

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

Draft Resolution No. 18/2011-12

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 ALLOW THE BOARD OF ALDERMEN TO APPROVE ADDITIONAL RESIDENTIAL DENSITY IN B-1(G)-CZ ZONING DISTRICTS SUBJECT TO THE INCLUSION OF CONDITIONS FOR SITE AND BUILDING ELEMENTS THAT WILL CREATE A MORE VIBRANT AND SUCCESSFUL COMMUNITY

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, Policy 6.15.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town should pursue the development of density bonus provisions for projects incorporating environmentally sensitive development and building practices.

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

Draft Resolution No. 18/2011-12

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 ALLOW THE BOARD OF ALDERMEN TO APPROVE ADDITIONAL RESIDENTIAL DENSITY IN B-1(G)-CZ ZONING DISTRICTS SUBJECT TO THE INCLUSION OF CONDITIONS FOR SITE AND BUILDING ELEMENTS THAT WILL CREATE A MORE VIBRANT AND SUCCESSFUL COMMUNITY

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 adopted policies.

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.

This the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**\*\*DRAFT 9-20-11\*\***

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW THE BOARD OF ALDERMEN TO APPROVE ADDITIONAL RESIDENTIAL DENSITY IN B-1(G)-CZ ZONING DISTRICTS SUBJECT TO THE INCLUSION OF CONDITIONS FOR SITE AND BUILDING ELEMENTS THAT WILL CREATE A MORE VIBRANT AND SUCCESSFUL COMMUNITY  
THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-182 Residential Density, of the Land Use Ordinance is amended by the addition of a new subsection ( i) that reads as follows:

( i) Notwithstanding the foregoing, density in the B-1(g) – CZ district shall be determined in accordance with the provisions of Section 15-141.4(f).

Section 2. Section 15-141.4, Conditional Zoning Districts, is hereby amended by the addition of a new subsection (f) that reads as follows:

(f) Notwithstanding the foregoing, the Board of Aldermen may approve a condition allowing additional residential density in B-1(g)-CZ districts subject to the inclusion of conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas, stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, minimum requirements for non-residential space as part of a project, and the provision of public art and/or provision of outdoor amenities for public use and may include, but shall not be limited to the following:

- (1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the Jordan Lake Accounting Tool
- (2) Energy performance in building requirements to meet one or more of the following
  - a. Planning Board optimized energy performance criteria (20% better than ASHRAE)
  - b. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better)  
 \*[http://www.energycodes.gov/implement/state\\_codes/index.stm](http://www.energycodes.gov/implement/state_codes/index.stm),  
 \*<http://www.energycodes.gov/implement/pdfs/modelcode.pdf> (The Planning Board recommends deletion of this element).
  - c. “Designed to Earn the Energy Star” rating as described at  
 \*[http://www.energystar.gov/index.cfm?c=new\\_bldg\\_design.new\\_bldg\\_design\\_benefits](http://www.energystar.gov/index.cfm?c=new_bldg_design.new_bldg_design_benefits) (The Planning Board recommends deletion of this element.)
  - d. Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type.  
 \*[http://www.architecture2030.org/2030\\_challenge/targets.html](http://www.architecture2030.org/2030_challenge/targets.html)

**\*Website URLs are not intended to be used for codification and are included for reference only.**

- e. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings  
\*(<http://www.aia.org/fiftytofifty>)
- f. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
- g. US Conference of Mayors: fossil fuel reduction standard for all new buildings to carbon neutral by 2030  
\*<http://www.usmayors.org/climateprotection/documents/2007bestpractices-mcps.pdf>
- h. Specific energy saving features, including but not limited to the following, are encouraged. For those features not incorporated, an explanation of the financial or operational reasons why the feature was omitted from the design would be appreciated.
  - i. Use of shading devices and high performance glass for minimizing heating and cooling loads
  - ii. Insulation beyond minimum standards;
  - iii. Use of energy efficient motors/HVAC;
  - iv. Use of energy efficient lighting;
  - v. Use of energy efficient appliances
  - vi. LED or LED/Solar parking lot lighting (50-100% more efficient). One recommended site with information is  
\*[http://www.oksolar.com/abctech/LED\\_lighting-cost.htm](http://www.oksolar.com/abctech/LED_lighting-cost.htm)
  - vii. Active and passive solar features.
- (3) Inclusion of onsite plug in for electric vehicle charging
- (4) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (5) Pursuing the use of harvested rainwater for toilet flushing (The Planning Board recommends substitution of the following language, "Use of harvested rainwater for toilet flushing." )
- (6) Parking lot meet the standard for a "green" parking lot, per the EPA document Green "Parking Lot Resource Guide" available at  
\*[http://mailman.informe.org/pipermail/watershedmanagers/attachments/20080306/6fbc8183/greenparking\\_508FINAL-0001.obj](http://mailman.informe.org/pipermail/watershedmanagers/attachments/20080306/6fbc8183/greenparking_508FINAL-0001.obj)
- (7) Inclusion of LID features (The Planning Board recommends spelling out "Low-impact development.")
- (8) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (9) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips
- (10) Inclusion of at least one (1) parking space for car sharing vehicles
- (11) Mix of residential and non-residential uses such that gross floor area of building space used for non-residential purposes makes up at least 15 percent of the gross floor area used for all purposes.
- (12) Provision of public art and/or outdoor amenities for public use.
- (13) The Planning Board recommends including "Use of surface materials that reflect heat rather than absorb it."

