



## Legislation Details (With Text)

<b>File #:</b>	16-155	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Agendas	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	5/11/2016	<b>In control:</b>		Board of Aldermen	
<b>On agenda:</b>	5/17/2016	<b>Final action:</b>			
<b>Title:</b>	Request-to-set Public Hearings on the Lloyd Farm Conditional Rezoning at 700 Old Fayetteville Road and associated LUO Text Amendments				

**PURPOSE:** The Town has received an application to rezone property at NC Hwy 54 and 700 Old Fayetteville Road to B-4-conditional rezoning (B-4-CZ) for the construction of a mixed-use development to include a grocery store, commercial outparcels and a multi-story apartment building. Applications for text amendments to the Land Use Ordinance, relating to the project have also been submitted. The Board of Aldermen must receive public input before reaching a decision on these requests. A hearing date of June 26, 2016, has been identified. Resolutions setting two public hearing are provided for the Board's use.

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A - 1 Resolution for Rezoning, 2. Attachment A - 2 Resolution for Draft LUO Text Amendments, 3. Attachment B - 1 Petition for Change of Zoning (corrected), 4. Attachment B - 2 Request for LUO Text Amendments, 5. Attachment C -1 Draft conditions for rezoning, 6. Attachment C - 2 Draft LUO amendments relating to B-4CZ zoning district, 7. Attachment D - Vicinity Map for Rezoning, 8. Attachment E - Exhibit - Lloyd Farm - Conditional Zoning 5-13-2016, 9. Attachment F- Excerpts from 12 ART-IX\_5-2016

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

### TITLE:

Request-to-set Public Hearings on the Lloyd Farm Conditional Rezoning at 700 Old Fayetteville Road and associated LUO Text Amendments

**PURPOSE:** The Town has received an application to rezone property at NC Hwy 54 and 700 Old Fayetteville Road to B-4-conditional rezoning (B-4-CZ) for the construction of a mixed-use development to include a grocery store, commercial outparcels and a multi-story apartment building. Applications for text amendments to the Land Use Ordinance, relating to the project have also been submitted. The Board of Aldermen must receive public input before reaching a decision on these requests. A hearing date of June 26, 2016, has been identified. Resolutions setting two public hearing are provided for the Board's use.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325, James Thomas - 919-918-7335; Marty Roupe - 919-918-7333, Patricia McGuire - 919-918-7327, Nick Herman - 919-929-3905

**INFORMATION:** On September 16, 2014 the Board received a request to set a public hearing on a proposed conditional use rezoning/conditional use permit application for the Lloyd Farm, a mixed use development at 700 Old Fayetteville Road. The Board did not set the public hearing but instead directed staff

to explore options with the Dispute Settlement Center for developing a facilitated process by which the applicant, Argus Development, LLC, the Town and representatives from the adjacent neighborhood could better address neighbor concerns about the project. A mediation process followed and included a series of meetings during the summer and early fall of 2015. At the outset, the stakeholders agreed to a shared objective that at the end of mediation process the applicants would have a revised site plan and would be ready to resume the public hearing process. There was no formal endorsement of the site plan from any of the stakeholders, but rather an understanding that the project could begin again as a request for conditional zoning.

**Change to the Process.** In February 2016, the applicants submitted a new application for the process using the conditional zoning mechanism rather than the conditional use zoning mechanism (Attachment B-1). The change affects the process. With conditional use zoning the applicant submits the rezoning request and conditional use permit (CUP) materials at the same time; with conditional zoning the applicant submits the rezoning request first and, if approved, the CUP application follows afterward. The use of conditional zoning offers additional opportunity for public input and allows the Board greater flexibility to participate in conversations about the project outside of formal meetings; binding conditions are decided as part of the rezoning.

