ, pursuant to subsection 15-141.4(c)(2) the following provisions shall apply.

- (1) If the Town Council concludes that a proposed development of property zoned M-3- CZ will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Council may approve a special use permit-A that allows up to a specified maximum percentage of the gross floor area and/or a maximum residential density of the development to be devoted to any combination of uses 1.310, 1.321, 1.322, 1.331, 1.332, 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, 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 8.100, 8.200, 8.500, 8.600, and 8.700 and/or a residential density equivalent to that provided in the R-3 zoning district for any combination of 1.310, 1.321, 1.322, 1.331, 1.332, 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 may be devoted to any combination of 8.100, 8.200, 8.500, 8.600, and 8.700 and/or a residential density equivalent to that provided in the R-2 zoning district for any combination of 1.310, 1.321, 1.322, 1.331, 1.332, 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 Council may allow up to forty percent of a development approved pursuant to

this section to be devoted to any combination of the foregoing may be devoted to any combination of 8.100, 8.200, 8.500, 8.600, and 8.700 and/or a residential density equivalent to that provided in the R-3 zoning district for any combination of 1.310, 1.321, 1.322, 1.331, 1.332, 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.

Section 2. Article IX is amended by modifying subsection (n)(3) to read as follows:

- (3) In approving a special use permit-A for a development of infill property zoned M-3-CZ, the Council may allow deviations from the otherwise applicable standards relating to public streets, open space and recreational facilities, and building height as follows:
 - a. The Council 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 and 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 Council 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 Council 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. The Council may approve downtown livability areas and urban amenities as provided in Article XIII, Section 15-204 to satisfy recreational facilities and open space requirements applicable to a development that includes residential uses.
 - e. The Council may approve a maximum building height of four (4) stories for buildings in the residential portions of an M-3 CZ district.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY 5.21 ACRES OF PROPERTY KNOWN 501 SOUTH GREEN TO M-3-CZ
(LIGHT MANUFACTURING, CONDITIONAL)

Draft 04-03-2023

THE TOWN COUNCIL 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:

Lot	PIN	Existing District	Proposed District	Size
1	9778-83-7930	M3-CZ	M3-CZ	1.25
2	9778-93-1738	M3-CZ	M3-CZ	2.99
3	9778-83-7669	M3-CZ	M3-CZ	0.97

1. The Concept Plan labeled “Rezoning Exhibit Illustrative Site Plan – South Green Lofts Conditional Rezoning,” dated _____ is approved and incorporated herein to indicate all potential land uses, the location of buildings and parking areas, vehicular and bicycle-pedestrian access points, circulation patterns, stream buffers and stormwater management features, areas of preserved trees and other landscaped areas. Other features and issues remain to be decided at the time a modification to the special use permit-A is requested for the development. Those features and issues include, but are not necessarily limited to, the location of EV charging stations, the location and type of urban amenities, and all other elements necessary to determine compliance with the Land Use Ordinance.
2. The rezoning and subsequent special use permit shall comply with all of the conditions agreed upon as part of the original conditional use permit adopted on June 9, 2015. This includes the green building and site components identified and agreed upon as part of the sliding scale for inclusion of use classification 8.000 (restaurants, bars and nightclubs).
3. The residential density of the project shall be capped at a maximum of 57 dwelling units of a combination of use classifications 1.321 (multi-family townhomes, max 20% units > 3 bedrooms), 1.322 (multi-family townhomes, no bedroom limits), 1.331 (multi-family apartments, max 20% units > 3 bedrooms), 1.332 (multi-family apartments, no bedroom limit).
4. The Housing & Community Services staff recommends that the rezoning follow the affordable housing expectation in the Land Use Ordinance and is content upon allocating 15% of the total number of units for affordable housing, or upon providing and payment in lieu of affordable units. If the project does not include 15% affordable units, the applicant shall participate in an affordable housing meeting with the Town Council.