**\*Website URLs are not intended to be used for codification and are included for reference only.**

- (14) The Planning board recommends “Use of devices that shade at least 30% of south-facing and west-facing building facades.”

Section 3. Subsection 15-141.4 (c) is amended by the addition of a new phrase so that it reads as follows:

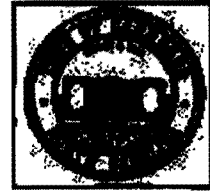
(c) Subject to the provisions of subsection (f), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional district corresponds as described in subsection (a), except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d).

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

**\*\*DRAFT\*\***

TOWN OF CARRBORO



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):

Residential density Section 15-182 (a) all lots in B-1(G) zone ( Section 15-136(2)) shall have at least 3,000 square feet per dwelling unit for residential use.

- 2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):

Modification to allow Board of Alderman flexibility to approve greater density in the B-1(G)-CZ.

- 3) State the reasons for the proposed amendment:

Subject to parameters attached to a Conditional Zoning (-CZ), the Board of Alderman may allow greater residential density where the goals of creating a more vibrant and successful community are better served. This amendment shall take into consideration the benefits afforded by providing diverse, affordable housing options, an increased commercial tax base, LEED / Green building design, MWBE employment opportunities, direct access to public transportation, and a vibrant architectural design creating a live/work community adjacent to established neighborhoods and commercial businesses. The combination of these benefits create a more sustainable pattern of development when placed in the downtown core, where utilizing existing infrastructure allows for a more efficient and sustainable use of public, private, and natural resources.

SIGNATURE: [Signature] Kenneth M. Renter Belmont  
applicant (print) Sayre

ADDRESS: 300 Blackwell St. Suite 101 B  
Durham, NC 27701

TELEPHONE NUMBER: 919.259.2088

PREPARED BY AND RETURN TO:  
TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510



**ORANGE COUNTY  
NORTH CAROLINA**

**TOWN OF CARRBORO  
CONDITIONAL USE PERMIT GRANTED  
Veridia Architecturally Integrated Subdivision**

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

<b>APPLICANT: Sustainable Properties, LLC</b>
<b>OWNERS: Sustainable Properties, LLC</b>
<b>PROPERTY LOCATION (Street Addresses): 810 Old Fayetteville Road</b>
<b>TAX MAP, BLOCK, LOT(S): 7.108.41 and 7.108.32 (PIN #s 9779017345 and 9779017407)</b>
<b>PROPOSED USE OF PROPERTY: Major subdivision consisting of 1.111, single family detached residences</b>
<b>CARRBORO LAND USE ORDINANCE USE CATEGORY: 26.100</b>
<b>MEETING DATES: April 26, 2011</b>

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That 35 of the 39 homes shall be offered for a pre-construction base price of less than \$300,000. To secure a home at this rate, interested buyers must pay a deposit and meet the "qualified buyer" lending requirements of the financial institution funding the project's development. Upon being offered a home at this price, a potential buyer may choose to negotiate with the seller the purchase of a home at a higher price established relative to the market value of desired modifications and additions to the base price home's offerings. This restriction shall remain for any sales realized prior to construction beginning or within a one-year period following construction plan approval, whichever comes first. After the restriction expires, the maximum base price may increase three-percent (3%) annually to allow for inflation and building cost increases.
4. That the construction plans and final plat for the project must exhibit compliance with LUO Section 15-188, as written at the time of each respective approval.
5. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
6. That the Board of Aldermen finds the provision of 68 parking spaces, within carport bays and parallel and perpendicular to the driveway, sufficient to serve Veridia development's 39 single-family homes. The Board makes this finding based on information provided by the applicant noting proximity to schools, shopping, parks, and a bus stop.
7. That the HOA documents for the development must include provisions requiring that the carport bay areas must remain available for parking of a vehicle.
8. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some feature are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all



layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.

