

Joint Review Advisory Boards

ITEM NO. _____

AGENDA ITEM ABSTRACT

MEETING DATE: June 2, 2016

TITLE: Proposed rezoning for property at 102 and 104 Fidelity Street from R-7.5 to R-2-CZ, and associated LUO text amendment

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: Part I. Rezoning A. Staff memo B. Petition for Change of Zoning C. Draft Ordinance for Rezoning D. Recommendation Template for Rezoning Part II. LUO Text Amendment A. Request for Text Amendment B. Draft Ordinance C. Recommendation Template	Tina Moon – 918-7325 Patricia McGuire – 918-7327

PURPOSE

The Town has received a request to amend the Land Use Ordinance and a petition to amend the zoning map in relation to two parcels on Fidelity Street, 102 and 104. The Board of Aldermen has set a public hearing date for Tuesday, June 28, 2016 to consider both of these requests. Advisory board review has been requested prior to the public hearing.

INFORMATION

In February 2016, the Town received a petition from Paul Snow to rezone two lots on Fidelity Street from R-7.5 to R-2-Conditional (R-2-CZ) to allow for the construction of six single-family residential units (the existing R-7.5 zoning would allow three units). The applicant has also requested a text amendment to the Land Use Ordinance to reduce the minimum lot size in the R-2-CZ district from 2,000 square feet to 1,500 square feet for architecturally integrated subdivisions on tracts containing at least 20,000 square feet. The existing density for the R-2 district of 2,000 square feet per dwelling unit would remain the same. The distinction between minimum lot size and minimum density is important. If the Board approves the text amendment the maximum number of residential unit would remain the same but the individual lots could be smaller, providing the applicant would more flexibility in the configuration of the lot lines to achieve certain design purposes such as to accommodate different homes sizes.

On May 24, 2016, the Board of Aldermen set a public hearing to consider the conditional rezoning and associated text amendment for June 28th. The Board must receive public comment before adopting amendments to the Land Use Ordinance (map and text). Advisory board review has also been requested.

Materials related to the rezoning, staff memo, petition for change of zoning, draft ordinance for map amendment and recommendation template are included as Part I (Attachments A through D). Information from the applicant such as draft conditions, a site plan and examples of potential building elevations are included with the petition for change for zoning. Materials related to the text amendment are included as Part II (Attachments A through C).

STAFF RECOMMENDATION

Staff recommends that advisory boards consider the rezoning proposal and determine whether such an action is consistent with Town policy and otherwise beneficial or desirable, and make a recommendation regarding its findings to the Board of Aldermen (Part I. Attachment D.). Staff also recommends that advisory boards review the draft ordinance and adopt a recommendation pertaining to the proposed amendment (Part II. Attachment C.).



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: HAND MAIL FAX EMAIL

To: Joint Review Advisory Boards

From: Tina Moon, Planning Administrator

Date: May 26, 2016

Subject: Rezoning Proposal – Approximately 0.6232 acres (27,146.59 square feet) located at 102 and 104 Fidelity Street

BACKGROUND

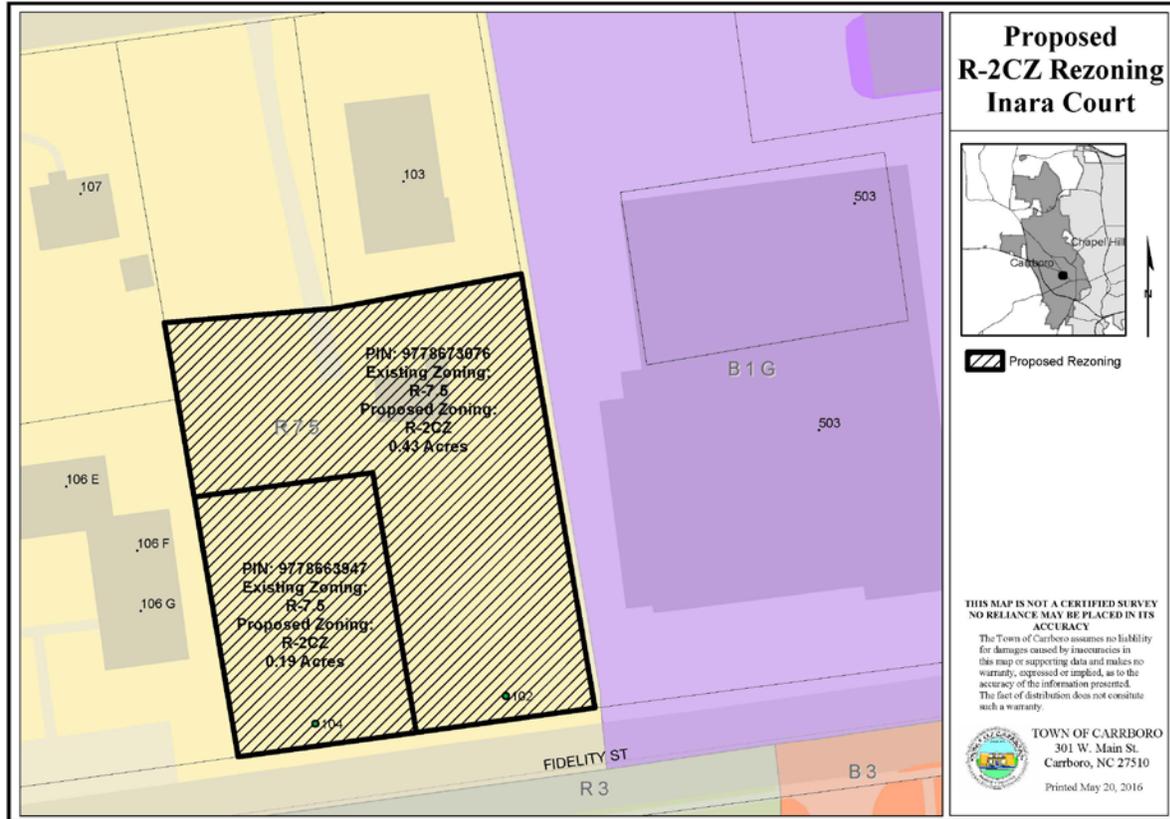
In February 2016, the Town received a petition from Paul Snow, of Fireswamp II LLC, and Yates Green LLC, to rezone two lots on Fidelity Street from R-7.5 to R-2-Conditional (R-2-CZ) to allow for the construction of six single-family residential units (the existing R-7.5 zoning would allow three units). The applicant has also requested a text amendment to the Land Use Ordinance to reduce the minimum lot size in the R-2-CZ district from 2,000 square feet to 1,500 square feet for architecturally integrated subdivisions on tracts containing at least 20,000 square feet.