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

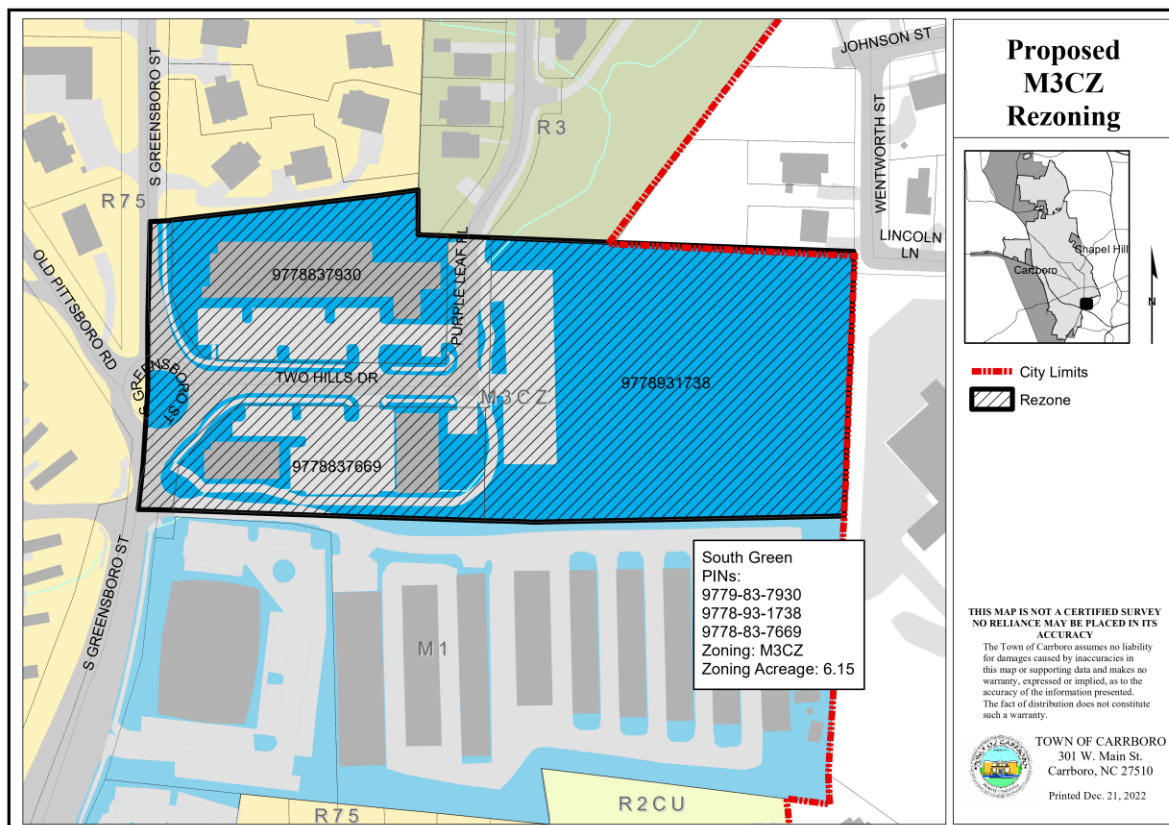
SECTION 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this ____ day of _____ 2023:

AYES:

NOTES:

ABSENT OR EXCUSED:



ARTICLE IX

ZONING DISTRICTS AND ZONING MAP

PART I. ZONING DISTRICTS

Section 15-141.4 Conditional Zoning Districts. (AMENDED 5/27/08; REWRITTEN 6/22/21)

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the conventional use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ, and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, O/A-CZ, M-1-CZ, M-2-CZ, M-3-CZ (AMENDED 4/27/10; 6/23/15; 10/23/18)

There may also be established a HR-CC-CZ zoning district, pursuant to the purpose statement and criteria described in Section 15-136.1.

(b) The conditional zoning districts authorized by 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 the provisions of subsections (k), (l), and (n), 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 conventional use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (f) 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). (AMENDED 10/23/18)

- (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 special use permit-A, 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

Art. IX ZONING DISTRICTS AND ZONING MAP

feet per dwelling unit (except that applicable density bonuses shall apply).

- (2) Except as otherwise provided in this section, the uses that are permissible within a M-3-CZ 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 zone M-1-CZ (i.e. excluding specific conditions made applicable to any property zoned M-1-CZ) with the addition of use 3.230.
- (3) Property that is zoned O/A-CZ shall be subject to all regulations applicable to the O/A district (including but not limited to the performance standards set forth in part I of Article XI), except as follows:
 - a. No area less than four contiguous acres and no more than a total of twenty-five (25) acres may be rezoned to the O/A-CZ.
 - b. Uses within the O/A-CZ district shall be limited to those where loading and unloading occurs during daylight hours only.
 - c. Buildings within the O/A-CZ district shall comply with the following standards:
 1. Exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood or fabricated residential lap siding made of hardboard or vinyl).
 2. The pitch of the roof shall have a minimum vertical rise of one foot for every two feet of horizontal run.
 3. Windows shall be of a scale and proportion typically of single-family residences.

