



**TOWN OF CARRBORO
PLANNING BOARD**

301 West Main Street, Carrboro, North Carolina 27510

FEBRUARY 4, 2021 REMOTE (ZOOM) MEETING

MEMBERS	GUESTS	STAFF
Catherine Fray, Chair	Frank Horton	Tina Moon
David Clinton	Charles Horton	Marty Roupe
Braxton Foushee, Vice Chair	Lindsay Griffin	James Thomas
Rachel Gaylord-Miles, Vice Chair	Ben Davis	Randy Dodd
Elmira Mangum	Sherritta	Laura Janway
Susan Poulton	Kathy	Marsha Pate
Eliazar Posada		
Bruce Sinclair		Josh Dalton, Town Engineer

Absent/Excused: Tooloe

Town Council Liaisons: Susan Romaine, Jacquelyn Gist, Randee Haven-O'Donnell and Sammy Slade

Applicants: CUP for 721 Jones Ferry Road -- Phil Szostak, Szostak Design
CUP for ArtsCenter 315 Jones Ferry Road -- Dan Jewell, Coulter, Jewell, Thames (CJT); Jeremy Anderson, CJT; Preston Royster, CJT; Edwin Harris, EVOKE Studio; Matt Springer, ArtsCenter, Ken Reiter, Belmont Sayre LLC.

I. WELCOME & INTRODUCTIONS

Catherine Fray opened the meeting at 7:32 PM, and asked advisory board chairs/staff liaisons to report on whether a quorum of their board was present. The Appearance Commission, Environmental Advisory Board, Transportation Advisory Board and Stormwater Advisory Commission reported a quorum. The Economic Sustainability Commission was not present.

Fray recommended adjusting the order of the agenda to review the two conditional use permit applications first, followed by the two text amendments; there were no objections to the change in order.

II. JOINT REVIEW

(A) Final CUP Review for 721 Jones Ferry Road

Staff member Martin Roupe presented the application. The subject property is an undeveloped lot located at the southwest corner of Jones Ferry Road and Berryhill Drive, zoned WR (Watershed Residential). The request is to subdivide the 6.79-acre lot into two lots; one 4.79 acres in size and the other 2 acres. Both lots would be served by individual well and septic systems. The proposal is scheduled for public hearing in early March, advisory boards were

1 asked to review the proposal and provide comments to be included in the public hearing
2 materials. Staff noted that impervious surface limits for each lot will listed on the final plat.

3
4 Development on each lot will require a conditional use permit due to the WR zoning. The
5 Orange County Health Department regulates the well and septic permits. There will be
6 underground utilities for the lot. The final plat for the project will indicate right of way
7 dedication to Jones Ferry.

8
9 Phil Szostak with Szostak Design represented the application. Szostak provided more detail
10 regarding a stream buffer and the existing roadway on the property. Berryhill and Jones Ferry
11 entrances will be utilized and the existing roads on the property which do not cross the creek.
12 No further grading or removal of trees is anticipated. Preliminary approval has been granted for
13 two septic systems. Szostak noted the request is to subdivide the property into two lots not three
14 which is allowed by ordinance.

15
16 **(B) Final CUP Review for ArtsCenter at 315 Jones Ferry Road**

17 James Thomas made the staff presentation, reviewing the key elements of the conditional use
18 permit application for the ArtsCenter, and noting the arrangement building and parking area in
19 relation to the stream buffer. The property is zoned M-1 (Light Manufacturing). The proposal is
20 to construct a new two-story building, 34 feet high, and 12,600 square feet in size. The parking
21 lot shading will exceed the canopy requirements and, although not a required, bike racks will be
22 installed. The front walk to the building and the walk parallel to the street by the stream buffer
23 will both be 10 feet wide. The applicant has requested a 7 percent reduction in the parking
24 requirements; the justification letter has been provided as a separate attachment. The project did
25 receive a variance regarding the riparian buffer and there are plans to manage the stormwater.
26 Thomas reminded the attendees that the public hearing for the project has been scheduled for
27 February 23rd. Advisory boards are being asked to review the project and provide
28 recommendations for inclusion in the public hearing materials.

