

ATTACHMENT A

**A RESOLUTION ACCEPTING THE STAFF REPORT ON REZONING OPTIONS N
THE BREWER LANE AREA
Resolution No. 180/2004-05**

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are appropriate and beneficial, and;

WHEREAS, the staff has prepared a report reviewing several rezoning options for the Brewer Lane Area.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen accepts the report.

This is the 21st day of June in the year 2005.



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: HAND MAIL FAX EMAIL

To: Steve Stewart, Town Manager
Mayor and Board of Aldermen

From: Patricia J. McGuire, Planning Administrator

Date: June 16, 2005

Subject: Rezoning Options in Brewer Lane Area

On March 8, 2005, the Board of Aldermen held a worksession on access issues in the Brewer Lane area. The Board identified three follow-up items, presented below. This report focuses on item 2.

1. Recommendation for public streets to be developed in the Brewer Lane Area;
2. Options for rezoning options and comparisons of pros and cons for rezoning to B-1(c) or B-1(g); in the Brewer Lane Area; and
3. That the town staff talk with the railroad about future railroad crossings.

The Brewer Lane area includes the western terminus of both Franklin Street and Cameron Avenue, two prominent thoroughfares in the community. A map illustrating the existing zoning in the vicinity of Brewer Lane is provided (*Attachment B*). The bulk of the land in this area is developed. Although not all consistent with the zoning designations, the uses include a concrete plant, Town cemetery and day care center, single- and multi-family residences, automotive parts sales and repair, and a variety of office.

The parcel identified by tax map reference 7.92.J.9E currently owned by SGTC LLC and commonly referred to as part of the 'concrete plant,' is, at 8.2 acres, the largest undeveloped parcel in the downtown. This property has frontage along two public streets, Merritt Mill Road and Crest Street, and along the Libba Cotton bikeway. The property's Merritt Mill Road frontage occurs near the intersection of Cameron Avenue. The property is within sight of the University's co-generation facility and new parking

lot, and one of the Orange Water and Sewer Authority's aboveground water storage tanks.

The property is a remnant of the Ready-Mix Concrete Plant redevelopment. Zoned R-2 since 1986, the concrete plant is and has been a nonconforming use for many years. During the downtown commercial rezoning that took place that year, there was some discussion of the property and appropriate uses that might occur there. The R-2 district was selected due to its high residential density, limited commercial opportunity (e.g. hotel and motel uses are permitted with a conditional use permit).

Review of a conditional use permit application that was received on May 11, 2004 for a 164-unit multifamily residential project on the concrete plant remnant is currently underway. Prior to this action, the owners had been working with the owners of the Hunt Electric Company business and had submitted a request in January 2003 to add the Residential High Density Commercial (RHDC) overlay zone to the property so that both residential and commercial uses could be included on the site. The rezoning request was withdrawn in the late spring of 2003.

Due to the location and high visibility of the concrete plant site, there has been some discussion of the desirability of a more intensive zoning classification in this area. The downtown is comprised of five standard zoning districts, the Corporate Town (CT), General Business (B-1(g)), Light Manufacturing (M-1), and Town Center Business (B-1(c)), and two overlay districts, the Residential High Density Commercial (RHDC) and the Restaurant District Overlay (EAT). An assessment of several alternative approaches to modifying the zoning classification to one or another type of standard commercial district or to one of the two downtown overlay zones is provided below.

Maintain Existing Zoning

The property is a remnant of the Ready-Mix Concrete Plant redevelopment. Zoned R-2 since 1986, the concrete plant is and has been a nonconforming use for many years. During the downtown commercial rezoning, there was some discussion of the site and appropriate uses that might occur there. The R-2 district was selected due to the combination of high residential density and limited commercial opportunity (e.g. hotel and motel uses are permitted with a conditional use permit) that it affords. In light of the expected intensity of development under such circumstances, an open space requirement of 20 percent was established for this district.

Rezone to existing, standard zoning districts

B-1(c) Town Center Business. “The purpose of this district is to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user.” *The referenced property is not contiguous with the core of the Town's shopping and entertainment area.*

The B-1(c) allows the widest range of commercial uses of any downtown districts, some of which may generate negative impacts to surrounding residential uses. Building heights up to 5 stories, without limitation on measured height, can be permitted. The proposed Downtown Neighborhood Protection overlay district is under consideration for locations where business properties are adjacent to or across the street from residential. The B-1(c) has no limit on residential density, yet the open space requirement is 40 percent.