(d) When a rezoning petition for a conditional 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 ordinance that rezones the property to the requested conditional zoning district. The rezoning petition for a VMU district, described in subsection 15-141.2(g)(1), shall include a master plan as a condition of the approval.
(AMENDED 10/25/16)

(e) A rezoning petition may be submitted to allow use classification 3.260 Social Service Provider with Dining within a building of more than two stories or 35 feet in height.
(AMENDED 10/25/16)

Art. IX ZONING DISTRICTS AND ZONING MAP

- (1) The petition shall include information that demonstrates that, if the project is completed as proposed, it:
 - a. Will not substantially injure the value of adjoining or abutting property; and
 - b. Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings; and
 - c. Will be in general conformity with the Comprehensive Plan, Land Use Plan, long range transportation plans, and other plans officially adopted by the Council. **(AMENDED 3/22/16, 10/25/16)**
- (2) All relative provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d) and (f). **(AMENDED 10/25/16)**

(f) The specific conditions proposed by the petitioner or the Town may be modified by the planning staff, advisory boards or Town Council as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the Town and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, the town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to the requirements of this chapter, or the impacts reasonably expected to be generated by the development or use of the site.

(g) Except as allowed under minor modifications below, all changes to conditional zoning districts are major amendments and shall follow the same process as for the original approval as described in this section and in Article XX. Changes to conditional zoning districts may also require amendments or modifications to associated special use permits, zoning permits or sign permits for the development as pursuant to Section 15-64.

Art. IX ZONING DISTRICTS AND ZONING MAP

- (1) Minor modifications in conditional zoning districts may be reviewed and approved administratively subject to the following limitations:

The minor modification:

- a. Does not involve a change in uses permitted or the density overall of the development permitted;
 - b. Is a limited minor change that does not have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, such as, without limitation, a minor adjustment to internal road or parking configuration, a minor adjustment to building location, or a minor adjustment to internal tree screening or other landscaping, or a minor adjustment to utility location;
 - c. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval;
 - d. Meets all other applicable conditions of the rezoning; and
 - e. Meets all other ordinance requirements.
- (2) For a conditional zoning district applicable to multiple parcels, the owners of individual parcels may apply for a minor modification or major amendment so long as the change would not result in other properties failing to meet the terms of the conditions. Any approved changes shall only be applicable to those properties who owners petition for the change.

(h) A decision on a minor modification may be appealed to the Board of Adjustment as an administrative determination as provided for in subsection 15-93.1. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

(i) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding conventional use district would ordinarily require (according to the Table of Permissible Uses), i.e. a special use permit-A, special use permit-B, or zoning permit.

(j) Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district and M-3-CZ zoning district shall require the issuance of a special use permit-A. **(AMENDED 10/23/18)**

(k) Notwithstanding the foregoing, in approving a rezoning to a B-1(g) – CZ zoning district, the Town Council may authorize the property so zoned to be developed at a higher level

Art. IX ZONING DISTRICTS AND ZONING MAP

of residential density than that otherwise permissible in B-1(g) zoning districts under Section 15-182 if the rezoning includes conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas: stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use. Conditions that may be included to meet the above stated objective include but shall not be limited to the following: **(AMENDED 11/9/11)**

- (1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the North Carolina Stormwater Nitrogen and Phosphorus (SNAP) Tool.
- (2) Energy performance in building requirements to meet one or more of the following.
 - a. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better).
 - b. “Designed to Earn the Energy Star” rating.
 - c. 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.
 - d. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings.
 - e. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
 - f. US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030.
 - g. Specific energy saving features, including but not limited to the following, are encouraged.
 - i. Use of shading devices and high performance glass for minimizing heating and cooling loads
 - ii. Insulation beyond minimum standards;
 - iii. Use of energy efficient motors/HVAC;
 - iv. Use of energy efficient lighting;
 - v. Use of energy efficient appliances
 - vi. LED or LED/Solar parking lot lighting (50-100% more efficient).
 - vii. Active and passive solar features.
- (3) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.

Art. IX ZONING DISTRICTS AND ZONING MAP

- (4) Use of harvested rainwater for toilet flushing.
- (5) Parking lot meets the standard for a “green” parking lot, per the EPA document Green “Parking Lot Resource Guide.”
- (6) Inclusion of Low Impact Development features.
- (7) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (8) 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.
- (9) Inclusion of at least one (1) parking space for car sharing vehicles.
- (10) Provision of public art and/or outdoor amenities for public use.
- (11) Use of surface materials that reflect heat rather than absorb it.
- (12) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (13) Provision of affordable housing in accordance with Town policy.

