

**ATTACHMENT A**

**A RESOLUTION ACCEPTING A STATUS UPDATE ON THE NORTHERN STUDY AREA (NSA)  
DESIGN WORKSHOP.**

Draft Resolution No. 91/2012-13

WHEREAS, the Board of Aldermen, in the interest of exploring future land-use policies in the Northern Study Area and encouraging citizen participation, contracted with the Durham Area Designers to facilitate a design workshop for NSA residents to explore future development possibilities for the area; and

WHEREAS, One of the property owner's specifically effected by this initiative wishes to address the Board about the summary findings reported by staff to the Board regarding the workshop.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen hereby receive the comments from the property owner.

This is the 4th day of December 2012.



## TOWN OF CARRBORO

NORTH CAROLINA

### MEMORANDUM

### PLANNING DEPARTMENT

DELIVERED VIA: ☒ HAND ☐ MAIL ☐ FAX ☐ EMAIL

**To:** David Andrews  
Mayor and Board of Aldermen  
**From:** Jeff Kleaveland, Planner/Zoning Development Specialist  
**Date:** September 7, 2011  
**Subject:** Follow-up review of Northern Study Area Design Workshop concept plans with preliminary rezoning analysis

After approximately eight months, the NSAPIRC presented 13 recommendations for the Board's consideration on December 11, 2007. Meanwhile, after a work session and subsequent staff analysis, the Board decided to move forward with examining the following four NSAPIRC recommendations\*:

1. Target and rezone specific tracts on the east side of Old NC 86 for new commercial and/or Village Mixed Use (VMU) development. Tracts chosen for commercial and VMU development must have good access to arterial roads and minimal environmental constraints (see Town of Carrboro's Primary Constraint Map). Some possible tracts include:
  - a. The Hogan tract on Homestead Road (64 acres);
  - b. The Hogan Heirs tract which borders the Twin Creeks Park to its west and Duke Forest Property to its North (59 acres);
  - c. The tract(s) of land (the Parker Louis, LLC property) which Adam and Omar Zinn are proposing to develop at the corner of Eubanks and Old N.C. 86 (27 acres).
2. In order to maximize the expansion of Carrboro's commercial tax base, rezone the Hogan tract off Homestead Road for mixed use development to include a larger scale convenience or basic goods store (for example a grocery store, a drug store or a hardware store, not big box retail) in addition to other uses. According to the RTS, Inc. report, "Creating Carrboro's Economic Future", one of these larger scale stores would generate an estimated ten to twenty times the yearly tax revenue of a restaurant or a specialty retail store.
3. Revise the existing VMU ordinances as follows: Require minimum commercial components (minimum percentage of commercial). Require size limited and affordable housing, targeting Carrboro's need for energy efficient housing affordable to people making 60% to 150% of area median income. Eliminate the tract size minimum for VMU developments. Maintain the 40% open space requirement. Modify setbacks, building

heights and minimum lot widths rather than allow reductions in the 40% open space requirement.

4. Examine tract size minimum and maximum for commercial requirements in VMU developments (this recommendation includes NSAPIRC recommendation #10).

*\* Since adopting these recommendations, portions of two developments, Ballentine and Claremont, have been rezoned to Residential-10, Business-3, Planned Unit Development (R10B3PUD).*

In the winter of 2011, the Town held a design workshop to engage a property owner and surrounding/interested residents to consider the applicability of the recommendations to a particular property. The Durham Area Designers facilitated the workshop and assisted with participants with visualizing development options and identifying desired development characteristics (e.g. land uses, development type, site and building designs).

### **NSA Design Workshop team concept plans**

A description of the workshop process is contained in the report prepared by DAD entitled the Northern Study Area-Eubanks Site, Facilitated Workshop. This document was presented to and accepted by the Board on February 21, 2012. The report herein draws upon various components of the DAD report while going further to flesh-out some of the technicalities of the concept plans and how they relate to our LUO.