OVERVIEW

Section 15-320 of the Land Use Ordinance (LUO) separates zoning map amendments into two categories--major and minor. This particular request involves fewer than five parcels of land and less than fifty acres overall. Per subsection 15-320 (b) the rezoning request is classified as a “minor map amendment.”

The subject property includes two parcels located on the north side of Fidelity Street, to the west of Bim Street and almost across the street from the White Oak apartment complex. The parcels are further identified as 102 and 104 Fidelity Street (PIN 9778-86-3076 and 9778-66-3947) encompassing approximately 0.6232 acres combined (27,146.59 square feet) and shown on the following chart and vicinity map.

Address	Lot	PIN	Existing Zoning	Proposed Zoning	Acreage
102 Fidelity	D	9778-67-3076	R-7.5	R-2-CZ	0.4327
104 Fidelity	C	9778-66-3947	R-7.5	R-2-CZ	0.1905



PETITIONERS/OWNERS

The subject property is owned by Paul Snow, a partner of Fireswamp II LLC and Yates Green LLC. Mr. Snow is also the developer for the proposed project.

Description of the Area

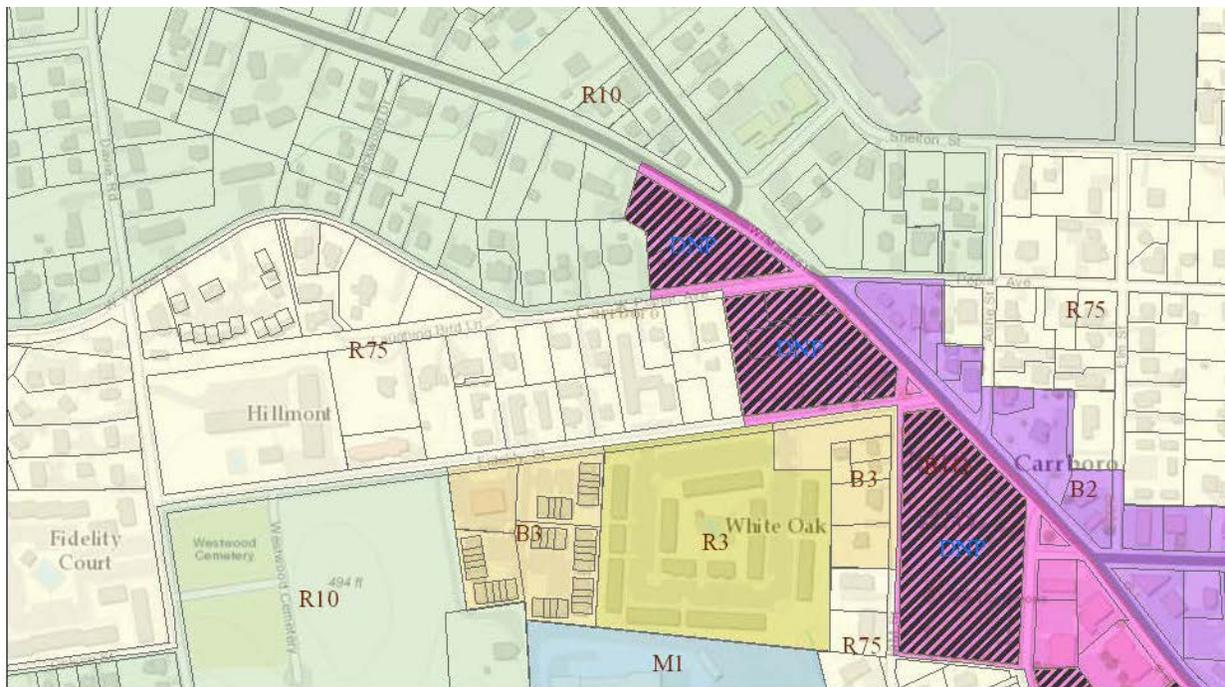
The table below shows the subject properties in underlined text and the surrounding properties, all with their current land uses. The proposed amendment would remove the current zoning district status of R-7.5 (Residential, 7,500 square feet per dwelling unit) and replace it with a new zoning district status of R-2-CZ (Residential 2, 000 square feet per dwelling unit, Conditional). For the most part the number and type of uses are similar for both districts. For example, some non-residential uses are permitted in both residential zoning districts, such as schools, churches, and libraries.

The main differences between the two districts are the minimum lot size, the density requirement, and the open space requirement. The proposed rezoning to R-2-CZ would allow up to 13 dwelling units with a 20 percent open space requirement. Three dwelling units are permitted under the current zoning. Due to the applicant’s plan for most of the units to be passive solar, only six units are proposed, a design feature which is also supported by the reduction in required open space.

