

**Attachment A**

**A RESOLUTION SPECIFYING FOLLOW-UP TO PLANNING BOARD RECOMMENDATION  
FOR A DEVELOPMENT MORATORIUM IN THE NORTHERN STUDY AREA**

**Resolution No. 116/2006-07**

WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Planning Board has made a recommendation for a moratorium in the Northern Study Area.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen directs staff as follows

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## MEMORANDUM

Memorandum to: The Carrboro Board of Aldermen

From: Alex Zaffron & James Carnahan

Subject: **Proposal for Initiating a Process to Update & Implement Carrboro's Northern Transition Area Small Area Plan.**

Date: 12/1/06

At their November 14, 2006 meeting the Board of Aldermen, while discussing the Recommendation of the Planning Board for a Development Moratorium in the Northern Transition Area for the purpose of reviewing & possibly updating zoning & ordinance in the Area, the Board requested Alderman Zaffron and Planning Board Chairman to draft a proposal for a process by which development issues in the NTA might be considered.

A proposal setting up a process to review, update & implement the Small Area Plan is attached herewith.

## **Proposal for Initiating a Process to Update & Implement Carrboro's Northern Transition Area Small Area Plan.**

### ***Who would draft the Process?***

The following Advisory Boards would individually develop their own proposals for the process & select a member to represent them:

Planning Board	NTA Advisory Board
Transportation Advisory Board	Environmental Advisory Board
New Horizons Task Force	Parks & Recreation Commission
Economic Sustainability Commission	Appearance Commission.

Their representatives would then meet to formulate, based on the ideas of their boards, a draft process to forward to the Board of Aldermen.

### ***Time-line for the Process:***

The Update should be completed within 6 months of acceptance of this Process Proposal, meaning that strategy, zoning & ordinance proposals should be delivered to the Board of Aldermen within a period of time that would allow the Aldermen to complete a Public Hearing & adopt the changes (should they choose to) by the end of the 6 month period.

### ***Who should be involved in the Update Process?***

- The process would be the responsibility of a "Small Area Plan Update Committee" that would include Town Staff, Advisory Board members, and representatives from Orange County & Chapel Hill (since they have joint interests).
- The process drafters may wish to identify additional residents of the Town of Carrboro & of the Northern Transition Area to sit on the Update Committee.
- The process drafters should indicate how the Update Committee would be organized & chaired, and how broader public input would occur.

### ***Purpose of the Process:***

- To engage broad public participation in a review of the Small Area Plan for the NSA that will identify key goals of the Plan and decide whether & to what extent they are being met;
- To the extent that participants determine that the original outcomes of the SAP are *not* being achieved, the goal of this Update Process will be to produce a Zoning & Ordinance strategy to bring about achievement of the original SAP vision for the NTA;
- To provide a final report showing how the NSA would look in the future, specifying areas where commercial, mixed-use & higher density residential uses could be supported in relation to transportation corridors & other infrastructure, and in respect of areas of environmental sensitivity where more intense development is not desired.

### ***How might the Process proceed?***

- It is the business of the Update Process Committee to decide exactly how the Process will occur.
- The Update Committee should be charged with a narrow focus on identifying how the original SAP vision is not being realized, and how to achieve this vision using existing ordinance & zoning or amending same to the extent necessary.
- A key component would be some kind of public workshop or "Charrette" session where stakeholders would be provided all the maps & information they would need to brainstorm ideas for implementation of the original SAP vision for the NTA.

- Participants should have access to GIS inventory that would show important & sensitive environmental features, maps identifying which properties are already developed or in the approvals process, and which are not, zoning currently in place, as well as some basic info about each of the zones in the Ordinance. In addition they should have a reprise of the Small Area Plan objectives for the NTA, and projections of what density will result at the current rate of development given current zoning.
- An original objective of the SAP was a build-out density averaging 2.1 units to the acre, and this should remain the target density.
- While not directly addressed in the SAP, the process should, in the conduct of its review, be mindful of the Town's long stated goal of doubling the non-residential tax base, with a proposed goal of achieving a minimum 30% commercial base at build-out of the NTA.
- It is important that the Process Committee honor both the desires and concerns of the residents of the NTA, and the long term interests of the entire community of Carrboro & of future residents.

## **Proposed process for NSA-SAP update**

### *Process details:*

Step 1: establish NSA-SAP committee from advisory boards (as in AZ/JC proposal)

Step 2: Community Workshop #1: review of current documents, maps, and solicitation of input via brainstorm and/or breakouts

Step 3: Committee reviews SAP plus input from Step 2 and determines key topic areas based on project definition as defined in AZ/JC proposal.

Step 4: Committee devotes a series of meetings to fleshing out proposals for each topic area in turn

Step 5: Community Workshop #2: for each topic area:

- 1) present committee findings
- 2) break into small groups to discuss
- 3) reports from small groups

Step 6: Committee integrates results from #5 into final report

Step 7: Staff response to final report

Step 8: Action by BoA

### *Suggested BoA involvement:*

Step 2: all members attend if able

Step 4: ensure that each member attends at least one topic area meetings and that each topic area meeting has one BoA member present (ensures engagement of each of us in some aspect of detail discussion)

Step 5: all members attend if able

**DISCUSSION OF PLANNING BOARD RECOMMENDATION FOR A DEVELOPMENT MORATORIUM IN THE NORTHERN STUDY AREA**

On November 14th, the Board of Aldermen continued its consideration of a proposal from the Planning Board and advisory board comments regarding a moratorium on rezonings, major subdivisions, and special and conditional use permit applications to be established in Carrboro's Northern Study Area. The Board of Aldermen scheduled further discussion for December 5 to allow for Alderman Zaffron and Planning Board chair James Carnahan to refine the proposal based on the Board's discussion.

James Carnahan addressed the Board. He stated that there is a proposal to constitute a process to reexamine the Northern Transition Area. It was suggested that eight boards would each send a representative to draft a process that would be forwarded to the Board. Altogether the process of re-examination and update would take six months. It would involve town staff and any additional citizens that the committee may wish to recommend. It is in respect of the original intent of the small area plan and not to revisit and broadly change it. A public workshop might take a charette format. The original objective was 2.1 units per acre, with 30% commercial and 70% residential.

