

ATTACHMENT A

A RESOLUTION SPECIFYING FOLLOW-UP TO THE REQUEST TO AMEND THE LAND USE ORDINANCE TO PLACE THE R-10/B-3 PLANNED UNIT DEVELOPMENT DISTRICT ZONING CLASSIFICATION ON A PORTION OF THE PROPERTY AT 8110 OLD NC 86

Resolution No. 04/2010-11

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 rezone a portion of the parcel known as 7.23.C.31 and located at 8110 OLD NC 86 from R-R and R-20 to R-10/B-3; and

WHEREAS, adopted policies call for new commercial development to minimize negative environmental impact, to emphasize appropriate buffers, and not compromise the integrity of established neighborhoods.

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen:

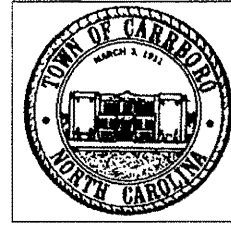
Accept the petition, direct staff to prepare an ordinance that rezones 25.79 acres of the property at 8110 Old NC 86 (Orange County TMBL 7.23.C.31 from R-R and R-20 to R-10/B-3 PU, set a public hearing for September 28, 2010, and refer the rezoning petition to the Planning Board for review.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- Economic Sustainability Commission
- Northern Transition Area Advisory Commission
- Transportation Advisory Board

TOWN OF CARRBORO

PETITION FOR CHANGE OF ZONING


PETITIONER:

Jeremy Medlin, M/I Homes

DATE:

04/27/2010

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone a 25.79 acre portion of the below-described property from Rural Residential (RR and Residential-20 (R-20)) to the R-10/B-3/PUD zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME: Jeremy Medlin, M/I Homes, LLC

ADDRESS: 1511 Sunday Drive, Suite 100, Raleigh, NC 27607

TELEPHONE #: (919) 233-5740

2. INTEREST IN PROPERTY(IES): Owner/Developer requesting rezoning based on Board of Alderman Request.

3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: Harmony Farms Road, East side of Old NC 86, North of Hogan Hills Road.

4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:

a. OWNER: M/I Homes of Raleigh, LLC

Portion of TAX MAP: 7.23 BLOCK: C LOT: 31 ACREAGE: 25.79 PARCEL: Portion of 9860932325

SUBDIVISION NAME: Ballentine FRONTAGE: 230 LF DEPTH: 2,556

EXISTING STRUCTURES AND USES: There are no structures on the property.

b. OWNER: _____

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES: _____

5. NAMES AND ADDRESSES OF ALL PERSONS WHOSE PROPERTY OR ANY PART THEREOF IS WITHIN 1000 FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.

NAME	ADDRESS
List attached	List attached

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? Yes ☒ NO ☐
If "YES", WHEN? The property was zoned by the Town in 1987. Prior to that time the property was in Orange County's zoning jurisdiction.
7. PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN.
MORE SPECIFICALLY:

PLEASE SEE THE ATTACHED DOCUMENT TITLED:
REZONING APPLICATION AND CONSISTENCY STATEMENT FOR RESPONSES TO THE QUESTIONS BELOW;

- (a) How do the potential uses in the new district classification relate to the existing character of the area?

PLEASE SEE THE ATTACHED DOCUMENT TITLED:

REZONING APPLICATION AND CONSISTENCY STATEMENT:

- (b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

PLEASE SEE THE ATTACHED DOCUMENT TITLED:

REZONING APPLICATION AND CONSISTENCY STATEMENT:

- (c) How will the proposed rezoning affect the value of nearby buildings?

PLEASE SEE THE ATTACHED DOCUMENT TITLED:

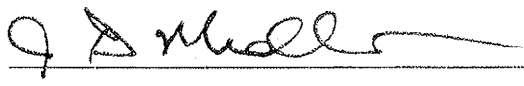
REZONING APPLICATION AND CONSISTENCY STATEMENT:

- (d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

PLEASE SEE THE ATTACHED DOCUMENT TITLED:

REZONING APPLICATION AND CONSISTENCY STATEMENT:

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS
SET OUT ABOVE. THIS IS THE 28TH DAY OF APRIL 2010.

PETITIONER'S SIGNATURE: 

PLEASE NOTE

For all the persons identified under "5", please attach addressed envelopes with
the correct postage. Oversight of this requirement could delay processing your
rezoning request.

BALLENTINE (25.79 ACRE PORTION)**(R-10/B-3/PUD REZONING APPLICATION AND CONSISTENCY STATEMENT:****BACKGROUND:**

The Board of Alderman previously approved a Conditional Use Permit (CUP) upon the subject property in 2007, known as Ballentine. The property recently gained Construction Drawing approval for Phases 1 and 2 in order to implement and construct the beginning vision for the site. At a recent public hearing to extend the CUP in 2009, the Board of Alderman requested that the applicant make additional changes to the proposal in order to achieve the desired density and mix of uses that the Town envisioned for the subject property.

With an already approved CUP, and Phases 1 and 2 approved construction drawings, it was deemed unnecessary to send the entire site back through a new CUP process; however, other mechanisms, were suggested to be utilized, such as rezoning the 25.79 acre portion of the site to the Planned Unit Development (PUD) district, in order to establish, implement and achieve the Town and Board's interest and intent. The PUD district allows the site to maintain consistency with the land uses specified in the Facilitated Small Area Plan for Carrboro's Northern Study and the Land Use Ordinance, while at the same time achieving the Town's vision; maintaining the Board's intent and remaining consistent with the approved and existing CUP.

PROPOSAL AND INTENT:

This proposal is being requested in order to rezone a 25.79 acre portion of the Ballentine property from RR (+/-17.59 acres) and R-20 (+/-8.20 acres) to R-10/B-3/PUD and to provide:

- an increase in density;
- a mix of residential housing types and retail uses;
- a community that remains consistent with the already approved CUP for the overall site; and
- a design that meets the requested changes sought by the Town Board of Alderman.

