



TOWN OF CARRBORO  
**PLANNING BOARD**

*301 West Main Street, Carrboro, North Carolina 27510*

*7:30 P.M.*

*TOWN HALL BOARD ROOM*

**A G E N D A**

**THURSDAY, MAY 16, 2019**

<b>Item</b>	<b>Topic/Action</b>	<b>Person/Agency</b>	<b>Time (Approx)</b>
<b>I.</b>	<b>WELCOME/AGENDA ADJUSTMENTS</b>	Chair	7:30
<b>II.</b>	<b>APPROVAL OF MINUTES</b>		
	A) May 2, 2019	Chair/Planning Board	7:35
<b>III.</b>	<b>OTHER MATTERS</b>		
	A) Finalize Comments on Draft LUO Text Amendment relating to Civic Assembly at VMU Developments	Chair/Planning Board	7:40
<b>IV.</b>	<b>ADJOURNMENT</b>	Chair	8:30

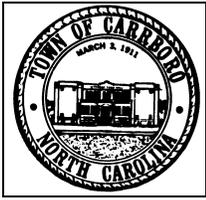
Materials (PDF copies to be distributed separately via email):

**PUBLIC COMMENT AT PLANNING BOARD MEETINGS**

If members of the public wish to address the Planning Board, a time will be provided during the meeting. Speakers may address the Board only after being recognized by the Chair and only from the podium, subject to a three-minute time limit.

***TOWN HALL IS ACCESSIBLE FOR PERSONS WITH DISABILITIES.***

***FOR MORE INFORMATION, CONTACT STAFF AT 919-918-7325.***



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

THURSDAY, MAY 2, 2019

MEMBERS		GUESTS	STAFF
Catherine Fray	Rachel Gaylord-Miles	Eric Chupp	Tina Moon
Braxton Foushee	Jaye Meyer	Ed Lamas	Marsha Pate
Andrew Whittemore	David Clinton	Chris Howler Dan Jewell	Marty Roupe Jeff Kleaveland

Board Liaison: Barbara Foushee, Sammy Slade

Absent/Excused: Susan Poulton

Catherine Fray opened the meeting at 7:40 and facilitated.

Tina Moon, the Planning Administrator for the Town made an announcement regarding the second drop-in session/public hearing for the Jones Creek Greenway now at 30 percent design. The drop-in will be held on Tuesday, May 7 at the Morris Grove Elementary School from 5:00PM to 6:30PM and will be followed by the public hearing held at Town Hall as part of the Board of Aldermen meeting starting at 7:00PM.

**I. AGENDA ADJUSTMENTS**

There were no adjustments to the agenda.

**II. JOINT REVIEW ITEMS**

**A) Review of Concept Plan for 201 North Greensboro Street**

Marty Roupe, Development Review Administrator for the Town provided a brief overview of the project and the role of the concept plan as part of the development review process, including the following key points:

- Applicants are required to provide a concept plan for advisory board review prior to the submittal of a formal application; therefore staff have not yet reviewed the proposal with regard to compliance with the ordinance.
- The applicant provides a brief presentation to all of the advisory boards and can address questions as appropriate. After the break, advisory board members can request that the applicant attend their respective board to provide more detailed information and/or answer questions.
- The applicants are required to provide written responses to all of the advisory board questions/comments as part of their formal application. This information, why the

1 applicant addressed a comment, or did not address a comment, is included in the Board  
2 packet when the projects goes to public hearing.