Alderman Coleman stated that he had a discussion with Alderman Haven-O'Donnell that the process for the review should be developed by this Board, not by the advisory boards.

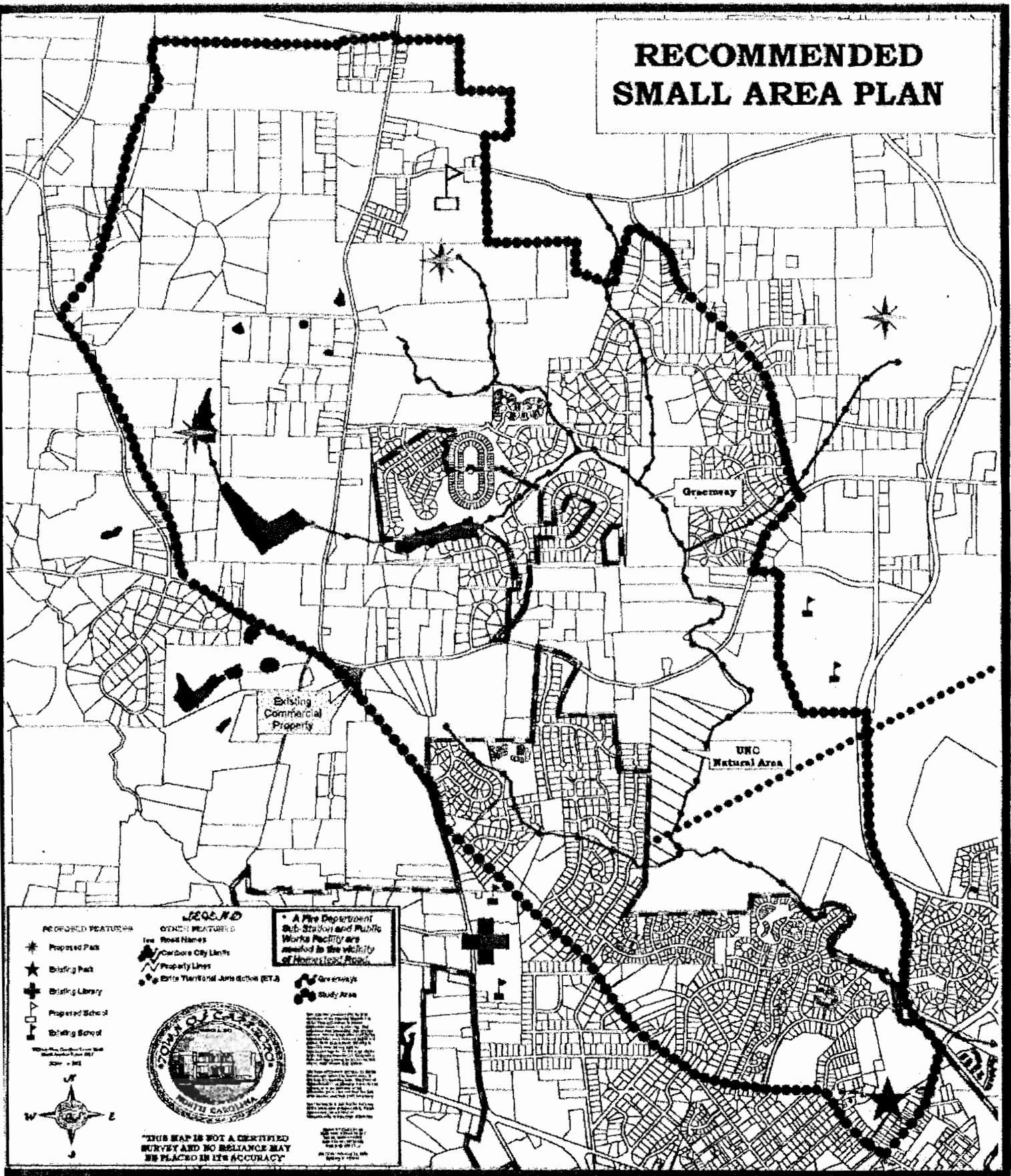
Alderman Haven-O'Donnell stated how time-consuming it would be for each board to develop a procedure. There are fiscal implications and those of us who hold official responsibility need to be the architects of the process. It is well thought out and she appreciates it.

Alderman Gist agrees agreed that the responsibility is the Board's and asked that the last bullet point on B-3 be removed.

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MAP #7:

# RECOMMENDED SMALL AREA PLAN





# 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

**May 4, 2006**

#### **Request from the Planning Board that the Board of Aldermen Consider a Moratorium on Development in the Northern Study Area. Revised 4-17-06**

On several occasions recently, including at their Retreat in February, 2006, the Aldermen have expressed concerns about the manner in which development has been taking place in the Northern Study Area (NSA), as well as a desire to re-consider the current zoning in the NSA.

Members of the Planning Board share those concerns, and note that development is continuing at a rapid pace whereby future opportunities to achieve important community goals for the NSA are dwindling. In light of the swift pace of development applications, the Planning Board strongly recommends that the Aldermen enact a Moratorium on rezoning, major subdivisions, special and conditional use permit applications throughout the NSA for a period of time sufficient to re-evaluate existing zoning and ordinance in respect of the principles and objectives of the Facilitated Small Area Plan for Carrboro's Northern Study Area, as well as the interests and concerns of residents of the NSA, and to enact, if necessary, new zoning and ordinance for the NSA.