### **The Five Concept Plans**

Copies of the concept plans are attached (Attachment B)

The programs of the plans share an interest in “community” scale designed for the benefit of local residents and neighborhoods. This implies good connections to existing greenways and the provision of sidewalks and other pedestrian amenities. Each plan changes the character of Eubanks Road such that it is substantially different than Old NC 86. The following is a cumulative list of uses mentioned by the teams as being compatible with the neighborhood context:

- commercial and civic services that would be useful to the entire surrounding community and especially the adjacent school property and the future county park
- medical offices
- retirement community
- hospice
- community store (but not a strip center)
- child care center
- afterschool uses
- cafe or coffee shop
- old fashion gas station (not shared by all the teams)
- restaurant, local bakery
- specialty market
- small grocer

A few of the design differences between the plans are as follows:

- Whether the development is made visible from Old NC 86
- Whether the 100' buffer along Old NC 86 is preserved
- Whether a "gateway" feature (landmark building or open space) is articulated along Old NC 86 such that it identifies a transition from the county into the Carrboro planning limits
- Whether Eubanks is used as the organizing "street" of the development or whether a new "main street" is located *off* of Eubanks (this effects the facing of the buildings)
- Whether a somewhat central, public "green" defined by a few buildings is provided
- The number and size of commercial/unified buildings
- Where commercial buildings are grouped in relationship to the existing traffic circle

### Quantities

The following comparative list of take-offs from the concept plans is useful for the sake of comparing the proposals to other known, existing developments.

Because the concept plans are not fully designed, the total square footage of only the *ground floors* of the buildings is shown. To provide a residential density reference, I've provided numbers based upon the existing RR zoning and a potential R-10 zoning.

Regardless of the number of buildings shown on the plans, the gross *ground floor* square footage of their footprints are indicative of a project's scale as is the number of parking spaces. Following this, the plans will be generally compared to other similar developments in the area.

	Team One	Team Two	Team Three	Team Four	Team Five
Building envelope available from the 31 acre parent tract(s) (excluding open space requirements and environmentally sensitive areas)	15 acres (approx.)	15 acres (approx.)	15 acres (approx.)	15 acres (approx.)	15 acres (approx.)
Density allowed under current RR zoning.	21	21	21	21	21
Baseline density available at R-10 & R-7.5 (reduced per ordinance to account for open space and environmentally sensitive site features.)	84/121	84/121	84/121	84/121	84/121
Number of larger, commercial, mixed-use or multi-family type buildings	7	4	9	7	11
Total <i>ground floor</i> square footage of the above buildings ( <i>Actual</i> square footage would be larger as it would include additional stories).	91,747 sf	100,277 sf	81,336 sf	273,360 sf	108,890 sf
Number of parking spaces shown	196 spaces	148 spaces	248 spaces	None shown	241 spaces
Number of single family detached residential units shown	15	Cottages proposed but not shown	22	9	None

	Team One	Team Two	Team Three	Team Four	Team Five
Attached Townhome units (with lots shown)	None	None	None	15	28
On-street parking on Eubanks	No	No	Yes	Yes	No
Approximate Total acreage (including road frontage) of Mixed-Use, Office/Institutional, and/or Commercial areas	5-7 acres	6-8 acres	6-8 acres	6-8 acres	6-8 acres
Percentage Mixed-Use, Office/Institutional, and/or Commercial areas of gross project acreage (31 acres).	16-22%	19-25%	19-25%	19-25%	19-25%

### Summary Development Parameters

Based on reviewing the plans and the above information, A “general use” district that accommodates these plans may include the following zoning parameters ( (?) denotes that additional information is needed). *General use* districts are the predominant form of zoning in Carrboro.

- Minimum lot size – 25 acres;
- Permissible Density – 1 unit / 7500 sf ;
- Building Setbacks and Height – Architecturally Integrated Subdivision approach, 2 -3 stories building height;
- Amount and Location of Parking – 1 space /300 sf (?); on site, off site;
- Mix of residential unit types – single-family, townhouses, multi-family, above – commercial;
- Percent of non-residential land area per whole site – 16-25%;
- Open Space – 40%, 20% (?), “livability” amenities (?);
- Architectural requirements – massing, articulation, etc.
- Traffic calming – (?);
- Separation between like districts – half mile (?);
- Permissible uses and permit types – eg. Gas stations, Senior citizen residential (?);

### Design Precedents

The zoning parameters define generalities of the concept plans however, in order to understand the scale of designs, it is useful to look at existing places for comparison. Attached are images of Winmore, Southern Village, Fearington, and other locales that can be used for this purpose (Attachment C). Note that the Fearington village used historic English hamlets as its design inspiration.

Another useful reference is the recently approved PTA Thrift Shop Redevelopment project. The project is to be built on an assemblage of 1.4 acres, has 71 parking spaces and, (2) 2-story buildings totaling about 26,000 square feet.