The proposed change from RR and R-20 to R-10/B-3/PUD on the 25.79 acre portion of the property requires that:

- the B-3 portion of the site (commercial/retail area) not exceed a maximum of 10% of the gross site area (approximately 2.58 acres allowed);
- a residential density of 1 unit per 7,500 square feet shall be allowed (outside of environmentally sensitive and other open space areas) within the B-3 portion. (Approximately a maximum of 14.98 units above or mixed with retail on the 2.58 acres);
- a residential density of 1 unit per 10,000 square feet shall be allowed on the remaining R-10 portion of the site (outside of environmentally sensitive and other open space areas). (Approximately a maximum of 101 units allowed on the remaining 23.21 acres);
- the site remain consistent with the intent of the Facilitated Small area Plan for Carrboro's Northern Study Area; the Land Use Ordinance and the Vision 2020 Plan; and that
- the only use allowed within the PUD district be the PUD uses.

Through this proposal, approximately 16,500 square feet of retail uses with a mix of 10-14 residential units are envisioned for the B-3 portion of the site; and approximately 50-75 townhouse units are envisioned for the R-10 portion of the site. The unit ranges and square footage calculations are flexible and subject to change at the time of the major CUP modification.

Facilitated Small Area Plan for Carrboro's Northern Study Area (Land Uses Described):

The subject site falls within *The Facilitated Small Area Plan for Carrboro's Northern Study Area*. The Plan outlines implementation strategies that were originally envisioned for properties

within the confines of that Study. In addition, land uses were originally defined through the Plan in order to illustrate the types of development envisioned for the future. Those land uses were:

- **Floating Zones Residential**
 - Mixed Use Village Centers
 - Neighborhood Mixed Use
- **Floating Zone Commercial**
 - Business Office Assembly

Floating zones under the Small Area Plan were designed to encourage a mix of uses or to allow office and commercial uses adjacent to residences. The specific intent was to foster a village sized mixed use development through zoning districts to be implemented through the use of the Town of Carrboro Land Use Ordinance (LUO). The Land Use Ordinance specifies the development regulations and the process for approval for the zoning districts that were formed to implement this Small Area Plan.

Land Use Ordinance (Districts Described): The districts established through The Facilitated Small Area Plan for Carrboro's Northern Study Area and implemented through the Land Use Ordinance (LUO) were and are the Office Assembly District (O/A) and the Village Mixed Use (VMU) District. Both districts require a conditional use rezoning and conditional use permit. Since the construction drawings for Phase 1 and 2 of the subject property have been approved and a CUP exists upon the site; it was deemed unnecessary for the subject property to go back through an additional conditional use rezoning and permit. Therefore; another zoning district was chosen that provides the same flexibility and allows for a mix of uses on 25 acres. That zoning district is the PUD.

Although rezoning to the PUD district does not utilize the specified "floating zones" listed above (now the VMU and O/A Districts within the Land Use Ordinance) it is the most compatible district for this site. The PUD district furthers many of the concepts envisioned for the area and promotes the intent of the Small Area Plan. In addition, the district permits the same flexibility and allows the subject property to be designed with a mix of retail and residential uses, while still achieving the small town "village like" setting.

Since, the subject site was originally approved as part of a CUP; yet the Board of Alderman desired a mix of uses and higher densities on the 25.79 acre portion; it was determined that the PUD zoning district could be utilized to achieve the Town's Vision while remaining compatible with the Small Area Plan and the Land Use Ordinance. Therefore, as stated, the PUD is another mechanism to achieve the same result and it is the preferred "floating zone" for the site.

Planned Unit Development District: The Planned Unit Development District is being sought as the zoning district for the subject site. The main district requirements are that the land area be at least 25 acres; the PUD is made up of a mix of uses through the specified different elements and that at least two of the elements be combined. The elements are as follows:

- Residential Element (R-10 Proposed)
- Commercial Element (B-3)
- Manufacturing/Processing Element (Not Applicable to this proposal)

The proposal is consistent with the requirements of the PUD district. As stated, the PUD is the best and most applicable mechanism to achieve the Board's vision; the Vision of the Small Area Plan and the most appropriate implementation method established in the Land Use Ordinance.

Therefore, this is a request to rezone a portion of the Ballentine property (approximately 25.79 acres) to the PUD zoning district in order to achieve the Town's goals and remain consistent with the previously approved CUP, while meeting the Town's adopted Plans, Ordinances and Vision.

ANALYSIS OF THE PROPOSED REZONING:

On the following pages is an analysis that addresses Item number 7 of the Rezoning Application.

Rezoning Application Item 7: The following information serves as a response to each question under Item number 7 within the Rezoning Application:

a) How do the potential uses in the new district classification relate to the existing character of the area?

The proposed rezoning from RR and R-20 to R-10/B-3/PUD on the 25.79 acre portion of the site allows for an increase in density and neighborhood commercial within the Ballentine project. The increase in density and the addition of the retail portion is based upon a desire to create an interconnected mix of uses, while also satisfying the request of the Board of Alderman.

In satisfying that request and in utilizing the best mechanism to meet that request, the subject proposal demonstrates a compatibility with the Town and a compatible relationship to the existing character of the area.

The PUD district allows the site to maintain consistency with the land uses specified in the Facilitated Small Area Plan for Carrboro's Northern Study; the Land Use Ordinance and the Vision 2020 Plan.

The potential mix of uses relate to the existing character of the area by:

- furthering the requested vision of the Town and the Board of Alderman in providing a mix of residential types plus a retail/commercial component;
- clustering the uses into developable areas of the site;
- preserving environmental features and providing open spaces;
- continuing the pattern of creating small commercial nodes within residential neighborhoods located along Old NC Highway 86;
- remaining consistent with the immediately surrounding housing types to both the east and south (multifamily to the east and single family to the south); and
- providing onsite greenways and trails to connect to adjacent properties.

Therefore, the rezoning will aid in the continuance of the existing pattern and character of development within the Town of Carrboro while furthering the Town's Vision for the area.

b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

The proposed rezoning allows for flexibility and a mix of uses. The PUD district, within the Carrboro Land Use Ordinance Section 15-139 reads, "One element of each PUD district shall be the residential element," and "A second element of each PUD district shall be the commercial element."