To the members of the Planning Board it appears that some principles expressed in the Small Area Plan are not being realized by the pattern of suburban development predominating in the NSA. Consider the following principles from the Plan:

*"Village-type development should be encouraged. This type of development blends residential and commercial opportunities, and is easily negotiated by pedestrians... Village-type development improves the Town's ability to provide services efficiently..." (p31)*

*"Carrboro needs neighborhoods with a mixture of housing opportunities designed for a diverse population." (p31)*

*"Since the population of Carrboro will continue to increase significantly in the study area, new commercial development will be needed. Routine commercial service needs should be met by neighborhood centers." (p33)*

*"Development of new transit routes and the location of higher density development zoning near such routes should be encouraged." (p36)*

## RECOMMENDATION: NSA MORATORIUM

Page 2

May 4, 2006

And consider as well this statement from the "Recommended Plan:"

*"To successfully accommodate anticipated growth while maintaining its small town heritage and enhancing the quality of life for all of its citizens, Carrboro must ensure that the land in the Study Area is not squandered through the exclusive development of high-priced, large-lot, single family housing." (p46)*

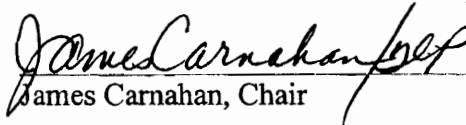
To the members of the Planning Board it seems as well that Carrboro's ability to accommodate future growth without compromising affordability and meeting other important community goals will be seriously compromised if the current development pattern continues toward a build-out that will occur soon. We recommend that the following are some important areas of consideration during the Moratorium period:

- 1) **Finding effective means to site commercial areas in the NSA in order to provide retail and employment opportunities for residents of the Study Area.**
- 2) **Reviewing densities allowed around sensitive environmental areas, along transportation corridors and close to possible commercial zones.**
- 3) **Examine transit issues and ensure that transit will be provided and that development patterns to support transit and walkability will be achieved in the NSA.**
- 4) **Look at implications of any proposed changes in zoning for future school infrastructure needs.**
- 5) **Address issues of impending build-out, maintaining affordability, and the need to provide a wider range of housing than is currently being constructed.**

A motion to approve submittal of this request to the Board of Aldermen was made by Susan Poulton and seconded by Hedi Paulsen.

VOTE: AYES: (6) (Carnahan, Fritz, Paulsen, Poulton, Rabinowitz and West);  
ABSENT/EXCUSED: (3) (Chadbourne, Clinton, and Reid); NOES: (0);  
ABSTENTIONS: (0).

The Planning Board requested that courtesy copies of this request be submitted to the following advisory boards for review: Environmental Advisory Board, Economic Sustainability Commission, Transportation Advisory Board, Appearance Commission, and Recreation and Parks Commission.

 May 4, 2006  
James Carnahan, Chair (Date)

## TRANSPORTATION ADVISORY BOARD

## RECOMMENDATION

May 18, 2006

**SUBJECT:** Recommendation from the Planning Board Regarding the Northern Study Area

**MOTION:** The Transportation Advisory Board (TAB) enthusiastically supports the recommendation from the Planning Board for a moratorium on development in the Northern Study Area.

Moved: Tom High Second: Charlie Hileman

VOTE: Passed 5-0: Ayes (Charles Hileman, Heidi Perry, John O'Leary, Tom High, Dave Deming); Noes (None).

HEIDI PERRY (LHM)  
TAB Chair

5 / 18 / 06  
Date

**UNOFFICIAL**  
**CARRBORO RECREATION AND PARKS COMMISSION MINUTES- 6/5/06**  
**\*\* EXCERPT \*\***

Present – Members: Doris Murrell, Marianne Nicholson, Alfred Montalvo, Jr. and Eric Allman.  
Board Liaison: Alderman Jacquie Gist    Staff: Anita Jones-McNair.

Murrell called the meeting to order at 7:01 p.m.

The Commission reviewed the Planning Board's recommendation for a Moratorium on Development in the Northern Study Area. Montavlo, Jr. asked about development in that area? Alderman Gist mentioned that there are several projects close to happening. Nicholson expressed her sentiment that once this request is presented to the Board, they will listen and effectively deal with it. The other Commission members agreed and did not have any comments.

**Town of Carrboro  
Environmental Advisory Board**



**MEMORANDUM**

Date: June 7, 2006  
 To: Planning Board  
 From: Environmental Advisory Board  
 Through: D. Will Autry, Environmental Planner  
 Copy: Board of Aldermen  
 Subject: Comments on Planning Board's May 4, 2006 Recommendation for a Proposed Development Moratorium in the Northern Study Area (NSA)

At the May 18, 2006 meeting of the Environmental Advisory Board (EAB), members discussed the request from the Planning Board that the Board of Aldermen consider a moratorium on rezonings, major subdivisions, and special and conditional use permit applications in the Northern Study Area (NSA). The EAB shares the Planning Board's concerns which have prompted them to recommend a moratorium. In addition, board members have concerns related to the environmental principles laid out in the Facilitated Small Area Plan for Carrboro's Northern Study Area. If, after we learn more about the proposed moratorium, we believe that the environmental goals laid out in the Small Area Plan could be more effectively achieved, then we will support the proposed moratorium.

Some of the questions we have about the proposed moratorium include:

- Which parcels and which active development plans would be affected by a moratorium?
- Would a moratorium include enough of the largest and most environmentally sensitive parcels to be effective?
- How would the goals outlined in the moratorium recommendation be achieved?

In addition to those listed by the Planning Board, we are concerned that the following principles from the Small Area Plan are not being realized:

*"One of the attractions of the study area is the beauty of the land itself, with its open fields, wooded streams and rolling hills. If development leads to the destruction or alteration of these features, they cannot be reconstructed. Before we decide how best to guide development in the midst of this landscape, we should first decide what we are willing to preserve." (p32)*

*"Although transportation enhancements can facilitate travel between areas, they can also seriously damage neighborhoods, natural areas, and other areas of concern. The relative priority of smooth traffic flow should be weighed against negative impacts in other areas." (p. 34)*

PB NSA MORATORIUM COMMENTS  
JUNE 7, 2006

*"The Town should encourage and support the development of greenways or park lands along streams and easements dedicated to public use. While allowing these types of uses, these areas should be preserved as much as possible in their natural state." (p. 37)*

*"Sustainable development advocates support a variety of measures, such as the use of alternative energy systems, energy efficient building designs, and pedestrian-oriented communities, to further the long-term sustainability of human development. Carboro should encourage the consideration of long-term sustainability issues in assessing the forms and locations of development in the study area." (p. 41)*

And consider as well this statement from the "Recommended Plan:"

*"Natural areas along the Bolin Creek Basin, in the Meadow Flats area, and in other areas will either be preserved or strictly limited, with all forms of development subject to performance standards described in a Conservation Area Policy." (p. 51)*

The Planning Board's recommendation outlines five important areas to be considered during the proposed moratorium. In addition, the EAB feels that the following issues need to be addressed as part of any revisions of the Land Use Ordinances or rezoning.