B-1(g) General Business. “The purpose of this district is to accommodate a broad range of business uses. This district, because of its proximity to established residential single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. In addition, no metal buildings shall be allowed in this district. “*As with the B-1(c), this district would provide many options for non-residential development. Due to the size of the parcel, most uses would be required to obtain a conditional use permit. Building heights up to 5 stories, may be permitted. However, the density and open space requirements of the B-1(g) are more restrictive than those of the R-2*

RHDC Overlay Zone. The purpose of this district is to provide for the redevelopment of deteriorating commercial and manufacturing areas in a manner that is consistent with commercial development goals of the town, namely, for compact, compressed town center growth, for a substantial increase in residential opportunities near the town center, and for mixed use development in the downtown. Property that lies within this overlay district may be developed in accordance with either the regulations applicable to the underlying district or the following regulations: *The purpose of this overlay district is appears to capture town goals for expanded commercial and mixed-use development in the downtown.*

- (1) To take advantage of provisions applicable to the RHDC overlay district, lots must contain at least one and one half acres of contiguous land under single ownership. *The property is approximately 8 acres in size.*
- (2) Uses permissible shall be those permissible within either the R-2 district or the B-1(c) district, or both, except that subdivisions other than architecturally integrated subdivisions shall not be allowed. *The RHDC overlay would greatly expand the commercial, mixed-use opportunities, subject to limitation below.*
- (3) Residential density shall be determined as if the property were zoned R-2. *The RHDC maintains the highest assigned residential density, exclusive of the unlimited density provided for in the B-1(c), of all the districts in town.*
- (4) Twenty percent of the lot area shall remain as usable open space (see Section 15-198), except that where the development seeks to provide interior open space or indoor hard court, pool, or other active recreation facilities in excess

of the basic requirement set forth in Article XIII, the permit-issuing authority may reduce the open space requirement to reflect the quality and amount of such facilities. The developer may substitute grassed areas, lawn, gardens, and shrubbed space for wooded space in meeting the requirements of 15-198(b)(3). *The RHDC provides flexibility in meeting the open space requirements.*

- (5) Subject to subdivision (6), the amount of floor area set aside or used for purposes not permissible within the R-2 district (i.e., commercial uses) may not exceed ten percent of the floor area used for residential purposes. *This provision seeks to ensure a mixed-use type of development with an emphasis on residential.*
- (6) Where at least one-third of the total number of parking spaces for the development are provided on a tier or level other than ground level (as with underground parking or a two tier parking garage) and where the open space is increased to 40% of the development tract, the development may either (i) increase the commercial floor area over that allowed in subdivision (5) to 25% of the floor area in residential use, or (ii) increase the density for residential use to 1,500 square feet per dwelling unit. *This provision seeks to provide for maximum use and intensity of development. Additional review of the incentives offered may be needed.*
- (7) The maximum building height for the district shall be 50 feet. A building that is over 35 feet shall be set-in and setback 2 additional feet for every additional foot above 35 feet in height. *This regulation results in greater setbacks for surrounding residential uses than specified in the B-1(c) and B-1(g) provision; the maximum height exceeds by eight feet that proposed for the DNP overlay district. The R-2 locations, if rezoned to B-1(c) or B-1(g), might be appropriate locations for the DNP overlay.*
- (8) Commercial space shall be located at ground level or on the top level of a building.
- (9) Except as otherwise provided herein, the regulations applicable to land within an R-2 district shall apply to property within a RHDC district.

Create a new zoning district and rezone the property

An alternative overlay district that emphasized other characteristics for the development of this area could be considered. This district could seek to create a more even mix of residential and non-residential uses that is allowed in the RHDC, or some other combination based on community goals and desires.

Conditional use districts

The opportunity for property owners to devise unique site plan-specific districts was established in the Carrboro Land Use Ordinance in 2004. While these districts must be owner-initiated, the Board of Aldermen may wish to discuss the types of development that it feels are compatible with existing conditions and community interests. Once desirable development types are identified, other steps could be taken to encourage their design.

ATTACHMENT C

Zoning Districts in Vicinity of Brewer Lane

- Citylimits\line83.shp
- Street Names
- Properties
- Zoning
- BIC
- BIG
- B2
- B3
- B3T
- CT
- MI
- OA
- R10
- R15
- R2
- R3
- R75
- Res - SF
- Planning\line83.shp



360 0 360 Feet

NC State Plane Coordinate System (NAD83)



TOWN OF CARY, NORTH CAROLINA
 301 W. HIGLEY ST.
 CARY, NC 27513
 919.241.1100
 Town Administrator, Planning Department
 919.241.1100

THIS MAP IS NOT A CERTIFIED SURVEY AND IS FOR REFERENCE ONLY. The user must be aware of the conditions and limitations, and accept responsibility for the accuracy of the information with respect to any and all errors, omissions, and/or changes that may occur in the future. The user shall be responsible for obtaining the necessary permits and approvals for any proposed development.