(l) If a B-1(g) – CZ zoning district is created and, pursuant to subsection (k) of this section, a higher level of residential density than that otherwise permissible in B-1(g) zoning districts is approved for that district, then it shall be a requirement of such district that at least twenty percent (20%) of the total leasable or saleable floor area within all buildings located within such zoning district shall be designed for non-residential use. Occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1). **(AMENDED 11/9/11)**

(m) For property that is zoned B-4-CZ, the Town Council may approve a special use permit-A that authorizes the tract to be divided into two or more lots, so long as (i) the application for the special use permit-A contains sufficient information to allow the Town Council to approve (and the Council 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 Council); 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 Council. (Amended 10/23/18)

Art. IX ZONING DISTRICTS AND ZONING MAP

- (1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a special use permit-A for the entire tract does not provide sufficient information to allow development approval of such lots by the Council, the Council shall specify (by way of a condition upon the special use permit-A) 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 Council shall consider the extent to which the initial special use permit-A imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Council'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 Council. 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 special use permit-A issued in connection with a B-4-CZ rezoning.
- (n) For property that is zoned M-3-CZ, pursuant to subsection 15-141.4(c)(2) the following provisions shall apply.
- (1) If the Town Council concludes that a proposed development of property zoned M-3- CZ will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Council may approve a special use permit-A that allows up to a specified maximum percentage of the gross floor area of the development to be devoted to any combination of uses 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 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 Council 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

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	<p>9) Use of devices that shade at least 30 percent of south-facing and west-facing building elevations</p> <p>10) Use of low emissivity (low-e²) windows along south-facing and west-facing building elevations</p> <p>11) Installation of attic insulation that exceeds the current building code R-value rating by 35 percent or greater</p> <p>12) Use of geothermal heat system to serve the entire complex</p> <p>13) Use of LED fixtures for parking and street lights</p> <p>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</p>
Creation of new and innovative light manufacturing operations	<p>15) The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers</p> <p>16) Incorporates technologies to reduce production waste by 50 percent or more</p>
The provision of public art and/or provision of outdoor amenities for public use	<p>17) Outdoor amenities such as major public art</p> <p>18) Amphitheatre or outdoor theater, outdoor congregating/gathering area</p> <p>19) Outdoor eating facilities</p> <p>20) Outdoor tables with game surfaces, etc.</p>

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

- a. The Council 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.

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- b. The Council 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 Council 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.

PART II. ZONING MAP**Section 15-142 Official Zoning Map.**

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.

(b) The Official Zoning Map dated April 1973 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 15-143.

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further authorization or action is required so long as no district boundaries are changed in this process.

Section 15-143 Amendments to Official Zoning Map. (AMENDED 4/27/10; 10/26/10; 9/24/13)

(a) Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this chapter, as set forth in Article XX.

(b) The administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendments to the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the Official Zoning Map.

(d) The planning department shall keep copies of superseded prints of the zoning map for historical reference.

Section 15-143.4 Downtown Neighborhood Protection Overlay District. (AMENDED 8/23/05)

(a) There is hereby created a Downtown Neighborhood Protection (DNP) Overlay District. The purpose of this district is to establish special height, setback, and design requirements applicable to lots in certain commercially zoned downtown areas where such lots abut or are directly across the street from residentially zoned properties.

(b) Because the DNP district is an overlay district, properties within this district are subject to the regulations applicable to the underlying district except as those regulations are modified or superseded by the requirements of the DNP district. The requirements of the DNP district are set forth in Section 15-185.1 of this chapter.

Section 15-143.5 Lloyd/Broad Overlay District. (AMENDED 6/26/2018)

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(a) There is hereby created a Lloyd/Broad Overlay District. The purpose of this district is to protect and preserve the character of the district and to establish special height, setback, mass and parking requirements applicable to lots within the district.

(b) Because the Lloyd/Broad Overlay District is an overlay district, properties within this district are subject to the regulations applicable to the underlying zoning district, except as those regulations are modified or superseded by the requirements of this district which are set forth in Section 15-185.2 of this Chapter.

Section 15-144 through 15-145 Reserved.

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Section 15-320 Amendments in General.

(a) Amendments to the text of this chapter or to the zoning map or to the comprehensive plan may be made in accordance with the provisions of this article, or in the case of non-substantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 9/01/87; 6/22/21)**

(b) The term “major map amendment” shall refer to an amendment that addresses 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. All other amendments to the zoning district map shall be referred to as “minor map amendments.”

(c) All properties within the University Lake Watershed are zoned WR, B-5, WM-3 or C. As provided in Subsection 15-137(b), no additional areas may be rezoned WM-3 or B-5, and no areas within the University Lake Watershed may be rezoned to any classification other than WR, or C. **(AMENDED 10/15/96)**

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. section 143-214.5. Copies of all amendments to section 15-266 shall be sent to the Department of Environmental Quality (DEQ), Division of Water Resources and the Environmental Management Commission (EMC). **(AMENDED 10/15/96; 6/22/21)**

Section 15-321 Initiation of Amendments.