Address	Zoning	Activity	Use
503 W. Main	B-1(G)	Brick commercial building	Indoor games, 6.110
<u>102 Fidelity</u>	R-7.5	Frame accessory building & shed	Single family residence, 1.110
<u>104 Fidelity</u>	R-7.5	Vacant	Single family residence, 1.110
105 Fidelity	R-3	Brick, White Oak Condominiums	Multi-family, 1.320
109 W. Poplar	R-7.5	Brick, Apartments	Multi-family, 1.330
105 W. Poplar	R-7.5	Vacant	Single family residence, 1.110
103 W. Poplar	R-7.5	Frame residence	Single family residence, 1.110

*Subject properties are indicated by underlined text.

A complete list of uses is described in the Permissible Uses Table in Section 15-146 of the Town of Carrboro Land Use Ordinances available at the following link. <http://nc-carrboro.civicplus.com/DocumentCenter/Home/View/691>.



COMPARISON OF ZONES

Residential District. R-7.5 is a residential district with a minimum lot size/density requirement of 7,500 square feet per dwelling unit. The proposed map amendment is for a general rezoning. All of the uses allowed in the R-7.5 zoning category would be allowed, subject to the appropriate land use permit (zoning permit, special use permit or conditional use permit). Permitted uses in the R-7.5 district include a range of residential activities, civic, community, recreational, utility uses, and day cares.

Residential District. R-2 is a residential district with a minimum lot size/density requirement of 4,000/2,000 square feet per dwelling unit. The R-2-CZ district is a conditional district, further described in Section 15-141.4. Conditional zoning districts are zoning districts in which the development and use of property so zoned is governed by the regulations applicable to one of the general use 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 a particular property. In accordance with Subsection 15-141.4 (d) the conditional zoning district petition may be approved with a list of conditions and site-specific standards to address the conformance of the development and use of the site. Section 15-181 of the Land Use Ordinance currently allows the minimum lot size to be reduced to 2,000 per lot in an architecturally integrated subdivision on a tract of at least 40,000 square feet. The applicant has submitted a request for a text amendment to allow that minimum lot size to be reduced to 1,500 square feet in an architecturally integrated subdivision on a tract of at least 20,000 square feet. If approved, the existing density for the R-2 district of 2,000 square feet per dwelling unit would remain the same. The distinction between minimum lot size and minimum density is important. The maximum number of residential unit would remain the same but the individual lots could be smaller, providing the applicant would more flexibility in the configuration of the lot lines to achieve certain design purposes such as to accommodate different homes sizes.

A conceptual site plan and illustrative rendering are included as part of a separate attachment. A draft list of conditions for the rezoning is also attached. Conditions for conditional zoning are linked to the rezoning, and must be mutually accepted by the Town and the applicant and will be binding. As the attached list is still being refined advisory boards may suggest additional conditions as part of their review comments. A draft ordinance for the rezoning has been prepared. If the text amendment and rezoning are approved, the applicant would follow with an application for a special use permit.

ANALYSIS

Policy

Carrboro Vision2020 presents the policies that are expected to guide the Town's growth and development through the year 2020. In the Petition for Change of Zoning the petitioners have provided responses in support of their assertion that the proposed zoning district classification is consistent with the Town's adopted plans and policies. Staff has identified the following sections of Carrboro Vision2020 that pertain to the request for rezoning:

2.0 DEVELOPMENT

Carrboro's development should take place in a manner consistent with a set of adopted values. Growth should occur in a balanced fashion, and at a rate that does not jeopardized the values set forth by Vision 2020. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

2.11 Avoidance of Adverse Effects on Public Health and Safety

Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

2.5 Balanced and Controlled Growth

2.52 The town should continue to require the construction of a diverse housing stock.

3.2 Downtown Vitality

3.28 Carrboro encourages a variety of appropriate residential developments – single-family, multi-family, SROs, et cetera – in the downtown especially as part of mixed-use developments.

3.6 Economic Diversity

3.63 The town should encourage the development of underutilized property in the downtown area.

6.1 Housing for a Diverse Population

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

6.15 The town should pursue the development of density bonus provisions for projects incorporating environmentally sensitive development and building practices.

CONSIDERATIONS

When considering a map amendment, the principal question before the Town is whether the rezoning advances the public health, safety, or welfare (Section 15-325). The project under review seeks approval of a map amendment to a conditional zoning district; the Board of Aldermen is to consider whether the proposed site plan and associated conditions is consistent with Town policies and interests. The review and approval of a request for conditional rezoning does not remove the need for issuance of a land use permit for the proposed use(s) and a subsequent permit application must demonstrate permit compliance unless an amendment to the Land Use Ordinance has been approved; conditions cannot relieve a project of compliance with the land use regulations. The text amendment request described above must be approved in order for the plan submitted with this conditional zoning map amendment request to be approvable. A complete permit review has not been completed as the details required with a conditional rezoning request are limited; staff has not identified any factors which would prevent later approval of a special use permit for a subdivision containing six dwelling units; a payment in lieu for active recreation facilities and open space may be required. Section 15-324 of the LUO requires that the Board adopt a statement describing the consistency of the amendment with an officially adopted plan and explaining why the action is reasonable and in the public interest.

Section 15-322 of the LUO also outlines the role of the Planning Board and other advisory boards to comment on proposed rezonings. Board comments should focus on whether the rezoning is consistent with adopted plans and policies. To aid in the preparation of boards remarks, the following LUO excerpts are attached: sections from Article IX, Zoning Districts and Zoning Map, define the existing and proposed zoning classifications and sections from Article XX, Amendments, describe the amendment process in more detail.

