

**A RESOLUTION SPECIFYING FOLLOW-UP TO THE LUO TEXT AMENDMENT REQUEST
FOR DAYCARE USES IN VILLAGE MIXED USE DEVELOPMENT**

Resolution No. 102/2007-08

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

WHEREAS, the Board of Aldermen has received a request to amend the Land Use Ordinance to waive day care facilities from single-family residential use area impervious surface limitations in village mixed use developments; and

WHEREAS, the Board of Aldermen has received a report from the Childcare Committee and stated that it wishes to identify incentives for developers to include day care uses in developments; and

WHEREAS, the single-family use area impervious surface limitation has been identified as a barrier to including a day care use in the village mixed use development.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen:

Section 1. Directs staff to prepare a draft ordinance that modifies subsection 15-176.2(f)(5)(d) to waive the impervious surface limitation for child day care uses; and

Section 2. Sets a public hearing for April 22, 2008; and

Section 3. Refers the draft ordinance to the Planning Board and Orange County for review.

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

TOWN OF CARRBORO

LAND USE ORDINANCE AMENDMENT REQUEST



To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

- 1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):
15-176.2(5) Village Mixed-Use Developments; Total impervious coverage shall be 50%
for all of the lots in this use area.

- 2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):
The proposed text amendment would allow childcare facilities to be constructed
on residentially zoned sites within Village Mixed-Use Communities without being
subject to impervious surface limitations. In addition, as an incentive to
developers to provide childcare sites within future Village Mixed-Use Developments,
the text amendment would allow 50% of the gross land area to be distributed as
additional impervious surface to the remaining residentially zoned lots within the village

- 3) State the reasons for the proposed amendment:
See attached letter.

SIGNATURE:

Capkov Ventures, Inc.

applicant

(print)

ADDRESS:

PO Box 16815, Chapel Hill, NC 27516

TELEPHONE NUMBER:

919-260-7262

Capkov Ventures

Developing Homes And Communities Since 1954, In Chapel Hill Since 1972.

a Kovens Company

February 11, 2008

To: Trish McGuire
Long Range Planner
Town of Carrboro

From: Eric B. Chupp
Director of Development
Capkov Ventures, Inc.

WE: Child Care Incentives
Text Amendment

Dear Trish,

Capkov Ventures, Inc., the developers of the Village Mixed-Use Community, Winmore, would like to propose a text amendment to Carrboro's Land Use Ordinance. The purpose of the text amendment would be to address the concerns raised by the "Report of the Carrboro Childcare Committee" that was reviewed by the Board of Alderman last year by providing incentives to developers to allocate adequate space within Village Mixed-Use developments for childcare facilities. In addition, the text amendment would allow Capkov Ventures, Inc. to convey a (3) acre parcel of land to the Goddard Group a childcare provider, for the immediate construction of a quality childcare facility in Winmore which lies in an area of town virtually devoid of childcare facilities.

The Carrboro Childcare Committee was composed of 12 members who sat out to investigate the apparent shortage of childcare facilities in Carrboro and recommend solutions to the problem if necessary. The report found what those of us who have young children are aware, that there is a significant shortage of childcare seats within the Town of Carrboro.

According to the report that was compiled between 2004 and 2005 there were 579 families in Carrboro with preschool age children and only 273 licensed seats available. Those families that are able to find a quality childcare center for their children could expect to pay upwards of \$11,500 a year for a two year old child.

This is **twice as much as in-state** tuition at University of North Carolina. The report goes on to outline the **numerous benefits of having quality childcare facilities within the community**. Not only do the children **see significant benefits but the parents, the workforce as a whole and the economy benefit as well**. The report paints out that if Carrboro is **successful in doubling its commercial tax base**, it will have created an additional **5,000 local jobs**. This **anticipated growth compels us to recognize the shortage of childcare facilities and address the problem now**.