9. That prior to construction plan and final plat approvals, the developer shall submit detailed stormwater system maintenance information: maintenance and operations plan and manual, maintenance agreement, etc, in accordance with the requirements of LUO Section 15-263.1. The information must be reviewed and approved by the Town Engineer, Town Attorney, and Environmental Planner. Upon approval, the plans shall be included in the homeowners' association documentation.
10. That the construction entrance for the project must be clearly identified on the construction plans.
11. That the construction plans must call for a specific and acceptable type of inlet protection along Old Fayetteville Road.
12. That the developer provide a final, written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.
13. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
14. That the applicant work with staff during construction to establish a 'natural' playfield. The field may contain a small number of trees but must remain clear enough to reasonably allow for play and sports activities.
15. That all proposed recreation facilities and areas shall be marked 'private' on the construction plans and final plat.
16. That the subdivision must comply with the requirements of LUO Section 15-177(d)(3)(a), which specifies a minimum number of nine (9) different significantly different house plans, i.e. elevation sets. The elevations must be incorporated into the plans before the construction plans may be approved.
17. That the applicant must obtain a CAPS certificate for the project from the Chapel Hill – Carrboro City Schools System prior to construction plan approval.
18. That the final version of the homeowner's association documents must be reviewed and approved by the Town Attorney. The documents shall not preclude the use of clotheslines on private lots within the subdivision.
19. That the applicant must obtain all necessary temporary and permanent easements prior to construction plans approval.

20. For non-LUO required infrastructure, including but not limited to the project's solar array, the applicant must either install the features or submit a performance security in accordance with the town's process for bonding, prior to the issuance of the project's 26th building permit.
21. That prior to the final plat approval, the applicant must display a site plan and erect disclosure signs on-site, adhering to the requirements of LUO Sections 15-83.1 and -83.2.
22. The playground equipment should be CPSC compliant with an ADA component.
23. The 25 remaining units will be size limited to 1,350 square feet.
24. Construct 1,100 square feet units so that no more than two units are located adjacent to each other.
25. Buyers should be free to select the financial institution of their choice.
26. Storage sheds should have room for at least two bicycles.
27. The central walking path should be six feet in width.
28. The developer will provide a stub-out or path to connect through the James' property.
29. The developer will disclose parking limitations to buyers.
30. The developer will provide a minimum of three months notice to existing residents before they must vacate.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the

## Additional Veridia Items

### Bond Phasing

The developers propose that non-essential infrastructure not be included in the first bonding group but instead be bonded for at a later date. In particular, the developers would like to delay bonding for the solar array, as it will be the last item to be installed and represent a significant expense.

### Veridia's Sustainable Features

The sustainable features included in the community can be broken into two primary categories: "Community Features" and features within the home. The following information is pulled from our website and outlines our intent for the sustainable elements to be included in Veridia

#### Community Features

- \* 100-kilowatt solar photovoltaic array offsets community electrical usage. All electricity produced by the array will belong to the HOA and will be monetized in the most efficient way possible for the residents of Veridia. Maintenance and insurance of the array will also be covered by the HOA, but more than offset by the income generated.

- \* Community vegetable garden provides fresh, local produce to Veridia's residents.

- \* Rainwater catchment systems located off of the carport and at each home will provide water for irrigating garden spaces. The homeowners will be responsible for the catchment systems located at their home, and the HOA will be responsible for the catchments off of the carport structures that are to be used for the Vegetable garden.

- \* Easy access to public transportation, bike paths and numerous amenities within walking distance reduce need for car transport.

- \* Pedestrian-oriented community encourages increased time in Veridia's outdoor spaces.

- \* Community will be pursuing LEED for Neighborhood Development certification.

#### Within the Home

**Solar Hot Water:** Every home in Veridia will be equipped with solar water heaters that provide up to 80 percent of the hot water used in the home. Since water heating accounts for around 30 percent of energy use in most households, this saves you significant amounts on your utility bills and reduces your carbon footprint.

**Icynene Spray-Foam Insulation:** Icynene is an open-celled spray-foam insulation that is a great sealant in addition to being impervious to mold, mildew and insects. By taking control of air leakage, Icynene delivers energy efficiency, healthier indoor air quality and a quieter living environment.