29
30 Dan Jewell, with Coulter, Jewell, Thames, PA, (CJT) led the applicant's presentation, and noted
31 the other members of the applicant's team. Jewell explained that about 50 percent of the site is
32 encumbered by a stream buffer and an area of approximately 1000 sq. ft. is within an OWASA
33 sanitary sewer easement. Jewell noted that the project has changed quite a bit since the first
34 review, funding limitations required the building to become smaller, which reduced the parking
35 needs. Jeremy Anderson, with CJT, addressed the changes in the plan noting the stream buffer is
36 untouched. Justification for the exception to the parking number includes the active bus route,
37 ample downtown parking and on the lot, and inclusion of bike racks. A note, OWASA plans to
38 upgrade the sanitary sewer pipes in conjunction with this project.

39
40 Edwin Harris, with EVOKE, the architectural firm involved with the project, presented images of
41 the building and discussed their vision for incorporating the natural setting into educational
42 programming on environmental concerns. The nature theme is being consider for the exterior
43 design as well to better connect the site placement and surroundings. Roupe provided
44 clarification regarding the Town's correspondence with the state for final approval of the
45 variance, which is needed for the project to move forward. There may need to be a condition
46 attached to the CUP to address this issue, information that will be shared with the Council as part

1 of the public hearing and noted for the record. There is a text amendment request on tonight's
2 agenda related to this application.

3
4 The following questions and comments were received from members of the public:

5
6 Frank Horton, a long-time resident of the Lincoln Park community and Prince Street property
7 owner expressed interest in installing a fence behind the ArtsCenter for security, to keep people
8 from parking on Prince Street and walking through the ArtsCenter lot to get to the Prince Street
9 neighborhood.

10
11 Charles Horton, resident of Prince Street, asked for an answer regarding the fence before a
12 decision on the project. He is concerned with traffic once the Arts Center is built, and
13 specifically large trucks coming onto Prince Street. He spoke against the project, and noted he
14 would share information about the project with the Lincoln Park community.

15
16 Sherritta, noted that her mother had been a resident of the Lincoln Park community for more than
17 60 years. She described the proposal as a beautiful building and a great contribution to the
18 community but said that she preferred a wall to a fence for separation.

19
20 Lindsay Griffin, Lincoln Park resident, said she was excited about the project, the design and
21 location. Noted that trash receptacles are needed along Jones Ferry Road.

22
23 Ben Davis, resident of Barnes Street, expressed some concern with location of the site at the
24 bottom of an incline along Jones Ferry Road. Davis expressed concern with cars speeding on
25 Jones Ferry Road rear-ending cars waiting to turn into the site. A turn lane may be needed.

26
27 Kathy, a resident of the Lincoln Park community also expressed concern with parking and efforts
28 to drive through the ArtsCenter parking lot to get to Prince Street.

29
30 Advisory board members offered the following questions and comments:

- 31
- 32 • Could the applicants use more satellite parking to reduce parking on site? Additional
 - 33 measures for a safe crossing across Jones Ferry Road needed for off-site parking.
 - 34 • Interest in a green roof and/or solar. What types of costs are involved?
 - 35 • Could the plaza be made pervious?
 - 36 • Omitting the big performance space seems like a big loss for the project.
 - 37 • Encourage multimodal use and improved multimodal access to the site.
 - 38 • The building is beautiful, but it seems like a tight fit on the site. Will the parking lot
 - 39 function on the site, the circulation seems problematic.
 - 40 • Noting the need for the text amendment for the stormwater provisions, will the project
 - 41 affect adjacent and downstream properties? That's problematic. Are there other options,
 - 42 a variance or waiver for the volume control provisions?
 - 43 • Is this the right site for the project?
 - 44 • How many staff are anticipated to be on site at one time--(20-25)—can they park in the
 - 45 parking spaces in the far aisle?

