



## TOWN OF CARRBORO

### PLANNING BOARD

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

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**THURSDAY, JANUARY 17, 2008**

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| <b>MEMBERS</b> |               | <b>GUESTS</b>          | <b>STAFF</b>    |
|----------------|---------------|------------------------|-----------------|
| Matthew Barton | Debra Fritz   | Robert Kirschner       | Trish McGuire   |
| James Carnahan | Heidi Paulsen | Alderman Lydia Lavelle | Thelma Paylor   |
| Sharon Cook    | Susan Poulton | TAB                    | Adena Messinger |
|                |               | EAB                    | Randy Dodd      |

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**Absent:** Bell, Chadbourne, and Clinton

Chairman Carnahan greeted the attendees to the January 17, 2008 Joint Review Advisory Board meeting and asked McGuire to go forth. McGuire greeted everyone and began the LUO presentation as follows:

#### **I. JOINT REVIEW ITEMS**

- A) Land Use Ordinance Text Amendments to increase the foot candle limitations for developments in the B-1(c) and B-1(g) districts and to decrease the minimum length of a parking space from 19 to 18 feet (TAB, EAB, ESC) submitted by Laura Van Sant.

The request is for a modification of the foot candle limitations at the property line in two of the downtown zoning districts and for a reduction in minimum parking space length. The first provision is a requirement included in the utilities section of the LUO since 1999 to (1) to make sure there is enough lighting for the areas that are lighted to be safe and (2) to prohibit excessive illumination that negatively affects drivers' night vision and that shines onto residential property and into homes (so as to prevent glare from affecting driver's vision and to prevent people in adjoining properties from feeling like their homes and properties are completely lit up at night by the light that is spilling over. The language or provision in our LUO was adopted in 1999 as part of the good neighbor performance standards assessment of lighting considerations for the NSA (.2 foot candles was proposed as the standard for the Town and was adopted for the Northern Study Area).

The requirement that is in the ordinance requires that light levels don't exceed .2 footcandles at the property line. The folks for the 300 E. Main Street projects and other downtown developments have noted concerns about this in conjunction with the need to provide adequate lighting for downtown, nighttime uses. McGuire shared a map of light levels around the downtown that was provided by Laura van Sant following data collection by a lighting consultant. McGuire added that a more extensive ordinance modifying light levels was in preparation. The reduction in parking space length was also described, with examples of other local government standards provided. Staff recommends approval of the draft ordinance, with the phrase clarifying lower light levels near residential property.

The following questions were raised: Is any residential above retail contemplated in any of these zones? (Not at 300 E. Main Street, but it is/will likely continue to be part of other downtown development.) How does this play out with new buildings going up? (The intent would be for the provision to apply to existing residential only. A clarification of this would be helpful).

**Clarification of the location of the 4.5 footcandles? (Near the Spotted Dog Restaurant).** An advisory board member noted that the numbers could vary based on the method used to collect them. (McGuire noted that she understood the numbers to have been generated by a light meter).

Carnahan noted that he does not support the lighting Amendment and said it may well pose a challenge to lighting designers and developers. He is going to wait for the dark sky folk. Poulton agreed that she would like to see it too. It is really important for a couple of reasons for people that are going to be living in the downtown. They are not that far from going for their CUP Hearing. McGuire added this is not a dark sky issue if the lighting used is dark sky friendly. 2 foot candles at the property line is a neighborly thing. Poulton asked to table it for a later date and Fritz asked if the dark sky report would be here in two weeks and does not want to hold up the project. Paulsen added that she did not want to hold the project up; but we don't have sufficient information.

Barton moved and Fritz seconded that the Planning Board recommends approval of Section 1 of the draft ordinance, with two changes so that the Section 15-293 (a) of the Land Use Ordinance would read as follows (underlined text is as included in draft ordinance, bold text are Planning Board additions):

Under no circumstances may the light level at the lot line exceed .2 foot-candles, **except that in B-1(c) and B-1(g) zoning districts the light level at lot lines, other than those separating properties zoned or in existing usage** for residential purposes, shall not exceed 2.0 foot candles measured at ground level.

VOTE: AYES: (6) Barton, Carnahan, Cook, Fritz, Paulsen, and Poulton; NOES: (0);  
ABSENT/EXCUSED: (3) Bell, Chadbourne, Clinton; ABSTENTIONS: (0).

Paulsen moved that we accept section 2 of the draft ordinance regarding the reduction in parking space length and Fritz seconded.

VOTE: AYES: (5) Barton, Carnahan, Fritz, Paulsen, and Poulton; NOES: (1); Cook  
ABSENT/EXCUSED: (3) Bell, Chadbourne, Clinton; ABSTENTIONS: (0).

## II. INTRODUCTIONS AND ADJUSTMENTS TO THE AGENDA

A) McGuire announced the deadline for submitting nominations or applying for "Volunteer of the Year" is February 15, 2008.

McGuire advised the Planning Board that there had been a reassessment of the parking for Roberson Square, reducing the deficit somewhat. Carnahan will attend the public hearing to elaborate/answer questions related to the Planning Board recommendation. It was the consensus of the Board that though the deficit may be reduced, any parking deficit is of significance and the Board's recommendations may assist with establishing a supply of more spaces. Also, Robert Kirschner spoke specifically in regard to service vehicles.