3  
4 The applicant, Ed Lammas, with Beacon Properties Group presented the concept plan for  
5 the proposal to construct a three-story commercial building at 201 North Greensboro Street.  
6 As shown, the building would be positioned along the eastern end of the property, fronting  
7 North Greensboro Street and West Weaver Street with its main entrance at the corner. The  
8 existing surface parking would remain. Lammas described the project as “pedestrian  
9 focused” with possibilities, depending on the tenants, to open the ground-level floor with  
10 large, operable overhead type doors that could be opened to create a veranda type  
11 experience for patrons—most likely diners that would interact with the streetscape. The  
12 tenants have not yet been selected by will likely include a mixture of restaurant/office uses  
13 available by lease. Parking for the office uses would likely be assigned and located toward  
14 Center Street. Lammas answered questions from attendees regarding possible design  
15 features such as the use of impermeable paving in the parking area and the sensitivity to the  
16 neighbors on Center Street regarding the placing of the lot and building. Other advisory  
17 board comments included consideration for a “green roof,” clarification of the location for  
18 the main entrance—toward the sidewalk or the parking area, questions about the parking  
19 lot circulation and whether there would be interest in working with local businesses to  
20 share parking, such that office workers would park off-site freeing up the spaces on-site for  
21 visitors or other patrons for the downtown. The applicant was also asked to consider  
22 integrating solar into the project.

23  
24 **B) Draft LUO Text Amendment relating to Civic Assembly at VMU Developments**

25 Moon made the staff presentation including a short history of the Village Mixed Use  
26 District and the specific objectives that a VMU development is intended to provide. The  
27 draft ordinance addresses one aspect of the objectives, provision #7 which speaks to the  
28 need to create a space for civic assembly. The language in the ordinance refers to  
29 providing this space within a building subject to certain criteria. The text amendment  
30 request was to include language to allow civic assembly to occur in a less formal type  
31 setting such as an open structure or outdoor space. The second component of the draft  
32 ordinance in the supplementary regulations relating to VMU developments and clarifies  
33 that such civic assembly spaces can be within open space or common areas owned and  
34 managed by the homeowners association.

35  
36 The applicant for the text amendment, Eric Chupp, provided some history of the Winmore  
37 development, the only development constructed under the VMU provisions. Chupp noted  
38 some of the concepts that the developers have used to try to develop a facility in a building  
39 on the lot designed for the civic assembly use over the last several years, noting that the  
40 parking limitations (11 spaces) made the use of the lot challenging. The homeowners  
41 association (HOA) has little resources and found it difficult to maintain a building,  
42 including the former Andy Griffith house, which the HOA requested to be torn down.  
43 Chuff notes his hope that the elimination of the requirement of having the civic assembly  
44 space in a building would provide other alternatives for the community. For example the  
45 HOA could create an amphitheater or similar gathering space as an extension of the pool  
46 area, which currently serves as the main gathering place for the Winmore community. The

1 area currently designated for the civic assembly space could be used for another purpose  
2 such as condominiums. Planning Board members asked about using the civic assembly  
3 space lot for the construction of affordable housing at 30% AMI. Chupp noted that  
4 Winmore exceeds the affordable housing requirement and expressed the opportunity for a  
5 residential project to contribute to the tax base.  
6

7 **C) Draft LUO Text Amendment relating to Stormwater Management**

8 Tina presented the changes to Article XVI, Part II which is to eliminate the specific  
9 references to state environmental agencies whose names have changed.  
10

11  
12 *Fray concluded the Joint Review portion of the meeting at 8:35 PM.*  
13  
14

15 **III. APPROVAL OF MINUTES**

16 Foushee moved to approve the April 18th minutes with one minor correction; Rachel  
17 Gaylord-Miles seconded the motion. The vote was unanimous: AYES (6) Fray, Clinton,  
18 Gaylord-Miles, Meyer, Foushee, and Whittemore.  
19

20 **IV. Other Matters**

21  
22 **A) LUO Text Amendment relating to Stormwater Management**

23 Foushee moved to recommend that the Board of Aldermen approve the draft ordinance;  
24 Gaylord-Miles seconded the motion.  
25

26 **VOTE:**

27 AYES: (6) Fray, Clinton, Gaylord-Miles, Meyer, Foushee, and Whittemore.

28 NOES: (0)

29 ABSENT/EXCUSED: (1) Poulton

30 ABSTENTIONS: (0)  
31

32 Members voted in support of the associated findings following a motion by Gaylord-Miles  
33 and seconded by Meyer, noting consistency and the public benefit of aligning the Town  
34 standards with North Carolina state environmental agencies.  
35

