



Town of Carrboro
Northern Transition Area Advisory Committee

NTAAC
Joint Review
Thursday, May 23rd, 2016
MINUTES
8:00 pm, break room
Town of Carrboro Town Hall

Committee Members: Amy Jeroloman, Anahid Vrana, Jeanette Moore, Jay Bryan, Bethany Chaney
Staff Present: Tina Moon

1. **Revised FLX district review:**

- a. *The committee reviewed the revised FLX district and engaged in a broad discussion. No actions were taken. The question arose as to whether the ordinance formally is referred to the advisory boards for review. Staff confirmed that it does in a few different places in the ordinance at different stages of the process. While Staff stated that all rezonings by procedure require review by advisory boards, Bryan expressed an interest in making this requirement more explicitly described. Staff referred also to the section that grants the Board of Aldermen the authority to “direct additional processes be followed to obtain additional public input on the proposal before setting a date for the legally required public hearing.”*
- b. *Bryan felt that the NTAAC should be part of any advisory board review for all applications. Chaney stated that the Board has the discretion to refer projects to any advisory board. Vrana felt that being automatically referred to the NTAAC during FLX rezonings was important because the project would set precedents that could in the future impact the Northern Study Area. Staff reviewed the specific LUO charge of the NTAAC which specifically limits the geographic area of their jurisdiction. Staff stated that the committee can request this provision be included; it will be up to the Board and attorney’s to decide whether these things can be incorporated.*
- c. *Bryan was interested the EAB’s response to the FLX district with respect to the lack of specificity within the plan. Staff recounted that the flexibility of the ordinance does not mean that such an application will be insufficiently detailed. On the contrary, they will be obliged to adequately address the health, safety and welfare provisions of the LUO, which include stormwater and environmental performance standards.*
- d. *Chaney read the EAB recommendations for the FLX proposal aloud; they specifically request that the applicant provide the necessary information and details to enable the EAB to provide a sound recommendation.*
- e. *Bryan remarked that the site plan requirements of the FLX are not terribly specific; Staff referred the committee to section b which requires a conceptual master plan. He felt that this could create an ambiguous situation whereby the conceptual master plan produced by the Charrette could be insufficiently predictive of the applicant’s intentions. Moore opined that, it seems like, without the CUP process, it looks like this puts the Board into the position of having to assess the completeness of the application without the guidance of the CUP requirements.*

- f. *Bryan asked whether there would be included “non-residential performance standards”. Staff replied that such standards would be an outgrowth of the public participation/review process. Regarding traffic impacts, staff suggested that the applicant would provide a “transportation budget” that would reflect use intensity and roadway improvements. Moore mentioned the proposed middle school, when constructed, will have a significant impact on the NTA. The group digressed into the varied trials in dealing with accessing NC86 from their respective properties. The mowing of grass was mentioned.*
- g. *Bryan mentioned the lighting ordinance and wondered if this would be applied toward the application. Staff referenced item (e) which applies all sections of the LUO toward the application. The applicant could specifically request relief from certain sections but would have to provide detailed justification.*
- h. *Vrana wondered if the FLX process wouldn’t be equally as difficult as a CUP. Staff stated that the FLX district would be quite different in that it would lock the developer into a design. The benefit of the FLX is that it “front -loads” public participation in a way that the CUP process does not do.*
- i. *The group discussed the five years that have passed since the charrette for the Zinn property took place. There was a brief discussion as to how this might be handled by the Board.*

2. Other Business:

- a. *None, meeting adjourned.*

4/6/2016 NTAAC (Northern Transitional Area Committee) offers the following comments concerning FLX Zoning.

1) *The current version of the FLX Zoning Ordinance continues to lack specificity to establish performance standards. The NTAAC believes performance standards are necessary if the safe guards of the CUP (Conditional Use Permit) process are removed. Here are some examples of the language about character aspects we are recommending:*

- The preservation of open space, scenic vistas, agricultural lands and natural resources within the Town of Carrboro and its planning jurisdiction and to minimize the potential for conflict between such areas and other land uses;
- The creation of a distinct physical settlement surrounded by a protected landscape of generally open land used for agricultural, forest, recreational and environmental protection purposes.
- Dwellings, shops, and workplaces generally located in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the development.
- Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner.
- A generally rectilinear pattern of streets, alleys and blocks reflecting the street network in existing small villages which provides for a balanced mix of pedestrians and automobiles.
- Squares greens, landscaped streets and parks woven into street and block patterns to provide space for social activity, parks and visual enjoyment.
- Provision of buildings for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community.
- A recognizable, functionally diverse, but visually unified development focused on a neighborhood green or square.
- Development of a size and scale, which accommodates and promotes pedestrian travel rather than motor vehicle trips within the development.