For further reference, attached are site and architectural images from the *Appendix C* of the DAD report (Attachment D). The DAD group presented at the workshop, the “hamlet” scale of settlement as a useful design precedent.

Note in these examples the variations in building heights, frontages, streetscapes, parking lot locations, and context. The design team *programs* all support a kind of development on the site that reflect a local, "community scale" compatible with the rural and residential character of the surroundings; whether the designs achieve this intention is a question for consideration.

If these concerns for building and site design are to be translated into a new zoning district for the Parker Louis property, then this new district will need to include standards to reflect the desired character of the place.

### Rezoning Considerations

Prior to discussing the particulars of a rezoning for the property it is useful to again review the "Small-Town Character" principles from the NSA Plan provided at the beginning of this memo.

The LUO's Village Mixed Use *conditional use* zoning district was one of the original rezoning strategies adopted by the Board to realize some of the goals from the NSA Plan. This district includes many building and site design provisions and is structured as a template for a complete "neo-traditional" village. Because of this, it has a 50 acre minimum requirement and requires the village commercial core to be located at least 200' from the nearest arterial road.

Again, because it is a conditional use zoning district, the Board cannot proactively rezone properties to VMU. Instead, the rezoning application has to come from the developer/owner and must be accompanied by a complete design for the village. As a zoning tool, the VMU district is therefore entirely voluntary, dependent upon the developer/landowner. The Town has approved one VMU since the inception of the district (Winmore).

If the Board is interested in a proactive approach realizing some of the goals of the NSA Plan, on a smaller scale than the VMU, they can look to the existing general use zoning districts from the LUO. Rezoning to these districts does not require initiation by the developer/owner and allows a broad pallet of uses dependent upon the district. However, the existing general use districts each have limitations when applied to the team concept plans. For example:

- The B-1-G, General Business, while intended to allow many business uses adjacent to residential neighborhoods, allows buildings from 3 to 4 stories and does not allow the "senior citizen residential complex" use (featured in several of the team concepts).
- The B-3, B-3-T districts, while intended to accommodate business needs that arise on the neighborhood level, do not allow developments in excess of five acres nor do they allow restaurant uses. Recall that the team concepts plans provide multi-use/commercial areas that all exceed the five acre minimum and, feature restaurants.
- The O/A, Office Assembly, while intended to provide employment near residential areas and, while having a *minimum* lot size requirement of 5 acres, allows for a 35' building height and does not allow the "senior citizen residential complex" use.
- The B-4, Outlying Concentrated Business, is design to accommodate businesses that provide goods and services to a larger market than B-3 & B-3-T, allows for 50' building heights.

- Planned Unit Development, is a collection of general use districts that restricts the commercial portion to 10% of the PUD, it requires initiation by the property owner and does not allow conditions to restrict development types.

In addition, except for the B-4, the rest of these general use districts allow residential use and do not mandate commercial development. Should a rezoning to one of these districts take place, a developer would not be prohibited from simply building a residential development. Such rezonings cannot be given "conditions" to prevent certain kinds of development.

In reviewing the design precedents provided with this memo, Fearington Village offers many commonalities with the rural/commercial ideals described in the NSA Plan. The commercial area contains a bank, a travel agency, a book store, two restaurants, an outdoor bar, a café, a bed and breakfast, an event venue (the barn), and attractive pedestrian scaled surroundings. It generally serves the 1800 residents of the village but is accessible to others as well.

The PTA Thrift store too is another example of development that is inherently local that is attractive to residents throughout the Town. While it is not a village core, per se, it is vibrant with its community function, one that will be enhanced by the addition of new possible uses.

The two recent PUD re-zonings in the NSA, one for Claremont, the other for Ballentine, each opened the door to the possibility of a few commercial services in the area. PUDs are a general use zoning tool and cannot include conditions to prevent certain kinds of development.