- 1 • What will happen to the “guardian angel” statute from the existing building, will it be
- 2 incorporated into the new project? More information on the exterior materials would be
- 3 helpful.
- 4 • The design involves a lot of glass, how will that affect the display of art.
- 5 • Concerns with traffic, impacts to surrounding neighborhoods, amount of impervious
- 6 surface and loss of performing arts space.
- 7 • New building seems to be more community center than arts center. Where will the
- 8 classes be held? What about the performances?
- 9 • Like community center component, it makes the project seem more inviting.
- 10 • Did not envision traffic/trucks on Prince and Barnes streets. What will happen once it
- 11 opens and during construction?
- 12 • Where will construction workers park?
- 13 • The design is setting a new bar for Carrboro (positive), consider using Chapel Hill gravel
- 14 for path along stream.
- 15 • Will there be parking behind the building? Can parking be shifted, can staff park
- 16 remotely?
- 17 • Will the project provide for a 10-foot sidewalk along Jones Ferry Road? Consider
- 18 providing easement/right-of-way.
- 19 • Covered bike parking needed.
- 20 • Consider the Orange County greenhouse reduction fund as a possible source for
- 21 stormwater management costs.
- 22

23 **(C) LUO Text Amendment Relating to Dimensional Requirements, Permit Requirements**
24 **and Canopy Coverage Standards**

25 Moon made the staff presentation, introducing the proposed text amendments to the Land Use
26 Ordinance, prepared to advance the Town’s 203 Project. Moon noted the November public
27 hearing on the 203 Project when staff identified the anticipated need for two, maybe three
28 amendments for the project. The three amendments were described as: 1) establishing a new
29 height limit for parking structures, 2) clarifying the permit requirements for town-owned and
30 operated facilities, and 3) consideration of language providing modifications in the standards for
31 tree canopy coverage. Moon referenced the recommendation template, which provides a
32 framework for the necessary statements of consistency and public benefit along with a statement
33 indicating that board member do not have a conflict of interest voting on the matter.

34
35 Discussion focused on questions regarding the proposed payment in lieu of providing trees for
36 canopy coverage and clarification regarding what building elements would be included within
37 the parking deck height limit. Concerns were noted on the mechanics of the payment in lieu
38 proposal, noting that the 203 project is a Town project. Board members expressed concerned
39 that the 60-foot parking deck height limit may not be tall enough if it is intended to include
40 things such as solar, elevator lifts, and other mechanical systems. A possible mitigation type of
41 program that will locate tree planting on other properties of equal value was discussed and noted
42 as challenging. A question was asked about minority participation in the contract for the 203
43 Project.

44
45 **(D) LUO Text Amendments Relating to Stormwater Management Requirements**

1 Moon made the staff presentation, noting that the proposed text amendment is needed to advance
2 the ArtsCenter project. As noted in the staff report for the conditional use permit, the proposed
3 project does not comply the stormwater management provisions of the LUO, specifically, the
4 volume control provisions in Section 15-263(g)(3). The ArtsCenter has submitted a request for a
5 text amendment to add a new provision under 15-263(g)(3) that would allow a relaxation of the
6 standard. Three ordinances have been prepared for the boards review. Option A would allow a
7 new slow release standard instead of volume control. Option B and modified Option B, would
8 allow a project to meet a lesser standard (provide a higher percentage of post-development
9 runoff) that currently allowed in the LUO, subject to certain criteria; the applicant would still be
10 required to prepare the calculations showing the extent of annual runoff volume increase, and to
11 demonstrate that the existing standard could not be met.

12
13 Moon requested that the boards use the Council’s discussion points to review all three options
14 and to identify a prefer option, and if appropriate to identify possible changes to the language in
15 the selected option. Moon noted that the recommendation template was set up as a guide, and
16 encouraged board members to select relevant policies based on the draft ordnance recommended.
17 Moon referred to the memo from Randy Dodd, the Town’s Stormwater Utility Manager for
18 background on the volume control provisions, and noted that Dodd and Josh Dalton, the Town
19 Engineer are available to address technical questions.

20
21 Preston Royster, the project engineer from CJT, provided an explanation of peak flow, nutrient
22 run off and volume control relating to the project. Royster said the proposed peak flow and
23 flooding is addressed with more than the minimum requirements. The volume control cannot be
24 met and thus the text amendment. This requirement has no consideration for the size of the land,
25 this wooded site has little increase of volume. Reducing impervious surface could help to meet
26 the requirements but the overall volume is less than 1% of the surrounding basin. Installing a
27 sand filter is a good alternative, harvesting water isn’t possible, and reducing impervious is
28 challenging due to the underground use of the property that cannot be changed. Use of a green
29 roof and Silva cells are not alternatives due to cost. Above ground devices cannot be used due to
30 limited site space, and the average increase of volume is insignificant for unused area therefore
31 asking exception.

