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. 188/2007-08

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 MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN SINGLE FAMILY RESIDENTIAL USE AREAS WITHIN VILLAGE MIXED USE DEVELOPMENTS

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, particularly Human Services policies 1.31 through 1.35 dealing with unmet human services needs and the well being of residents of all ages.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest.

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

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 MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN SINGLE FAMILY RESIDENTIAL USE AREAS WITHIN VILLAGE MIXED USE DEVELOPMENTS

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 policies are sufficient.

Section 3. This resolution becomes effective upon adoption.

DRAFT 4-3-08

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN SINGLE FAMILY RESIDENTIAL USE AREAS WITHIN VILLAGE MIXED USE DEVELOPMENTS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-176.2 (f) (5) d., Village Mixed Use Developments, of the Carrboro Land Use Ordinance is amended to read as follows:

d. The total impervious coverage shall be 50 percent for all of the lots in this use area except for those approved to include 22.000 uses. 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, unless a conditional use permit is modified to allow 22.000 uses. Any such 22.000 uses shall be subject to stormwater management requirements as specified in Section 15-263 (c) (3).

Section 2. Subsection 15-263 (c), Stormwater Management, of the Land Use Ordinance is amended by the addition of a new subdivision (3) that reads as follows:

(3) Notwithstanding the foregoing, all 22.000 uses that are included within the single family residential use areas of a village mixed use development ~~shall~~ **are strongly encouraged to** install and maintain site development and/or building features to ensure that the environmental impact, including but not limited to storm water volume, nutrient loading, water use or greenhouse gas emissions, contributed by the development activity is managed and/or reduced through a combination of additional storm water management features or Low Impact Development/green building features that result in an overall reduction in environmental impact from that which otherwise could reasonably be expected to occur in association with development of the 22.000 use

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

DRAFT

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 complied 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 end 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 una. 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.

PO Box 16815 * Chapel Hill, NC 27516 * 919-942-8005 *fax 919-968-4646

ATTACHMENT C-1

TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL **PLANNING DEPARTMENT**

DELIVERED VIA: ☒ *HAND* ☐ *MAIL* ☐ *FAX* ☐ *EMAIL*

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

From: **Patricia J. McGuire, Planning Administrator**

Date: **April 18, 2008**

Subject: **Land Use Ordinance Text Amendment Request – Impervious surfaces and daycare uses in village mixed use developments.**

Single family residential use area lots within a village mixed use development are subject to a limit of 50 percent impervious surface. The transfer of impervious surface from one lot to another is allowed, but the allocations must be finalized at the time of recordation of the final plat. No further reallocation is allowed. Other portions of the village, including storefront and townhouse use areas, are not subject to impervious surface limits. Aside from the single family residential use area of the village mixed use developments, only development within the Town's water supply watersheds (i.e. University Lake and Jordan Lake) watershed are required to meet impervious surface limits.

The possibility of including a child daycare use has been discussed throughout the review of the Winmore project. Capkov Ventures, Inc. has identified an interested day care provider and, in considering the site plan, has identified a large lot that was designated for single-family residential use. Daycare uses are permissible with the single-family use area, subject to permit approval. Because of the strict impervious surface limitations for single-family lots in a village mixed use development, this lot served as a "bank" for impervious surface during preparation of the conditional use permit. With recordation of the final plat, impervious surface available for this lot was transferred to the 97 other lots included in the single family residential use area at Winmore.

The breakdown of land uses at Winmore is as follows:

Use	Acres/Percent
Single Family	13.59/21
Townhouse/Condominium	4.99/7
Civic	.43/1
Dedicated Public R/W	11.79/18
Dedicated Private R/W	2.76/4
Open Space	30.76/47
Common Area	1.53/2
TOTAL	**65.85/100**

Of the area dedicated to single family residential uses, 10.52 acres has been created in lots ranging in size from 3,292 square feet to 8,358 square feet (Lots 2-98). The average lot size is 5,825 square feet. The remaining 2.92 acres was created as a single lot (Lot 1) on the east side of Bolin Creek, just north of E. Winmore Avenue. Percent impervious that has been allocated to the 97 lots ranges from a low of 40 percent to a high of 77 percent. The average imperviousness of the 97 lots is 62 percent. The impervious surface level within the 97 lots where impervious allocations were made will total 64 percent if fully utilized.