(a) Whenever a request to amend this chapter is initiated by the Town Council, the planning board, the board of adjustment, other town advisory board, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the Town Council so that a date for a public hearing may be set.

(b) Any other person may also petition the Council to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

- (1) The name, address, and phone number of the applicant. If a change in zoning district classification to a less dense development density is proposed, the name, address, phone number and signature of all property owners consent to the application is required. Applications for down-zoning shall not be considered unless all the property owners consent to the application. **(AMENDED 6/22/21)**

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- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.
- (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.
- (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
- (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.

(b1) If a change in zoning district classification is proposed, the petitioner shall hold at least one neighborhood information meeting on the application. A mailing is required in accordance with the standards in 15-323(c). **(AMENDED 6/22/21)**

(c) Upon receipt of a petition as provided in (b), the planning staff shall either:

- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
- (2) Forward the petition to the Council with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).

(d) Upon receipt of a proposed ordinance as provided in subsection (a), the Council may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Council may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance. In accordance with G.S. 160D-601(d), petitions for proposed map changes that would result in a downzoning of property shall only be initiated by the owners of the property or the Town. (See subsection (b)(1) above.) **(AMENDED 6/22/21)**

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments.

(a) If the Council sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues, and may refer the amendment to the environmental advisory board if the amendment involves community environment issues, and may refer the amendment to the affordable housing advisory commission if the amendment involves an affordable housing issue, and may refer the amendment to the economic sustainability commission if the amendment

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involves an economic development issue or any other board if the amendment involves an issue of which the board has expertise.(**AMENDED 9/19/95; REWRITTEN 2/25/14; AMENDED 6/25/19; 6/22/21**).

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans, or other applicable plans officially adopted by the Town Council. The planning board shall provide a written recommendation to the Town Council 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 Town Council may proceed in its consideration of the amendment without the planning board report. (**AMENDED 10/24/06; 6/22/21**)

(c) A comment by the planning board that a proposed amendment is inconsistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Town Council, and the Town Council is not bound by the recommendations of the planning board. (**AMENDED 10/24/06; 6/22/21**)

(d) A member of the planning board and any other advisory committee that provides direct advice to the Town Council (i.e. it does not report to the planning board) shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (**AMENDED 10/24/06; 6/22/21**)

Section 15-323 Hearing Required: Notice.

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. section 160D-601(a), which provides that the date of publication is not counted but the date of the hearing is. (**AMENDED 6/22/21**)

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is abutting the property rezoned by the amendment, including property separated by a street right of way, railroad or other transportation corridor and any other property that is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term “owners” shall mean the persons shown as owners on Orange County’s computerized land records system. The planning staff

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shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. If the rezoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing. The staff member mailing such notices shall certify to the council that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 4/15/97; 3/26/02; 6/22/21)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. section 160D-602(b), but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06; 6/22/21)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way at least 10 but not more than 25 days prior to the date of the public hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons. **(AMENDED 6/22/21)**

(f) The planning staff shall take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(g) The notice required or authorized by this section (other than the posted notice required by subsection (e)) shall: **(AMENDED 11/24/09)**

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.
- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.

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- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Council's intention that the notice requirements set forth in this section that are not required by state law shall not be regarded as mandatory, and therefore a failure to comply with such requirements shall not render any amendment invalid. **(AMENDED 11/24/09)**

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the Town Council that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Town Council that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 11/24/09)**

(j) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 15-323(i) of this section shall be by any manner permitted under G.S. section 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. section 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a town-initiated zoning map amendment. **(AMENDED 11/24/09)**

Section 15-324 Council Action on Amendments. **(AMENDED 10/24/06)**

(a) At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 2-15 of the Town Code.

(d) When adopting or rejecting any zoning or text amendment, the Council shall adopt a statement describing whether the action is consistent or inconsistent with an adopted comprehensive plan, which shall not be subject to judicial review. **(AMENDED 2/6/2018;**

REWRITTEN 6/22/21)

- (1) If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment shall be required.
- (2) A plan amendment and zoning amendment may be considered concurrently.
- (3) If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the Council’s statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(d1) When adopting or rejecting any petition for a zoning map amendment the Council shall adopt a statement explaining the reasonableness of the proposed rezoning. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment, (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the statement on reasonableness may address the overall rezoning.

(e) A Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (See also Carrboro Town Code Section 2-35). **(REWRITTEN 6/22/21)**

Section 15-325 Ultimate Issue Before Council on Amendments.

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Council is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a conditional zoning district, the Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Council shall consider whether the entire range of permitted uses in the requested classification is more

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appropriate than the range of uses in the existing classification. (AMENDED 05/25/99; 05/27/08)

- (2) The Council shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 15-326 Citizen Comments on Zoning Map and Text Amendments. (AMENDED 10/24/06, REWRITTEN 12/6/16; 6/22/21).