36 **VOTE:**

37 AYES: (6) Fray, Clinton, Gaylord-Miles, Meyer, Foushee, and Whittemore.

38 NOES: (0)

39 ABSENT/EXCUSED: (1) Poulton

40 ABSTENTIONS: (0)  
41  
42

43 **B) Review of Concept Plan for 201 North Greensboro Street**

44 Planning Board members continued their discussion, asking Lammas questions regarding  
45 anticipated stormwater management for the site, parking configurations on the site, possible  
46 shared parking with the town, architectural elements for the building such as an active roof,

1 traffic concerns for the entrance points, possible tenants and an anticipated schedule for  
2 moving forward.

3  
4 Whittemore drafted the following comments for the motion:

5  
6 The Board is pleased to see a concept for this site that is considerate of neighbors'  
7 sentiments and that frames this downtown intersection with a building of appropriate height  
8 and density. An active restaurant use at street level with verandas onto the sidewalk will  
9 contribute to a lively downtown streetscape. While the Board understands that the site is  
10 currently nearly completely impervious, we encourage the applicant to consider some  
11 measures to decrease the production of stormwater onsite. This could include permeable  
12 pavers on sidewalks, permeable pavement in the parking lot, small infiltration beds or rain  
13 gardens. The Planning Board advises the developer to consider an active, peopled, planted  
14 green roof for use by the businesses in the building. This will aid with stormwater  
15 management and add a unique amenity to downtown.

16  
17 Meyer motioned to approval; Clinton seconded the motion.

18 **VOTE:**

19 AYES: (6) Fray, Clinton, Gaylord-Miles, Meyer, Foushee, and Whittemore.

20 NOES: (0)

21 ABSENT/EXCUSED: (1) Poulton

22 ABSTENTIONS: (0)

23  
24 **C) Draft LUO Text Amendment relating to Civic Assembly**

25 The Planning Board discussed the proposed amendment for the VMU district, noting  
26 aspects of the development that have proven challenging. Chupp expressed interest in  
27 constructing a residential condominium on the lot currently earmarked for civic assembly.  
28 Members asked about the inclusion of affordable units and suggested a potential need for  
29 affordable units, including some for residents earning 30% of the AMI. Chupp noted the  
30 extent to which the Winmore development includes affordable housing units.

31  
32 The board agreed to continue its discussion, and recommendation on the mid-month  
33 meeting

34  
35 Foushee motioned to adjourn the meeting, Whittemore provided the second. The May 2,  
36 2019 Planning Board meeting adjourned at 9:20 PM.

# JOINT ADVISORY BOARDS

ITEM NO. \_\_\_\_\_

## AGENDA ITEM ABSTRACT

MEETING DATE: May 2, 2019

**TITLE: Land Use Ordinance Amendment Relating to Civic Assembly for Village Mixed Use Developments**

<b>DEPARTMENT: Planning</b>	<b>PUBLIC HEARING: YES ___ NO_X_</b>
<b>ATTACHMENTS:</b> A Recommendation Template B Draft LUO Ordinance C Application	<b>FOR INFORMATION CONTACT:</b> Christina Moon – 918-7325 Patricia McGuire -- 918-7327

### PURPOSE

The purpose of this item is to consider an amendment to the text of the Land Use Ordinance relating to civic assembly in village mixed use developments. The Board of Aldermen has set a public hearing for May 28, 2019 and has requested advisory board review prior to the hearing.

### INFORMATION

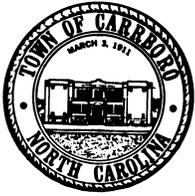
At the April 16<sup>th</sup> Board of Aldermen meeting, the Board considered a text amendment request from Eric Chupp of Capkov Ventures to modify the provisions in Article XI of the Land Use Ordinance relating to the design and development requirements for village mixed use developments. Section 15-141.2 indicates that one of the objectives of such a development is the “provision of buildings for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community.” In his request, Mr. Chupp has asked to expand the provision for buildings *or structures*, to allow outdoor facilities to qualify for this requirement.

