

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING
AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 104/2006-07

WHEREAS, an amendment to the text of the Carrboro Land Use ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Carrboro Land Use Ordinance to revised the Downtown Neighborhood Protection Overlay District Opposite Side Stepback Provision.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town of Carrboro seeks to encourage downtown vitality by building up, not out.

Section 3. This resolution becomes effective upon adoption.

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR REJECTING
AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 105/2006-07**

WHEREAS, an amendment to the text of the Carrboro Land Use ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Carrboro Land Use Ordinance to revised the Downtown Neighborhood Protection Overlay District Opposite Side Stepback Provision.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above-described amendment is not consistent with Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing practices, policies, and procedures are sufficient.

Section 3. This resolution becomes effective upon adoption.

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO REVISE THE DOWNTOWN
NEIGHBORHOOD PROTECTION OVERLAY DISTRICT OPPOSITE SIDE STEPBACK
PROVISION**

DRAFT **09-21-06**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article IX, Part 1, of the Carrboro Land Use Ordinance is amended by deleting subdivisions 15-185.1(d)(2)(b) and 15-185.1 (f)(2)(b).

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.



PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

JUNE 2, 2005

RECOMMENDATION ON REVIEW OF LAND USE ORDINANCE MAP AND TEXT AMENDMENT -- DOWNTOWN NEIGHBORHOOD PRESERVATION (DNP) DISTRICT OVERLAY DISTRICT

Motion was made by Dianne Reid and seconded by Frank Hammill that the Planning Board recommend that the Board of Aldermen adopt the ordinance creating the Downtown Neighborhood Protection Overlay District and establishing its boundaries, with the following changes

1. Deleting the language proposed for Section 15-185.1 (d)(2)(b) and Section 15-185.1 (f)(2)(b), and
2. Increasing the maximum tower height in Section 15-185.1 (d) (3) and in Section 15-185.1 (f)(3) from 42 feet to 50 feet.

VOTE: AYES (8) (Debra Fritz, James Carnahan, Frank Hammill, John Marshall, Dianne Reid, Seth Chadbourne, Ande West, and David Clinton); NOES; (0); ABSTENTIONS (0); ABSENT/EXCUSED (3) (Hogan, Paulsen, and Poulton)

James Carnahan
James Carnahan, Chair

June 23, 2005
(date)

PUBLIC HEARING ON THE DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY ZONING DISTRICT

It is necessary for the Board of Aldermen to review and receive public comment on a proposal for a for a major map amendment that would change the zoning of approximately 32 acres of property located in the B-1(c), B-1(g), M-1, and CT districts to include the Downtown Neighborhood Protection Overlay designation.

Trish McGuire, the town's Planning Administrator, made the presentation.

Charles Browning, with Riggsbee-Hinson Furniture, asked that the Board consider not dropping them out of the overlay, and asked that the Board consider an alternative to the residential overlay because it will affect them financially.

David Craine asked for a clarification of what the buffer meant.

Pearlie Jones, a resident of Eugene Street, asked where tall buildings could be built.

Debra Seaton, owner of 203 N. Greensboro Street, asked for more time to digest this information.

Alderman Broun asked if the Power Point presentation could be put on the town's website.

Michael Roberts, owner of 106 Poplar Avenue, asked for reduced building heights. He stated that he would support requiring conditional use permits for any buildings over 2 stories, would be against reduced buffers.

David Ripperton, architect for the Andrews Riggsbee Hardware, presented photos of Weaver Street, presented a sketch of the redevelopment proposal for the hardware site, suggested a vertical DNP by setting the building back. 50 feet, and asked that future committee selections include minority and long-time residents.

Ellen Virchick, a resident of 214 Maple Avenue, expressed concern about the appearance of the buildings, putting buildings on the road would not feel or look right, and stated that she does not feel five story buildings belong in Carrboro.

Clementine Self a resident of Broad Street stated that she feels the building at Merritt Mill/Rosemary is an eyesore. Carrboro does not need that type building.

Michelle Rivest, a member of the DNP committee, stated that she had problems understanding the proposed ordinance. She also stated that she does not support tall buildings next to neighborhoods, would like more setbacks from property lines, and the breaking up of the horizontal lines will present relief for neighborhoods. The stated that any project over 2 stories should require a conditional use permit, and stated that she would not want a reduced buffer.

Robert Dowling with Orange Community Housing and Land Trust stated that he feels it is important to build more office space.

Jack Haggerty suggested that the overlay zone be a supplement to the Architectural Guidelines.

Lyle Lansdale, a resident of E. Poplar, stated that she would have liked a definition of zoning areas, and stated that tall buildings will rob us of our air and light and asked for 2 and 3 story buildings next to the street

Hazel Ferrell, owns Riggsbee Hinson Warehouse, does not agree with the proposal.

James Carnahan, Chair of the Planning Board, explained the Planning Board's recommendation.