The Town of Carrboro Land Use Ordinance may from time to time be amended, supplemented, changed, modified or repealed. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification or repeal to a zoning regulation including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the Clerk of the Town Council at least two (2) business days prior to the proposed vote on such change, the Clerk to the Council shall deliver such written statement to the Council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. section 160D-705 or any other statute, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Council shall not disqualify any member of the Council from voting. Written statements submitted in connection with a quasi-judicial proceeding may be admitted into evidence at such a proceeding if the Council determines that such statements are admissible under the N.C. Rules of Evidence in the proceeding. (Amended 12-6-16; and enacted pursuant to a Resolution in Opposition to the General Assembly's Repeal of Statutory Authority for Qualified Protest Petitions to Trigger a Super Majority Vote for Certain Zoning Map Amendments, dated 12-6-16).

Racial Equity Pocket Questions – Legislative Public Hearings for Amendments

In accordance with North Carolina General Statutes, consideration of map (rezonings) and text amendments (G.S. 160D-601(a)) require legislative public hearings. Public hearings provide a forum for public input where proponents and opponents of the legislative action may voice their support/concern or provide opinions/comments on a matter. Legislative hearings do not have the same procedural formality—consideration of evidence/finding of fact as quasi-judicial hearings. The Town Council has broad discretion in its decision making and can engage with applicant(s) and residents to discuss proposals.

Prior to the Town Council holding a legislative hearing, there must be proper public notice; this includes publishing notice in a newspaper, for two successive weeks; mailing notice to adjacent property owners (at least 10 days and not more than 25 days before the date of the hearing) and posting a sign on the subject property (at least 10 days and not more than 25 days) before the date of the hearing. The Town of Carrboro exceeds the state requirement by providing mailed notice to all property owners and renters within 1000-feet of the subject property(ies). Amendments to the Land Use Ordinance in June of 2021, added a required neighborhood information meeting (NIM) for rezonings. The NIM is an applicant-lead meeting to provide neighbors with an opportunity to learn about and provide input at the beginning of a development proposal. The applicant is required to meet the same mailed notice standards for the NIM.

What are the racial impacts?

Lack of representation on elected and appointed boards (advisory boards also provide comments for public hearings), and a perception of not being heard can make it difficult to feel welcome. Disparate access to quality education as well as historical barriers to government for community members of color can lead to undue burden.

Who is or will experience burden?

Shift workers and people who have limited time, transportation choices and/or children may have difficulty finding the time to learn about a proposal, attending meetings, understanding how and when to provide input, and to whom. It takes time to learn the development process and to obtain a comfort level to participate. Language may also provide a barrier for some residents.

Who is or will experience benefit?

The public hearing process is intended to provide a mechanism to provide information in a public forum. In the case of a land use decision, a public hearing provides a public forum for an applicant (land owner or local government) to present information to members of the public and the decision-making entity (elected officials/board of adjustment). Hearings provide opportunities for public comment and allow for decisions to occur in a public setting for transparency. Public hearings for voluntary annexation and rezonings involve a legislative decision, one which allows for applicants and members of the community to engage with elected officials and voice support or concern for a development proposal. Residents who are already engaged with the Town and follow Council meeting agendas may feel comfortable reaching out to the Town or attending meetings to express opinions on an annexation or rezoning.

What are the root causes of inequity?

Working individuals and families may find it difficult to attend public meetings, may be reticent to speak in a public setting and may have an overall distrust in government and governmental processes, based on personal experiences and/or examples of structural racism in government decisions, particularly those relating to land use.

What might be the unintended consequences of this action or strategy?

Rezoning can affect land values and quality of life experiences for surrounding property owners and occupants in ways that can be beneficial and, albeit for some, less desirable. Increasing density to provide more housing and more diverse housing price points would be an example. The public hearing process is intended to provide a way for adjacent property owners and the community at large to learn about a development proposal and provide input in a public setting. Even with rigorous notification efforts including mailed notice, some people may not learn of a project in time to provide input and/or feel that they understand the project and/or approval process enough to fully participate. The Planning Department has completed an evaluation of the amendment process through the REAL lens and is considering options for better public engagement moving forward. Of note, this would involve efforts to go beyond what is required by state statute and the Land Use Ordinance.



Agenda Item Abstract

File Number: 23-125

Agenda Date: 4/25/2023

File Type: Agendas

In Control: Town Council

Version: 1

Request to Set a Public Hearing on Land Use Ordinance Text Amendments Relating to Attendance for Board and Commission Members

PURPOSE: The purpose of this agenda item is for the Town Council to set a public hearing to consider amendments to the Land Use Ordinance to revise notification associated with attendance requirements.