The rezoning proposes both commercial and residential elements and is particularly suited for the potential uses of the new district in the following ways:

- Existing Approved CUP: The site is part of an already approved CUP yet was requested by the Board of Alderman to be rezoned in order to allow for an increase in density and a retail/commercial zone. This site was particularly significant to the Board and therefore we are meeting their request through this proposal. If this

portion of the site is rezoned to the PUD district it will be required to go back before the Board for approval of a Major Modification to the existing CUP.

- Zoning Districts: The rezoning of the 25.79 acre portion of the site to the PUD district is considered the best mechanism to utilize in order to meet the intent and vision of the Board of Alderman, in place of the Village Mixed Use (VMU) and/or the Office and Assembly (O/A) Districts of the Land Use Ordinance. The PUD district in this case acts as a “floating zone” continuing the intent of the Town’s Facilitated Small Area Plan for Carrboro’s Northern Study Area; the Land Use Ordinance and the Vision 2020 Plan. This zoning district therefore allows the Board and the Town to achieve their vision for the subject site, while also implementing and remaining compatible with each plan and ordinance established for the area.
- Size and Geographical Location: The site is greater than 25 acres (it is 25.79 acres in size) as required by the PUD district. The site lies within an area of Carrboro that is envisioned for a mix of uses with single family, multifamily and neighborhood commercial. This is the pattern and characteristic of the other properties to the south and along Old NC Highway 86. The site is located adjacent to the proposed county park and allows for connections to and from that park.
- Density/Intensity and Clustering: The PUD rezoning allows the site to be developed with both residential and commercial/retail uses. The R-10 within the PUD zoning allows for a density of 1 unit per 10,000 square feet. The B-3 Neighborhood Business District within the PUD zoning allows for commercial/retail to be a maximum of 10% of the site (approximately 2.58 acres) and allows a residential density of 1 unit per 7,500 square feet. Therefore, the PUD will allow for compatibility and will easily coexist with the surrounding neighborhoods and uses.
- Topography and Environmental Features: The site is conducive to this rezoning as it is proposed and as shown in the illustrative. In evaluating and analyzing the topography, environmental features and tree coverage, the development is proposed to be clustered in order to minimize the impacts on the site. The site allows for open spaces and vegetated buffers which are saved through this clustering.
- Access and Circulation: The site is located at the northeast intersection of Old NC Highway 86 and Hogan Hills Road. In addition, a stub to Lake Hogan Farm Road is proposed to our southern property line. Therefore; an existing transportation network is in place and proposed to support the rezoning. Access to the site from these three roads and from the proposed Road A will allow for efficient circulation and movement to and from the site. In addition trails run throughout the site and the greenway easement along Bolin Creek is to be publicly dedicated per Condition 11 of the approved Phases 1 and 2.

c) How will the proposed rezoning affect the value of nearby buildings?

The proposed rezoning is compatible with surrounding land uses and zoning districts, and no negative impacts to adjacent property values are anticipated. The proposed rezoning from RR and R-20 to PUD is consistent with the development patterns of the townhomes to the west and the R-20 districts that currently exist adjacent to the site. In addition, the proposed zoning district will provide a smooth transition to the adjacent properties to the north, currently zoned RR. The properties to the north are vacant, yet a planned county park and school are envisioned for this area. The surrounding and adjacent properties will not be adversely affected and the site will remain compatible with the character of the area through the proposed rezoning.

As stated previously, a CUP is already approved for the overall Ballentine property. The PUD rezoning request is the most practical and suggested mechanism to assure that the

uses proposed on the 25.79 acre portion will create an overall well-planned and designed vision for Ballentine, complimenting the approved Phases 1 and 2. In addition, the Town vision for whole site and the rezoning for the 25.79 acre portion of the site is compatible with the adjacent properties in the area. Therefore, no evidence is shown that this change will injure the value of adjoining or abutting properties.

d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

- The rezoning to the PUD district will improve the overall site design to allow for a mix of uses and higher densities;
- The rezoning encourages the commercial/retail component that was seen as an inherent component of the site based on the outcome of and request of the Board of Alderman;
- The rezoning encourages the character of development typically seen throughout the Town of Carrboro and allows for a transition between single family and multifamily uses;
- The rezoning encourages a cluster of development that maximizes the potential of the site by allowing for clustered, higher density uses in order to retain the environmental and natural features of the site; and
- The rezoning encourages the consistency with the Town's Facilitated Small Area Plan for Carrboro's Northern Study Area; the Land Use Ordinance and the Vision 2020 Plan as represented in the consistency analysis above and the supplemental review below and on the following pages.

CONCLUSION:

The proposed rezoning request from RR and R-20 to R-10/B-3/PUD on 25.79 acres of the Ballentine Property is consistent with the Board of Alderman's requested mix of uses; The Facilitated Small Area Plan for Carrboro's Northern Study Area; the Land Use Ordinance and the Vision 2020 plan. Through the use of the PUD district, the Ballentine project achieves a mix of housing types and retail/commercial uses that is compatible with the Town's vision and the surrounding and adjacent properties. As stated, the PUD district acts as the "floating zone" for the site that enables the property to provide a compact, creative design without necessitating a new Conditional Use Zoning or a new CUP process. Through this proposal we are requesting that the rezoning be approved in order to continue the project as was originally approved and as has been newly proposed to meet the vision of the Board of Alderman; the Town and remain compatible with the affected plans and existing CUP.

Please see the following pages for the supplemental information and consistency review for further analysis of the site and additional pertinent plans, goals and objectives of the Small Area Plan and the Vision 2020 Plan.

In addition, please refer to the illustrative. The illustrative is conceptual and is not binding through this rezoning process. The approximate acreages and density information may increase or decrease at the time of the Major CUP modification and construction drawing approvals, yet will remain consistent with the requirements of the zoning districts intensity and density standards.

SUPPLEMENTAL CONSISTENCY REVIEW:

This proposal is consistent with and furthers the intent of the Town's Facilitated Small Area Plan for Carrboro's Northern Study Area and the Land Use Ordinance as was stated and shown above. On the following pages is a consistency review of the additional adopted plans, goals and objectives that affect the subject site. This analysis has been prepared in order to demonstrate compatibility of the site with the general goals and objectives of the Town's Facilitated Small Area Plan for Carrboro's Northern Study Area and the Vision 2020 Plan. The analysis is arranged to show the policies and districts of each plan and a response demonstrating how the proposed rezoning implements the intent of each.