Part four of the report's conclusions **finds that the "high cost of construction and the limited availability of land for development in our community make it difficult for childcare programs to find locations from which to operate"** At the January 23rd public hearing where the report was discussed several Alderman suggested that incentives **be developed to encourage developers to provide sites for childcare centers within their developments**. We believe the **following amendment would provide a voluntary incentive to developers to make room at the table for childcare sites within the more profitable uses in a new Village Mixed-Use Community**

According to the Land Use Ordinance, Section 15-176.2(5) Village Mixed-Use Developments;

D. "The total impervious coverage shall be 50 percent for all of the lots in this use area. Allocation to each lot shall be indicated on the conditional use permit plans and must be finalized at the time a final plat is recorded. For multi-phase projects the final allocation shall be by phase. No further reallocation of impervious surface coverage for lots in this use area shall be allowed after the final plat has been recorded."

We believe that the above section could be modified to waive the limitation on impervious surface typically imposed on single-family residential lots within village mixed-use zoning districts, and allow developers to distribute the 50% of the lot area impervious surface to the remaining single-family lots in the community. Allowing a developer to increase the impervious surface even a small amount on the remaining single family lots within a Village Mixed-Use Community beyond 50% would provide the necessary incentive to persuade developers to allocate space for a childcare facility.

The proposed text amendment would allow for a childcare facility to be constructed in Carrboro's first Village Mixed-Use Community, Winmore, where without the amendment, one lot would be allowed. Within Winmore, there is currently a residential lot of approximately 3 acres that would provide an ideal location for a childcare facility, however, because of the impervious surface limitations imposed in Section 15-176.2 (5)(D) the only use allowed now would be a residential dwelling unit. If the proposed text amendment were passed we would immediately pursue the construction of a childcare facility with the

assistance of the Goddard Group. A child care facility in Winmore would be a **large step in the right direction** to addressing Carrboro's childcare shortage. **Not**, only would it provide the needed **seats**, it provides then? in the area they are needed and in a great setting for a childcare **sits**. The communities of Wexford and Hogans Farm are **built**, Winmore and Claremont are **being built**, and Barrington the Cotton Property, Carolina Commons, and Claremont II currently being reviewed. A childcare facility in Winmore would be convenient for all of these communities that have no childcare facilities. For those families living in Winmore it would make it feasible for their children to avoid commuting by school bus entirely. The elementary school, middle school and high school are all **within** walking distance, a childcare facility in Winmore would make it complete. Please support our proposed text amendment and we can together help to solve the shortage in quality childcare **seats** in our community.

Sincerely,



Eric B. Chupp
Director of Development
Capkov Ventures, Inc.

Excerpt of Section 15-176.2 of LUO – see page 6/7 for underlined text that is the subject of this text amendment request.

(f) Village Mixed Use Developments shall meet the following objectives with regard to land use arrangement and design criteria:

(1) Overall Form.

- a. Open space should be designed to follow the natural features whenever possible and to provide for an agricultural, forest and undeveloped character of the land.
- b. The core of the village shall be distinguished from the peripheral, contiguous open space by a well-defined “hard edge” of dwellings in contrast with the open, largely agricultural, forest and undeveloped character of the open space.
- c. The village should be sited so as to best preserve natural vistas and the existing topography.
- d. The village should be designed in a generally rectilinear pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways and sidewalks.

(2) Spatial Relationships of Various Use Areas and Open Space.

- a. The common, peripheral open space shall surround the village unless explicitly modified upon a finding that unique topographical or other natural features or preexisting boundary conditions require an alternative arrangement.
- b. Village storefront use and townhouse use areas shall be surrounded by the residential use area or, where applicable, by a combination of residential and civic use areas.
- c. Higher density residential lots should be generally located between the designated commercial area and lower density residential lots.
- d. The transition between uses shall be blended to avoid a distinct visual segregation.