A public hearing has been set for May 28, 2019. The Board of Aldermen must receive public comments before adopting amendments to the Land Use Ordinance. Orange County and Planning Board are also needed, and staff has identified the Appearance Commission, Northern Transition Area Advisory Committee, and Economic Sustainability Commission as other advisory boards for referral based on their purview.

### RECOMMENDATION

Staff recommends that advisory boards review the draft ordinance (*Attachment B*) and adopt a recommendation for inclusion in the public hearing materials for May 28, 2019. A recommendation template has been provided for the boards to use (*Attachment A*).

# 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

**THURSDAY, MAY 2, 2019**

### **Land Use Ordinance Text Amendment Relating to Civic Assembly in Village Mixed Use Developments**

Motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the \_\_\_\_\_ of the Town of Carrboro 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 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 the description of the components of mixed use village centers noted in Section 4 of Facilitated Small Area Plan for the Northern Study Area.

Furthermore, the \_\_\_\_\_ of the Town of Carrboro finds the proposed text amendment, is reasonable in the public interest because it clarifies and provides more flexibility in the standard.

**VOTE:**

AYES: ( )

ABSENT/EXCUSED: ( )

NOES: ( )

ABSTENTIONS: ( )

\_\_\_\_\_  
(Chair)

\_\_\_\_\_  
(Date)

**AN ORDINANCE TO AMEND THE TOWN OF CARRBORO'S LAND USE  
ORDINANCE RELATING TO CIVIC ASSEMBLY IN VILLAGE MIXED USE  
DEVELOPMENTS**

**\*\*DRAFT 4-26-2019\*\***

BE IT HEREBY ORDAINED BY THE CARRBORO BOARD OF ALDERMEN THE  
FOLLOWING:

**Section 1.** Subsection 15-141.2, of the Carrboro Land Use Ordinance, Village Mixed Use District Established, (a), paragraph 7, is rewritten to read as follows:

7. Provision of buildings or structures for civic assembly for other common purposes that act as visual landmarks and symbols of identity with the community.

**Section 2.** Subsection 15-176.2(e) is amended to include a new provision (5) to read as follows:

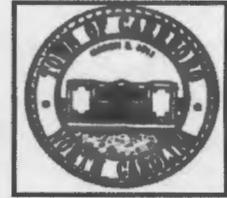
(5) Open Space owned by homeowners associations as Common Space may include Civic Uses for gathering or assembly as defined in Section 15-141.2(a)(7).

**Section 3.** All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

**Section 4.** This ordinance is effective upon adoption.

Rec'd  
4/1/15  
PJ

# 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):

*See Attached*

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

*See Attached*

3) State the reasons for the proposed amendment:

*See Attached*

SIGNATURE: *E B Chapp* *Eric B. Chapp for Captiva Ventures*  
*applicant* *(print)* *llc.*

ADDRESS: 258 East Wilmore Ave, Carrboro, NC 27510

TELEPHONE NUMBER: (919) 260-7262

# Capkov Ventures

Developing Homes And Communities Since 1954, In Chapel Hill Since 1972.



a Kovens Company

Tina Moon  
Planning/ Zoning Administrator  
Town of Carrboro  
301 West Main Street, Second Floor  
Carrboro, North Carolina 27510

Dear Ms. Moon,

Please accept this as a formal application from Capkov Ventures Inc. for a "Land Use Ordinance Amendment Request". I have filled out and executed the appropriate application form and attached it hereto.

Answers to Questions 1 – 3.