1. Review densities allowed around sensitive environmental areas, especially those identified as Conservation Areas in the Upper Bolin Creek Conservation Area Map.
2. Find a balance between traffic connectivity and the minimization of stream crossings and natural buffer encroachments.
3. Examine the development of greenways and bikeways in the NSA to ensure that they are consistent with the long-term goals of greenways and bikeways throughout the community at large and are dedicated to public use.
4. Review existing ordinances related to green building and stormwater management to see how they can be strengthened and/or encouraged through the use of incentives.
5. Look at future infrastructure needs of the Northern Study Area and determine how they will be addressed.

Lauren E. Goers 6/7/06  
Lauren Goers, Chair June 7, 2006



## TOWN OF CARRBORO

NORTH CAROLINA

WWW.TOWNOFCARRBORO.ORG

# Memo

**To:** Patricia McGuire  
**From:** Nathan Millan, Chair, ESC *NM*  
**Date:** 6/12/2006  
**Re:** Comments from ESC members regarding Northern Area

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Concern of members regarding the Northern Study Area:

1. Inadequate infrastructure
2. lack of connector streets make it impossible to avoid grid-lock
3. no evidence of commercial development
4. lack of retail space
5. there will be a need for basic services for residents
6. need for a business park

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TOWN OF CARRBORO  
PLANNING DEPARTMENT

Meeting on June 19<sup>th</sup>, 2006, 7:30 p.m.  
at the Carrboro Town Hall  
Carrboro, North Carolina

## Minutes

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### Board Members Present

Linda Bowerman  
Jay Bryan  
Jeanette Moore  
Jean Earnhardt  
Brian Decker

### Staff Present

Jeff Kleaveland, Planning Zoning Development Specialist

### Guests

Richard Ellington

1. Presentation regarding proposed Park on Old NC 86 .....	1
2. Liaison to New Horizons Task Force .....	2
3. Resolution Regarding Mr. Dwyer's Green Initiative .....	2
4. Resolution Regarding Having the Board of Aldermen Consider Adoption of the County's Rules Regarding School Development .....	2
5. Report on County Park and Meadow Status .....	2
6. Stormwater Wetland Restoration and Resolution .....	2
7. Finalization of Jones Property CUP Conditions .....	2
8. Discussion of Planning Board Moratorium Resolution .....	2
9. Discussion of Greenways Committee Formation .....	2
10. Other Business .....	2

### Call to Order/Opening Comments

The meeting of the NTAAC convened with polity. Guest, Richard Ellington was introduced to the committee members.

### Presentation regarding proposed Park on Old NC 86

Richard Ellington, native Carrboro resident and member of the Board of Adjustment gave a presentation proposing a museum/park for the Town's undeveloped parcel on Old NC 86. Said parcel has been given consideration as a potential public works relocation site.

Mr. Ellington's slide presentation revealed the various elements of the parcel (grading, existing vegetation, existing structures, etc.). Further, he presents a compelling case for the establishment of a museum in the existing, non-occupied home.

The committee enjoyed the presentation, as does the choir enjoy singing, though Ms. Moore acknowledged that the plan was for a property that was not in the

direct possession of the committee.

Mr. Ellington is a dedicated historian and genealogist. He acknowledged that this project will require the creation of political consensus and is investigating various means to this end. The creation of a specific "Friends of the Museum" organization was discussed as a method to start fund raising. Grants and matching funds were briefly discussed. After the presentation Mr. Bryan suggested a resolution by the committee timely.

Brian Decker rose to this call, duly seconded by another member in the following resolution:

THAT THE FRONT HALF OF THE TOWN'S OLD NC 86 PROPERTY BE DEDICATED FOR USE AS A RECREATION AREA AND POSSIBLE CARRBORO MUSEUM.

(AYES (ALL))

Further, Mr. Decker made the adjacent resolution (duly seconded).

THAT THE PRESENTATION BY MR ELLINGTON BE VIEWED BY THE TOWN'S OTHER ADVISORY BOARDS.  
(AYES (ALL)).

**Liaison to New Horizons Task Force**

Ms. Bowerman and Mr. Bryan attended the second meeting of the aforementioned Task Force and gave report. The Task Force, initiated by two of the Town's Aldermen, is attempting to mediate concerns of newly annexed Carrboro residents. Bryan wants to make sure the committee is kept apprised of their activities as they could result in initiatives that could directly affect the NTA and the existing Small Area Plan. Ms. Bowerman elected to act as liaison.

Also some mention was made of a survey conducted by the task force. The results of the survey will be available soon.

**Resolution Regarding Mr. O'Dwyer's Green Initiative**

The committee revisited the sustainability discussion as initiated by the O'Dwyer's in the April committee meeting. Staff drafted a recommendation to the Board of Aldermen that they consider the formal establishment of a project specific sustainability review.

Motion by Decker:

MOTION TO APPROVE THE SUSTAINABILITY RECOMMENDATION AS DRAFTED BY STAFF  
(AYES (ALL)).

Note that there was no discussion as to when this recommendation would be presented to the Aldermen.

Further discussion brought forth that another recommendation is necessary to formally incorporate "organizational" sustainability measures for the Town. This will be discussed in future meetings.

**Resolution Regarding Having the Board of Aldermen Consider Adoption of the County's Rules Regarding School Development**

Tabled.

**Report on County Park and Meadow Status**

Tabled.

**Stormwater Wetland Restoration and Resolution**

Tabled.

**Finalization of Jones Property CUP Conditions**

Reviewed the combined recommendations (each made in separate meetings, without quorum) and made the following resolution (Motion by Decker, duly seconded):

MOTION TO COMBINE COMMITTEE COMMENTS (MADE WITHOUT QUORUM) FOR THE JONES PROPERTY AND OFFICIALLY APPROVE THEM. (AYES (ALL))

**Discussion of Planning Board Moratorium Resolution**

The committee discussed the proposed moratorium but was unable to support it immediately. The need for commercial services in the NTA is evident but the planning board's interest in revisiting the Small Area Plan is troubling to Mr. Bryan and Ms. Earnhardt. Mr. Bryan suggested we look at some existing commercial plans for the area that were shelved long ago. Staff awaits further direction from the committee.