**Pressure-Balancing True Returns:** These returns properly cycle air throughout the home allowing for higher efficiency heating and cooling as well as increased comfort within the home.

**Sealed Thermal Envelope:** Sealing and caulking all penetrations and gaps within the building envelope prevents thermal energy loss.

**American Standard Water Conserving Products:** Low-flow faucets, showerheads and toilets reduce water consumption in the home by 20-40 percent.

**Aprilaire Air Filter:** This high-efficiency central air filtration system replaces the flimsy, inch-thick filters that must be replaced frequently. It permanently traps allergy-causing pollen-sized particles, mold and spores more effectively than standard air filters, improving indoor air quality.

**Programmable Thermostats:** These thermostats offer four pre-programmed settings to regulate your home's temperature and can save significant amounts of energy by eliminating the waste of heating and cooling unoccupied space.

**Tightly Sealed HVAC Duct Work:** Air escaping through unsound HVAC ducts is a huge waste of energy in many homes. All our duct work is tightly sealed and inspected to insure no conditioned air is being lost before reaching its destination.

**Triple Certified:** To ensure complete peace of mind for our homeowners, we offer extensive third-party certification on our homes. In addition to the LEED certification of the neighborhood, Energy Star and Green Building Initiative certifications come standard on each Veridia home. These certifications verify the high level of energy and water efficiency as well as indoor air quality and overall sustainability of our community.

Additional costs incurred as a result of the approval process

Significant additional cost has been incurred throughout the approval process, both through increased engineering and carrying costs, as well as more expensive solutions to be implemented in the community as a result of discussion with the town and various requirements imposed on us.

Solar Hot water standard: 3k per unit

Carports included: 2.5k per unit

Underground retention: 5k per unit

Loss of homesites on northern lot: 4k per unit

Additional Engineering: 3k per unit

Carrying costs through approval process: 4k per unit

Estimated materials price increases since 2008 (horizontal work and home related): 8k per unit

In total roughly \$30,000 per unit has been added to the basis of each home in addition to the roughly \$20,000 per home in sustainability features not included in comparable homes around town that were to be included from the start (as presented in the 2008 meeting). The maximum price agreed to at that meeting (\$300,000) gave us \$10,000 per unit in flexibility based on the preliminary budget we had at the time. We believe that the project is still buildable at \$300,000 despite the excess \$20,000 per home in expense provided that we are able to realize significant savings in the financing of the homes during the construction period. This is only possible, however, if a significant number, potentially all, of homes are presold.

That 35 of the 39 homes shall be offered for pre-construction purchase at a base price of less than \$300,000. Interested buyers will need to put up a deposit and meet the lending requirements of the financial institution funding the project's development as a "qualified buyer." Upon being offered a home at this price, a potential buyer may choose to negotiate with the seller the purchase of a home at a higher price established relative to the market value of desired modifications and additions to the base price home's offerings. This restriction shall remain for any sales realized prior to construction within a two year period following construction drawing approval. After two years, the maximum base price will increase relative to the Consumer Price Index to allow for inflation and building cost increases.

Parking assignments/ownership

Every home in Veridia will have one dedicated parking spot within the carport structures to be erected on the northern side of the site. They will be assigned from east to west to the homes going from east to west, minimizing walking distance from the space to the home. An additional 29 flex spaces are provided for visitors and families with additional cars. Homeowners will be required to use the carport space for the storage of their first vehicle, however homeowners who do not have a car will be able to rent the space to the HOA, which can, in turn, rent it to another house or use it for community purposes such as for the storage of an electric gator the developers intend to provide in order to increase accessibility to the lower row of homes. Other uses for the communal carport spaces might be for a car sharing program.

Shading Calculation:

After discussion with the town, it has been determined that the active solar carports need not be included in the VAA area calculation for achieving 20% shading. As such, the total area of the VAA has decreased to 34,826 from 44,576. This still includes the drive aisle, sidewalk, flex parking areas and turnaround. The new "shading required" figure is thus 6965 sq feet and we are providing 7308 sq feet of shading with the trees shown on the plans. This calculates the redbuds in planters as internal trees at a

10 ft crown radius and the Acer Rubrums planted alongside the VAA as perimeter trees at a 15 ft crown radii. It should be noted that the actual crown radii of these trees at full growth are 12.5 feet and 20 feet, respectively.