The Board of Aldermen cannot, at this time, technically and formally approve of the project beyond the conceptual level presented in the amendment request. It must be noted, however, that with the level of detail that has been provided (which may be considered reasonably necessary to discuss a project of this size and scope) regarding the building plan and likely development impacts, approval of the map

amendment with conditions and accompanying concept plan would effectively, and practically express support and acceptance for this project in its entirety and as presently represented.

ARTICLE IX

ZONING DISTRICTS AND ZONING MAP

PART I. ZONING DISTRICTS

Section 15-135 Residential Districts Established.

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. **(AMENDED 5/12/81; 12/7/83; 2/4/86)**

ARTICLE XX

AMENDMENTS

Section 15-320 Amendments in General

(a) Amendments to the text of this chapter or to the zoning map may be made in accordance with the provisions of this article, or in the case of nonsubstantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 09/01/87)**

(b) The term “major map amendment” shall refer to an amendment that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of fifty acres. All other amendments to the zoning district map shall be referred to as “minor map amendments.”

(c) All properties within the University Lake Watershed are zoned WR, B-5, WM-3 or C. As provided in Subsection 15-137(b), no additional areas may be rezoned WM-3 or B-5, and no areas within the University Lake Watershed may be rezoned to any classification other than WR, or C. **(AMENDED 10/15/96)**

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. 143-214.5. Copies of all amendments to Sections 15-265 or 15-266 shall be sent to the Division of Community Assistance, Division of Environmental Health, and Division of Water Quality. **(AMENDED 10/15/96)**

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 15-323 Hearing Required: Notice

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term “owners” shall mean the persons shown as owners on Orange County’s computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97; 3/26/02)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as

required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons.

(f) The planning staff shall take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(g) The notice required or authorized by this section (other than the posted notice required by subsection (e)) shall: **(AMENDED 11/24/09)**

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.
- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.
- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Board's intention that the notice requirements set forth in this section that are not required by state law shall not be regarded as mandatory, and therefore a failure to comply with such requirements shall not render any amendment invalid. **(AMENDED 11/24/09)**

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the Board of Aldermen that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Board of Aldermen that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 11/24/09)**

(j) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 15-323(i) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j).

If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a city-initiated zoning map amendment. **(AMENDED 11/24/09)**

Section 15-324 Board Action on Amendments (AMENDED 10/24/06)

(a) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt a statement describing whether its action is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plan officially adopted by the Board and explaining why the Board considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

(e) A Board member shall not vote on 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. (See also Carrboro Town Code Section 2-35).

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.

Section 15-326 Protests to Zoning Map Amendments (AMENDED 10/24/06).

(a) If a petition opposing an amendment to the zoning map is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the Board membership. For the purposes of this subsection, vacant positions on the Board and members who are excused from voting shall not be considered "members of the Board" for calculation of the requisite supermajority.

- (b) To trigger the three-fourths vote requirement, the petition must: **(AMENDED 11/26/85)**

- (1) Be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Town may rely on the Orange County tax listing to determine the "owners" of potentially qualifying areas. **(AMENDED 10/24/06)**
- (2) Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.
- (3) Be received by the town clerk in sufficient time to allow the town at least two normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.
- (4) Be on a form provided by the town clerk and contain all the information requested on this form.

(c) A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment.

(d) The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of this chapter as a result of annexation or otherwise.

TOWN OF CARRBORO



PETITION FOR CHANGE OF ZONING

PETITIONER:

Paul Snow, Partner, Fireswamp II, LLC & Yates-Greene, LLC

DATE:

02/05/2016

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from R-7.5 to CZ-R2 zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME Paul Snow, Partner, Yates-Greene, LLC
ADDRESS: 125 Kingston Drive, Suite 206, Chapel Hill, NC 27514
TELEPHONE #: (919) 929-9539

2. INTEREST IN PROPERTY (IES):
Owns both properties

3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: Lots C & D Fidelity Street, located on the north side of Fidelity Street west of O2 fitness facility. Roughly 300' west of Bim Street.

4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:

a. OWNER: Fire Swamp II, LLC

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE 0.1905 PARCEL: 9778663947
SUBDIVISION NAME: Fidelity Lot C FRONTAGE +/-74.36' DEPTH: +/-111.88'

EXISTING STRUCTURES AND USES:
Gravel path and pine trees.

b. OWNER: Fire Swamp II, LLC

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE 0.4327 PARCEL: 9778673076
SUBDIVISION NAME: Fidelity Lot D FRONTAGE +/-74.36' DEPTH: +/-183.87'

EXISTING STRUCTURES AND USES:
An old shed and trees. Trees are mostly pines.

c. OWNER: _____

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

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES:

d. 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
SEE ATTACHED	

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES ___ NO X
 IF "YES", WHEN? _____ To the best of our knowledge, current use has existed since well before 1979

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:

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

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

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

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

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 05 DAY OF February, 2016.

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.