**Discussion of Greenways Committee Formation**

The Board of Aldermen's interest in forming an Open Space and Greenways committee is supported by the NTAAC who will want to have a place in the group, reserved for them.

**Other Business**

None. Committee members, who fancy Hockey, ran home to their teams triumphant final game.

**Adjourned!**

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TOWN OF CARRBORO  
PLANNING DEPARTMENT

Meeting on November 6, 2006, 7:30pm.  
At the Carrboro Town Hall  
Carrboro, North Carolina

## Minutes

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Board Members Present

Linda Bowerman  
Jay Bryan  
Jeanette Moore  
Brian Decker

Staff Present

Jeff Kleaveland, Planning Zoning Development Specialist

1. Discussion of Planning Board's recommendation of a moratorium for the Northern Transition Area ..... 1

Call to Order/Opening Comments

The meeting of the NTAAC convened without excitement.

Discussion of Planning Board's recommendation of  
a moratorium for the Northern Transition Area

General discussion about the Planning Board's building moratorium proposed for the Northern Transition Area. Brian Decker drafted a committee response to the moratorium. The committee reviewed Decker's document and found it satisfactory notwithstanding some minor edits. In response to this Ms. Moore made the following motion:

MOTION: FOR THE COMMITTEE TO APPROVE  
THE DRAFT RECOMMENDATION PREPARED BY  
BRIAN DECKER AS THE OFFICIAL NTAAC  
RESPONSE TO THE PLANNING BOARD'S  
PROPOSED BUILDING MORATORIUM IN THE  
NTA. (SECONDED BY BOWERMEN)

VOTE: (AYES (UNANIMOUS))

Staff awaits the edited recommendation.

Meeting Adjourned!

**Resolution of the Northern Transition Area Advisory Committee (NTAAC) on a Moratorium for the Northern Study Area (NSA)**

The NTAAC understand the concerns of the Planning Board (1-5 May 4, 2006), the Economic Sustainability Committee (ESC) (1-6 June 12, 2006), the Environmental Advisory Board (EAB) (1-5 June 7, 2006), the Transportation Advisory Board (TAB) (no particular points May 18, 2006) and the Recreation and Parks Commission (RPC) (no particular points June 5, 2006). However, all of these general concerns are clearly stated in the current Facilitated Small Area Plan (FSAP) for the Northern Study Area (NSA) and are covered by the Town of Carrboro's CUP/SUP review and approval process.

What would the proposed general moratorium achieve? A Village Mixed Use (VMU) project is currently under construction – Winmore. It is worth noting that this re-zoning (explicitly encouraged by the FSAP, p.31) met with significant public resistance. However, it is moving forward with a plan that embraces most of the FSAP principles. Affordable housing concerns have been addressed through denials of rezoning requests (Village at Berkley) and approval of more stringent ordinance requirements. Density levels, along with density bonuses which have been used by developers, were approved only a few years ago after an exhaustive, thoughtful planning process which included numerous citizens from the Northern Transition Area (NTA) and the town of Carrboro. Likewise, the preservation of view-shed and open space along with walkable and bikeable recreation opportunities, on one of the premier parcels in the NSA, through the Twin Creeks Park Plan, which has been through years of Orange County planning and public input, would be among the projects impacted by the currently proposed general moratorium.

The NTAAC recommends that before voting on a moratorium, the Board of Aldermen allow all interested advisory boards as well as the Orange County government, including its Planning Department and Environmental Resource and Conversation Department (ERCD), sufficient time to offer written comments about the efficacy of the idea.

It is the opinion of the NTAAC that there may be some specific issues that need to be addressed in the NSA and NTA.

1. There is a need for better office/retail development in Carrboro overall (see recommendations from Randall Arandt regarding expanding the height of buildings at Carrboro Plaza) and to some degree in the NTA, depending on location and public support, to improve tax base and reduce travel for day-to-day needs. (At the same time, it should be noted that within minutes of the NTA are several shopping centers: Chapel Hill North, Timberlyne, Carrboro Plaza, Willow Creek, and Carr Mill Mall among others). In the NTA, Winmore is well located for this. Calvander crossroads could also be an excellent location for modest-scaled commercial development since it already supports some of only businesses in the NTA. However, transit, bike and pedestrian access would need significant improvement or most users would be forced to access by car. The owners of the properties at that location would need to be approached and convinced of such a plan.

2. Bus routes are needed to allow for circulation within the NSA as well as connection to the large regional mass transit system. A stop at Twin Creeks Park and any VMUs would be particularly desirable. Bus routes along Rogers Road should also be designed in conjunction with Chapel Hill, as this is an important street for service, having 4 subdivisions on the Carrboro side, and another subdivision plus two Habitat communities on the Chapel Hill side.

3. The responsibility for, the alignment and construction of the north-south connector road from Lake Hogan subdivision to Eubanks Road connecting new sub-divisions, Twin Creeks Park and the Schools needs to be addressed. This road will be a major connection for motor vehicular, bike and pedestrian traffic between Homestead Road and Eubanks.

4. Greenways, bike paths and sidewalks need to be formalized in a master plan for the NSA (and Carrboro in general). The reduction of the speed limit on Old NC 86 should also be considered. The NTAAC has proposed off-road bike and walking paths on Old NC 86 but has not received feedback from the consultant for the town's Park plans.

*If there is to be a moratorium*, the NTAAC recommends that the Board of Aldermen have a short list of specific issues that could have specific answers. More importantly, there needs to be a specific process to evaluate these issues and determine the solutions and implementation. For example:

Issue: A commercial site

Evaluate: Hold a 2 day workshop/scharette with extensive public involvement and outreach (including both Carrboro and Orange County residents in the NTA), professional, officials, and staff to determine site and desired businesses. Such a process is recommended by the NTAAC for any issue decided to be addressed by the Board.

Solution: Hold a public process to determine whether the selected site should be rezoned.

Implementation: If rezoned, actively solicit developers/businesses to locate at site. There are various incentives referred to in the FSAP.

**ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT**

**Craig N. Benedict, AICP, Director**

**Current Planning  
(919) 245-2575  
(919) 644-3002 (FAX)  
www.co.orange.nc.us**



**306F Revere Road  
P O Box 8181  
Hillsborough,  
North Carolina, 27278**



**MEMORANDUM**

**TO:** Craig Benedict – Planning Director  
**FROM:** Michael D. Harvey – Planner II  
**CC:** Robert P. Davis – Current Planning Supervisor  
Geoffrey Gledhill – County Attorney  
**DATE:** Wednesday, October 18, 2006  
**RE:** REVIEW of recent amendment to North Carolina General Statutes concerning establishment of moratoriums by local governments.

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As requested, please accept the following memorandum as an analysis of recent amendments to North Carolina General Statutes concerning the imposition of development moratoriums by local governments. The regulations concerning the procedure for a County to initiate a moratorium are covered under NCGS 153A-340 (h) while a municipality is bound by the procedures outlined under NCGS 160A-381 (e).

The request for this analysis was made after staff was informed that the Town of Carrboro was considering imposing a development moratorium within the Joint Planning Area (JPA) Transition Area of the County. As of this date, staff has not received any information concerning the proposal.

**BACKGROUND:**

A moratorium is loosely defined as a temporary cessation by a local government in granting permits allowing for the development of property while efforts are undertaken to review, analyze, or address concerns over conditions associated with a specific classification of development (i.e. residential, commercial, industrial, etc.) or over concerns arising out of allowing any and all development to occur within a specific area. Originally, the power of local

governments to initiate moratorium was viewed as an implied power but was never explicitly recognized within North Carolina General Statutes.

The explicit establishment of the authority for local governments to establish moratoriums was part of Senate Bill 814, An Act to Modernize and Simplify City and County Planning and Land-Use Management Statutes. The modifications were signed into law by Governor Easley on September 22, 2005 and are now referenced as Session Law 2005-426 (attached for reference). The new regulation not only seeks to formalize the process but to also codifies the constitutional limitations on the use of moratoria by local governments.

The new regulations governing the implementation of moratoriums are summarized as follows:

1. Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:
  - a. A clear statement of the problems or conditions necessitating the moratorium and what courses of action and what alternatives to the proposed moratorium were considered by the local government and why those alternative courses of action were not deemed adequate.
  - b. A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
  - c. An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
  - d. A clear statement of the actions, and the schedule for those actions, proposed to be taken by local government during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium.
2. With respect to adoption local governments seeking to adopt moratoria, the following advertising standards apply:
  - a. A temporary moratoria of a sixty (60) day duration or less may be adopted with a public hearing that has one (1) notice published seven (7) days in advance, unless there is an imminent and substantial threat to public health and safety, in which case a public hearing is not required.
  - b. Longer moratoria, including extensions of temporary moratoria beyond sixty (60) days require the same notice and hearing as routine land use ordinance amendments (NCGS 153A-323).
3. Moratoria may be renewed or extended only if the government has taken all reasonable and feasible steps to address the problem leading to the moratorium and if new facts and conditions warrant an extension,
4. Unless there is an imminent threat to public health and safety, moratoria do not apply to projects that have already received a vested right under current law; nor do they apply to

preliminary or final plats or to special and conditional use permit applications that have been accepted for review prior to the call for a hearing on the moratorium,

5. Provision is also made within 153A-340(h) for expedited judicial review and the government has the burden of showing compliance with the procedural requirements of the statute in such challenges.

B. Whenever Chapel Hill or Carrboro receives an application for a development permit as defined in this Agreement relating to land within their respective portions of the Transition area, it shall forward copies of the application to Orange County for review. The towns shall establish timetables to insure that Orange County has an opportunity to make recommendations regarding such applications within the framework of the County's regularly scheduled meeting dates. To the extent possible, the timetables of the County and the towns shall provide for simultaneous review to expedite application processing; provided, however, the towns may not vote to issue or deny a permit until they have received the recommendations of Orange County or until the expiration of forty-five (45) days after orange County has received the application, whichever comes first.

Section 2.3  
Permit  
Administration  
w/in the  
Transition  
Area

C. From time to time a development moratorium is appropriate in order to address exigent circumstances or the results of a study of density designations, plan classifications or other matters prescribed by the adopted Joint Planning Area Land Use Plan, the Joint Planning Area Land Use Map or any of the land use ordinances of the Town of Chapel Hill or the Town of Carrboro. To preserve the status quo pending the consideration of a land use ordinance amendment designed to address exigent circumstances or the results of a study, the Town of Carrboro or the Town of Chapel Hill may propose the adoption of a development moratorium pending consideration of the ordinance amendment. With respect to the CJDA, any proposed moratorium shall not be effective until adopted by the Town of Carrboro and approved by Orange County following a public hearing conducted by the Town of Carrboro. With respect to the CHJDA, any proposed moratorium shall not be effective until adopted by the Town of Chapel Hill and approved by Orange County following a public hearing conducted by the Town of Chapel Hill. Any such adopted and approved moratorium shall initially be no more than six months in duration and may be extended one time for no more than six months for the reasons and following the procedures prescribed here.

November 14, 2006

Dan and Randee:

I have compiled below the feedback regarding the proposed development moratorium that we discussed at our new Horizons Task Force meeting last night (November 13, 2006).

Lydia Lavelle  
Chair, New Horizons Task Force

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The New Horizons Task Force is soliciting neighborhood input on the following matters:

1. Do residents feel strongly one way or the other about a Town of Carrboro moratorium on development (most likely not more than a year) while the "Facilitated Small Area Plan for Carrboro's Northern Study Area" (<http://www.townofcarrboro.com/PZI/PDFs/sap.pdf> ) is reviewed and perhaps revised? The NSAP is the planning framework for development of the northern part of Carrboro, and outlying areas, and was adopted by the BOA in 1998. The plan is going to be reviewed/revised whether there is a moratorium or not, but a moratorium would stop any proposed developments (residential or commercial) which have not advanced to a certain phase of the development review procedure. The moratorium would give the Town an opportunity to consider feedback from the public, and discuss revisions to the plan.

Please e-mail your comments by Sunday, October 29, 2006 to Lydia Lavelle at [lydlavelle@nc.rr.com](mailto:lydlavelle@nc.rr.com) or Charlie Buckner at [c\\_buckner@hotmail.com](mailto:c_buckner@hotmail.com).