32
33 Dodd gave history of the volume control provisions that were developed in 2012, noting the
34 development of stormwater management beginning with peak flow (water quantity) and then
35 water quality. The instability of streambanks and stream impairment, the need for water
36 recharge for stream health and runoff reduction—led to the need for volume matching, post
37 development runoff volume matching pre-development runoff, and low impact design (LID).
38 Dodd referred to the various examples of projects that have met the volume control standards to
39 date, in the staff memo in the packet. Josh Dalton, the Town Engineer, explained the difference
40 between slow or timed release and volume control. Dalton described the types of stormwater
41 devices that can be used for volume control.

42
43 John Cox, SWAC, expressed concern for the downstream flooding and noted that the proposed
44 design to reduce the peak flow is helpful, but discussed the importance of limiting post
45 development runoff and noted some of the various devices that should be considered. Sensitivity
46 to the underlying OWASA pipes justifies how the choice of pavement for the parking was

1 selected, but noted that the pipes could be designed such that impervious pavement could be
2 used. A green or blue roof could help with evaporation.

3
4 Advisory board members questions and comments included:

- 5
6
 - Why can't the project meet the volume control standards?
 - 7 • What about incorporating other stormwater devices—green roof, Silva cells, water
8 harvesting?
 - 9 • Can the parking area be impervious pavement?

10
11 Dodd spoke to the difference between the draft ordinances and the need for the project to apply
12 both quantitative and qualitative measurements. Roupe agrees and added that the input of the
13 boards is important. Roupe also spoke to his discussion with OWASA staff and noted that
14 OWASA said that they could accept the permeable pavement in the easement if it would benefit
15 the project. A sewer line could be installed that will not have water infiltration. Dalton reminded
16 all that the “maximum extent practical” language is key, in that the applicant has to demonstrate
17 that all stormwater devices have been considered/incorporated into the project and that the
18 project still cannot meet the standard.

19
20 O'Connor noted climate change and the need to think about impact of stormwater management,
21 and volume control for properties downstream, looking forward; will the project decrease the
22 future risks for the residents downstream. The Town needs to make difficult decisions that will
23 drive changes to address climate change. Paul suggested an exception for this project instead of
24 a text amendment that would change the requirements in the LUO; this will help control future
25 impacts of potential projects in established watersheds. Based on sound science, we need to
26 apply the rule for all and reconsider an exception.

27
28 Ken Reiter, who developed Shelton Station and the PTA Thrift Shop and is working with CJT to
29 develop the ArtsCenter, expressed a preference for the exception. Dalton restated that the
30 language “maximum extent practical” means that the applicant should consider the green roof
31 and blue roof options and provide the calculations showing the potential volume reduction from
32 using these devices.

33
34 *The Joint Review Portion of the Meeting ended at 10:05PM.*

35
36 **III. APPROVAL OF MINUTES**

37 Posada moved to approve the minutes; Clinton seconded the motion.

38 **VOTE:** AYES (8) Fray, Clinton, Foushee, Gaylord-Miles, Mangum, Posada, Sinclair, Poulton,

39 **NOES:** (0); **ABSENT/EXCUSED:** (1) Tooloee.

40 The January 7, 2021 Planning Board minutes were approved.

41
42 **IV. OTHER MATTERS**

43 Due to the late hour, Fray suggested that the Planning Board schedule a special meeting for
44 February 11, 2021 to complete the review of items: A, D, E, F, and G. Poulton noted that she is
45 not available for February 11th. The Planning Board voted by consensus to schedule the

1 February 11th meeting for the review of items A) Final CUP Review for 721 Jones Ferry Road,
2 D) Final CUP Review for ArtsCenter at 315 Jones Ferry Road, E) Approval of Meeting Schedule
3 for 2021, F) Officer Elections, and G) Update on Amendments Relating to Chapter 160D.
4

