



Legislation Details (With Text)

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Title:	Deliberation on the Proposed Rezoning and associated Land Use Ordinance Text Amendments for the Lloyd Farm development proposal.		

PURPOSE: Continuation of the Board’s deliberation on the proposed rezoning at 700 Old Fayetteville Road from R-10 and B-4 to B-4-CZ, from R-10 and R-20 to R-10-CZ and R-20-CZ, and the associated text amendments for the Lloyd Farm development proposal. Draft ordinances for the Land Use Ordinance map and text amendments have been prepared.

Indexes:

Code sections:

Attachments: 1. Attachment A-1 - Consistency Resolution for Text Ordinance Adoption, 2. Attachment A-2 - Consistency Resolution for Text Ordinance Denial, 3. Attachment B - Draft LUO Text Amendment relating to B-4-CZ & B-4-CU zoning district 6-22-16_CU&CZ, 4. Attachment C-1 - Consistency Resolution for Map Ordinance Adoption, 5. Attachment C-2 - Consistency Resolution for Map Ordinance Denial, 6. Attachment D - Draft Map Amendment with conditions_12-2-2016

Date	Ver.	Action By	Action	Result
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TITLE:

Deliberation on the Proposed Rezoning and associated Land Use Ordinance Text Amendments for the Lloyd Farm development proposal.

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DEPARTMENT: Planning

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INFORMATION: On June 28, 2016, the Board of Aldermen opened two public hearings relating to the Lloyd Farm development: a petition for change of zoning and an application for associated text amendments. (Agenda materials for the meetings may be found at <https://carrboro.legistar.com/MeetingDetail.aspx?ID=456731&GUID=C6B5AC0D-605F-4CBF-A7E7-7BE4BBA20FE5&Options=info&Search>=). The Board continued the hearings to October 18th and November 1st to receive information on aspects of the project, relating to traffic mitigation, stormwater management, affordable housing and economic projections. (Agenda materials may be found at the following links: <https://carrboro.legistar.com/MeetingDetail.aspx?ID=456738&GUID=358FB37A-DAC1-4A56-912F-89E7C7FE04BE&Options=&Search>= and

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2870881&GUID=6A53B3F6-C75A-4408-8236-8B904122492C&Options=&Search=>>).

To date, citizen comment and Board discussion has primarily focused on two of these aspects of the project: the potential for the development to increase existing flooding issues in the Tom's Creek drainage area and the potential to increase traffic demands on existing residential neighborhood streets because of egress issues limiting direct access onto Old Fayetteville Road and NC 54. Discussion has also touched on whether other more compatible projects could be constructed on the site under the existing zoning.

Stormwater

The Land Use Ordinance requires new developments to drain properly and to meet standards that were not in place at the time that much of the existing Plantation Acres neighborhood was constructed. Analysis by Sungate Design, the Town's Engineer, of the Tom's Creek watershed has revealed the complicated nature of the existing stream and the limited potential for improvement to flood levels in relation to the drainage system of the street network. The Town's establishment of a stormwater utility fund offers a more comprehensive approach to address flooding concerns at individual properties, an approach the Town is now pursuing.

Using the Tom's Creek flood study model, Sungate Design has been able to input some stormwater information from the Lloyd Farm project engineer to determine whether the project can be designed in a way that would not exacerbate the existing flooding in the neighborhood. This analysis yielded a detailed condition (#16) requiring full engineering plans with the conditional use permit, rather than the construction plans, to demonstrate that the development will not cause a rise in the water surface elevation on any property within the Tom's Creek floodplain located upstream of West Main Street during the 1, 2, 5, 10, 25, 50 and 100-year 24-hour storm event. The applicant has indicated that they are unable to commit to the condition as prepared and has drafted an alternative version for consideration that is included in italic text in the draft ordinance.

Traffic Mitigation

Traffic assessments from the applicant's traffic engineer, reviewed by NCDOT, and Davenport, the third party engineering firm hired by the Town, have drawn similar conclusions with regard to the distribution of trips associated with the project. Based on their professional expertise, both consultants identified the majority of trips as coming from the NC 54 corridor during the AM and PM peak, and suggested that travelers would seek the most direct path back to the NC 54 corridor when exiting the site. Staff has continued to discuss options for left turns out of the site at NC 54 and Old Fayetteville Road with the applicant and NCDOT and has drafted a new condition to require a controlled left at one or both locations as part of the conditional use permit, subject to NCDOT approval. This timeline would allow the applicant an opportunity to analyze different configurations and work with NCDOT to find a solution. The applicant has provided a modified version of this condition (#18) that is also included in italics in the draft ordinance. The existing condition regarding traffic calming on Carol Street (#7) has been updated to offer more specific suggestions for improvements along with a timing mechanism so that analysis would coincide with real life scenarios of traffic created by the project after it has been completed. Staff has also reached out to the Carrboro Post Office regarding the link between the two uses and will continue to reach out, but initial responses have indicated that the post office would wait until build-out to determine if the Lloyd Farm project affected their existing traffic flow and whether design changes to the post office parking lot were needed to discourage through traffic. Staff continues to discuss the project with Chapel Hill Transit to determine the best way to provide service to the neighborhood.

Conditions for Approval

An important element of conditional zoning as a zoning mechanism is the incorporation of conditions that are binding to the property and will inform the subsequent permit application. Conditions must be mutually agreed upon by the Town and the applicant. Eighteen conditions are now included as part of the draft ordinance for the

rezoning (Attachment D). Questions have surfaced about the benefits of the rezoning in terms of the quality of the project. The existing zoning would allow the same uses-high volume retail, restaurant and office for the B-4 portion of the site and residential (single and multi-family) in the R-10 portion of the site--but in a different and less unified configuration. A major commercial use near the post office would likely require two access points: one onto NC 54, the other, likely onto James Street. Stormwater would be handled at the individual project level rather than the larger 35-acre site. Perhaps most important, the approval process, would be a quasi-judicial one, with conditions limited to those directly related to the development. The conditional zoning process by contrast, offers the opportunity to incorporate more community-based conditions, such as requiring stormwater analysis earlier in the process and trying to relocate existing wildlife.

The Board of Aldermen should consider that the approval of the map amendment with conditions and accompanying concept plan would effectively, and practically express support and acceptance for this project in its entirety and as presently represented in the absence of a determination that the information considered up to this point was misrepresented, that new information has been discovered, or there was an error. At the time a conditional use permit is later under consideration, there would be limited opportunity to review the elements of the project since by approving the requested rezoning, the accompanying development plan illustrated on the concept plan would also be approved.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review. The petitioner has submitted fees and materials for reviewing and processing this request, which includes public hearing notice and advisory board evaluation.

RECOMMENDATION: Staff recommends that the Board of Aldermen deliberate and consider adopting the resolutions provided. These include for the text amendments: Attachment A-1 finding consistency and Attachment B the draft ordinance; and for the map amendments (rezoning) Attachment C-1 for consistency and Attachment D for the draft ordinance and associated conditions.