In light of the principles contained in the NSA Plan, the content of the concept plans developed at the workshop and, the limitations of existing general use zoning districts, the Board may wish to consider creating a zoning district that would offer some defense against the "unintended consequences" of the existing general use zoning districts. While repurposing the provisions of the VMU to a general use zoning district may sound appealing, the team concept plans have been extensively reviewed with respect to its provisions and it is evident that the VMU does not easily "scale-down" to the needs of a parcel the size of the Parker Louis assemblage. So if the VMU isn't revised into a general use zone, and the existing zoning district choices present unacceptable risks, what kind of characteristics would a new business zoning district in the NSA have? Here is a list of some considerations for such a district:

- Include design standards that require the building and site be designed to a "neighborhood" scale in a rural context. Include regulations for building height and parking areas
- Include design standards that discourage "single-use" building types than do not lend themselves to adaptive reuse
- Include streetscape provisions which calm traffic specific to this district
- Provide a mandate for the amount of commercial and residential uses required
- Include provisions to make it responsive to existing commercial uses in the NSA

#### Background Information on Planning Efforts for the Northern Study Area

The Joint Planning Agreement (JPA) between the governments of Carrboro, Chapel Hill and Orange County formed the first regulatory framework designed to guide development in the NSA. It was adopted on November 2<sup>nd</sup>, 1987.

The JPA includes a land use map that identifies in the Carrboro planning jurisdiction, two regions known as Transition Area I and Transition Area II; these areas are then surrounded by regions known as Rural Buffer and University Lake.

Growth management is the primary goal of the JPA. The JPA addresses development timing as well; Transition Area I, which is closer to the Town city limits, be developed to a certain level of density before allowing development in Transition Area II, to encourage an orderly growth of infrastructure and services while providing a uniform urban-to-rural transition in the landscape.

The most comprehensive planning document concerning the management of future growth in Carrboro's NSA is the *Facilitated Small Area Plan for Carrboro's Northern Study Area* (NSA Plan) which was adopted by the Board on May 26<sup>th</sup>, 1998 and incorporated into the JPA in 1999. This plan was the result of facilitated community meetings and it goes much further than the JPA by describing specific desired outcomes for development in the NSA. The following two excerpts from the NSA Plan best characterize the overall tone of the plan:

**Small-Town Character**

- *Development in the study area should be consistent with the preservation of Carrboro's small-town character. Policies such as limiting roads to two lanes, encouraging plantings along roads, preserving historic areas and scenic vistas, and retaining unspoiled open spaces and other natural resources, will help to ensure that the features which make Carrboro an attractive community in which to live will continue to enhance the quality of life in the area in the future.*
- *Village-type development in the study area should be encouraged. This type of development blends residential and commercial opportunities, is easily negotiated by pedestrians, and includes focal points such as parks and other types of open space. In addition to preserving the small-town character of Carrboro and preserving a pedestrian-scale orientation, village-type development improves the Town's ability to provide services efficiently and would likely reduce the traffic impacts of new development.*

Both the ideas of "small-town character" and "village-type development" reflect the desired form of development promoted by NSA Plan. The Office/Assembly and Village Mixed Use "floating" conditional use districts encoded in the Land Use Ordinance (LUO) are two of the regulatory tools created in an attempt to realize this vision. The LUO was amended with these provisions in 1999.

In the NSA, the Village Mixed Use (VMU) and Office/Assembly (O/A) zones are considered "Conditional Use Zoning Districts" (a "floating" zone) which means that there are no areas proactively zoned VMU or O/A. Instead, these districts require the owner to submit, concurrently, the VMU or O/A rezoning request and Conditional Use Permit request concurrently.

The plans submitted must demonstrate compliance with the entirety of the VMU or O/A provisions in order to qualify for a rezoning. This requires considerable design and engineering efforts in the development of a plan without a guarantee that the rezoning will be approved.



The VMU ordinance can be considered in many ways a “form-based” code in that it presents standards that guide the site design and architecture of the development. Using historical villages as a template, the VMU reflects a “neo-traditional” design aesthetic requiring such components as a “storefront area” and a “village green”. It is further defined by a network of streets laid out as blocks that are expected to radiate from the village core. Since one 66 acre VMU has been approved, 284 additional acres can be rezoned to this district (a maximum of 350 acres is allowed at this time).

The O/A conditional use district is intended to provide for office, administrative, professional, research, and limited manufacturing uses in close proximity to an arterial street and is intended to provide employment near residential areas. It provides basic design standards intended to create buildings that are mainly “residential” in scale. In the NSA, this district can be anywhere from four to twenty acres in size; only a total of 25 acres of O/A district may be created throughout the Town.