PETITION FOR CHANGE OF ZONING - QUESTION 7

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

The Fidelity Lots property (AKA Inara Court, the subject of the rezoning) is located on the western fringe of Downtown Carrboro. The shopping, dining, cultural activities, Farmer's Market and other downtown locations are close by. Fidelity Street terminates into West Main Street just east of the property at O2 Fitness, a commercial (zoned: B1G with DNP overlay) parcel. To the east and southeast along W. Main Street are several commercial / business properties, including the Town office buildings. Directly south of the Fidelity Lots is White Oak Condominiums, a multifamily residential (zoned: R3) parcel. Directly west of the Fidelity Lots is an older apartment building (zoned: R7.5). Further west down Fidelity Street are multifamily developments (zoned: R7.5), an office building (zoned: B3) and some lots with homes (zoned: R7.5) (half of which have two houses on the same lot, one behind the other). To the north of the Fidelity Lots are two single lots. One is owned by the developer of the Fidelity Lots (103B West Poplar Avenue) and, though not included in this rezoning request, it will include a single model unit for the proposed project and will be crossed by a walking path that will link the Fidelity Lots to West Poplar Avenue. The walking path will either be an easement dedicated to the town or a permanent easement to allow pedestrian access for town citizens wishing to walk through Inara Court. The other home (103 West Poplar Avenue) is a bungalow that has been renovated and is owner occupied with additional rooms being rented (zoned: R7.5). Just beyond the two lots to the north are the Looking Glass Café and 605 West Main, a multi-story mixed use project (zoned: B1G with DNP overlay).

Overall, the proposed project which will be developed at roughly 10 units per acre and is congruent with the surrounding multifamily properties, and will serve as a transition between the denser commercial uses downtown and less dense uses further west. It's worth noting that almost 20% of the Fidelity Street frontage is improved with commercial properties including B-1G commercial uses directly east of the subject property, nearby to the north across Poplar Street and to the southeast on Fidelity Street. Over 70% of the Fidelity Street frontage is improved with residential properties that include a development density of over 5 units per acre. White Oak Condominiums, across the street from the subject are zoned R-3 and include a development density of over 14 units per acre. Although a number of properties along Fidelity Street are zoned R-7.5, including the apartments next door, they are actually developed at a higher density than current R-7.5 zoning would allow (only two R-7.5 properties on Fidelity Street would actually be conforming by today's zoning). Most of the properties are developed at 5+ units per acre, which is above the R-7.5 maximum allowable density. For example, the apartments directly west of the subject are zoned R-7.5, but are developed at a density of 13 units per acre. Clearly Fidelity Street is mostly multifamily and commercial in nature. The Fidelity Lots are at the more commercial end of Fidelity with dense residential development or commercial development on three sides.

The requested rezoning would change the site to an R-2 zoning designation, which is a multifamily zoning designation and is the best fit for the proposed project. An R-3 zoning designation would allow the subject density of development, but requires a 40% common/open space area, which is more suited to a suburban model and is not well suited to small infill developments downtown where many sites are too small to allow

for such large common areas. To be clear, R-2 does allow for a maximum building height of 50 feet, but no structure at the subject will exceed 38 feet in height.

Furthermore, this requested rezoning of the parcel from R-7.5 to R-2 would permit the implementation of infill projects on smaller, undeveloped parcels. As the Architecturally Integrated Subdivisions require public input during the review and entitlement process, this would allow for the Board to continue to encourage development that includes the Town's goals while enhancing the neighboring areas. This request would keep with the Carrboro Vision 2020.

A map showing the surrounding development is included as part of this attachment.

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

The Fidelity Lots site, without a rezoning would likely accommodate two to three large houses on single lots surrounded by dense development. Given the character of Fidelity Street and the goals of the 2020 Plan, this would be an underutilization of the parcel and would work contrary to the goals of the Plan, since it would decrease development density and allow for less walkable dwellings downtown. The Fidelity Street Lots site is an ideal infill parcel for rezoning that is walkable to downtown, located on a street with primarily multifamily uses, has no major barriers to redevelopment and will be underutilized with the current zoning.

Inara Court is designed to specifically meet the goals of the 2020 plan. It comprises six units, a density that is in line with adjacent properties that include residential development densities of 13+ units per acre. Each unit will be built on an individual "0 lot line" single family lot, which will encourage home ownership rather than rental. The majority of the units will be parallel to Fidelity Street and will be accessed by Inara Court, which will be perpendicular to Fidelity and run uphill towards Poplar. The unit front doors will easily access sidewalk on Firefly that ties the project to Fidelity Street and the walking trail connector that allows pedestrian connection between Poplar Avenue and Fidelity Street. The design of the units, long and narrow with deep side yards, allows for customization of the units and makes five of the six units well suited towards passive solar design. Units will range in size from roughly 1,500 to 2,000 square feet. No garages are used in the design since they would increase impervious surface, make the project less inviting visually and not congruent with the neighborhood character.

The R-2 zoning district is designed to provide dense multifamily housing with minimal common areas. The subject site is small and extensive common areas or large setbacks are not possible without creating four story buildings, which neighbors feel would be adverse to the neighborhood character. R-2 would allow the project, a combination of attached and detached housing, which is ideally suited to the site. As discussed earlier, the R-3 zoning district common area requirements make it ill-suited to downtown infill development.

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

The Fidelity Lots site is already surrounded on three sides by multifamily and commercial property. These properties would not be negatively impacted by a small project congruent to other uses on the street. Other properties nearby to the west, south and east would also not be negatively affected by a project congruent

to the character of Fidelity Street. As Inara Court is targeted towards home ownership, it may increase surrounding values by showing more variety in development since many new homes are rental in nature.