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

From: Helen Chandler

To: [lydlavelle@nc.rr.com](mailto:lydlavelle@nc.rr.com) ; [c\\_buckner@hotmail.com](mailto:c_buckner@hotmail.com)

Sent: Friday, October 20, 2006 10:52 AM

Subject: Moratorium

The moratorium sounds like a great idea!

Helen Chandler

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

From: John Kramer

To: [lydlavelle@nc.rr.com](mailto:lydlavelle@nc.rr.com)

Cc: [c\\_buckner@hotmail.com](mailto:c_buckner@hotmail.com)

Sent: Friday, October 20, 2006 3:36 PM

Subject: Neighborhood input

Good afternoon. Here is my input:

I am only for a moratorium to review and revise the "Facilitated" plan if and only if the people reviewing it and making changes include in number no less than 75% those actually living in the area under study. I for one am tired of others "speaking" for us.

Thanks for allowing me to give you input.

Regards,

John Kramer  
Highlands North.

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From: "Chris Hoerter" <[choerter@nc.rr.com](mailto:choerter@nc.rr.com)>

To: <[c\\_buckner@hotmail.com](mailto:c_buckner@hotmail.com)>

Subject: NHTF feedback

Date: Sat, 21 Oct 2006 09:14:52 -0400

Hi, Charlie. This is in response to Lydia Lavelle's request on the Fox Meadow Yahoo Group.

I am absolutely in favor of a development moratorium. Carrboro really Needs to take the time to focus on northern development. The way I see it, all The BOA really cares about is downtown Carrboro. It's safe to walk and ride Your bicycle there, but if you live north of Homestead you're out of luck. Where are our bike lanes and sidewalks? Shouldn't our children be able to safely walk or bike to school? Is the BOA's "infill" philosophy really appropriate for the larger lots of northern neighborhoods? These are the kinds of things they need to think about as they revise the NSAP.

Thanks for all your hard work!

Chris Hoerter  
1414 Tallyho

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From: Jon Engel [engelj@physics.unc.edu](mailto:engelj@physics.unc.edu)  
To: Charlie Buckner <[c\\_buckner@hotmail.com](mailto:c_buckner@hotmail.com)>  
Subject: moratorium  
Date: Tue, 24 Oct 2006 21:06:29 -0400

Hi Charlie,  
Meryl and I are strongly in favor of the moratorium.  
Jon

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

From: Richard Goldberg  
To: Lydia Lavelle  
Sent: Friday, October 27, 2006 9:43 AM  
Subject: Items for input from neighbors

It would be more fair to residents and developers if there is an up to date plan before proceeding with further development. So the moratorium makes sense to me.

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From: Susan Bryan  
To: [lydlavelle@nc.rr.com](mailto:lydlavelle@nc.rr.com)  
Sent: Sunday, October 29, 2006 12:14 PM  
Subject: response to New Horizons task force

It has been 8 years since the Board of Aldermen adopted the Northern Study Area Plan. It is time that the Plan be reviewed/revised. In the meantime, a one-year moratorium on proposed developments during review of the plan would provide an opportunity to consider possible revisions to the plan, engage the public, and possibly avoid mistakes. A brief moratorium of one year would not be much of a burden for developers, and strikes us as sound public policy.

Frank Hammill, Susan Bryan  
2003 Camden Lane

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## Concerns with the Facilitated Small Area Plan for Carrboro's Northern Study Area

I believe that the proposed moratorium on development is necessary due to the following concerns that I have with the Facilitated Small Area Plan:

- Since the Plan was adopted, there has been no significant commercial development in the Northern Study Area. As a result, the growing population of this area is sending an increasing portion of Carrboro's sales tax revenues to Chapel Hill. The "neighborhood centers" referenced in the Plan (Economic Development, Page #33) have not been developed. As a result, there is increased (and increasing) pressure on those of us who pay ad valorem taxes.
- The Plan should consider a timetable for development which is tied to the completion of the proposed connector roads in the Study Area. Isolated properties or those with limited access should not be considered for development until the road infrastructure necessary to maintain the identity and integrity of existing neighborhoods is in place. The absolute minimum requirement should be at least two *existing* points of access to a proposed development prior to its approval. Plan should make it clear that roads are just as vital as water and sewer access.
- The Plan makes no provision for annexed areas whose identities and characteristics are significantly different from the Town as a whole. A subdivision such as Fox Meadow, with well and septic instead of OWASA service, face a number of unknown and unknowable uncertainties as surrounding properties are developed, particularly with regard to water quality. All evidence indicates that the development of natural areas has a negative impact on water quality. How can one predict if the sequential destruction of surrounding natural areas will cause wells and septic systems to fail? Such failure will always be after the fact. The Plan should acknowledge the validity of these concerns, and provide a framework or plan for addressing such failures should they occur.
- I am just a lay person and not an expert, but it seems to me that the framework provided by the Plan is easily trumped by loopholes in the Land Use Ordinance. It seems to me that some fundamental provisions (such as development in environmentally sensitive areas) should be inviolable. Otherwise, the Plan will continue to fall short of its stated goals.

Wayne Hodges  
1315 Tallyho Trail

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From: "Carolyn Buckner" <[mojobuckner@hotmail.com](mailto:mojobuckner@hotmail.com)>  
 To: <[lydlavelle@nc.rr.com](mailto:lydlavelle@nc.rr.com)>  
 Sent: Monday, November 13, 2006 12:04 PM  
 Subject: Items for input from neighbors

I strongly support a moratorium on development while the Small Area Plan is reviewed. I think the Planning Board's main concern was the lack of commercial going in out here. I have to agree that what is currently planned is not sufficient. The floating zones don't seem to be working as intended and we are getting pretty close to buildout. ...

There are going to be Jordan Lake stormwater rules coming down soon, and the EAB wants to consider revising some of the Town stormwater ordinances in anticipation of these. If we do not have time to do this, the Town may approve developments that down the road will need stormwater retrofits that will need to be financially born by the Town rather than the developers.

Carolyn

More detail from Carolyn about the Small Area Plan:

**Transportation** (Goal 4.0, Carrboro's Year 2000 Task Force Policies)

p. 34

"Although transportation enhancements can facilitate travel between areas, they can also seriously damage neighborhoods, natural areas, and other areas of concern. The relative priority of smooth traffic flow should be weighed against negative impacts in other areas."

p.35

"The goal of a transportation plan for the study is a network of facilities that provide safe and reasonably efficient movement of people within the Study Area itself, or to and from significant destinations outside of the Area."