**Changes to the Project.** Changes to the project that were made in response to the mediation process are as follows:

- 1) **Residential use** - The residential component of the current proposal includes a senior-living (restricted to 55 years of age or older) development with approximately 200 apartments, a parking deck and 20 duplex cottages, instead of 293 apartments with a parking deck.
- 2) **Tree protection/open space** - The mature hardwood tree stand at the corner of Old Fayetteville Road with NC 54 will now be preserved as open space without intrusion of buildings or parking. To accomplish this, Lloyd Farm's development program in that immediate area was reduced by 9,455 square feet. Twenty-eight parking spaces were also eliminated.
- 3) **Proposed dedication of land to the Town** - The applicant is offering the 4.67-acre tract (lots 3 and 4) at the northeast corner of the property and near the intersection of James and Carol Streets to be dedicated to the Town of Carrboro for neighborhood park purposes instead of becoming a townhome community.
- 4) **Vehicular access & circulation** - Vehicular access and circulation differ between the two applications as a roundabout is now proposed for the Old Fayetteville Road entrance and a "left-over" entrance-only median break on NC 54 is proposed for use by eastbound traffic at the main NC 54 entrance. Both changes were requested during the mediation process. The applicant is in the process of updating the TIA to reflect these changes as well as the change to the residential units.
- 5) **Other site design changes** - The retail shops have been reoriented to shift shop frontages away from the adjoining neighborhood; the community gathering area has moved closer to the greenway; the 24-space parking lot north of the retail shops has been eliminated; and a 35-space parking lot located north of the access road has been eliminated.

**Project Summary.** The subject property includes four parcels known collectively as the Lloyd Farm and located at the northeast corner of NC Hwy 54 and Old Fayetteville Road. The parcels are further identified by Orange County PIN numbers and shown on a vicinity map (Attachment D) as Lot 1 (PIN #9779-09-7922), Lot 2 (PIN #9778-19-6618), Lot 3 (PIN # 9779-10-7351) and Lot 4 (PIN # 9779-20-0449). All four parcels will be included in the forthcoming CUP proposal as part of an architecturally integrated subdivision

(AIS); no development is proposed for Lots #3 and #4. In the draft list of conditions associated with the rezoning, the applicant has included a condition to offer Lots #3 and #4 to the Town for public use.

The vicinity map also delineates, with a heavy outline, the extent of the entire forty-acre site which currently falls within different zoning classifications. The petition for change of zoning includes two of the four parcels: lots 1 and 2. Lot 2 currently falls within two different zoning classifications: R-10 and B-4. If approved all of lots 1 and 2 would be rezoned to B-4-CZ. The remaining two smaller parcels fronting James Street are not included in the rezoning petition. Part of the overall development proposal, lots 3 and 4 will retain their current zoning--R-10 and R-20 respectively. The table below offers an “at a glance” summary.

Lot	PIN	Existing Zoning	Proposed Zoning	Acreage
1	9779-09-7922	R-10	B-4-CZ	10.18
2	9778-19-6618	R-10	B-4-CZ	8.61
2	9778-19-6618	B-4	B-4-CZ	16.61
3	9779-10-7351	R-10	R-10	3.73
4	9779-20-0449	R-20	R-20	0.94

**Process for consideration of Rezoning.** Section 15-141.4 of the Land Use Ordinance, Conditional Zoning Districts, describes the procedure for the Board to consider a conditional rezoning. Should Board approve the rezoning, the applicant would submit an application use permit (CUP). Section 15-57 and 15-322 speak to the role of the Planning Board and other advisory boards in the review of CUPs and rezonings prior to the public hearing.

**Text Amendments.** Ted Barnes of Argus Development Group, LLC, has also submitted a text amendment request to modify the Land Use Ordinance in three areas related to the B-4 zoning district: 1) adding flexibility to the collector street standards to allow a cross section with a slower design speed; 2) allowing multi-family residential uses at a density of approximately R-3 or 3000 square feet per dwelling unit; and 3) increasing the maximum building height 15 feet taller than the maximum building height for the district (50 feet in B-4) Attachment B). A draft ordinance (Attachment C-2) has been prepared.

The Board of Aldermen must receive public comment before adopting amendments to the Land Use Ordinance (map and text). Planning Board and Orange County review is also needed.

One or two public information meetings will also be offered before the public hearing. Dates for these meetings are pending space and time availability.

**FISCAL & STAFF IMPACT:** The petitioner has submitted fees and materials for reviewing and processing this request, which includes public hearing notice and advisory board evaluation. Staff time will be necessary for public notice and public hearing agenda preparation. Mailed notice will likely occur twice for this application in order to ensure that property owners are aware of the joint review meetings and public hearing proposed for June.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolutions setting two public hearings for June 26, 2016 and for referring both applications to advisory boards: Attachment A-1 for the request for rezoning and Attachment A-2 for the requested LUO text amendments.