



## Legislation Text

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**File #:** 17-546, **Version:** 1

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### **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 a revised application to rezone property at NC Hwy 54 and 700 Old Fayetteville Road to B-4-conditional (B-4-CZ) for the construction of a mixed-use development to include a grocery store, commercial outparcels and a multi-story apartment building and duplexes. Applications for text amendments to the Land Use Ordinance, relating to the project have also been submitted; these include requests for three text amendments dating from the 2016 application and four new amendments. The Board of Aldermen must receive public input before reaching decisions on these requests. A hearing date of September 25, 2018, has been identified. Resolutions setting two public hearing are provided for the Board's use.

**DEPARTMENT:** Planning

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

**INFORMATION:** In April, Ted Barnes of Argus Development Group, LLC, submitted a revised conditional zoning application for the Lloyd Farm, a proposed mixed use development for property located at 700 Old Fayetteville Road. The purpose of this agenda item is to provide a summary of the changes to the project from the previous design considered in the fall of 2016, and to consider setting a public hearing for the rezoning and associated text amendments for the end of September. The schedule is intended to provide an opportunity for the advisory boards to familiarize themselves with the project at the June joint review meeting and offer comments for the applicant to consider during the summer, and have time for a second in September as needed for preparing recommendations. The schedule also provides a larger window of time for citizens to learn about the project and offer input.

The revised application is for a conditional rezoning. With conditional zoning the applicant submits the rezoning request first and, if approved, the follow with an application for the appropriate land use permit, in this case a conditional use permit. 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 linked to the rezoning, not the permit.

**Project Summary.** The vicinity map delineates, with a heavy outline, the extent of entire Lloyd Farm site which currently falls within different zoning classifications. The subject property includes two parcels 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). Both parcels will be included in the forthcoming CUP proposal as part of an architecturally integrated subdivision (AIS). 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 2016 project included two additional parcels, Lot 3 (PIN # 9779-10-7351) and Lot 4 (PIN # 9779-20-0449) as part of the overall application, with the intention denoted by a condition to offer lots 3 and 4 to the Town for public use. The applicant has included the same commitment to dedicate lots 3 and 4 to the Town in the 2018 application. Moreover, in the 2018 application, these two parcels are omitted from the project altogether as shown in the revised illustrative site plan. The revised petition for change of zoning includes only two of the four parcels: lots 1 and 2. The total size for the revised 2018 application (35.40 acres) reflects the smaller project acreage resulting from the exclusion of lots 1 and 2. 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
			<b>Total</b>	<b>35.40</b>
	<i>Removed from project</i>			
3	9779-10-7351	R-10	R-10	3.73
4	9779-20-0449	R-20	R-20	0.94

### **Project Design Comparison 2016 to 2018**

The applicant has provided a detailed description of the changes in the project from 2016 to 2018 (*Attachment F*). The following offers a summary of the key aspects of the project:

- 1) Residential use - The residential component of the 2016 proposal remains part of the 2018 plan and includes a senior-living development with approximately 200 apartments, a parking deck and 20 duplex cottages, (restricted to 55 years of age or older).
- 2) Tree protection/open space - The mature hardwood tree stand at the corner of Old Fayetteville Road with NC 54 intended to be preserved as open space without intrusion of buildings or parking, has been enlarged and amenities added including an amphitheater.
- 3) Proposed dedication of land to the Town - The applicant is still 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.
- 4) Vehicular access & circulation - The previously considered roundabout at the Old Fayetteville entrance to the project has been removed. The interior circulation network remains largely the same.
- 5) Stormwater Management - Additional stormwater control measures have added to the site or relocated to better address stormwater management.
- 6) Outparcels - The design and use of some outparcels have changed. Two buildings along the NC 54 side of the site have been redesigned to accommodate office/medical uses in multi-story structures. An “energy center” with multiple fuel types has been incorporated into the project as has other elements such as a grocery pick-up lane; these modifications reflect changes to the grocery store industry.

7) Other site design changes - The buildings facing the grocery parking area have been moved from the south side of the parking lot to the north side, to provide for the event lawn expansion.

**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.** The applicant has also submitted requests for text amendments. Three amendments proposed with the 2016 plan remain as part of the application and are linked 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). The applicant has also submitted applications for additional text amendments to address features in the revised design. These include: 1) creating a new use subcategory for office/medical uses larger than 10,000 square feet, 2) requesting flexibility in the number of bicycle parking spaces, 3) allowing high volume retail to have goods on display outside and 4) allowing for the pick-up/delivery of goods outside. The last two requested text amendments are relating to the changes in grocery store design and associated facilities. A draft ordinance (Attachment C-2) has been prepared for the original three text amendments. Work on a second ordinance to address the remaining amendments is underway.

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.

**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.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolutions setting two public hearings for September 25, 2018 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.