### III. APPROVAL OF MINUTES

- A) **January 3, 2008** – Moved by Paulsen and seconded by Fritz with edits as follows. This motion was unanimously approved: Page 1, Seils is correct spelling for board applicant. Page 2, III.(B4) should read whether or not to have stucco instead of brick on the top floor. Currently, brick is shown on the top floor.  
Page 3, second sentence: Have him make some permanent, demonstrable changes, make arrangements for 5-10 spaces offsite for employees; Carnahan clarified next sentence for as follows: “Bell added they are essentially setting aside no parking for the building and the decoupling of spaces from the residential unit does not address the larger parking shortage.” Page 3, Paragraph 3, last sentence should read: “Clinton says it doesn’t make economic sense to put a building together like this...”  
Page 3, first Motion began, “In order to deal with the parking shortage, utilize any and all of the parking strategies and ...”
- B) **October 4, 2007** – Poulton moved and Paulsen seconded approval of the minutes, with the following edits; Page 3, IV.(B) under Concept Plan – Line 6, people should be households; Page 4, paragraph 4 near end, remove the word “go”; sentence reads: As someone who will be negatively impacted...;  
Page 5, Suzanne Allen paragraph, “The point that would like to make is that we are very much in favor of connectivity to the UNC property because we don’t connect”...;  
Page 6, “It just seems to me with so much going on with the larger issue of Carolina North”...  
Page 7, Paragraph 2, “Camden Lane is a sub collector and is 26 ft. wide becomes a standalone sentence.  
Page 8, paragraph 7 – “The University shall provide connectivity”... It was agreed to let this paragraph stand since it was previously discussed with David Clinton.
- C) **November 1, 2007** - Poulton moved and Paulsen seconded the motion to add an additional note to the already approved minutes that states as follows: ***“At least the following members of the Planning Board indicated they thought the motion they were voting for was to ask the University to utilize either Camden Lane or Claymore Road for a connector to Colleton Crossing”*** (Lavelle, Carnahan, Paulsen and Poulton). This motion was unanimously approved.

### IV. OTHER BUSINESS

- A) **Land Use Ordinance Text Amendment** – Payments in lieu for affordable housing density bonus units: McGuire described the draft ordinance. Barton asked how the percent change was calculated. (McGuire will check). Cook asked where did this come from. McGuire stated that payments in lieu had been mentioned by applicants and others (e.g. Tom O’Dwyer, Robert Dowling) during the review of development application over the past few years. The issues that inspired this amendment include: ongoing fees, such as financing, maintenance, condo fees, as these can make the homes too expensive to remain unaffordable. In addition, Robert Dowling has noted that the type of units being approved downtown are in much lower demand than other housing types. And, as it stands presently, a number of such units have been approved in the past year or so. Payment in lieu fund would actually go to Carrboro into a dedicated revenue fund as HUD dollars are appropriated to the TOC. McGuire noted that

payments in lieu would be an option, approved by the Board of Aldermen, rather than automatic.

Barton moved and seconded by Paulsen that the Planning Board recommends approval of the draft ordinance as written.

VOTE: AYES: (7) Barton, Carnahan, Cook, Fritz, Paulsen, Cook and Poulton; NOES: (0);  
ABSENT/EXCUSED: (3) Bell, Chadbourne, Clinton; ABSTENTIONS: (0).

Associated Findings

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

Furthermore, the Planning Board of the Town of Carrboro finds that the land use regulations and procedures should be consistent with Carrboro Vision 2020, particularly policies 6.11, 6.12, and 6.14 related to the provision of affordable housing units.

Motion in support of this finding was made by Barton and seconded by Fritz.

VOTE: AYES: (6) Barton, Carnahan, Cook, Fritz, Paulsen, Cook and Poulton; NOES: (0);  
ABSENT/EXCUSED: (3) Bell, Chadbourne, Clinton; ABSTENTIONS: (0).

Barton moved and Cook seconded that the Planning Board recommends that the Board of Aldermen consider additional revisions to 15-54.1 as follows: add a provision to Subsection (4a) that if fewer than 5 units are provided in a single year, that the town may choose to use the previous year's costs, and clarify subsection (4c) so that the average percent increase will be added to the cost computed for the affordable units rather than the per unit average being multiplied by the average percent increase.

VOTE: AYES: (6) Barton, Carnahan, Cook, Fritz, Paulsen, and Poulton; NOES: (0);  
ABSENT/EXCUSED: (3) Bell, Chadbourne, Clinton; ABSTENTIONS: (0).

Cook moved and Paulsen seconded that the Planning Board recommends that a report on all payments into and expenditures from the Affordable Housing Revenue Fund, as well as on the affordable housing units produced, be prepared annually.

VOTE: AYES: (6) Barton, Carnahan, Cook, Fritz, Paulsen, and Poulton; NOES: (0);  
ABSENT/EXCUSED: (3) Bell, Chadbourne, Clinton; ABSTENTIONS: (0).

V. **ADJOURNMENT** – There being no further business, the meeting adjourned at 9:52 PM.