DEPARTMENT: Planning

CONTACT INFORMATION: Trish McGuire, Planning Director, pmcguire@carrboronc.gov
<<mailto:pmcguire@carrboronc.gov>>, 919-918-7327

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

The Town Council has maintained guidelines and procedures associated with board appointments and meetings for some time. In March, the Town Council directed staff to update notification processes associated with attendance requirements. Pocket questions related to the land use ordinance amendment process are attached (to be included as Attachment C).

INFORMATION:

A draft ordinance has been prepared in response to Town Council direction (Attachment B). The draft ordinance removes a provision that provides for board and commission chairs to allow flexibility in the removal of members who do not meet the attendance requirements. The draft ordinance makes these changes to Land Use Ordinance provisions for the following boards and commissions:

Planning Board

Northern Transition Area Advisory Commission

Environmental Advisory Board

Appearance Commission

Board of Adjustment

A resolution setting a public hearing for May 23rd and referring the draft ordinance for advisory board review is included as Attachment A.

Parallel changes to similar provisions in the Town Code for advisory boards and commissions included on the agenda for the May 23rd meeting.

FISCAL IMPACT: There are minimal fiscal impacts associated with setting a public hearing.

RECOMMENDATION: The Town Manager recommends that the Town Council approve the resolution

Agenda Date: 4/25/2023
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setting a public hearing for May 23, 2023 and referring the draft ordinance to the Planning Board for its review.

Attachment A

A RESOLUTION SETTING A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO ATTENDANCE REQUIREMENTS BOARD AND COMMISSION MEMBERS

WHEREAS, the Town of Carrboro reviews and updates regulatory requirements and standards found in the Land Use Ordinance, and

WHEREAS, the Town Council has directed that attendance requirements for boards and commissions be made uniform, and

WHEREAS, the Town Council has directed that the option for Chairs to waive attendance requirements for boards and commissions be removed.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Town Council sets a public hearing for May 23, 2023 on a draft ordinance amending the attendance requirements for boards and commissions.

BE IT FURTHER RESOLVED that the draft ordinance is referred to the Planning Board for its review.

This is the 25th day of April in the year 2023.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MODIFY
ATTENDANCE REQUIREMENTS FOR BOARDS AND COMMISSIONS

****DRAFT 4-10-2023****

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Section 15-21 (Appointment and Terms of Planning Board Members) of the Carrboro Land Use ordinance is amended by revising subdivision (e)(2) to read as follows:

(2) Members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk send a removal notice to the member within ten days of the determination that the attendance requirements have not been met. This removal shall be effective on the date of such notice.

Section 2. Section 15-29 (Appointment and Terms of Board of Adjustment) is amended by revising subdivision (d)(2) to read as follows:

(2) Members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk send a removal notice to the member within ten days of the determination that the attendance requirements have not been met. This removal shall be effective on the date of such notice..

Section 3. Section 15-42 (Appointment and Terms of Appearance Commission) is amended by revising subdivision (c)(2) to read as follows:

(2) Members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk send a removal notice to the member within ten days of the determination that the attendance requirements have not been met. This removal shall be effective on the date of such notice.

Section 4. Section 15-45 (Appointment and Terms of Environmental Advisory Board) is amended by revising subdivision (c)(2) to read as follows:

(2) Members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk send a removal notice to the member within ten days of the determination that the attendance requirements have not been met. This removal shall be effective on the date of such notice.

Section 5. This ordinance shall become effective upon adoption.

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Agenda Item Abstract

File Number: 23-113

Agenda Date: 4/25/2023

File Type: Agendas

In Control: Town Council

Version: 1

Resolution to Award a Contract to Griffin & Strong PC to Perform a Disparity Study for the Town of Carrboro

PURPOSE: The purpose of this agenda item is to request that the Town Council award a contract to conduct a Disparity Study for contracting and procurement and to authorize the Town Manager to sign any necessary documents.

DEPARTMENT: Economic Development

CONTACT INFORMATION: Jon Hartman-Brown; JHartman-Brown@CarrboroNC.gov <<mailto:JHartman-Brown@CarrboroNC.gov>>; 919-918-7319

COUNCIL DIRECTION:

☒ Race/Equity ☐ Climate ☐ Comprehensive Plan ☐ Other

This agenda item helps promote the Town's race and equity goals by analyzing and reviewing our contracting and procurement practices and policies for signs of disparity with regard to race.