(3) Block Design

- a. Blocks of a generally rectangular shape should be the main organizing feature of the village. While topography, existing vegetation, hydrology and design intentions should influence block shape and size, the maximum length for a block is to be four hundred and eighty (480) feet with an allowance for blocks up to six hundred (600) feet when mid-block pedestrian paths or ways are provided. No less than one eight-foot pedestrian alley or way must be provided for every two-hundred (200) feet of road frontage in the storefront use area.
- b. The blocks of the village may be subdivided into lots, having frontage on a street, whose generally rectangular shape should respond to environmental factors, the proposed use and design intentions.
- c. Village lots should minimize front and side yards, garage aprons and entrances and blank walls, and should generally have as narrow a width as is practical to encourage pedestrian movement.
- d. Each block which includes storefront and narrow frontage townhouse lots shall be designed to include an alley or small clusters of parking, with service access in the rear. Blocks of wide frontage townhouse lots need not be designed to include an alley and rear parking.
- e. Similar land use types shall generally front one another while dissimilar land use types shall generally abut along alleys or rear parking.
- f. Lot layout, path and sidewalk design shall ensure pedestrian access to each lot.
- g. The build-up line specifies a cornice height that establishes the prominent visual dimension of a building and defines its proportion in relation to the street. It should vary, with no more than sixty (60) consecutive feet of the build-up line having a similar cornice or roofline, and be between one and three and one-half stories in height. A two-story build-up line can range from 20 to 25 feet above average ground level. A three-story build-up line can range from 30 to 35 feet above average ground level. **(AMENDED 5/28/02)**

(4) Storefront and Townhouse use Area Design Components

- a. New multi-family and commercial buildings in storefront and townhouse use areas shall be subject to a maximum front setback (the “build-to” line) in order to maintain a strong sense of streetscape. Such buildings shall generally be of two-story construction (to the so-called “build-up” line) and shall be designed in accordance with the design standards of this chapter and any other applicable standards. To create a defined edge to the village’s public space, new multi-family or commercial buildings should conform to a consistent setback from the street. Porches for multi-family or townhouse construction can extend beyond the build-to line. In addition, building faces, as well as a majority of the roof ridgelines should be parallel to the street.
- b. Maximum height regulations are 49 feet and three and a half stories.
- c. Minimum street frontage is 25 feet.
- d. Setback regulations are as follows: Front = no minimum required; maximum is 15 feet; Rear = 20 feet minimum; Side = Zero minimum lot lines are allowed, except at block ends or adjacent to alleys or pedestrian walks as required under block design requirements.
- e. Parking within this area shall be subject to the other parking requirements of this chapter as well as the following:
 - 1. Non-residential off-street parking shall generally be to the side or the rear, or located within internal parking areas not visible from the street.
 - 2. The permit-issuing authority may allow on-street parking spaces along the front property line (except where there are driveway cuts) to be counted toward the minimum number of parking spaces required for the use on that lot.
 - 3. On-street parking space shall be designed as either parallel to the curb on both sides of the street, or diagonal to the street on the storefront side with landscaped breaks serving the pedestrian alleyways.
 - 4. Off-street parking may be located within 100 feet (measured along a publicly accessible route) from the lot containing the use to which the parking is accessory, if

the lot containing the parking is owned or leased to the owner of the principal use, or if the lot containing the parking is dedicated to parking for as long as the use to which it is accessory shall continue, and it is owned by an entity capable of assuring its maintenance as accessory parking.

5. The permit-issuing authority may allow shared use of parking.
- f. All public sidewalks and walkways shall:
 1. Be constructed of brick or concrete with brick borders in such a way that they do not impede accessibility.
 2. Be no less than six feet in width; and
 3. Create a completely interconnected network of pedestrian walkways throughout the storefront use and townhouse use areas.
- g. All storefront and townhouse use areas shall contain the following:
 1. At least one trash can and one recycling receptacle of approved design in each block;
 2. Public benches of approved design at bus stops, green spaces, and at intervals of no greater than 200 feet along both sides of each block and at lesser intervals and/or in required clusters, as appropriate (i.e. high-activity areas due to the nature of surrounding uses); and
 3. At least one bike rack on each block.
- h. All new construction shall be of similar scale and massing to small-scale, historic buildings in downtown Carrboro.
- i. All roofs shall be topped with low-pitched roofs with articulated parapets and cornices, or pitched roofs where fascias are emphasized and any roof dormers are functional.
- j. Storefront buildings shall:

1. Include show windows on the ground level. Storefront windows are to be large and traditional in appearance and are to include low sills and high lintels.
 2. Articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
 3. Include lighting in show windows, which is in conformance with other lighting regulations, herein;
 4. Project lighting on the sidewalk from about eight feet in conformance with other lighting regulations herein;
 5. Present the principal entrance to the sidewalk. Alternatively, if the principle entrance faces onto an interior courtyard, the entrance to the courtyard must be presented to the sidewalk.
- k. The facade of storefront buildings may be separated from the sidewalk surface by a landscaped strip of no greater than three feet, except as necessary to accommodate open-air, food service establishments.
- l. The construction of open colonnades over a sidewalk adjoining storefront buildings may be permitted subject to an appropriate easement over the public right-of-way.
- m. Materials in the exterior of buildings surrounding the greens shall be limited to a diversity of brick. Wood, stucco, masonry and other siding materials are subject to the review of the Appearance Commission and the approval of the permit-issuing authority.
- n. All signage shall:
1. Be affixed to building façade, canopy, or arcade;
 2. Be located within the first story limit;
 3. Be visible to both pedestrians and drivers;
 4. Contain visual street numbers for each building; and
 5. Utilize lighting conforming to applicable regulations.

- o. Storefront buildings shall have at least 60 percent of their front facade parallel to the street.
 - p. The principal entrance shall be from the front sidewalk.
 - q. Storefront buildings fronting on the same street and located on the same block shall be attached, except as necessary to accommodate pedestrian ways.
 - r. The street treescape shall require:
 - 1. The planting of species which branch above 8 feet to facilitate viewing of storefronts and signage.
 - 2. The planting of trees every 30 feet to 50 feet depending on size so as to create a regular pattern of street trees through the area.
- (5) Residential uses within the single family detached residential use area shall conform to the following requirements:
- a. Lots shall generally be located along local streets and around the perimeter of the combined storefront and townhouse areas and between those areas and the village conservancy district.
 - b. The minimum lot width at the building line shall be 40 feet unless the Board of Aldermen has also approved the development as an architecturally integrated subdivision as described in Section 15-187.
 - c. Variations in the principal building position and orientation shall be encouraged, but the following minimum standards shall be observed: Front yard: 15 feet minimum (but 8 feet to front porches or steps) and 25 feet maximum; Rear yard: 30 feet minimum for principal buildings and 5 feet for accessory buildings; Side yard: 20-foot separation for principal buildings, with no side yard less than 5 feet unless the Board of Aldermen has also approved the development as an architecturally integrated subdivision as described in Section 15-187.
 - d. The total impervious coverage shall be 50 percent for all of the lots in this use area. Allocation to each lot shall be indicated on the conditional use permit plans and must be finalized at the time a final plat is recorded. For multi-phase

projects, the final allocation shall be by phase. No further reallocation of impervious surface coverage for lots in this use area shall be allowed after the final plat has been recorded.

- e. The maximum height of buildings shall be 35 feet.
- f. Residential structures shall be designed to reflect Carrboro's vernacular building tradition in accordance with the design standards described in Section 15-141.2 of this chapter.
- g. Accessory Detached Dwelling shall be architecturally integrated as follows:
 - 1. Accessory Detached Dwellings or outbuildings shall be designed to harmonize with the Carrboro vernacular architecture described above.
 - 2. There shall be a maximum of one accessory dwelling unit (ADD) per lot of less than ten (10) acres.
 - 3. The gross floor area in the ADD shall not exceed 750 square feet.
 - 4. Exterior fire-exit stairs are prohibited on any side of Accessory Detached Dwellings except at their rear, except in cases when the ADD is located above a garage.
 - 5. All off-street parking for Accessory Detached Dwellings shall be located to the side or rear as viewed from the street.