Facilitated Small Area Plan for Carrboro's Northern Study Area: The Facilitated Small Area Plan for Carrboro's Northern Study Area was adopted in February 1999. The plan was written in order to address the future growth and land use. It serves as the policy and visioning document for the Northern Study Area. The subject site falls within two subareas (Transition Areas 1 and 2) within the 12 square mile portion of Carrboro's Planning Jurisdiction. The framework of the document is comprised of nine (9) development principles; 10 Goals with a series of corresponding objectives to achieve those goals; and implementation strategies that form specific land uses and "floating zones" as were described in the main body of the document.

The subject parcel is consistent with this plan and the applicable goals, objectives and land uses. Through the requested PUD zoning district, the site remains compatible with this document and the suggested conditional use zoning districts designed to implement those land uses. Therefore, a rezoning to the PUD district maintains the site's consistency with the plan and negates the necessity to obtain another condition use zoning and/or conditional use permit.

Below are the development principles, goals, objectives and land uses applicable to the subject site and the response to demonstrate consistency.

Nine Development Principles:

- Small Town Character
- Housing for Diverse Population
- Citizen's Concerns and Participation
- Preservation of Natural Environment
- Attractiveness of Developed Environment
- Economic Development
- Diverse Housing Types, Sizes and Costs
- Transportation
- Public Services and Amenities

Response: The proposed rezoning to the PUD district is consistent with and furthers the nine development principles. The PUD encourages a mix of residential housing types and commercial/retail uses. The PUD promotes that the uses be designed and clustered onto the buildable areas of the site in order to preserve open space and conservation areas.

The PUD zoning supports the Small Town Character, the Housing for Diverse Populations and the Preservation of Natural Environment Principles by allowing a mixture of multifamily housing alongside the already approved Phase 1 and 2 single family portions of the Ballentine Site. In addition, the PUD zoning district provides the opportunity for additional economic and sustainable development practices within an attractive development environment by allowing the site to be designed with a commercial component within an already established transportation network and adjacent to public services and amenities. The PUD zoning district furthers the

principles within the Small Area Plan. In addition, an affordable housing component of the project is maintained in the plan as was approved through the original CUP.

Planning Concepts: Two overall planning concepts are described within the Small Area Plan. The concepts provide a framework for the 1) Conservation of Natural and Environmentally Sensitive Areas and 2) Patterns of Development.

Response: The proposed rezoning to the PUD district is consistent with both concepts in that it promotes the conservation of primary and secondary open spaces on the site. In addition, the proposal is designed to forward many of the concepts of the Neo-Traditional, Clustered and Sustainable Development Patterns.

The PUD furthers these concepts by:

- encouraging a mix of housing types and uses;
- providing the opportunity for homes and non residential areas within walking distance;
- maximizing the preservation, conservation and open space areas by clustering development on buildable lands;
- encouraging pedestrian walkability and access to non residential areas, through linear pathways and parks; and
- providing paths and greenways that encourage future connections

Goals and Objectives:

Goal 1: Patterns of Growth which minimize negative impacts and maximize positive impacts on the community.

Objectives:

- 1.A. Require neighborhood residential development which is clustered.
- 1.B. Encourage the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.C. Endorse the concept of a "Floating Zone" for mixed-use villages with very modest retail components at appropriate locations in the Study Area.
- 1.E. Pursue objectives listed under transportation, service provision, and environmental quality goals listed below.
- 1.F. Provide for modest community-scale commercial and office uses in mixed-use areas.
- 1.G. Encourage appropriately-scaled economic development in mixed-use areas with very modest retail components at appropriate locations.
- 1.H. Prohibit land uses and activities which would use large quantities of water; include stringent performance standards.

Response: The proposal is consistent with and furthers Goal 1 and the listed Objectives. Through the use of the PUD zoning, a type of "floating zone" is provided to achieve the desired residential village pattern that provides community scale commercial; clusters development onto buildable lands; preserves natural lands and encourages a mix of uses and housing types. In addition, the commercial portion is appropriately sized for this neighborhood and does not promote strip commercial patterns.

Goal 2: Patterns of growth which allow for the efficient provision of Town services.

Objectives:

- 2.C. Encourage development in patterns described under Goal 1.

Response: The proposal is situated and sited in an area that promotes the efficient provision of Town services and encourages the pattern of development as stated under Goal 1 above.

Goal 3: Conservation of natural and environmentally sensitive areas and the protection of environmental quality.

Objectives:

- 3.E. Identify Primary Conservation Areas (wetlands, floodplains, & Slopes >25 percent) and Secondary Conservation Areas

Response: Natural conservation and preservation areas have been defined and preserved so as to promote the natural integrity of the site while developing on buildable soils and areas.

Goal 4: A variety of housing types and price levels.

Objectives:

- 4.A. Explore options for establishing a legal basis for inclusionary zoning.
- 4.B. Provide strong incentives for new development to dedicate a proportion of new housing units to renters or prospective home buyers in specified income levels.
- 4.C. Explore community land trust options for the provision of affordable housing.
- 4.D. Promote village development patterns as described under Goal 1.
- 4.E. Increase density incentives not only to reduce land cost per dwelling but also to offset additional cost of designing, building, and landscaping new affordable housing so that it looks like a market-rate product rather than a government project. Such housing should be integrated physically into new subdivisions through design standards for building design and for neighborhood layout.

Response: The proposed Townhomes and flats on the 25.79 acre portion of Ballentine along with the Phase 1 and 2 approved single family homes promote a variety of housing types and price levels, while at the same time the village development pattern is encouraged. The PUD zoning will allow for a clustered design, a walkable community and a small commercial node resulting in a well-planned and designed community. In addition, as was approved through the CUP process, affordable housing units will be provided through the use of the Community Housing Trust. This continues the affordable housing integration within the subject site.

Goal 5: A variety of transportation routes which allow for bus, automobile, bicycle and pedestrian modes of transportation.

Objectives:

- 5.A. Plan for the extension of east/west and north/south connector roads without creating undue disturbance to existing residents or areas of high resource value.
- 5.F. Promote coordination between developers for the planning of bicycle, pedestrian, transit, and automobile transportation routes.
- 5.I. Require developers to follow the Connector Roads Plan.
- 5.M. Street connections between Lake Hogan Farm & the High School should not be through existing subdivisions because an alternative route is feasible, linking Lake Hogan Farm with Homestead Road across several largely undeveloped properties on a northwestern/southeastern axis.

