

**AN ORDINANCE ESTABLISHING A 180-DAY MORATORIUM ON THE PROCESSING OF LAND USE PERMIT APPLICATIONS FOR DEVELOPMENTS INVOLVING THE SUBDIVISION OF LAND OR THE CONSTRUCTION OF NEW BUILDINGS (OTHER THAN ACCESSORY BUILDINGS) WITHIN THE R-2 ZONING DISTRICT.**

WHEREAS, on June 21, 2005, the Board of Aldermen listened to and discussed a staff presentation, made at the Board's request, regarding the possibility of rezoning some or all of the property currently zoned R-2 to an alternative zoning district that might be more consistent with current planning policies and objectives for the subject area; and

WHEREAS, the Board has determined that it is appropriate to consider more fully the various zoning possibilities for the area currently zoned R-2; and

WHEREAS, the Board desires to preserve the status quo in terms of the subdivision of land and the construction of new buildings (other than accessory buildings), pending the completion of further study by the staff, the receipt of recommendations by applicable advisory boards, and consideration by the Board of Aldermen of specific rezoning proposals for the area currently zoned R-2;

NOW THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

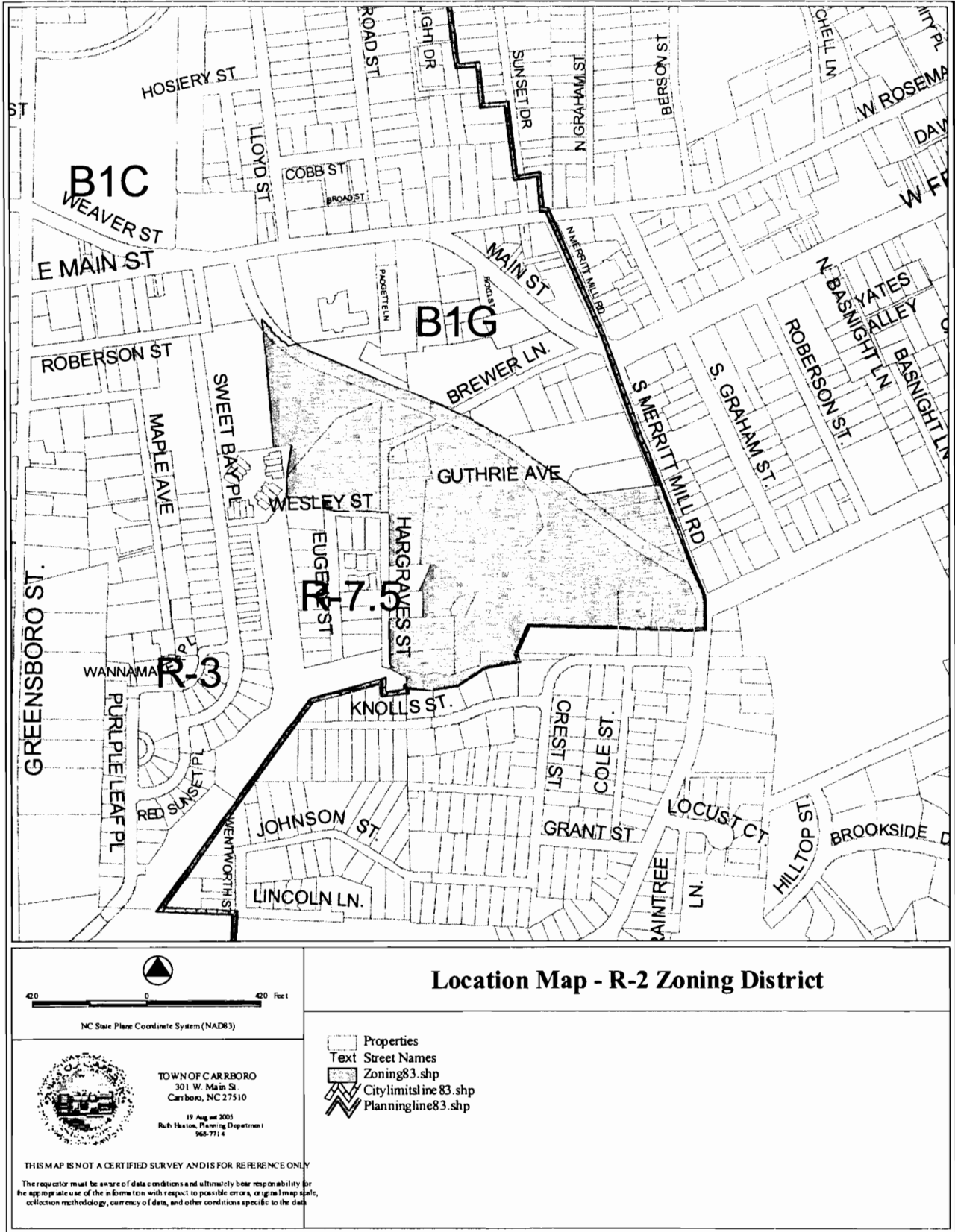
Section 1. From and after the effective date of this ordinance, for a period of one hundred eighty (180) days, the Carrboro Planning Department shall not accept new nor process existing applications for land use permits that propose the subdivision of land or the construction of new buildings (other than accessory buildings) with respect to the lots currently zoned R-2 shown on the map attached to and incorporated herein, which lots are more particularly identified below. Nor shall the Board of Aldermen or Board of Adjustment act upon applications for conditional or special use permits involving the subdivision of land or the construction of new buildings (other than accessory buildings) affecting the designated properties during the specified period. However, this moratorium shall not apply to additions to or modifications of existing buildings.