The area that can be developed on Lot 1 is limited by the occurrence of special flood hazard areas and stream buffer. It appears that less than one-half of the lot falls outside of these environmentally- constrained areas, and would be available for building and parking.

Description of Draft Ordinance

The draft ordinance (*Attachment B*) amends Section 17-176.2 (f) (5) (d), the subdivision that establishes the impervious surface limitation in single family residential use areas, to exempt day care uses from this limitation.

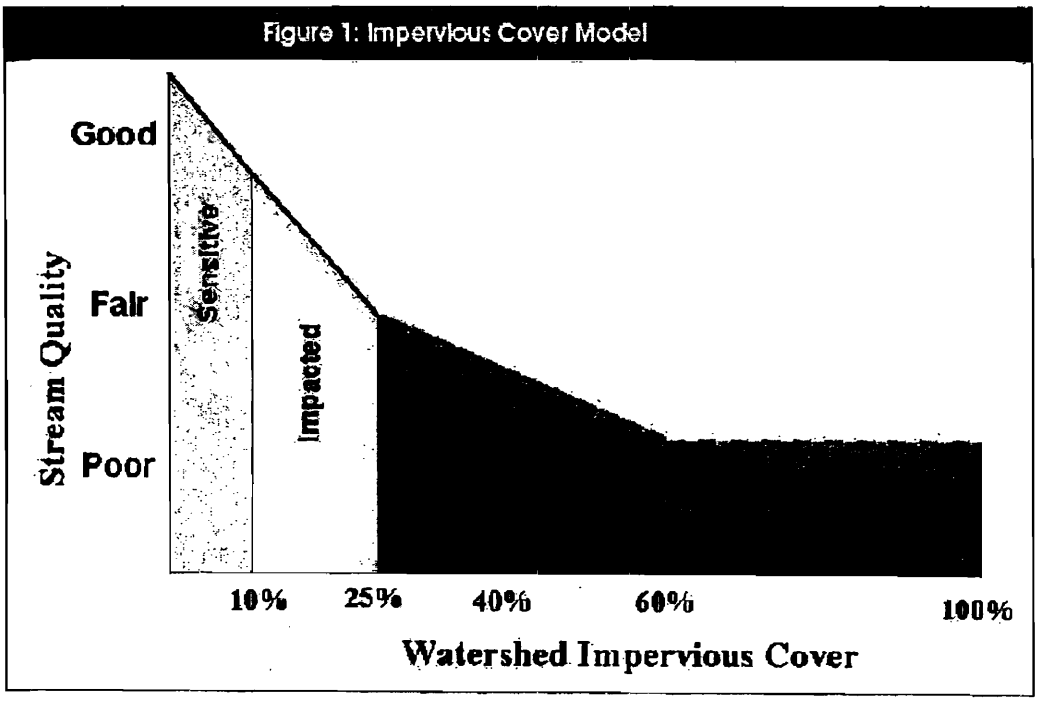
In reviewing the text amendment request in February, the Board of Aldermen requested that staff suggest mechanisms that might be applied to the daycare uses as an offset against the elimination of the impervious surface allocation. In response to that request, the draft ordinance also includes a provision that seeks the inclusion in day care developments of site design or building features that provide environmental benefits beyond what would be required by the Town's land use or building regulations. Staff has included, and recommends adoption of, edited text that would provide for voluntary, rather than mandatory compliance with the additional provision. This recommendation is made for two reasons. First, the Board of Aldermen has identified daycare uses as desired within developments and has requested that incentives for encouraging their inclusion be developed. Placing additional requirements on the development of daycare uses appears to run counter to the desire to create incentives for this use. Second, staff has not found that the additional impervious surface would result in negative consequences for a particular village mixed use development or the town as a whole.

New daycare uses will be subject to the requirements of the Land Use Ordinance, including sedimentation and erosion control and post-construction storm water management. Furthermore, the storm water management provisions of the Land Use Ordinance have become more stringent since the Winmore development was approved.