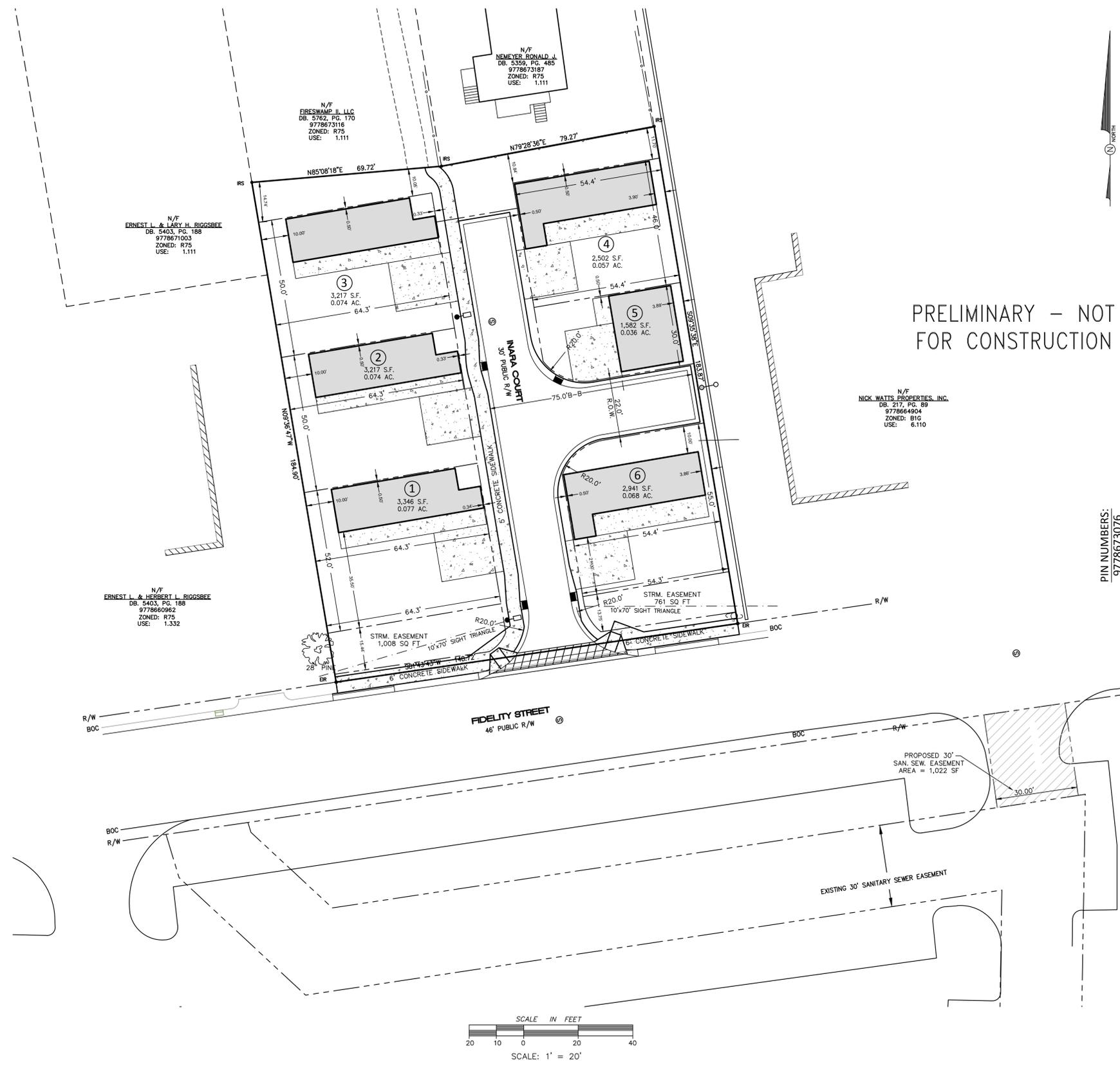
The empty lot located to the north of the Fidelity Lots (103 West Poplar Avenue) has the same ownership as the project. It was specifically left as a single family lot to preserve the character of West Poplar Avenue, which west of Looking Glass Café and 605 West Main is less densely developed with primarily single-family homes.

The home to the north at 103 West Poplar is adjacent to O2 Fitness to the east and Looking Glass Café to its north. The lot to the west, owned by the Fidelity lots ownership, will be improved with an attractive appropriately sized dwelling that will be well suited to the nature of West Poplar Avenue. This property's value will not be adversely affected by having a congruent project located behind. It is very important to note that no buildings in the Fidelity Lots project will be greater in height than 38 feet, which is a typical residential home height limit.

7(d). In what way does the rezoning encourage the most appropriate use of the land in the Planning Jurisdiction?

It is the intent of the development to include one (1) cottage development of less than 1,300 square feet in total building size. Furthermore, the overall development strives to integrate green building initiatives, efficient low maintenance and passive solar design. As discussed above, the current R-7.5 zoning would only allow for a house on Lot C (the western lot) and Lot D would likely be developed with one house at the frontage and another behind to maximize the potential. This would be an underutilization of the land that would be contrary to the goals Carrboro laid out in the 2020 Plan. This type of underutilization of land is dangerous to the Town's long-term plans as it takes parcels "out of play" and out of the Town process where future development can be guided towards the goals of the Town.

The 2020 Plan suggested "town policy should accommodate a variety of housing styles, sizes, and pricing. It should also address issues of density, funding, and rezoning to allow for more non-detached housing, mixed use development, and communal living options." The Plan also states an intent to, "encourage the development of underutilized property in the downtown area". The proposed housing associated with the subdivision will range in size from 800 – 2,400 square feet, with an estimated base price of \$250 per square foot.