<b>Owners of Property in R-2 District</b>				
<b>PIN</b>	<b>TMBL</b>	<b>OWNER</b>	<b>OWNER2</b>	<b>SITEADDRESS</b>
9778955774	7.92.K.20	CARRBORO TOWN OF		100 HARGRAVES ST
9778959774	7.92.J.9A	SOUTHERN EQUIPMENT COMPAN	INC	200 BREWER LN
9778956560	7.92.J.9C	CARRBORO TOWN OF		102 HARGRAVES ST
9788052448	7.92.J.9	SOUTHERN EQUIPMENT COMPAN	INC	219 GUTHRIE AVE
9778959541	7.92.J.6B	GARNES GRAFTON S	& EUGIE	201 BREWER LN
9778958580	7.92.J.6A	ROSIN DANIEL A		202 BREWER LN
9788054150	7.92.J.9E	STGL LLC	ATTN JAY LOFTIN	130 S MERRITT MILL RD
9778958485	7.92.J.7	CHAMBERS MAY ELIZABETH	& SAM CHAMBERS	101 HARGRAVES ST
9778958288	7.92.J.6	WHISNANT THOMAS S	& CYNTHIA C	103 HARGRAVES ST UNIT# H
9788057324	7.92.I.10	PENDERGRAPH HOWARD JR	& GLADYS	120 S MERRITT MILL RD
9788057249	7.92.I.11	CHILTON MARK H	& ANDREW CHILTON	122 S MERRITT MILL RD

## Owners of Property in R-2 District

PIN	TMBL	OWNER	OWNER2	SITEADDRESS
9788058202	7.92.I.12	JACKSON MARIAN C		124 S MERRITT MILL RD
9788057388	7.92.J.9G	STGL LLC		126 S MERRITT MILL RD
9788054150	7.92.J.9E	STGL LLC	ATTN JAY LOFTIN	130 S MERRITT MILL RD
9788047936	7.92.J.11A	HUNT SAMUEL III	& VICKY	200A S MERRITT MILL RD
9788051090	7.92.J.9J	STGL LLC	ATTN JAY LOFTIN	200 GUTHRIE AVE
9788048965	7.92.J.11B	HUNT R SAMUEL III		200 S MERRITT MILL RD
9788041917	7.92.J.2	GATTIS WILLIAM P		104 GUTHRIE AVE
9788041807	7.92.J.1	GATTIS MARTHA		106 GUTHRIE AVE
9788040168	7.92.J.27	UNKNOWN		

Section 2. This ordinance shall become effective upon adoption.





# PLANNING BOARD

*301 West Main Street, Carrboro, North Carolina 27510*

---

## R E C O M M E N D A T I O N

AUGUST 18, 2005

### Recommendation on Land Use Ordinance Text Amendment Establishing 180-Day Moratorium in the R-2 Zoning District

Motion was made by Dave Clinton and seconded by Frank Hammill that the Planning Board supports the 180-Day Moratorium on the Processing of Land Use Permit Applications for Developments Involving the Subdivision of Land or the Construction of New Buildings (other than accessory buildings) within the R-2 Zoning District and encourages the Board of Aldermen to consider including this area in the downtown commercial district.

