

A RESOLUTION CALLING A PUBLIC HEARING ON BRIGHT, WHEELER,
FOWLER PROPERTY REZONING FROM R-R TO R-20
Resolution No.158 2003/04

WHEREAS, the Carrboro Board of Aldermen must receive public comment on requests for rezoning; and

WHEREAS, Don Fraley of M/I Homes, contract purchaser, has submitted a petition for rezoning approximately 17 acres of the 49-acre Bright, Wheeler, Fowler property.

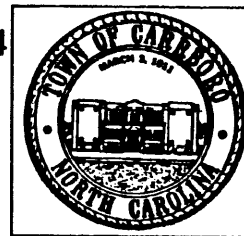
NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on June 22, 2004 to receive public comment on this request.

BE IT FURTHER RESOLVED that the rezoning petition be referred to the Planning Board for a recommendation.

This is the 18th day of May in the year 2004.

TOWN OF CARRBORO

MAR 02 2004



PETITION FOR CHANGE OF ZONING

PETITIONER

DATE:

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone a portion of the below-described property from Rural Residential to Residential – 20 zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME: Don Fraley, M/I Homes

ADDRESS: 1500 Sunday Drive, Suite 113, Raleigh, NC 27607

TELEPHONE #: (919) 828-1106 x 18

2. INTEREST IN PROPERTY(IES): Contract Purchaser

3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: Harmony Farms Road, East side of Old NC 86, North of Hogan Hills Road. The property to be rezoned has no public street frontage. The site is +/-17.5 acres and is roughly 1,590 by 600 feet (please see the rezoning exhibit for more exact dimensions).

4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:

a. OWNER: Dana Jill Fowler Bright, Giny Laine Fowler Wheeler, James Robert Fowler III

portion of TAX MAP: 7.23 BLOCK: C LOT: 31 ACREAGE: 49.93 PARCEL: _____

SUBDIVISION NAME: NA FRONTAGE: NA DEPTH: _____

EXISTING STRUCTURES AND USES: The property is currently classified as silviculture (use classification 14.200). There are no structures on the property.

b. 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
List attached	List attached

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES ☒ NO ☐
IF "YES", WHEN? The property was zoned by the Town in 1987. Prior to that time the property was in Orange County's zoning jurisdiction.

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 property is split zoned with the western portion of the property currently zoned R-20 and the eastern portion of the property currently zoned RR (Rural Residential). The RR portion of the property is proposed to be rezoned to R-20. The potential uses of the proposed R-20 zoning would be consistent with the potential and existing uses within the adjacent R-20 districts to the west, south and east of the proposed R-20 portion of the property.

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

One half of the property is currently zoned R-20 and the proposed rezoning of the RR portion to R-20 would allow for development consistent with the current R-20 zoning to the west, south and east of the proposed R-20 portion of the property. The properties to the north are owned by Orange County and are planned to be a county park and school site. The change from RR to R-20 would change the density from one unit/43,560 SF to one unit/20,000 Sf which would allow for a similar density to the existing R-20 property to the west, south and east of the proposed rezoning; and this would allow for a higher density adjacent to the proposed county park and school site to the north of the subject property.

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

The proposed rezoning is compatible with surrounding land uses and zoning districts, and no negative impacts to adjacent property values are anticipated. Since the proposed rezoning from RR to R-20 is the same zoning classification as the R-20 that currently is present to the west, south and east, the value of those adjacent properties will not be adversely affected. The properties to the north and northeast, that are currently zoned RR, are vacant with a planned county park directly to the north of the subject property; these properties will not be

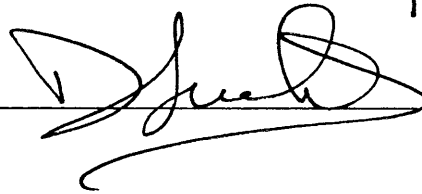
adversely affected by the proposed rezoning.

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

By rezoning the portion of the property from RR to R-20, the parcel will no longer be split-zoned and will have a single zoning classification. The proposed R-20 zoning also is consistent with the adjacent properties already zoned R-20 and under development. Also, since the property was annexed by the Town of Carrboro in January, 2004, changing the zoning to R-20 meets the intent that RR districts be reserved for more sparsely populated areas of the town's joint planning transition or extraterritorial planning area and not be used within areas of the town that are more intensely developed residential zones like those adjacent to the proposed rezoning.

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 25 DAY OF FEBRUARY, 192004

PETITIONER'S SIGNATURE: _____



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.

ARTICLE IX

ZONING DISTRICTS AND ZONING MAP

PART I. ZONING DISTRICTS

Section 15-135 Residential Districts Established.

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. **(AMENDED 5/12/81; 12/7/83; 2/4/86)**

(b) The WR (watershed residential) district is also established. All land within this district is located within the University Lake Watershed, and while this district is designed to achieve the objectives identified in subsection (a), it is also intended to protect the community water supply by allowing residential development of the land within the University Lake Watershed only at reduced density levels. **(AMENDED 12/7/83; 05/15/90)**

(c) The R-R (rural residential) district is designed to accommodate the residential and related uses as well as several additional uses that would be appropriate in the more sparsely populated areas of the town's joint planning transition area or extraterritorial planning area, but that would be inappropriate within the more intensively developed residential zones. **(AMENDED 11/14/88)**

(d) The R-S.I.R. (suitable for intensive residential) zone is designed (i) to encourage high density residential development that is compatible with the housing element of the town's Comprehensive Land Use Plan, and (ii) to locate this high density development in areas most suitable for it, thereby reducing pressure for growth in less desirable locations and reducing urban sprawl. Land in this zone is deemed especially suitable for intensive residential development because of (i) the availability of police, fire, and sanitation service at low marginal cost due to existing service patterns, (ii) the availability of public water and sewer service, (iii) the ample road system serving the area, (iv) the compatibility of existing development in the area with high density residential development, and (v) the compatibility of high density residential development with environmental concerns, especially water quality. Developers are encouraged to construct housing that is consistent with the town's housing objectives through density bonuses, as set forth in Section 15-182.1.

(e) The R-S.I.R.-2 zoning district is designed to serve essentially the same purposes as the R-S.I.R. zone, but the maximum density allowed in the R-S.I.R.-2 district is less than that permitted in the R-S.I.R. district (see Section 15-182.1). Except as otherwise specifically provided in this chapter, all regulations and standards applicable to the R-S.I.R. district are also applicable to the R-S.I.R.-2 district. **(AMENDED 11/10/81)**