- 1) The Land Use Ordinance, at present, would allow (description/ quote, page and number of section in question):
  - a. The current Land Use Ordinance, Section 15-141.2(a)(7), page #14, reads that a Village Mixed Use community must achieve the objective by the "Provision of buildings for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community."
  - b. The current Land Use Ordinance specifically references and allows Civic Uses to be placed in the Storefront Use Areas and the Townhouse Use areas.
- 2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):
  - a. The proposed amendment would revise Section 15-141.2(a)(7) to read that a Village Mixed Use Community must achieve the objective by the "Provision of buildings **or**

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**structures** for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community”. Adding the words “**or structures**” would recognize the fact that places for civic assembly are often not enclosed in a building in the technical sense as described in the paragraph below responding to question number (3).

- b. Adding Section 15-176.2(e)(5) to the Land Use Ordinance would specifically reference and allow the option of placing Civic Uses in homeowners association owned Common Space. The new sub-section (5) would read “Open Space owned by homeowners associations as Common Space may include Civic Uses for gathering or assembly as defined in Section 15-141.2(a)(7). Civic Uses shall be restricted to Common Space appropriate for gatherings or assembly.”.
- 3) State the reason for the proposed amendment:

Answer: Capkov Ventures Inc. has spent the last 15 years developing the Winmore community off Homestead Road in Carrboro. It was the Town’s first, and to date the only, community to be built under the Village Mixed Use provisions within the Carrboro Land Use Ordinance. As you might imagine, when you develop an entirely new category of community development in a Land Use Ordinance you can expect to have a few glitches. We have discovered many things in developing the Winmore community that we might have planned better had we known then what we know today. Despite a few bumps along the way, not the least of which being the “Great Recession”, I can stand back looking at Winmore and be proud of the community that has been built.

For the Winmore community the amendment will allow a twelve-unit condominium building to be constructed on the Civic Use lot that which has remained vacant for the last 13 years. The last lot in Winmore. We have followed every avenue we could think of to find a user for the lot to no avail. The lot is in a wonderful location within the community, across from the live work units, adjacent to existing town homes, and high on East Winmore Avenue. The problem is that there was never any parking allocated to the lot that would support any of the Civic Uses allowed. The vacant lot adds nothing to the community, leaves an unfinished look, and contributes only a fraction of what it should as a developed lot. The 12-unit condominium building would be consistent with the surrounding uses, be a significant visual improvement to the community, allow the community to maximize the allowable density by providing more homes, and add to Carrboro’s and Orange Counties tax base. The architecture of the proposed building will require Town approval.

In addition to the benefit the amendment would provide to the Winmore community the amendment to the Village Mixed Use provisions in the Carrboro Land Use Ordinance would benefit the wider community and future Village Mixed Use communities by allowing more flexibility for the Board of Aldermen to approve civic oriented uses on community common area, and the types of civic uses which could be provided. One of the things that we learned in developing communities over the last 30 years is that home owners associations have limited resources, and they are generally insufficient to bear the burden of maintaining a

building as the Carrboro Land Use Ordinance currently requires of a Civic Use (Section 15-141.2(a)(7)). This is certainly the case with Winmore. However, civic gathering spots could be integrated into the community on common space where no land value is assigned making Civic Uses financially feasible for communities. Examples of civic gathering places that are not necessarily "Buildings" in the technical sense are numerous. I think of the pit area on UNC campus behind the library where U.S Representative Price has spoken, amphitheatres that are generally associated with the US or North Carolina Parks System, the Forest Theater, and the roof of the downtown parking garage in Chapel Hill where summer movies are show. All wonderful Civic meeting places that don't require heating, air conditioning, electricity, cleaning, routine and long-term maintenance, not to mention the initial construction cost. We believe that amending the Carrboro Land Use Ordinance to allow Civic Uses on community common space, and to broaden the definition of Civic Uses to include structures other than "Buildings" will give the Board of Aldermen the flexibility to approve these types of alternative Civic Uses. We ask for your support in approving this Carrboro Land Use Ordinance Text Amendment.

Best Regards, Eric Chupp



4/1/2019

Director of Development  
Capkov Ventures Inc.  
(919) 260-7262  
[ericbchupp@bellsouth.net](mailto:ericbchupp@bellsouth.net)