## Memorandum

**To:** Trish McGuire - Town of Carrboro  
Mike Brough - Town of Carrboro

**From:** Kenneth Reiter - Belmont Sayre

**CC:** Dan Jewell - CJT  
Will Anderson - Kennon Craver

**Date:** September 6, 2011

**Re:** Shelton Station - Continuation of Public Hearing - September 27, 2011

In response to the continuation of the public hearing on June 14, 2011, we are providing the following additional information to address several requests for information regarding the proposed text amendments and map amendments related to the redevelopment of the four contiguous lots located at 500 North Greensboro Street, commonly known as Shelton Station.

### LUO - Text Amendment for Additional Residential Density

The Amendment to Section 15-182, Residential Density, would be amended as proposed in the June 8, 2011 draft amendment to the ordinance included as Exhibit B-1 at the June 14, 2011 public hearing.

The amendment to Section 15-141.4, Conditional Zoning Districts, would be amended by the addition of a new subsection (f) that reads as follows:

“(f) notwithstanding the foregoing, the Board of Alderman may approve a condition allowing additional residential density in B-1(g)-CZ districts subject to the inclusion of conditions that provide for site and building elements that create a more vibrant and successful community. Such site and building elements may include, but shall not be limited to the following:

- 1) Access to a variety of transportation modes
- 2) Mitigation of vehicular, bicycle and pedestrian safety impacts
- 3) Adequate parking
- 4) Presence of public and/or open space
- 5) Providing for affordable housing options
- 6) Mixture of residential and non-residential uses
- 7) Green and sustainable site and building components”

### LUO - Map Amendment

In addition to agreeing to the four conditions provided in Attachment B proposed at the Public Hearing on June 14, 2011, we are providing the following information in support of more definitive definition to the revised conditions provided in Exhibit A.

#### *Commercial Uses*

Based on the current plan included as Exhibit B, the percentage of gross square feet of the project is

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19% non-residential use consisting of the 12,000 gross square feet on the 1<sup>st</sup> floor of Building A and 12,000 gross square feet on the 2<sup>nd</sup> floor of Building A. The total project size is approximately 125,000 gross square feet.

In the event that by January 1, 2012, the non-residential space on the 2<sup>nd</sup> floor of Building A has not been leased (as evidenced by a signed letter of intent or lease agreement) at terms that are acceptable to secure construction and/or permanent financing, the non-residential space on the 2<sup>nd</sup> floor of Building A can be developed as additional residential space.

<u>Scenario</u>	<u>Residential</u>	<u>Non-Residential</u>	<u>Parking</u>
Base Case	102 units	24,000 sf	189 spaces
Alternative 1	114 units	12,000 sf	189 spaces

#### *Building Height*

Building A would be developed as a 3-story structure consistent with the existing DNP Overlay District. Building B would be developed as 4-story structure with approximately 45 spaces provided below the structure.

#### *Traffic / Parking*

Based on a recently completed survey of the North Greensboro Street right of way, a cross-section as proposed in Exhibit B can be constructed in the public right of way. Grading easements will need to be obtained for several parcels.

#### *Green/Sustainable Features*

We are willing to commit to meet LEED equivalent standard of design for the project.

#### *Affordable Housing*

We will provide 10% of the residential units at 60% of the FY 2011 HUD Fair Market Rents Income Limits ([www.huduser.org/portal/datasets/il/112011/2011summary.odn](http://www.huduser.org/portal/datasets/il/112011/2011summary.odn)) for Durham-Chapel Hill, NC Metro Area, which under the current plan means 10 residential units.

#### *Student Housing*

The following provisions will be administered in order to address the concerns that the project will result in a concentration of student housing:

- Leasing
  - Income verification of all residential applicants to support lease payments
- Design
  - Limit ratio of BR/BA to 1:1
  - No 3BR/3BA or 4BR/4BA suites will be constructed
- Financing
  - Lender requirements and applicable regulations prohibit funding of "student housing". While we may not exclude students, we must design, build and operate the property as standard market rental housing with annual leases per unit
- Management
  - Operation and management plans reflect market-rate units design and amenities designed to support families and individuals who are expected as tenants



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*Shared Parking*

Based on the current plan included as Exhibit B, the shared parking calculations would require an 8% reduction from the presumptive requirements of the ordinance. In the event the 2<sup>nd</sup> floor of Building A is developed as residential uses, the shared parking calculations would require a 13% reduction from the presumptive requirements of the ordinance.