INFORMATION: As part of the Town's racial equity work, the Town Council approved the use of ARPA funds to conduct a disparity study for contracting and procurement on September 13, 2022. The Council subsequently approved a grant project ordinance on October 6, 2022.

Town staff began developing and issued an RFP for the disparity study on February 5, 2023, with a due date of March 3, 2023. The Town received four proposals in response to the RFP. A staff review committee was developed (made up of the Town Manager, Economic Development Director, and the Deputy Finance Director) to review the RFPs. The firms Griffin & Strong and Miller³ Consulting were the highest ranked firms.

The staff review committee proceeded to conduct 30-minute interviews and presentations from these top two firms ultimately recommending the firm of Griffin & Strong to conduct the disparity study.

Griffin and Strong is a minority-owned law and public policy consulting firm based in Atlanta, GA. The firm has conducted over 60 studies for clients including Mecklenburg County, City of Greensboro, Guilford County, Wake County, City of Fayetteville, Durham County, and the State of North Carolina. BLWall Consulting, a certified HUB/minority and woman-owned business based in Wake Forest, NC will be a subconsultant.

It is anticipated that the study will take twelve months to complete.

Below is a summary table to firms, proposal costs, and respective timelines to complete the study.

FIRM	TOTAL COST	TIMELINE
Griffin & Strong PC	\$ 280,148	12-months
Miller ³ Consulting	\$ 388,400	12-months
MGT Consulting	\$ 421,098	12-months
Mentor Documents & Consulting	\$ 312,000	8-months

FISCAL IMPACT: The Griffin & Strong proposal is \$280,148 and was the lowest, responsible proposal.

RECOMMENDATION: The Town Manager recommends that the Town Council award Griffin & Strong PC the contract to conduct the Town's disparity study for contracting and procurement.

**A RESOLUTION TO AWARD A CONTRACT TO
GRIFFIN & STRONG PC TO PERFORM A
DISPARITY STUDY FOR THE TOWN OF
CARRBORO**

March 25, 2023

WHEREAS, the Town of Carrboro is committed to equal opportunity and fair treatment for all businesses in its procurement process; and

WHEREAS, the Town of Carrboro desires to conduct a comprehensive disparity study to assess the availability and utilization of minority-owned and women-owned businesses in its procurement activities and identify any barriers or impediments that may affect their participation; and

WHEREAS, the Town is required to undertake a disparity study to establish a minority- and women-owned business enterprise program; and,

WHEREAS, the Town issued a Request for Proposals (RFP) on February 5, 2023 soliciting proposals from firms of interest and received four proposals; and

WHEREAS, after an evaluation of all proposals based on the criteria established in the RFP; and,

WHEREAS, Griffin & Strong PC was determined to offer most responsive proposal to the needs of the Town, and has extensive experience and expertise in conducting disparity studies for public entities across the country and in North Carolina.

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that:

- Section 1. A contract award in an amount not to exceed \$280,150 is awarded to Griffin & Strong PC to perform a disparity study as required for the Town to establish a Minority- and Women-Owned Business Enterprise (MWBE) program.
- Section 2. The Town Manager is authorized to negotiate and enter into a professional services contract with Griffin & Strong PC for the undertaking of this study, including project deliverables, modification of tasks, and schedule for completion of the study.
- Section 3. The Town Manager is authorized to amend the contract provided the maximum amount of the contract is not exceeded and there are no major change(s) in the scope of work to be performed.
- Section 4. This resolution is effective upon its adoption.

Section 5. A copy of this resolution shall be provided to the Town's Finance Officer within five (5) days of adoption.

PASSED AND ADOPTED by the Carrboro Town Council this 25th day of April 2023.

Damon Seils, Mayor

ATTEST:

Wesley Barker, Town Clerk

Racial Equity Tool Pocket Questions

What are the racial impacts?

This decision point has the opportunity to provide funding and experience to BIPOC businesses that may not have had opportunities provided to them in the past. In this instant, all of the firms that submitted a proposal are owned by a person of color.

Who is or will experience burden?

For this decision point would only cause burden on the firms that were not selected as a part of the RFP process.

Who is or will experience benefit?

For this decision point, the firm that was selected will experience the benefit of receiving the contract.

What are the root causes of inequity?

The root causes of inequity in determining a firm lie in experience and capital which are often more accessible to white businesses than BIPOC businesses. In this case, all of the firms are minority-owned and are reviewed using the same standards.

What might be the unintended consequences of this action or strategy?

Unintended consequences of this decision may be that the criteria used to evaluate the proposals may not have adequately represented some firm's strengths and, as a result, may not have permitted us to choose the best firm. Additionally, a positive unintended consequence, could that local BIPOC businesses may feel more comfortable and can benefit from engaging with another BIPOC consulting firm.