VOTE: AYES (8) (Debra Fritz, James Carnahan, Frank Hammill, Dianne Reid, Ande West, Heidi Paulsen, Susan Poulton and David Clinton); NOES (0); ABSTENTIONS (1) (John Marshall); ABSENT/EXCUSED (2) (Rob Hogan and Seth Chadbourne)

  
James Carnahan, Chair August 19, 2005  
(date)

**STGL, LLC**  
**2209 Century Drive, Ste. 450**  
**Raleigh, North Carolina 27612**

August 18, 2005

Board of Aldermen  
Town of Carrboro  
301 West Main Street  
Carrboro, North Carolina 27510

Re: Proposed Moratorium on R-2 Development

Dear Board of Aldermen;

STGL, LLC is the owner of a @ 7.8 acres of land zoned R-2 in Carrboro. The property is the largest tract of R-2 zoned property in Carrboro and the primary subject of the proposed moratorium. The Town of Carrboro is currently reviewing a request for a Conditional Use Permit, which will allow for the development of a 166 multifamily residential community on the site.

STGL, LLC has been working with the Town of Carrboro planning, zoning and transportation staff, along with the North Carolina Department of Transportation, to develop the site plan that addresses the statutory and presumptive requirements of the R-2 zoning district. This process has been ongoing for almost 2 years. And in the process of developing the site plan, STGL, LLC has invested in excess of \$500,000. Consequently, STGL, LLC has vesting in the R-2 zoning for this property.

The site plan has gone through several revisions and is going through the final review by Town staff. The request for the Conditional Use Permit should be before the Board in the very near future.

In January 2003, prior to beginning the architectural and engineering process for the current site plan, STGL, LLC filed a petition to rezone the property Residential High Density Commercial. After several meetings with surrounding neighbors and Town of Carrboro staff, the rezoning petition was withdrawn. It was made clear that there was no likelihood that the property

would be rezoned. In fact, one Board member voted against even allowing a public hearing, arguing that the current R-2 zoning was entirely appropriate. No significant change in good planning policy has been put forth in the intervening months.

Access for the property has been the subject of numerous meetings with the Town staff and the North Carolina Department of Transportation. The Libba Cotton Bikeway and the UNC railroad and their impact on the access to the property have been of special concern.

Special care has been taken to mitigate the traffic impact on the surrounding neighborhood. The current plan will generate @ 1/3 fewer vehicle trips/day than a typical apartment community. Kimley-Horn and Associates has been working on the access to the property via Merritt Mill Road, adjacent to Hunt Electric.

In a recent Board work session, the appropriateness of mixed-use development, with retail/office was discussed. Successful mixed-use development must rely on ease of access and a steady stream of traffic. There are access issues with this property that just will not support the volume of traffic needed for successful mix-ed use development.

The high density residential development allowed by the R-2 designation represents the highest and best use for this property. The multifamily residential units will provide a buffer between the commercial uses evidenced by the Hunt Electric distribution facility and the Ready Mixed Concrete plant, and the residential areas of Hargraves Street, in Carrboro and the Crest Street, in Chapel Hill.

In addition, the development of the property as a quality multifamily rental community will provide a tremendous economic boost to Carrboro. The site, now only an abandoned construction landfill and gathering place for illegal activity, will provide substantial real estate tax revenue. The communities' residents will support the commercial establishments in the Carrboro center city, greatly enhancing the ongoing revitalization efforts through additional sales tax revenues.

In conclusion, any moratorium on development, affecting this property would impose an unnecessary and arbitrary financial burden on STGL, LLC. The development process mandated by the Town of Carrboro has forced the

expenditure of a tremendous amount time and money. STGL, LLC has expended the time and money, in good faith. To impose a moratorium would prove to be arbitrary and capricious.

We request that the resolution establishing a moratorium on the development of our property not be adopted.

Yours very truly,

A handwritten signature in cursive script that reads "Steve Simpson". The signature is written in black ink and is positioned below the text "Yours very truly,".