Letters were received from David Ripperton and Barton Lloyd. In summary, Mr. Ripperton's letter stated that he felt the committee's recommendations are too complex, burdensome and restrictive; the inclusion of an option for the exchange of setback distance for increased development rights would be beneficial in planning for both the commercial-residential interface, as well as open space. Mr. Lloyd's letter requested that the proposed ordinance be returned back to the planning department for thoughtful reconsideration because he feels the draft ordinance would lead to a greater prevalence of buildings constructed at least in part with materials other than brick because of the stepped back requirement. In addition, the 50-foot buffer required by the draft ordinance would require either a severely limited footprint, a two-story height limitation or cumbersome and aesthetically questionable architectural features such as the mandated "stepbacks", mansard or gambrel roofs.

Alderman Chilton asked that the 70-degree roof provision be removed.

Alderman Broun asked for more design information and materials.

Alderman Gist stated that she wished that the Board had dealt with neighborhood preservation and neighborhood protection at the same time as the rest of the land use ordinance was changed.

Alderman Zaffron feels that adjustment can be made to the proposal to make it work.

Alderman McDuffee expressed her desire to see projects with two stories or more come to the Board of Aldermen for review.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY MARK CHILTON TO CONTINUE THE PUBLIC HEARING TO AUGUST 23, 2005. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (NELSON, HERRERA)

A regular meeting of the Carrboro Board of Aldermen was held on Tuesday, August 23, 2005 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Michael Nelson
Aldermen	Joal Hall Broun
	Mark Chilton
	Jacquelyn Gist
	John Herrera
	Diana McDuffee
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Deputy Town Clerk	Sharmin E. Mirman

CONTINUATION OF THE PUBLIC HEARING ON DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY ZONING DISTRICT

A public hearing was held on June 28, 2005 to consider a modification to the zoning of approximately 32 acres of land, located in the B-1(c), B-1(g), M-1, and CT districts to include the Downtown Neighborhood Protection Overlay designation. The hearing was continued to allow further time to consider the proposal.

Trish McGuire, the town's planning administrator, made a presentation to the Board.

Alderman McDuffee asked for clarification about sidewalk policy and setbacks re: Carr Street.

James Carnahan addressed the Board as a member of the committee. He stated that the concept that all agreed on was that they did not want the transition between residential and commercial to be abrupt. They want it to be gradual--50 ft. deep from property line; the bldg. can only be two stories. A setback would be a useful additional requirement for a gradual transition - i.e.: 15-foot setback for a tree-planting strip.

Dale McKeel, the town's transportation planner, made a presentation to the Board. He said that the master plan and discussion did foresee a sidewalk on the north side of Carr Street.

Deborah Seaton, who owns a dental office on N. Greensboro Street, addressed the Board. She said that her building is over 100 years old and will have to be replaced sometime soon. She is confused about what she will be able to do. There are two residential properties - setbacks and stepbacks may end up crippling the existing property.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO CREATE A DOWNTOWN NEIGHBORHOOD PROTECTO OVERLAY DISTRICT AND TO AMEND THE OFFICIAL ZONING MAP TO INCLUDE DESIGNATED PROPERTIES." VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (HERRERA)

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Jacquelyn Gist.

A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT
MODIFYING THE PERMIT REQUIREMENTS FOR DEVELOPMENTS OVER TWO STORIES OR 35
FEET IN HEIGHT IN CERTAIN DOWNTOWN ZONING DISTRICTS

Resolution No. 09/2005-06

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that policies and regulations are in keeping with community interests and desires.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on October 25, 2005 to receive public comment on "AN ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS MAKING CERTAIN BUILDINGS IN DOWNTOWN ZONING DISTRICTS PERMISSIBLE WITH A CONDITIONAL USE PERMIT"

BE IT FURTHER RESOLVED that the draft ordinance be referred to the Planning Board and Orange County for recommendations and that the rezoning proposal also be referred to the Planning Board; and

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 23rd day of August, 2005:

Ayes: Joal Hall Broun, Mark Chilton, Jacquelyn Gist, John Herrera, Diana McDuffee, Alex Zaffron, Michael Nelson

Noes: None

Absent or Excused: None



TOWN OF CARRBORO
PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

JUNE 1, 2006

**RECOMMENDATION ON REVIEW OF LAND USE ORDINANCE TEXT AMENDMENT --
DOWNTOWN NEIGHBORHOOD PRESERVATION (DNP) OVERLAY ZONE PROVISIONS
15-185.1(d)(2)b and 15-185.1(f)(2)b**

As was recommended on May 15, 2005 in relation to establishment of the Downtown Neighborhood Preservation Overlay zoning district, Paulsen moved and Reid seconded that the Planning Board recommend that the Board of Aldermen proceed with an amendment to the Land Use Ordinance to delete Section 15-185.1(d)(2)(b) and Section 15-185.1 (f)(2)(b).