Planning Board Questions

Responses to questions posed by Planning Board members during a preliminary discussion of the draft ordinance on April 3rd are provided here as they echo some of the issues noted during the Board of Aldermen review of the Land Use Ordinance text amendment request in February:

1. Relationship of impervious surface to water quality. Won't additional impervious surface result in degradation? *The Land Use Ordinance Provisions were modeled on Rural Village requirements in Loudon County, Virginia. In those regulations, "lot coverage" was restricted to 45 percent. Lot coverage refers to building areas, not impervious surfaces, so did not restrict sidewalks, driveways, et cetera. Staff is seeking additional information from Loudon County staff regarding the original purpose of the Lot coverage limitation. Regarding water quality degradation, the Center for Watershed Protection notes that impervious surfaces over 10 percent are known to result in loss of species and/or habitat. The relationship between imperviousness of watersheds and stream quality is summarized in the figure below, copied from the Center for Watershed Protection's 2003 publication Impacts of Impervious Cover on Aquatic Systems.*



Stream buffers, particularly, and volume control requirements included within the Land Use Ordinance provide significant mitigation of these impacts. The extensive buffers that apply within the Town's Northern Transition Area were modeled on the University Lake buffers. The stream buffer on Lot 1 averages about 240 feet in width, approximately 140 feet wider than the 100 year special flood hazard limit on this lot, as measured from the center of Bolin Creek. A link between storm water management and mitigation of water quality impacts that result from impervious surfaces is illustrated by the regulations that pertain to the non-residential zoning districts in Carrboro's portion of the University Lake watershed. In these locations, up to 6 percent impervious surfaces are allowed without any storm water management. Impervious surfaces may be increased up to 24 percent when stormwater management techniques that retain the first inch of rainfall are utilized.

2. Parking requirements for daycare uses. *Daycare uses (classification 22.000) includes child and adult day care homes and facilities. The Land Use Ordinance presumptive Table of Parking Requirements calls for 1 space for every employee and 1 space for every 250 square feet of gross floor area for daycare facilities such as the one that has been discussed at Winmore. The square footage of the proposed day care is estimated to be 8,000 square feet, with 35 parking spaces proposed. This is a lower number than the Town's presumptive standard might yield, but is based on the experience of this daycare provider with other centers of this size. The area needed for the building, access and parking is estimated at 25,000 square feet, or 19 percent of the 2.96 acre lot. The addition of this impervious surface to the single family residential use area at Winmore results in approximately 55 percent impervious area, rather than 50 percent.*

Background

During the review land use ordinance text amendments recommended by the Town's Childcare Committee in early 2007, there was some discussion by members of the Board of Aldermen on the removal of barriers/creation of incentives for developers to include day care uses in their developments (http://www.townofcarrboro.org/BoA/Agendas/2007/01_23_2007_C1.pdf and http://www.townofcarrboro.org/BoA/Minutes/2007/01_23_2007.pdf.).

Subsequent adoption of the ordinance amendments removed some barriers from the inclusion of day care uses in existing developments. The Board of Aldermen requested the identification of incentives for daycare uses. As of late fall, staff had not yet had the opportunity examine the greater question of incentives for this use. Capkov Ventures, Inc. met with staff and identified the existing impervious surface limitation as a barrier to the inclusion of a day care use in Winmore and decided to seek relief via this text amendment request.

If a text amendment is adopted, it will be necessary for the conditional use permit for Winmore to be modified to reflect the development of a day care on the lot. Information on the impervious surfaces, stormwater management, and other aspects of the site plan

would be provided to the Board of Aldermen in support of their considering a modification. The new use will be required to meet the Land Use Ordinance.

Attachments

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us

306F Revere Road
P. O. Box 8181
Hillsborough, NC 27278

TRANSMITTAL DELIVERED VIA EMAIL

April 11, 2008

Patricia J. McGuire, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

Dear Trish:

Thank you for the opportunity to review the following ordinance amendment received by us on March 24, 2008 and proposed for town public hearing on April 22, 2008:

- **Modifying impervious surface limitations for day care uses.**

We find no inconsistency with the adopted *Joint Planning Area Land Use Plan* on these proposed amendments and have no additional comment.