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**EXHIBIT A – PROPOSED CONDITIONS**

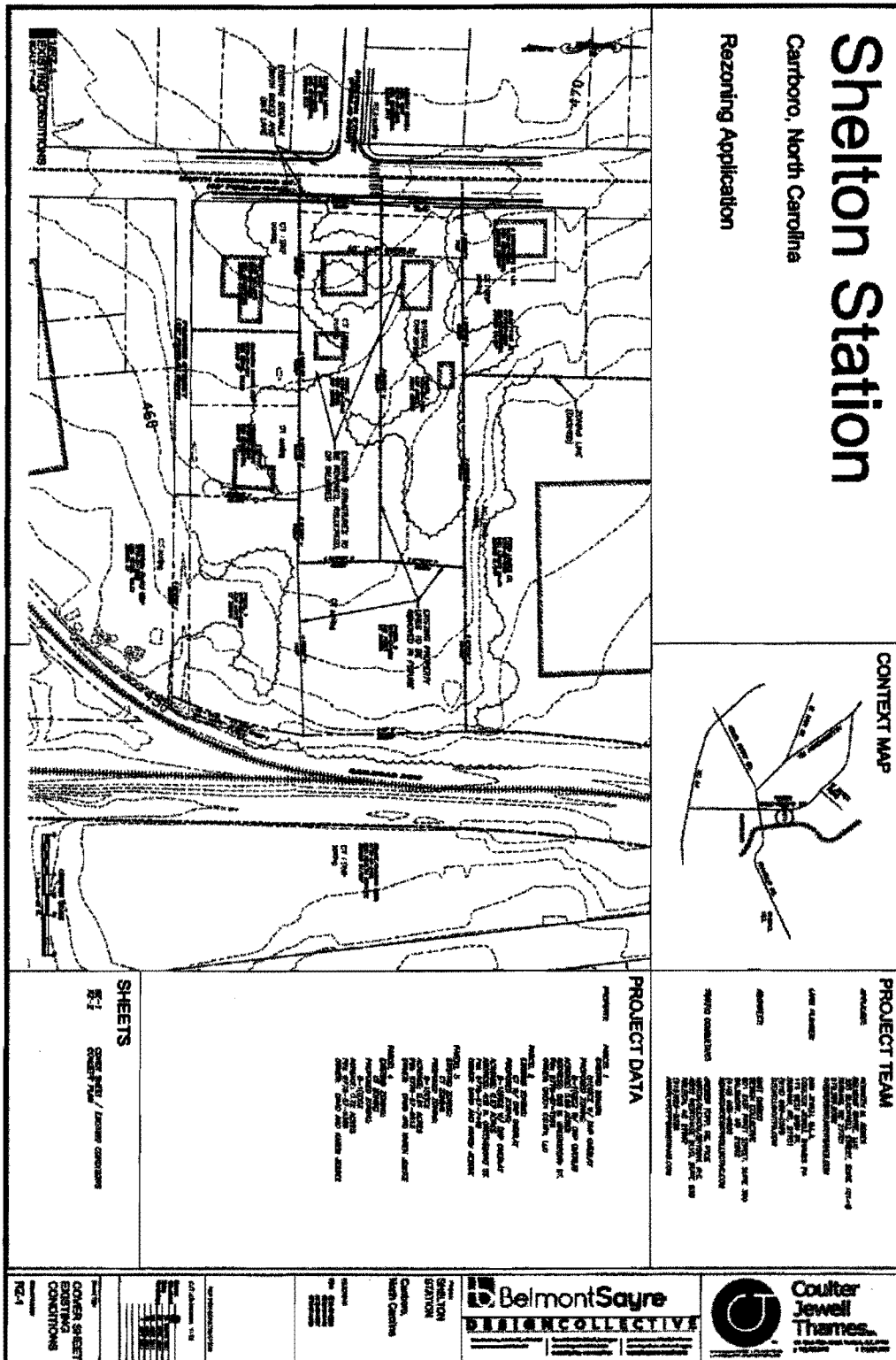
The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property being described on Orange County Tax Maps as:

[\_\_\_\_\_], in the Chapel Hill Township, and being the area that is called out on the accompanying map as "500 North Greensboro" is hereby rezoned from B-1(g)-CZ (General Business, Conditional) and CT (Commercial, Corporate Town) to B-1(g)-CZ (General Business, Conditional), subject to the following conditions:

- 1) Driveway access to the parcel shall be aligned with Shelton Street.
- 2) All structures currently located on the property shall be offered for relocation prior to beginning construction.
- 3) Possible land uses will be limited to those listed on the Concept Plan labeled "500 North Greensboro, RZ-2" dated \_\_\_\_\_ subject to the determination that adequate parking has been provided for the overall project.
- 4) The property will be developed substantially in accordance with the attached Concept Plan labeled "500 North Greensboro, RZ-1 & RZ-2" dated \_\_\_\_\_.
- 5) A minimum of 10% of the residential units at 60% of the FY 2011 HUD Fair Market Rents Income Limits for Durham-Chapel Hill, NC Metro.
- 6) The property will be developed to meet a LEED equivalent standard of design.
- 7) For any residential unit consisting of 3 or more bedrooms, the bathroom count per unit shall be a maximum of one less than the number of bedrooms.