2) *The current version of the FLX Zoning Ordinance also lacks specificity to define and guide the site specific study. The NTAAC recommends that this be a charrette process with facilitation and notification of the public clearly defined. Guidelines will help ensure that the facilitator is qualified, the process can result in a high quality product, there will be outreach to area residents and appropriate follow up with the participants. (The majority of NTA residents do not live in areas with homeowner associations or neighborhood watches, and most residential areas lack density all which makes it challenging to communicate any public hearing or notice of a site specific planning event in order to obtain public input and notification for this rural audience.) We therefore offer this additional language:*

- term “site specific planning study” shall be established as follows:
- The study shall be structured as a charrette of a minimum of one to two days duration or more as determined by the facilitator and a committee comprised of the chair or designee of the Northern Transition Areas Advisory Committee, chair or designee of the Planning Board, and a member of the town staff;
- The charrette shall be conducted and managed by a qualified facilitator (from the Dispute Settlement Center of Orange County) with no ties to the town, any developer, the applicant, the owner of the property being studied, or the development community;
- The facilitator shall be recommended to the Board of Aldermen for approval by the aforementioned committee;

- The agenda for the charrette shall be established by the aforementioned committee and the facilitator; and shall include background information about the site from the town as to soils, wetlands and other environmental constraints, current zoning and uses, etc. in sufficient detail so that the participations can review and discuss proposed FLX development. This background shall be presented at the first day of the charrette and any concerns or issues about any proposed FLX development shall be addressed in the second day of the charrette. The results of the charrette shall be the foundation of a Master Plan (the formal development concept plan) which shall be submitted with the application for FLX zoning district.
- A minimum of sixty (60) day notice shall be given by Town staff to all residents in the Northern Study Area and the town of Carrboro in accordance with the provisions of the Town's Land Use Ordinance, and at a minimum to all residents living within one thousand (1000) feet of the tract being studied, and to the homeowners' associations of any subdivisions located within two miles of the tract being studied;
- The facilitator shall be responsible for preparing a final report of the results of the charrette including but not limited to the requirements of the check list;
- In a public meeting properly noticed, attendees to the charrette shall be allowed the opportunity for input into the draft of the facilitator's report before its distribution and finalization.

3) *The NTAAC is concerned that the site specific study and its report be recent and therefore recommends the following language for any study that is more than 5 years old and if consensus is not achieved between the public and the FLX applicant/developer. In addition, traffic issues and congestion impacts the quality of every citizen's life. That being said, old Hwy 86 continues to have structural constrains that remained unaddressed by DOT, yet the current FLX zoning and checklist fails to mention any traffic mediation. We therefore recommend:*

- The original site specific study participants shall be contacted and the updated **master plan** (the formal development concept plan) provided along with a summary of the changes/revisions that have occurred since the site specific study was conducted. This summary shall include but not be limited to any other adjacent developments, the objectives, concerns of the participants and adjacent neighborhoods, and how FLX district would fulfill these concerns. (For example, the planning study participants expressed overwhelming support for transit connections and internal pedestrian networks, the proposed FLX District, could include transit stops with shelters along both arterials access roads and a series of paved pedestrian paths that link to the main meandering boulevard. These features are shown on the accompanying **master plan**.)
- The updated **master plan** shall be made available to the public for a minimum of sixty 60 days. The original site specific study participants and the public shall be able to provide comments/feedback on the updated **master plan** during this 60 day period. These comments and or concerns must be included and addressed in the FLX application and made available to the public.
- A recent (within 3 years) traffic study and a traffic impact analysis shall be included. The **master plan** must demonstrate how the project will mitigate any traffic impacts in the area, including but not limited to how the project will connect to adjacent neighborhoods.

4) *The NTAAC recommends that the language of the FLX checklist be incorporated into the ordinance so that it can be used as a measureable performance standard. We therefore suggest the following:*

- The **master plan** shall address the **recommendations of the charrette** and shall show, through a combination of graphic means and text (including without limitation proposed conditions to be included in the conditional use permitting process for the proposed development):
 - a) The location, types, and densities of residential uses;
 - b) The location, types, and maximum floor areas and impervious surface areas for non-residential uses;
 - c) The location, orientation, and design of buildings, parking areas, recreational facilities, and open spaces in realistic dimensional proportion;
 - d) Specifications and standards for the internal circulation system serving vehicular, bicycle, and pedestrian traffic, including a statement as to whether such facilities will be dedicated to the Town;
 - e) A recent (within 3 years) traffic study and a traffic impact analysis shall be included. The **master plan** must demonstrate how the project will mitigate any traffic impacts in the area, including but not limited to how the project will connect to adjacent neighborhoods.
 - f) How the development proposes to minimize or mitigate any adverse impacts on neighboring properties and the environment, including without limitation impacts from traffic and storm water runoff; and
 - g) All infrastructure improvements proposed to be constructed in conjunction with the development of the property zoned FLX (including but not limited to improvements to adjoining streets) together with a schedule that links construction of such improvements to the development of the property.
 - h) The extent to which, and the manner in which, development within the tract zoned FLX will be required to meet the goals of Low Impact Design and or exceed the standards for LEED gold certification.

5) *The NTAAC recommends the following additional language concerning the Advisory Boards and their participation in the FLX.*

- The planning board, Northern Transition Advisory Committee, Appearance Commission, Environmental Advisory Board, Transportation Advisory Board (and other advisory boards to which the Board of Aldermen may refer the application) shall review the proposed **master plan** at the same time it considers the applicant's rezoning request. In response to suggestions made by the planning board (or other advisory boards), the applicant may revise the **master plan** before it is submitted to the Board of Aldermen.