PRELIMINARY – NOT FOR CONSTRUCTION

PIN NUMBERS:
9778673076
9778663937

REZONING CONCEPTUAL PLAN

INARA COURT – FIDELITY STREET CONDITIONAL REZONING

TOWN OF CARRBORO
NORTH CAROLINA

SCALE: 1" = 20'

DRAWN BY: DC

CHECKED BY: JJB

DATE: 5/24/2016

PROJECT NO.: 511501

DRAWING NO.: C853SP03

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REVISIONS
1. 05/12/2016: LOT DESIGN
2. 05/24/2016: PER TOWN COMMENTS

SHEET C-1

OF 1

OWNER:
ANALYTICAL CONSULTANTS
125 KINGSTON DRIVE, SUITE 206
CHAPEL HILL, N.C. 27514
(919) 929-9539

ENGINEERS
PLANNERS
SURVEYORS

PHILIP POST & ASSOCIATES

A Division of Pennoni
Firm License F-1267

101 Providence Rd. #200
Chapel Hill, NC 27514
919.929.1173
919.493.2800

N/F
ERNEST L. & LARRY H. RIGGSBEE
DB. 5403, PG. 188
9778671003
ZONED: R75
USE: 1.111

N/F
FIRESWAMP II, LLC
DB. 3762, PG. 170
9778673116
ZONED: R75
USE: 1.111

N/F
NEMEYER RONALD J.
DB. 5359, PG. 485
9778673187
ZONED: R75
USE: 1.111

N/F
NICK WATTS PROPERTIES, INC.
DB. 217, PG. 89
9778664904
ZONED: B1G
USE: 6.110

N/F
ERNEST L. & HERBERT L. RIGGSBEE
DB. 5403, PG. 188
9778660962
ZONED: R75
USE: 1.332



May 24, 2016

Via Hand Delivery

Town of Carrboro Planning Department
301 W. Main Street
Carrboro, NC 27510

Attention: Planning Staff

**RE: Proposed Inara Court Subdivision
Conditional Rezoning
102-104 Fidelity Street
Town of Carrboro
Orange County, NC**

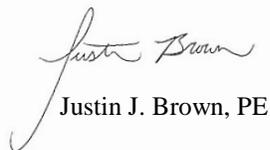
Dear Sir or Madam:

Philip Post & Associates, a Division of Pennoni; on behalf of Fire Swamp II & Yates-Greene, LLC, hereby submits the following draft conditions of approval in connection with the Conditional Rezoning application:

1. Maximum building height will not exceed thirty-eight (38) feet.
2. To permit the off-site trail to West Poplar Avenue to serve as recreational point credits as it relates to the proposed development. The property to the north is being developed by the applicant and is to serve as a model home for the proposed development within the subject property.
3. To permit the provisions of the walking/biking path connection to Poplar Ave to serve as playground recreation points. The property to the north is being developed by the applicant and is to serve as a model home for the proposed development within the subject property.
4. Section 15-216 (e): To permit a right-of-way width of thirty (30) feet along Inara Court and a twenty-two (22) feet right-of-way within the branch turnaround.
5. To provide twenty (20) percent tree canopy coverage in order to provide passive solar technology on a minimum of five (5) lots within the development.

During your review of the above, should you have any questions, please do not hesitate to contact me directly at our office (919) 929-1173. We respectfully request your timely attention to this request.

Sincerely,


Justin J. Brown, PE

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 0.6232 ACRES OF THE PROPERTY KNOWN AS 102 & 104 FIDELITY STREET FROM R-7.5 TO R-2-CZ

Draft 05-27-2016

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property being described on Orange County Tax Maps as:

Chapel Hill Township, 102 and 104 Fidelity Street (PIN 9778-86-3076 and 9778-66-3947) encompassing approximately 0.6232 acres combined (27,146.59 square feet) as shown on the accompanying map titled "Proposed Rezoning R-2CZ," is hereby rezoned from R-7.6 (Residential, 7,500 square feet per dwelling) to R-2-CZ (Residential, 2,000 square feet per dwelling unit, conditional).

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

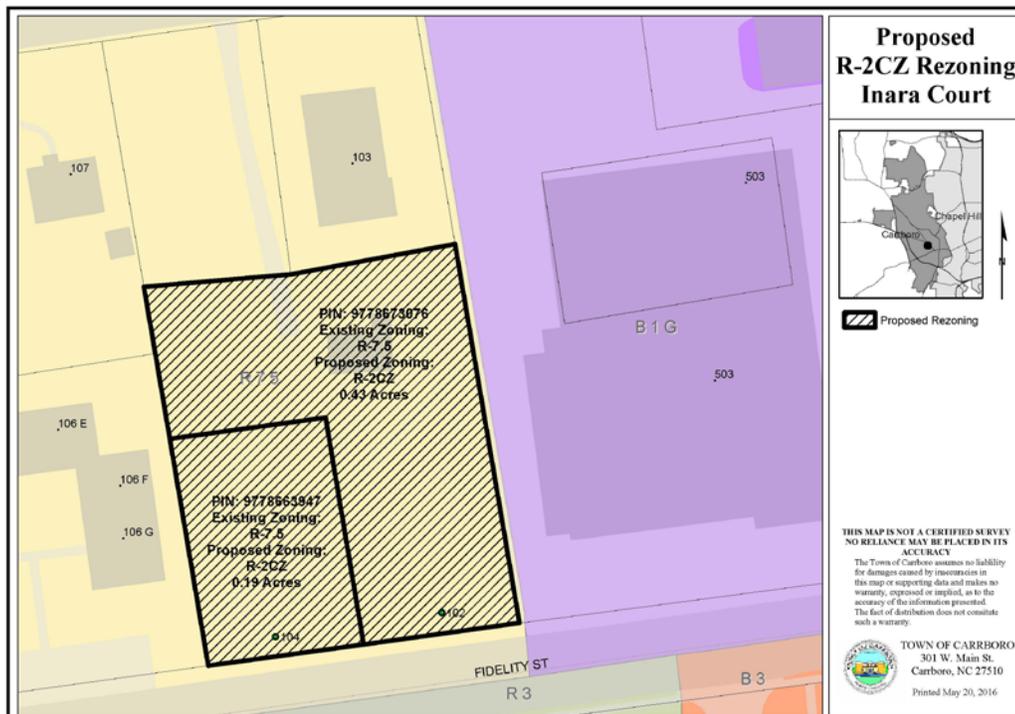
SECTION 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this ____ day of _____ 2016:

AYES:

NOTES:

ABSENT OR EXCUSED:





TOWN OF CARRBORO

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

JUNE 2, 2016

102 & 104 Fidelity Street – Conditional Rezoning to R-2CZ

Motion was made by _____ and seconded by _____ that the _____ recommends that the Board of Aldermen _____ the draft ordinance.

