



Legislation Text

File #: 20-330, **Version:** 1

TITLE:

Public Hearing on Land Use Ordinance Text Amendments Relating to Historic Rogers Road Neighborhood

PURPOSE: The purpose of this item is for the Town Council to receive public comment on land use ordinance text amendments that would establish new zoning districts and associated performance standards for the Historic Rogers Road neighborhood.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org <<mailto:cmoon@townofcarrboro.org>>; Marty Roupe - 919-918-7333, mroupe@townofcarrboro.org <<mailto:mroupe@townofcarrboro.org>>; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org <<mailto:pmcguire@townofcarrboro.org>>; Nick Herman - 919-929-3905, herman@broughlawfirm.com <<mailto:herman@broughlawfirm.com>>

INFORMATION: This item is intended to provide an opportunity for members of the public to provide comment on a draft ordinance that, if adopted, would establish new mixed-use zoning districts (general and/or conditional) for the Historic Rogers Road neighborhood (Attachment A). A public hearing on this matter was previously scheduled for March 24th but was canceled due to COVID-19 mitigation efforts. On June 23rd, the Council set a new public hearing for September 22nd. The matter under consideration is the text amendment to create the districts. If adopted, a subsequent public hearing process would be needed to consider a map amendment to rezone property to the new district.

Background

At the February 19, 2019 Board of Aldermen meeting, Renaissance Planning provided a presentation on the development of planning concepts designed to help implement the Historic Rogers Road neighborhood's "Mapping our Community's Future" report. (A copy of the report may be found at

<http://www.ci.carrboro.nc.us/DocumentCenter/View/5936/Mapping-Our-Communitys-Future-Report>.)

Renaissance Planning was one of two consultant firms hired by Chapel Hill and Carrboro to develop land use/zoning concepts based on the 2016 report and to facilitate meetings and drop-in sessions to seek additional input from community residents. Informed by this collaborative effort, both jurisdictions drafted text amendments that would establish new zoning districts, a residential district with slightly higher density (up to three lots per acre) and a mixed-use district that would provide the additional economic development opportunities identified as desirable in the report. A public hearing was held on March 23, 2019 to consider draft amendments followed by two additional meetings on May 21st and June 18th for further discussion and deliberation. At the June 18th meeting, the Board only adopted the amendments relating to the establishment of the residential district, and subsequently rezoned all thirty neighborhood parcels to HR-R District (Historic Rogers Road-Residential). A revised draft ordinance for the mixed-use district (HR-MU) was brought back for further discussion on February 11, 2020 and a public hearing set for March 24th. Links to the previous meeting agendas are provided below.

--February 19, 2019 -

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=679784&GUID=7D469578-03C6-4BC6-A6F7-DA8A23CD41D9&Options=&Search=>> (Update/overview of project)

--March 21, 2019 -

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=678571&GUID=ABCD5145-DDD0-4077-8022-65E70D9C4D59&Options=&Search=>> (Request to set a public hearing to consider text amendments to establishment two new zoning districts HR-R and HR-MU))

--April 23, 2019 -

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=690179&GUID=6D54C3AE-21CD-459A-A624-A371EA6E9164&Options=&Search=>> (Public hearing; note attachment with written comments in agenda materials)

--May 21, 2019 -

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=678580&GUID=7D464B79-950E-4FC9-B0D3-0F02D6E9771F&Options=&Search=>> (Discussion/deliberation)

--June 18, 2019 -

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=686486&GUID=87B4B141-060E-43B0-9B7E-2BAA056385A7&Options=&Search=>> (Deliberation & decision on text amendment and map amendment only for HR-R district.)

--February 11, 2020 -

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=756148&GUID=289347C6-C787-4067-8160-F4EF2BA3BDF&Options=&Search=>> (Update and request to set public hearing to consider HR-MU)

--March 10, 2020 -

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=756150&GUID=FC7553D4-6EBA-46FD-A6E5-4D4CA5C6795B&Options=&Search=>> (Consent item to refer text amendment for HR-MU to AHAC)

--June 23, 2020 -

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=788947&GUID=52538CB8-005F-4101-A316-EB2FB609F24C&Options=&Search=>> (Request to set new public hearing date for HR-MU (September 22, 2020))

Key elements of the draft ordinance

- The draft ordinance retains both options for the HR-MU district (general or conditional district). The Town can initiate the process to rezone to a general zoning district; the general rezoning process, however, does not include the consideration of a particular project. A conditional zoning process must be initiated by the owner, but includes a conceptual site plan and well as other conditions. Both types of rezoning involve legislative decisions, public hearings with mailed notice and, as a subsequent step, land use permit approval.
- The minimum size of property proposed for the HR-MU district is 16 acres, which necessitates that all eight parcels (purple lots) are rezoned as a district and thereby increases the likelihood that the district will yield a single unified development project. Once rezoned, property in the district can be subdivided into smaller lots and/or recombined.
- As currently drafted, all existing provisions of the LUO would apply to the HR districts unless otherwise noted, this would include the provisions associated with Architecturally Integrated Subdivisions (AIS), such as self-determined lot sizes and setbacks.
- The HR-MU district provides opportunities for small community-scale businesses and major home occupations in response to the interests expressed in the “Mapping our Community’s Future” report. Developments in the HR-MU would be required to have at least 15 percent nonresidential uses and at least 15 percent residential uses. Additional language may be needed to clarify if the calculation should be made based on building gross square footage or heated square footage.

- The maximum size of nonresidential buildings has been reduced to 3,000 square feet. The appropriate size for this type of building has been the subject of discussion during the development of the ordinance and additional modification may be needed. If the nonresidential buildings are intended to provide flex-space or live-work opportunities (residential and nonresidential uses in the same structure) there may be interest in allowing a maximum building size that is slightly larger than the maximum size for residential buildings in the HR districts-2,500 square feet. For a sense of scale, many of the existing homes along Rogers Road are around 1,500 square feet +/-, but the newer houses are larger; the RENA Community Center is more than 4,000 square feet, and the Faith Tabernacle Oasis of Love International Church, Inc. is more than 7,000 square feet.
- The maximum size of an accessory building used for a major home occupation building is 2000 square feet.
- The residential density for the HR-MU district is 7,500 square feet per dwelling unit.
- Triplexes must meet the definition of an affordable dwelling unit.

The draft ordinance was referred to Orange County and presented at the March 5, 2020 joint advisory board review meeting. The Affordable Housing Advisory Commission (AHAC) reviewed the draft ordinance on August 19, 2020 and finalized its recommendation on September 16th. Comments are provided (Attachment B).

In addition to the published notice for the public hearing, staff has been providing updates on the meeting schedule via email to a list of more than 75 persons who expressed interest in following this project during the community meetings with Renaissance Planning and the Town of Chapel Hill.

In June staff was informed of possible purchaser for six of the eight parcels identified for the mixed-use district. There may be interest in discussing the minimum size of the district to allow for the possibility that six of the lots could be assembled for a single development rather than all eight.

FISCAL & STAFF IMPACT: Public hearings involve staff time and public notice costs associated with advisory board and Town Council review.

RECOMMENDATION: Staff recommends that the Town Council hold a public hearing to receive comment on the proposed text amendments. In accordance with Session Law 2020-3, public comment may be submitted to the Town Clerk up to 24 hours after the close of the public hearing. A subsequent agenda item will be scheduled for the Council to finish its deliberations and consider making a decision on the item; a resolution of consistency will be provided at that time.