Sincerely,

Tom Altieri, AICP
Comprehensive Planning Supervisor

cc: Laura Blackmon, ICMA-CM, Orange County Manager
Craig Benedict, AICP, Orange County Planning Director
Donna Davenport, Administrative Assistant II

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

APRIL 17, 2008

Land Use Ordinance Text Amendment – Impervious surface limitations and daycare uses in village mixed use developments

David Clinton moved and Seth Chadbourne seconded a motion that the Planning Board recommends that the Board of Aldermen adopt the draft ordinance amending Section 15-176.2(f)(5)(d) to exempt daycare uses from the impervious surface limitations that apply within single family residential use areas of village mixed use developments, with the additional recommendation that subsequent permit applicants making use of this provision, undergo advisory board review of their applications.

Associated Findings

Furthermore, the Planning Board of the Town of Carrboro finds that the amendment is reasonable and in the public interest because it is consistent with Carrboro Vision 2020, particularly policies (see Human Services policies 1.31 through 1.35).

VOTE: AYES (6) Paulsen, Barton, Seils, Chadbourne, Clinton, Bell; NOES (3) Carnahan, Cook, Warner; ABSENT/EXCUSED (2) Fritz, Poulton; ABSTENTIONS (0).

(Signed) James Carnahan Sep
April 22, 2008

ATTACHMENT D-3

Town of Carrboro
Planning Department

MEMORANDUM

Date: June 19, 2008
To: Carrboro Board of Alderman
From: Environmental Advisory Board (EAB)
Through: Randy Dodd, Environmental Planner
Copy: Patricia McGuire, Planning Administrator
Subject: Impervious Surface Limitations and Daycare Uses for Village Mixed Uses Developments

Recommendation

This amendment is requested by an applicant with a project in the impaired Bolin Creek watershed and has brought to light that the Town of Carrboro land use ordinances (LUOs) must be updated such that impervious surface limitations are set according to research-based criteria aimed at watershed protection. Therefore, the EAB asks the Board to charge staff with updating those standards in the LUO. Given that Bolin Creek is designated as impaired, the Town needs to be working with developers to restore rather than further impair Bolin Creek. This proposed amendment counters these long term goals.

The EAB could abide by this amendment provided the applicant agree to the following:

1. As per the applicant's offer at the EAB meeting June 19th, dedicate 2.45 acres of open space in perpetuity on the proposed site
2. As per the applicant's offer on stormwater mitigation, that all stormwater best management practices (BMPs) and their associated grading be placed outside of primary conservation areas and that water discharged from these practices be discharged in a diffuse flow before it reaches these conservation areas.
3. That the post-development hydrograph match the pre-development conditions.
4. Consideration of the Jordan Lake rules in regards to nitrogen and phosphorus reductions in the development of this site.
5. This is the opportunity to create an educational demonstration site on stormwater mitigation practices. Such a site would serve to help meet the Town's NPDES Phase 2 permit requirements, collaborate with the Bolin Creek Watershed Restoration Team, and give the town credit towards the Jordan Lake rules.

VOTE: AYES (4)) Buckner, Weller, Taylor, Everett; NOES (0); ABSENT (2)

B.b Taylor — 19 June 2008

Bob Taylor, Chair — Date

PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN VILLAGE MIXED USE DEVELOPMENTS

A draft ordinance which would, if adopted, amend the text of the Land Use Ordinance to modify impervious surface limitations for day care uses in village mixed use developments was presented. The Board of Aldermen must receive public comment before deciding on the amendment.

Eric Chupp, on behalf of Capkov Ventures, Inc., asked that this matter be delayed for one month.

Alena Callimanis presented slides of the Goddard School in Morrisville. She stated that the façade of the facility is changeable, that it is a high end daycare and is not considered affordable. She also stated that she had no objections to placing such a facility in the Winmore Village Mixed Use development.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONTINUE THIS PUBLIC HEARING TO JUNE 24, 2008. VOTE: AFFIRMATIVE ALL

****