VOTE:

AYES: ()

ABSENT/EXCUSED: ()

NOES: ()

ABSTENTIONS: ()

Associated Findings

By a unanimous show of hands, the _____ membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by _____ and seconded by _____ that the _____ of the Town of Carrboro finds the proposed map amendment _____ consistent with *Carrboro Vision 2020*, particularly the following provisions:

2.0 DEVELOPMENT

Carrboro’s development should take place in a manner consistent with a set of adopted values. Growth should occur in a balanced fashion, and at a rate that does not jeopardized the values set forth by Vision 2020. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

2.11 Avoidance of Adverse Effects on Public Health and Safety

Infill development should take place in a manner that fulfills the town’s goals and enhances neighboring areas. The town should develop policies that mitigate

the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

2.5 Balanced and Controlled Growth

2.52 The town should continue to require the construction of a diverse housing stock.

3.2 Downtown Vitality

3.28 Carrboro encourages a variety of appropriate residential developments – single-family, multi-family, SROs, et cetera – in the downtown especially as part of mixed-use developments.

3.6 Economic Diversity

3.63 The town should encourage the development of underutilized property in the downtown area.

6.1 Housing for a Diverse Population

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

6.15 The town should pursue the development of density bonus provisions for projects incorporating environmentally sensitive development and building practices.

The _____ furthermore finds that the above described amendment is reasonable and in the public interest because it uses a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

VOTE:

AYES:

ABSENT/EXCUSED:

NOES:

ABSTENTIONS:

(Chair)

(Date)

TOWN OF CARRBORO

LAND USE ORDINANCE AMENDMENT REQUEST



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

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

1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):

Article XII Section 15-181: Minimum Lot Size Requirements - R-2 zone requires a minimum 4,000 square feet lot that size may be reduced to 2,000 square feet in an architecturally integrated subdivision on a tract of at least 40,000 square feet.

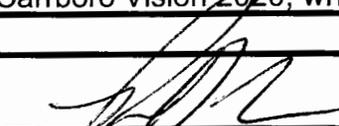
2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):

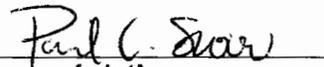
Article XII Section 15-181: Minimum Lot Size Requirements - R-2 zone requires a minimum 4,000 square feet lot that size may be reduced to **1,500** square feet in an architecturally integrated subdivision on a tract of at least **20,000** square feet.

3) State the reasons for the proposed amendment:

This requested reduction of the necessary minimum overall lot size requirements in order to satisfy the reduction of subdivided lots to a minimum of 1,500 square feet would permit the implementation of infill projects on smaller, undeveloped parcels. As the Architecturally Integrated Subdivisions require public input during the review and entitlement process, this would allow for the Board to continue to encourage development that includes the Town's goals while enhancing the neighboring areas. This request would keep with the Carrboro Vision 2020, which encourages the development of under-utilized land parcels.

SIGNATURE:


applicant


{print}

ADDRESS:

125 Kingston Drive, Suite 206, Chapel Hill, NC 27514

TELEPHONE NUMBER:

(919) 929-9539

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
REDUCE THE MINIMUM LOT SIZE REQUIREMENT FOR R-2-CZ IN
ARCHITECTURALLY INTEGRATED SUBDIVISIONS

Draft 5-26-2016

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-181 (Minimum Lot Size Requirements) of the Carrboro Land Use Ordinance is amended by adding a new subsection (d), to read as follows:

(d) The minimum lot size requirement within the R-2-Conditional district (R-2-CZ) may be reduced to 1,500 square feet in an architecturally integrated subdivision (AIS) on a tract containing at least 20,000 square feet.

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

Section 3. This ordinance shall become effective upon adoption.



TOWN OF CARRBORO

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

JUNE 2, 2016

Land Use Ordinance Text Amendments to Reduce the Minimum Lot Size Requirement for R-2-CZ District in Architecturally Integrated Subdivisions

Motion was made by _____ and seconded by _____ that the _____ recommends that the Board of Aldermen _____ the draft ordinance.

VOTE:

AYES: ()

ABSENT/EXCUSED: ()

NOES: ()

ABSTENTIONS: ()

Associated Findings

By a unanimous show of hands, the _____ membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by _____ and seconded by _____ that the _____ of the Town of Carrboro finds the proposed text amendment _____ consistent with *Carrboro Vision 2020*, particularly the following provisions:

2.1 Avoidance of Adverse Effects on Public Health and Safety

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

2.5 Balanced and Controlled Growth

2.52 The town should continue to require the construction of a diverse housing stock.

3.2 Downtown Vitality

3.28 Carrboro encourages a variety of appropriate residential developments – single-family, multi-family, SROs, et cetera – in the downtown especially as part of mixed-use developments.

6.1 Housing for a Diverse Population

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

The _____ furthermore finds that the above described amendment is reasonable and in the public interest because it reduces the minimum lot size creating opportunities for more diverse housing options as part of conditional zoning, a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

VOTE:

AYES:

ABSENT/EXCUSED:

NOES:

ABSTENTIONS:

(Chair)

(Date)