Response: The connectors have been provided per the Town approval and Town plans. In addition, greenway paths, trails and sidewalks are proposed to provide pedestrian movement and decrease the reliance on the automobile. The greenway easement for the path along Bolin Creek will be publicly dedicated per Condition 11 of the Phases 1 and 2 CUP modification.

Goal 6: Adequate provisions of publicly accessible parks and recreation facilities.

Objectives:

- 6.A. Follow recommendations of Carrboro's Recreation and Parks Comprehensive Master Plan.
- 6.B. Provide or increase incentives for developers to dedicate land or facilities for public park and recreational use.
- 6.C. Provide for neighborhood-scale community centers
- 6.E. CONNECT HOMESTEAD ROAD AT LAKE HOGAN FARMS WITH THE BOLIN CREEK GREENWAY: Implement this connection along a drainage channel or stream bed running through several existing subdivisions, as a long term goal.
- 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.

Response: The proposal follows the recommendations of the Recreation and Parks Comprehensive Master Plan. In addition, it is consistent with and further promotes the objectives listed above. There is a proposed neighborhood scale community/commercial area; greenway trails and greenway dedication. This dedication provides connections and furthers the Town Greenway system.

Goal 7: Continuation of Carrboro's Small Town Character and Preservation of its existing neighborhoods.

Objectives:

- 7.A. Limit potential traffic, noise, lighting, and aesthetic impacts of new development on existing neighborhoods.
- 7.B. Through the encouragement of cluster development and village-scale development, foster the creation of new pedestrian-scaled neighborhoods to enhance the variety and character of Carrboro's neighborhoods.

Response: The PUD zoning allows for a mix of residential and non residential uses. The site is to be developed consistent with the traffic, noise, and lighting and design guidelines as required by Carrboro and as approved through the major CUP modification. In addition, the site enhances the variety and character of Carrboro's neighborhoods by proposing a mix of housing types and uses in proximity to one another. The site furthers the vision of the Town and Board.

Goal 8: A pedestrian scale community.

Objectives:

- 8.A. Require cluster and traditional-style village development.
- 8.B. Provide for adequate commercial space such that citizens are able to conduct commercial transactions within walking distance of their homes.
- 8.C. Provide adequate walkways, sidewalks, and pedestrian networks to enable people to walk to nearby residences, parks, schools, and neighborhood commercial centers.

Response: The PUD zoning allows a pedestrian scale community that clusters uses into developable areas and preserves the natural and conservation areas of the property. Adequate commercial space is proposed to be a maximum of 10% of the site and within walking distance of homes. Adequate walkways, sidewalks and greenway/trail connections allow access internally and externally to the site.

Goal 9: Continuation of the Character and natural beauty of the study area.

Objectives:

- 9.A. Implement objectives identified under Goal 3.
- 9.B. Preserve important vistas in the Study Area.
- 9.C. Implement town-wide design guidelines to ensure that new development does not degrade the aesthetic character of the Study Area.

Response: The proposed zoning will allow the flexibility to continue the natural beauty of the study area by providing a diverse choice of housing and by providing retail in proximity to residences. The PUD zoning district promotes a creative and sustainable design through implementing a mix of uses, pedestrian connections, clustering and enhancing and preserving natural areas. The PUD district is consistent with the Town character, the character of the study area and meets the vision and intent of the Town and Board.

Vision 2020 Plan: The Vision 2020 Plan was adopted in December 2000. The Vision 2020 Plan was established to provide a general framework for the Town of Carrboro. Specifically it is "a policy-making document for the Town of Carrboro to use in the planning of its future. It is a caretaking tool, as well, designed to preserve the Town's history and qualities in an atmosphere of desirable growth". The following items are those policies that are applicable to the proposed request for rezoning and a statement addressing how the application is compatible with each.

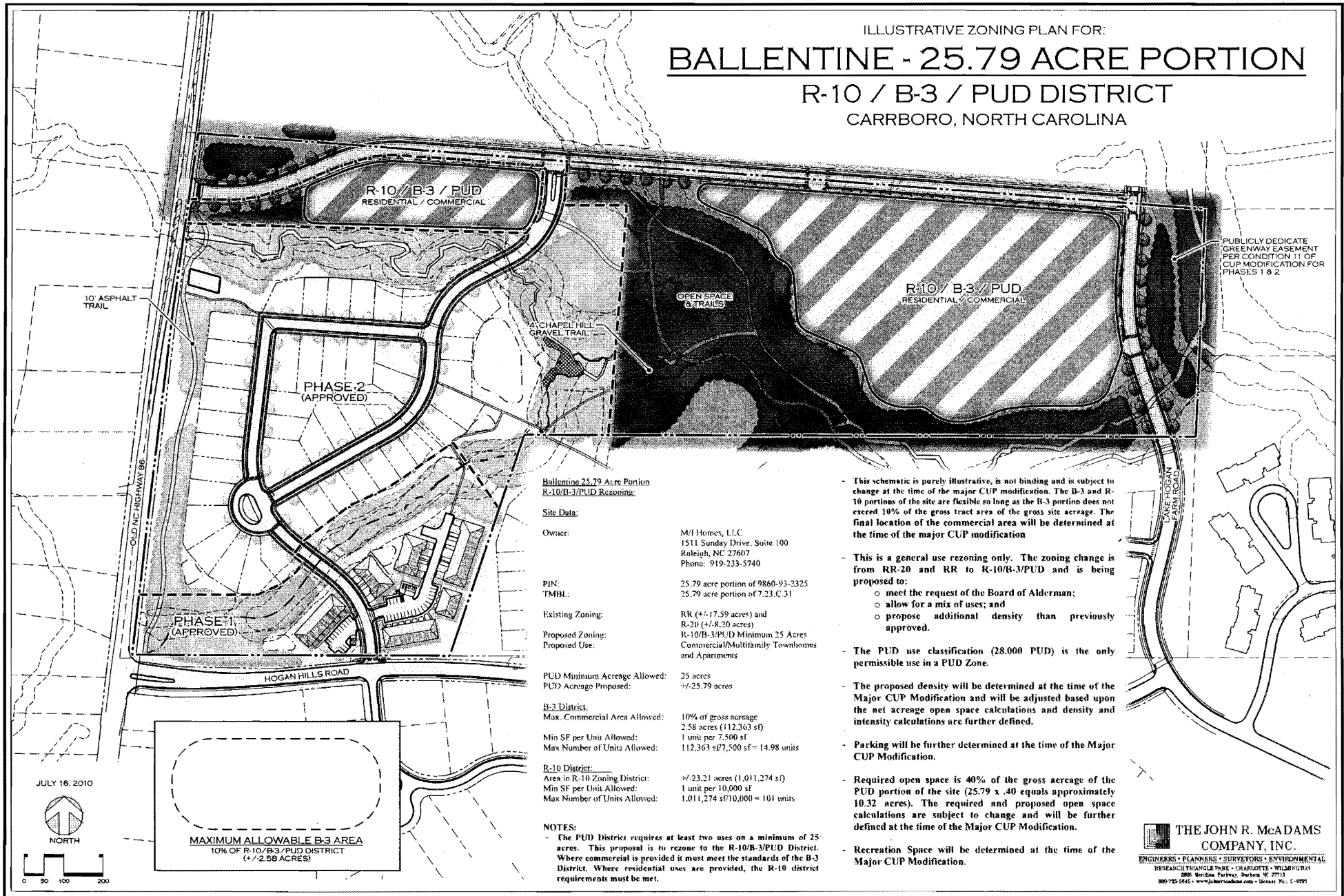
2.0 Development:

- 2.1 Avoidance of Adverse Effects on Public Health and Safety: No adverse effects on the surrounding neighbors or community are proposed with this rezoning. Development within sensitive natural areas has been limited and no significant impacts are being proposed.
- 2.2 Preservation of the Natural Environment: As requested by the Board of Alderman, the rezoning to the PUD will allow for a mix of uses that allows pockets of denser development and large areas of preservation for environmentally sensitive lands and open spaces.
- 2.3 Attractiveness of the Developed Environment: The rezoning allows for a mix of housing types and a small area of retail in order to blend uses as encouraged while ensuring compatibility through the design, natural environment and landscape design.
- 2.4 Carrboro's Character and 2.5 Balanced and Controlled Growth: The rezoning to the PUD district allows the site to maintain the already inherent small town character that encourages a mix of commercial and residential. As shown on the zoning map and as stated throughout the Vision 2020 Plan, there is a pattern throughout the Town that small pockets or nodes of commercial exist along Old NC Highway 86 and residential zoning district surround these commercial nodes. With this proposed request, that pattern will continue.

The proposed zoning district is also consistent with the following Vision 2020 Policies:

- 3.1 Nature of Development
- 3.3 New Commercial Growth
- 3.6 Economic Diversity
- 4.5 New Development
- 6.0 Housing

ILLUSTRATIVE ZONING PLAN FOR:
BALLENTINE - 25.79 ACRE PORTION
R-10 / B-3 / PUD DISTRICT
 CARRBORO, NORTH CAROLINA



Ballentine 25.79 Acre Portion
R-10/B-3/PUD Rezoning:

Site Data:

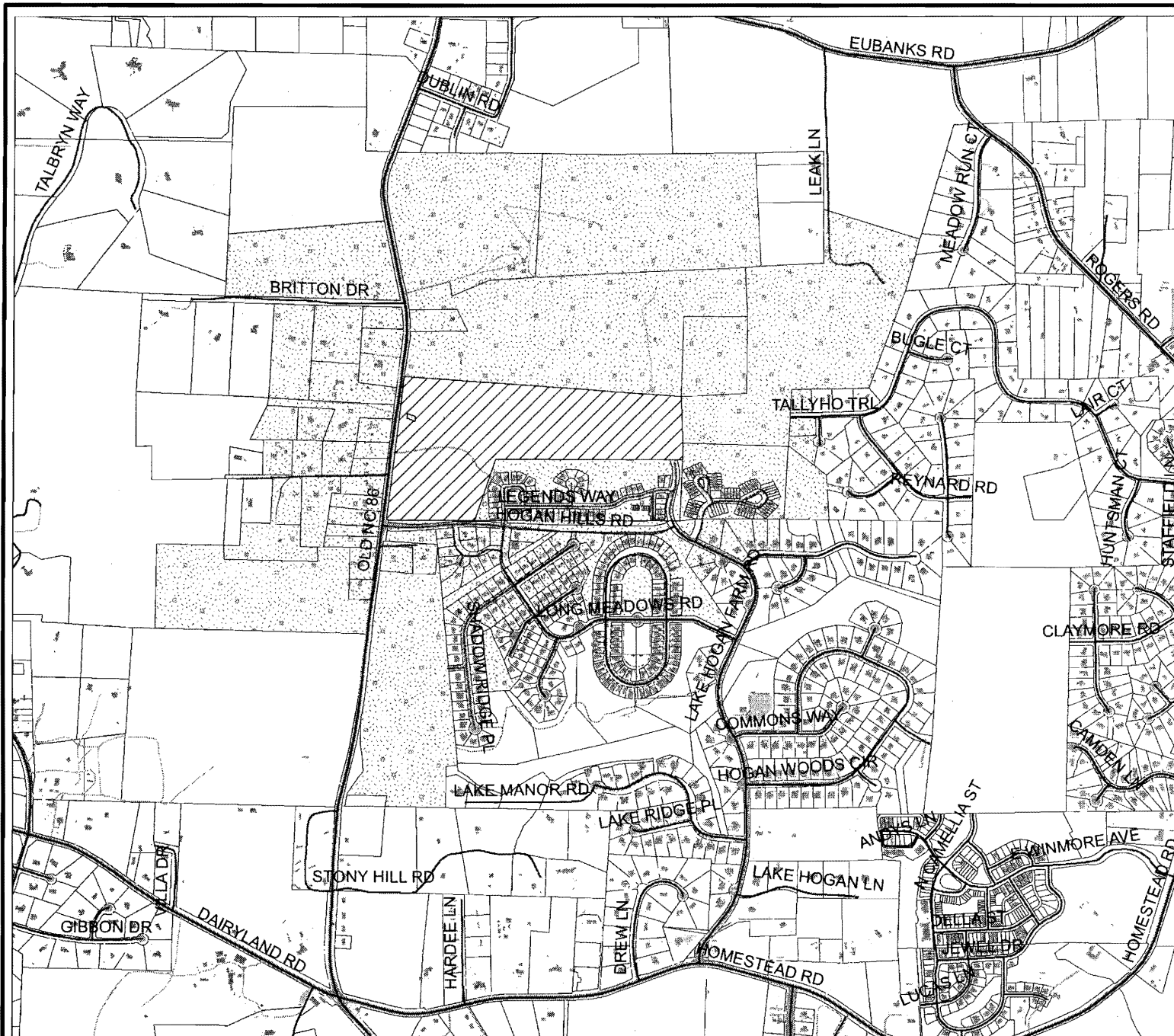
Owner:	M/I Homes, LLC 1511 Sunday Drive, Suite 100 Raleigh, NC 27607 Phone: 919-233-5740
PIN:	25.79 acre portion of 9860-93-2325
TMBL:	25.79 acre portion of 7.23 C:31
Existing Zoning:	RR (+/-17.59 acres) and R-20 (+/-8.20 acres)
Proposed Zoning:	R-10/B-3/PUD Minimum 25 Acres
Proposed Use:	Commercial/Multifamily Townhomes and Apartments
PUD Minimum Acreage Allowed:	25 acres
PUD Acreage Proposed:	+/-25.79 acres
B-3 District:	
Max. Commercial Area Allowed:	10% of gross acreage 2.58 acres (112,363 sf)
Min SF per Unit Allowed:	1 unit per 7,500 sf
Max Number of Units Allowed:	112,363 sf / 7,500 sf = 14.98 units
R-10 District:	
Area in R-10 Zoning District:	+/-23.21 acres (1,011,274 sf)
Min SF per Unit Allowed:	1 unit per 10,000 sf
Max Number of Units Allowed:	1,011,274 sf / 10,000 sf = 101 units