EXHIBIT B - CONCEPTUAL SITE PLAN

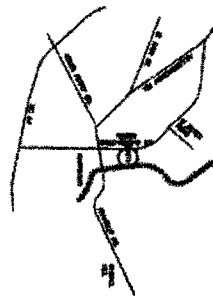


# Shelton Station

Carboro, North Carolina

Rezoning Application

CONTEXT MAP



PROJECT TEAM

**APPLICANT:**  
SHELTON STATION  
1000 SHELTON STATION  
CARBORO, NC 27513  
TEL: 919.487.1234  
WWW.SHELTONSTATION.COM

**ARCHITECT:**  
Coulter Jewell Thames  
1000 SHELTON STATION  
CARBORO, NC 27513  
TEL: 919.487.1234  
WWW.SHELTONSTATION.COM

**ENGINEER:**  
Belmont Sayre  
1000 SHELTON STATION  
CARBORO, NC 27513  
TEL: 919.487.1234  
WWW.SHELTONSTATION.COM

PROJECT DATA

**PROJECT:**  
SHELTON STATION  
1000 SHELTON STATION  
CARBORO, NC 27513  
TEL: 919.487.1234  
WWW.SHELTONSTATION.COM

**DATE:**  
SEPTEMBER 2, 2011

**SCALE:**  
AS SHOWN

**PROJECT NO.:**  
1000 SHELTON STATION

**PROJECT NAME:**  
SHELTON STATION

**PROJECT ADDRESS:**  
1000 SHELTON STATION  
CARBORO, NC 27513

**PROJECT CONTACT:**  
SHELTON STATION  
1000 SHELTON STATION  
CARBORO, NC 27513  
TEL: 919.487.1234  
WWW.SHELTONSTATION.COM

SHEETS

PC-1 CONCEPT / LAYOUT CONDITIONS  
PC-2 CONCEPT / LAYOUT CONDITIONS  
PC-3 CONCEPT / LAYOUT CONDITIONS  
PC-4 CONCEPT / LAYOUT CONDITIONS