Since the inception of these floating zones, *one* VMU, (Winmore) and *no* O/A districts have been created in the NSA. Meanwhile, residential development has continued in the NSA under the existing zoning districts. Because of Planning Board concerns that the goals of the NSA PLAN were not being realized, the Board of Aldermen established the *Northern Study Area Plan Implementation Review Committee* (NSAPIRC) in the spring of 2007.

member of the Commission who does not reside within the Town on the effective date of the amendment to this subsection shall be allowed to remain as a member of the Commission until that member's term expires and a successor has been appointed and qualifies.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this 18<sup>th</sup> day of September 2012:

Ayes: Dan Coleman, Sammy Slade, Lydia Lavelle, Mark Chilton, Michelle Johnson, Jacquelyn Gist, Randee Haven-O'Donnell

Noes: None

Absent or Excused: None

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**FOLLOW-UP REVIEW OF NORTHERN STUDY AREA DESIGN WORKSHOP  
PLANS WITH PRELIMINARY REZONING ANALYSIS**

The purpose of this agenda item was to present a follow-up report on the five concept plans produced by the citizen-teams during the Northern Study Area Design Workshop held at the Morris Grove Elementary School on February 26, 2011. This memorandum reviewed the details of the plans in an effort to advance the discussion of rezoning strategies for portions of the Northern Study Area (NSA).

Jeff Kleaveland, the Town's Zoning Development Specialist, made the report to the Board.

Alderman Gist stated that parking spaces need to be considered because most people will be driving to the area.

Alderman Slade requested parking information from Fearrington Village. He suggested that the Board think creatively in how to create another downtown in the NSA. He also would like the area to be developed as a "second downtown" and not a replica of Southern Village or Fearrington Village.

Alderman Coleman suggested that the Board refer the NSA concept plans and report to the Planning Board and that the Board postpone making a decision until they have been further informed by the Planning Board's discussion of this item. He also suggested that staff use principles from the current VMU to apply in the creation of a new zone.

Mayor Chilton suggested that traffic circles be considered at most of the intersections in the area to encourage a more pedestrian friendly design. He also suggested that the Town should consider encompassing more land in the possible rezoning. He stated that the transit service

will most likely become more robust after the project is developed and asked that this be considered during the development of building guidelines for the project. He also stated that he does not want a gas station/convenience store to be built at the intersection in the project.

Alderman Haven-O'Donnell also suggested referring this item to the Planning Board. She pointed out that designs from Teams 1 and 4 do not show the design with the NCDOT Eubanks Road realignment. She stated that those plans would have to be modified to align the traffic circle with the new intersection at Old 86 and Eubanks. She also noted that she wants design features that will prevent the project from becoming another Carrboro Plaza.

Alderman Lavelle stated that she would like for staff to investigate the creation of a "short B4" zoning district and for the Planning Board to review this project.

Alderman Gist stated that the Board agreed with the study of a new "short B4" zone that will be more secure for the developer and the surrounding community.

John Gantt, a resident of 1004 Karen Woods Drive, stated that the workshops did not provide a lot of opportunity for original ideas and that more opportunity is needed for public input in the project and zone type. He asked that the project preserve green space and that retail and commercial zoning should be considered over residential.

MOTION WAS MADE BY ALDERMAN HAVEN-O'DONNELL AND SECONDED BY ALDERMAN COLEMAN FOR THE REPORT TO BE FORWARDED TO THE PLANNING BOARD ALONG WITH THE BOARD'S COMMENTS. PLANNING STAFF SHALL ALSO CONSIDER THE CREATION OF A "SHORT B4" PRESCRIPTIVE ZONING DISTRICT. VOTE: AFFIRMATIVE ALL

[Alderman Coleman left the meeting.]

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**REVIEW AND DISCUSSION OF THE HISTORIC ROGERS ROAD  
NEIGHBORHOOD TASK FORCE INTERIM REPORT**

The purpose of this agenda item is to provide for Board review and discussion of the Historic Rogers Road Neighborhood Task Force Interim Report (HRRNTF).

Alderman Johnson introduced the interim report.

Rev. Robert Campbell stated that he worked with a subcommittee of the Board in the 1990's asking for sewer and water for the Rogers Road Community and that there is still no sewer service. He asked the Board to fund the sewer service in the area to help mitigate the negative effects from the landfill. He also asked the Board to help bring back the community center in the area.

Alderman Gist suggested that staff research a partnership between the school system and RENA so transportation can be provided and afterschool programming arranged so that the children are not without a community center during the current academic year. She