**VOTE: AYES: (7) (Carnahan, Fritz, Paulsen, Poulton, Rabinowitz, Reid and West; NOES (0);
ABSTENTIONS (0); ABSENT/EXCUSED (2) (Chadbourne and Clinton).**

 June 1, 2006
James Carnahan, Chair (date)

**DISCUSSION OF A REQUEST FROM THE PLANNING BOARD REGARDING A STEPBACK
PROVISION OF THE DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY DISTRICT**

The Planning Board has adopted a recommendation requesting the Board of Aldermen to remove one of the stepback requirements associated with the Downtown Neighborhood Protection overlay district. A resolution setting a public hearing on the draft ordinance and referring the ordinance for advisory board review was recommended for the Board's adoption.

Trish McGuire, the town's Planning Administrator, made the presentation.

James Carnahan, the Chair of the Planning Board, explained the Planning Board's recommendation.

Alderman Gist requested that notice of this public hearing be sent out to property owners within 1,000 feet of the affected area.

Mayor Chilton asked that the Board consider disallowing mansard roofs.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY ALEX ZAFFRON TO CONTINUE DISCUSSION OF THIS MATTER ON NOVEMBER 14TH. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

-----Original Message-----

From: Patrick McDonough [mailto:patrick1@email.unc.edu]
Sent: Sunday, January 14, 2007 9:23 PM
To: Mark_Chilton@hotmail.com; jacquie@jacquiegist.com;
brounsj@mindspring.com; Alex Zaffron; johnh@self-help.org; Randee
Haven-O'Donnell; Dan-coleman@nc.rr.com; Roy M. Williford; Patricia J.
McGuire
Subject: Comment Regarding Opposite Stepbacks for DNP- To be Considered
Jan 23rd

Dear Mr. Mayor and Aldermen, and Carrboro Planning Staff:

As a property owner within 1,000 feet of the DNP, I received a notice of the Jan 23rd meeting in the mail 2 days ago. I cannot attend the meeting, but would like to share the following comments.

First, I enthusiastically SUPPORT the text amendment to remove the opposite-side setback requirement for buildings within the DNP. Here's why:

If the goal of the DNP overlay is to provide for a transition from purely residential uses to commercial or mixed-use buildings directly across the street from residential uses, then the DNP overlay should address the interface of these building types only where they face residential uses. Forcing a setback on other sides of the non-residential building, which may abut commercial uses or mixed-use buildings, only limits our ability to provide space for needed commercial development in the downtown area.

In the Carrboro Vision 2020 document, policy 3.21 states:

"The town should develop a plan to govern the continuing development of downtown. Toward this end, the town should adopt the following goals:
*To double commercial square footage in the downtown from that existing in the year 2000.

*To accommodate additional square footage by building up, not out.

*To increase the density of commercial property in the downtown area.

This text amendment is consistent with the Vision 2020 document, which was adopted by the Carrboro Board of Aldermen in 2000.

As to the potential prohibition of Mansard roofs, I am more ambivalent because it is not clear which policy goals for downtown are positively or negatively impacted by the implementation of such a prohibition. In my experience, a building can look terrific or hideous with a Mansard roof, or any other type of roof for that matter, depending on the quality of the architect. However, my sense is that buildings guided to construction by a list of prohibitions inevitably look less attractive than those which are guided to construction by prescriptive guidelines describing what is encouraged.

Thank you for the opportunity to comment on this issue.

Yours Truly,
Patrick McDonough
105 Fidelity St
Carrboro



TOWN OF CARRBORO
PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

JANUARY 18, 2007

**An Ordinance Amending the Carrboro Land Use Ordinance to Revise the
Downtown Neighborhood Protection Overlay District Opposite
Side Stepback Provision**

Motion was made by Mary Rabinowitz and seconded by David Clinton that the Planning Board supports the Ordinance Amending the Carrboro Land Use Ordinance to revise the Downtown Neighborhood Protection Overlay District Opposite Side Stepback Provision.

VOTE: AYES: (9) Matthew Barton, James Carnahan, David Clinton, Debra Fritz, Lydia Lavelle, Heidi Paulsen, Susan Poulton, Mary Rabinowitz, Ande West; ABSENT/EXCUSED: (1) Seth Chadbourne; NOES (0); ABSTENTIONS (0).

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would be affected by their vote on this ordinance.

The above described amendment is consistent with the noted sections of Carrboro Vision 2020, Policy 3.21.

Motion in support of this finding was made by Clinton and seconded by Paulsen. (Barton not in room)

VOTE: AYES: (8) James Carnahan, David Clinton, Debra Fritz, Lydia Lavelle, Heidi Paulsen, Susan Poulton, Mary Rabinowitz, Ande West; ABSENT/EXCUSED: (2) Matthew Barton, Seth Chadbourne; NOES (0); ABSTENTIONS (0).

 January 18, 2007
James Carnahan, Chair (date)