5 **(B) LUO Text Amendment Relating to Dimensional Requirements, Permit**
6 **Requirements and Canopy coverage Standards**
7

8 Fray facilitated the discussion. Comments focused on the follows:
9

- 10 • Is the proposed 60-foot maximum height for parking structures too high or too low?
11 Considerations include the height of the buildings in surround neighborhoods, particularly
12 the residential buildings.
- 13 • Understanding the purpose of the Downtown Neighborhood Preservation Overlay and why
14 the step-back building height system was develop and how it has been used, has it been a
15 successful design tool?
- 16 • Looking toward the future, is the interest for infill development and redevelopment to be
17 compatible with adjacent, surrounding neighbors or allowing more intensive uses/ taller
18 buildings more residential density. Is one approach better/more appropriate, “greener”?
- 19 • Sensitivity to transportation and emergency response time as downtown becomes denser.
- 20 • Existing residents often request less connectivity to new projects, which is opposed to the
21 goal of increasing connectivity throughout Town of Carrboro
- 22 • The maximum may need to be increased to better accommodate solar
- 23 • How does the amendment relating to parking structures compare to existing height standards
24 in the DNP Overlay relating to architectural accents? Is solar an exception if it will provide
25 shading?
- 26 • How might the amendment for parking structures affect future any work/redevelopment on
27 town-owned properties including the Century Center or Town Hall?
- 28 • Regarding amendment relating to modification for tree canopy coverage, planning board
29 members expressed some concern with the proposed payment in lieu option, particularly the
30 feasibility of purchasing and planting trees on other properties in the same zoning district as a
31 way of mitigating the requirement.
32

33 Motion was made by Foushee and seconded by Posada that the Planning Board of the Town of
34 Carrboro recommends that the Town Council approve the draft ordinance with the following
35 modifications.
36

37 With regard to the proposed section 1 of the draft ordinance, we feel the current language has the
38 potential to force applicants to choose between taking full advantage of the allowable height
39 permitted by the underlying zoning and using roof top solar for shade. Please update the language to
40 ensure that solar and shading features are not disadvantaged even if doing so requires increasing the
41 maximum height.
42

43 With regard to the proposed section 3 of the draft ordinance, the updated standards may be
44 appropriate for certain downtown zones but not residential areas or parks. We are not sure that the

1 idea of the payment in lieu is realistic as described. Additional alternatives to canopy might include:
2 green walls, solar devices that shade, high albedo roofing and ground cover.
3

4 **VOTE:**

5 AYES: (8) Clinton, Foushee, Fray, Gaylord-Miles, Mangum, Posada, Poulton and Sinclair

6 NOES: (0)

7 ABSTENTIONS: (0)

8 ABSENT/EXCUSED: (1) Tooloee
9

10 **Associated Findings**

11
12 By a unanimous show of hands, the Planning Board membership indicated that no members have
13 any financial interests that would pose a conflict of interest to the adoption of this amendment.
14

15 Motion was made by Gaylord-Miles and seconded by Poulton that the Planning Board of the Town
16 of Carrboro finds the proposed amendment is consistent with the policies in Carrboro Vision2020,
17 particularly the support of a centrally located and conveniently accessible library as described in
18 provision 1.22, the development and placement of architecturally significant civic buildings in the
19 downtown to support downtown vitality as expressed in provision 2.22, and the improvement of
20 downtown infrastructure as noted in provision 3.21.
21

22 Furthermore, the Planning Board of the Town of Carrboro finds the proposed text amendment is
23 reasonable and in the public interest by furthering the Town's efforts toward providing improved
24 access to new public facilities.
25

26 **VOTE:**

27 AYES: (8) Clinton, Foushee, Fray, Gaylord-Miles, Mangum, Posada, Poulton and Sinclair

28 NOES: (0)

29 ABSTENTIONS: (0)

30 ABSENT/EXCUSED: (1) Tooloee
31

32 Due to the late hour, discussion of Item C) LUO Text Amendments Relating to Stormwater
33 Management Requirements also posted to February 11, 2021.
34

35 **V. ADJOURNMENT**

36 Gaylord-Miles motioned to adjourn the meeting; Poulton seconded. By unanimous vote the
37 Planning Board meeting ended at 11:46 PM.