NOTES:

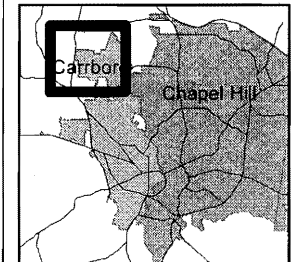
- The PUD District requires at least two uses on a minimum of 25 acres. This proposal is to rezone to the R-10/B-3/PUD District. Where commercial is provided it must meet the standards of the B-3 District. Where residential uses are provided, the R-10 district requirements must be met.







- This schematic is purely illustrative, is not binding and is subject to change at the time of the major CUP modification. The B-3 and R-10 portions of the site are flexible so long as the B-3 portion does not exceed 10% of the gross tract area of the gross site acreage. The final location of the commercial area will be determined at the time of the major CUP modification.
- This is a general use rezoning only. The zoning change is from RR-20 and RR to R-10/B-3/PUD and is being proposed to:
 - meet the request of the Board of Alderman;
 - allow for a mix of uses; and
 - propose additional density than previously approved.
- The PUD use classification (28,000 PUD) is the only permissible use in a PUD Zone.
- The proposed density will be determined at the time of the Major CUP Modification and will be adjusted based upon the net acreage open space calculations and density and intensity calculations are further defined.
- Parking will be further determined at the time of the Major CUP Modification.
- Required open space is 40% of the gross acreage of the PUD portion of the site (25.79 x .40 equals approximately 10.32 acres). The required and proposed open space calculations are subject to change and will be further defined at the time of the Major CUP Modification.
- Recreation Space will be determined at the time of the Major CUP Modification.

B-14



8110 Old NC 86 - Ballentine



-  <all other values>
-  8110 Old NC 86
-  Streets
-  Buildings
-  Roads
-  Properties

**THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.



TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 275

Printed June 7, 2010

Section 15-321 Initiation of Amendments

(a) Whenever a request to amend this chapter is initiated by the Board of Aldermen, the planning board, the board of adjustment, the appearance commission, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the Board of Aldermen so that a date for a public hearing may be set.

(b) Any other person may also petition the Board to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

- (1) The name, address, and phone number of the applicant.
- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.
- (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.
- (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
- (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.

(c) Upon receipt of a petition as provided in (b), the planning staff shall either:

- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
- (2) Forward the petition to the Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).

(d) Upon receipt of a proposed ordinance as provided in subsection (a), the Board may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance.

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments (AMENDED 10/24/06)

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues. **(AMENDED 09/19/95)**

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen. The planning board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report. **(AMENDED 10/24/06)**

(c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen, and the Board of Aldermen is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**

(d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board) shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. **(AMENDED 10/24/06)**

Section 15-325 Ultimate Issue Before Board on Amendments

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a conditional use district or conditional zoning district, the Board shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. **(AMENDED 05/25/99; 05/27/08)**
- (2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Art. IX ZONING DISTRICTS AND ZONING MAP

within and outside a fully enclosed building. The performance standards for this zone are less restrictive than those in the M-1 district.

(b) There is also established a watershed light industrial (WM-3) zoning district. The purpose of this district is to allow areas within the University Lake Watershed that have been zoned M-1 prior to the effective date of this subdivision to continue to be used and developed for light industrial and related purposes, subject to certain restrictions designed to protect the watershed. Consistent with the purpose of this zone, this district shall be confined to that area zoned M-1 on the effective date of this subsection; this area shall not be expanded and no new WM-3 areas shall be designated. **(AMENDED 12/7/83)**

(c) There is also established a Planned Industrial Development (PID) zoning district. The purpose of this district is to provide for the possibility of well planned and tightly controlled industrial development in areas that are suitable for such development but that are not deemed appropriate for M-1 or M-2 zoning because of the less restricted types of development that may occur in such zones. **(AMENDED 6/22/82; 12/7/83)**

- (1) No area less than twenty contiguous acres may be zoned as a Planned Industrial Development district, and then only upon a request submitted by or on behalf of the owner or owners of all the property intended to be covered by such zone.
- (2) As indicated in the Table of Permissible Uses (Section 15-146) a planned industrial development (use classification 30.000) is the only permissible use in a PID zone.
- (3) Subject to subdivision (2) of this subsection, and consistent with the restrictions contained in the definition of a planned industrial development [see Subdivision 15-15(60)], land within a PID zone may be used in a manner that would be permissible if the land were zoned M-1, except that (i) the only permissible uses are those described in the 2.130 and 4.100 classifications and (ii) the performance standards (Article XI, Part I) applicable to 4.100 uses in business zones shall govern uses in a planned industrial development.