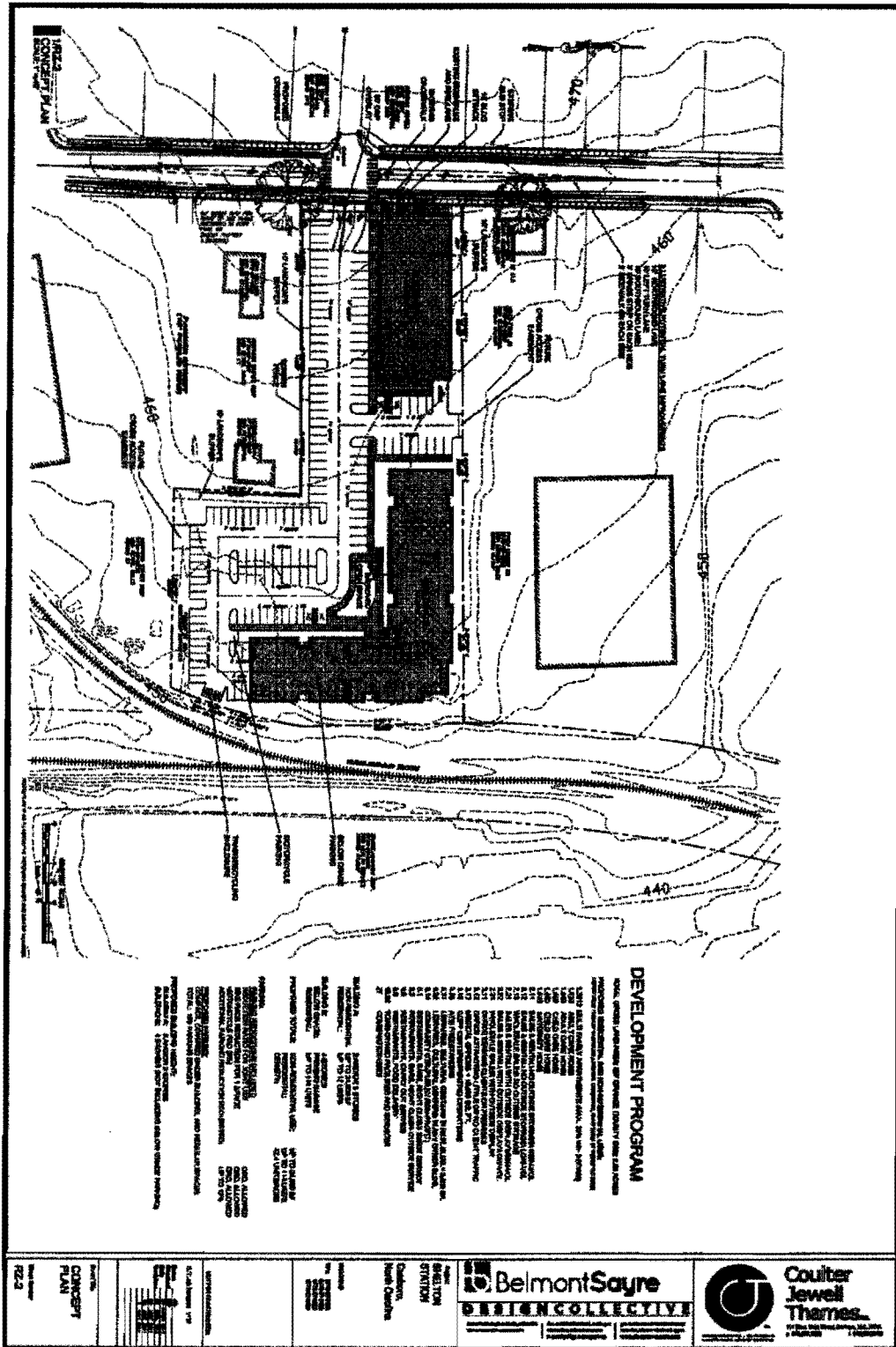
**Belmont Sayre**  
DESIGN COLLECTIVE

**Coulter Jewell Thames**

PROJECT NO. 1000 SHELTON STATION  
PROJECT NAME: SHELTON STATION  
PROJECT ADDRESS: 1000 SHELTON STATION, CARBORO, NC 27513  
PROJECT CONTACT: SHELTON STATION, 1000 SHELTON STATION, CARBORO, NC 27513, TEL: 919.487.1234, WWW.SHELTONSTATION.COM

DATE: SEPTEMBER 2, 2011  
SCALE: AS SHOWN  
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EXHIBIT B – CONCEPTUAL SITE PLAN



**Section 15-141.4 Conditional Zoning Districts (AMENDED 5/27/08)**

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established: B-2-CZ and B-1(G) CZ. (AMENDED 4/27/10)

(b) The conditional zoning districts authorized by this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) The uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional district corresponds as described in subsection (a), except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d).

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional zoning district. Conditions and site-specific standards imposed in a conditional district shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site.

(e) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses), i.e. a zoning permit, special use permit, or conditional use permit.

**\*\*DRAFT 9-20-11\*\***

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW THE BOARD OF ALDERMEN TO APPROVE ADDITIONAL RESIDENTIAL DENSITY IN B-1(G)-CZ ZONING DISTRICTS SUBJECT TO THE INCLUSION OF CONDITIONS FOR SITE AND BUILDING ELEMENTS THAT WILL CREATE A MORE VIBRANT AND SUCCESSFUL COMMUNITY  
THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-182 Residential Density, of the Land Use Ordinance is amended by the addition of a new subsection ( i ) that reads as follows:

(i) Notwithstanding the foregoing, density in the B-1(g) – CZ district shall be determined in accordance with the provisions of Section 15-141.4(f).

Section 2. Section 15-141.4, Conditional Zoning Districts, is hereby amended by the addition of a new subsection (f) that reads as follows:

(f) Notwithstanding the foregoing, the Board of Aldermen may approve a condition allowing additional residential density in B-1(g)-CZ districts subject to the inclusion of conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas, stormwater management, water conservation, energy conservation, affordable housing, alternative transportation, minimum requirements for non-residential space as part of a project, and the provision of public art and/or provision of outdoor amenities for public use.

Section 3. Subsection 15-141.4 (c) is amended by the addition of a new phrase so that it reads as follows:

(c) Subject to the provisions of subsection (f), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional district corresponds as described in subsection (a), except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d).

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

**\*\*DRAFT\*\***