"This network, including not only roadways, but also sidewalks, bicycle lanes and off-road easements for cyclists and pedestrians, should be designed to give higher priority to human beings themselves rather than focusing strictly upon traffic engineering, which is often accompanied by excessive destruction of natural features and construction of barriers to easy pedestrian movement and social interaction."

"The adoption of a comprehensive transportation plan by the Town in advance of further development, rather than in a piecemeal reaction to individual development proposals, should yield a coherent network allowing more efficient

and possibly lower cost provision of bus, fire, police, and public works services. Furthermore, a pre-established transportation network would help alleviate political disputes arising with developers as well as with residents when new development occurs adjacent to existing neighborhoods."

The Town worked up a plan for which major roads to connect/extend. To address the issues outlined above at the neighborhood scale, they then implemented the connector road policy. While this can help with traffic flow and eliminate neighborhood squabbles, it completely ignores the part about weighing the negative impacts of roads on existing "neighborhoods, natural areas and other areas of concern". I'm especially concerned with the number of road crossings of primary conservation areas, be they streams, slopes or mature woodlands. The lands that haven't been developed yet (and are under threat now) tend to have a higher percentage of these primary conservation areas. I suggest the Town sit down and work up a neighborhood scale connector plan weighing the pros and cons rather than simply mandating that every single road connect. A moratorium would provide more time to do this.

**Preservation of the Natural Environment** (Objective 2.20, Carrboro's Year 2000 Task Force Policies)  
p.32

"One of the attractions of the study area is the beauty of the land itself, with its open fields, wooded streams and rolling hills. If development leads to the destruction or alteration of these features, they cannot be reconstructed."

"Particular topographical features within the study area should be designated in advance as areas which are to be left undisturbed, unless public health and safety factors dictate otherwise. Such features include stream buffers, steep slopes, flood plains and designated wooded areas. Protection of these locations would yield valuable benefits to the community, including partial protection of plant and animal habitats, preservation of the aesthetic beauty of the land, maintenance of buffers between developments, improved water quality and reduced drainage problems."

I like the changes the Town made to the land use ordinances to address these issues. However, I would like to see either the stream buffer ordinances or the stormwater ordinances tightened such that large stormwater detention facilities do not automatically go in the stream buffer. I realize that stormwater facilities need to be downhill from development, but clearing an already wooded stream buffer needs to be an absolute last resort rather than the norm. I would like to see changes to the ordinances that encourage or require smaller site footprints so large stormwater detention facilities can be fit between the developed lots and the natural stream buffer and/or the use of smaller, more localized stormwater treatment options. Again, a moratorium would provide time to do

this. In the interim, I wish developers were required to show rough ideas for stormwater treatment on the concept plans submitted to the towns.

### **Bicycle and Pedestrian Travel**

p. 36

"Carrboro's outstanding bicycle path system should be extended into the Study Area. All residential and commercial developments, parks and other public facilities should be designed for easy bicycle and pedestrian access and with good internal circulation."

"Pedestrian and bicycle easements should be provided along major roadways, as well as between adjacent neighborhoods and commercial developments, even when topographical, environmental or political constraints prevent direct thoroughfare connections. The Town should encourage the development of bikeways and pedestrian paths by providing a plan showing the entire bicycle/pedestrian network and a schedule for improving the links not likely to be dedicated by new development."

I know there are plans out there. Now that so many sites are in the development process at the same time, the plans need to be brought down to the small scale to avoid situations like our lack of connection to the west and Lake Hogan Farms. Also, I am not clear as to what portions of the bikeways will go in with new development and what portion the Town needs to find the funds for. If this isn't worked out, it needs to be worked out before the new developments go in.

### **Bus System**

p. 26

"A bus system serves the town of Carrboro and has the highest ridership in the state; however, there are currently no bus routes serving the Study Area. Carrboro also has a well-established bikeway system, as well as a pedestrian system, from the downtown area to neighborhoods within the current city limits."

Again, not sure how to deal with this. The bus services currently offered are not all that practical (calling the van to get picked up and dropped at a stop, or driving out to the Eubanks Park and Ride to come into town is just not convenient). Is there a concrete plan for what will happen with transit in our area as density increases with the new developments? If not, this needs to be worked out before new developments go in. Also, I know there are a fair number of bike commuters in our neighborhood and there is a strong desire for a more direct bikeway to town as well.

## **Greenways and Trails**

p.37

"The Town should encourage and support the development of greenways or park lands along streams and easements dedicated to public use. While allowing these types of uses, these areas should be preserved as much as possible in their natural state."

SUBSIDIARY GREENWAY TRAILS: Require developer of new subdivisions to lay out and construct neighborhood trails through their new developments in such a way that they will connect with and extend the Town's more formal greenway network.

## **GOAL 6. ADEQUATE PROVISION OF PUBLICLY ACCESSIBLE PARKS AND RECREATION FACILITIES.**

p. 43

### **OBJECTIVES:**

6.D. Completing the loop –Subject to the purchase of park land by the Town, extend the proposed greenway trail link westwards from the North Community Park generally along the line currently shown in the Draft Plan as a Eubanks Road extension and then southerly to connect ultimately with a tributary of Bolin Creek.

6.F. SUBSIDIARY GREENWAY TRAILS: Require developers of new subdivisions to lay out and construct neighborhood trails through their new developments in such a way that they will connect with and extend the Town's more formal greenway network.

We need a Greenways Commission! I don't think the dedication issue has been worked out. Other than the Greenways Summit, residents have not had much input into how they would like the greenways to look. It would be nice to have the overall plan together before developers are required to lay out and construct the trails.

## **Sustainable Development**

p. 41

"Sustainable development advocates support a variety of measures, such as the use of alternative energy systems, energy efficient building designs, and pedestrian-oriented communities, to further the long-term sustainability of

human development. Carrboro should encourage the consideration of long-term sustainability issues in assessing the forms and locations for development in the study area."

The Planning Board and the Environmental Advisory Board are working together on Land Use Ordinance revisions to address this. There are currently no incentives or requirements for Green Building Techniques in the Land Use Ordinances. Without a moratorium, the revisions may not make it before build out.