Section 15-138 Public Facilities District Established.

There is hereby created a Public Facilities (P-F) zoning district. Within this district, those uses indicated as permissible in the Table of Permissible Uses may be developed, but only if such developments are owned and operated by the United States, the State of North Carolina, Orange County, the Town of Carrboro, or any agency, department, or subdivision of the foregoing governments.

Section 15-139 Planned Unit Development District Established.

Art. IX ZONING DISTRICTS AND ZONING MAP

(a) There are hereby established sixty different Planned Unit Development (PUD) zoning districts as described in this section. Each PUD zoning district is designed to combine the characteristics of at least two and possibly three zoning districts. **(AMENDED 2/24/87)**

- (1) One element of each PUD district shall be the residential element. Here there are six possibilities, each one corresponding to one of the following residential districts identified in Section 15-135: R-20, R-15, R-10, R-7.5, R-3, or R- S.I.R. Within that portion of the PUD zone that is developed for purposes permissible in a residential district, all development must be in accordance with the regulations applicable to the residential zoning district to which the particular PUD zoning district corresponds.
- (2) A second element of each PUD district shall be the commercial element. Here there are five possibilities, each one corresponding to either the B-1(g), B-2, B-3, O, or O/A zoning districts established by Section 15-136. Within that portion of a PUD district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PUD district corresponds. **(AMENDED 02/04/97)**
- (3) A manufacturing/processing element may be a third element of any PUD district. Here there are two alternatives. The first is that uses permitted within the M-1 district would be permitted within the PUD district. The second alternative is that uses permitted only within the M-1 or M-2 zoning districts would not be permitted. If an M-1 element is included, then within that portion of the PUD district that is developed for purposes permissible in an M-1 district, all development must be in accordance with the regulations applicable to the M-1 district.

The sixty different PUD zoning districts are derived from the various combinations of possible alternatives within each of the three elements -- residential, commercial, manufacturing/processing. For example, there is an R-20/B-1(g)/M-1 district, an R-20/B-2/M-1 district, an R-20/B-2 district, an R-15/B-1(g)/M-1 district, etc. **(AMENDED 02/04/97)**

(b) No area of less than twenty-five contiguous acres may be zoned as a Planned Unit Development district, and then only upon the request of the owner or owners of all of the property intended to be covered by such zone.

(c) As indicated in the Table of Permissible Uses (Section 15-146), a planned unit development (use classification 28.000) is the only permissible use in a PUD zone, and planned unit developments are permissible only in such zones.

Section 15-140 Residential High Density and Commercial Overlay District.
(AMENDED 2/4/86)

Art. IX ZONING DISTRICTS AND ZONING MAP

- (3) **B-2 FRINGE COMMERCIAL.** This district is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes and proximity to other nonresidential districts. At the same time, continued residential use of existing and nearby structures, and preservation of the existing character and appearance of this area is encouraged. Accordingly, however, whenever the use of the land in this district is changed to commercial, it is intended and desired that existing residential structures be converted and adapted to commercial use rather than new buildings constructed, and to encourage this, the regulations for this district allow development at a lower density than is permitted in the B-1 districts and permit uses that tend to generate minimal traffic. In this way, the B-2 district should provide a smoother transition from the more intensively developed B-1 areas to residential areas. Any development within the B-2 district shall comply with the following requirements: **(AMENDED 09/06/88; 06/20/06).**

 - a. To the extent practicable, development shall otherwise retain, preserve and be compatible with the residential character of the older homes within and immediately adjacent to this district;
 - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets; and
- (4) **B-3 NEIGHBORHOOD BUSINESS.** This district is designed to accommodate commercial needs arising at the neighborhood level, such as grocery stores, branch banks, gas sales, and the like, as well as other commercial and office uses that are of such size and scale that they can compatibly coexist with adjoining residential neighborhoods. To insure compatibility between B-3 areas and the neighborhoods, no B-3 district shall be greater than five acres, and no areas shall be zoned B-3 if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 3/7/2006)**
- (5) **B-4 OUTLYING CONCENTRATED BUSINESS.** This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.
- (6) **B-5 WATERSHED COMMERCIAL.** This district is designed to accommodate commercial uses within the University Lake Watershed area without adversely affecting the community water supply.

Art. X PERMISSIBLE USES (con't)

Section 15-155 Planned Unit Developments.

(a) In a planned unit development the developer may make use of the land for any purpose authorized in the particular PUD zoning district in which the land is located, subject to the provisions of this chapter. Section 15-139 describes the various types of PUD zoning districts.

(b) Within any lot developed as a planned unit development, not more than ten percent of the total lot area may be developed for purposes that are permissible only in a B-1(g), B-2, or B-3 zoning district (whichever corresponds to the PUD zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the M-1 zoning district (assuming the PUD zoning district allows such uses at all).

(c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for purposes permissible in a residential district (as applicable), purposes permissible in a business district (as applicable), and purposes permissible only in an M-1 district (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, residential, business or M-1 uses. However, only one permit--a planned unit development permit--shall be issued for the entire development.

(d) The nonresidential portions of any planned unit development may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the mechanisms provided in Article IV to guarantee completion. The purpose and intent of this provision is to ensure that the planned unit development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential, development.

Section 15-156 More Specific Use Controls.

Whenever a development could fall within more than one use classification in the Table of Permissible Uses (Section 15-146), the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130 "Physicians and dentists offices and clinics occupying not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.

Section 15-157 Residential Uses in Conservation Districts.

The Table of Permissible uses indicates that single family residences are permissible in the conservation district. However, this shall be true only if and to the extent a residence is used in conjunction with another permitted use, e.g., a caretaker's house. (AMENDED 12/7/83)