

## BOARD OF ALDERMEN

ITEM NO. (3)

### AGENDA ITEM ABSTRACT

**MEETING DATE: March 28, 2006**

**TITLE: Public Hearing on an Ordinance Authorizing Limited Office Uses in the B-3 Zoning District**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES <u>X</u> NO <u>  </u></b>
<b>ATTACHMENTS:</b> <b>A. Draft Ordinance</b> <b>B. Text Amendment Request</b> <b>C. Map showing location of B-3 Zoning</b> <b>D. Excerpts of Article IX and X</b> <b>E. Planning Board Recommendation</b> <b>F. Resolution regarding plan/policy consistency</b> <b>G. Letter from Village Square Homeowners Association</b>	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – <b>918-7327</b> Mike Brough – <b>929-3905</b>

#### PURPOSE

The Town has received a request from William Douglas Mitchell, owner of property in the B-3 zoning district, to amend the text of the Land Use Ordinance to allow offices with a special use permit in that district. It is necessary for the Board to receive public comment prior to taking any action.

#### INFORMATION

William Douglas Mitchell has submitted a text amendment request to add office uses to those allowed currently in the B-3 zoning district (*Attachment B*). A map illustrating the location of the properties with B-3 zoning and excerpts of the existing, applicable land use regulations are attached (*Attachment C and D*).

#### Description of the Draft Ordinance

A draft ordinance that responds to this request was prepared and submitted for the Board's review in January 2006 (*Attachment A*). The office uses noted would be allowed subject to the issuance of a special use permit by the Board of Adjustment. It should be noted that the ordinance proposes an amendment to the definition of the B-3 district. This change has been included since a strict interpretation of the current language related to this "Neighborhood Business" district can result in differing opinions regarding whether office uses are a need that arise at the neighborhood level.

The draft ordinance has been referred to Orange County and the Planning Board. The Town has received and is processing an application for a special use permit to allow conversion of the building at 127 Fidelity Street from a dry cleaning business to low-volume/traffic office uses.

Fifty-five properties totaling approximately 14 acres of land are currently designated as B-3 Neighborhood Business zoning districts.

### **Consistency with Adopted Plans or Policies**

The policies that have provided the framework for much of the town's development objectives were developed in relation to the re-emphasis on downtown development that took place in the mid-1980's. Later, these policies were formally articulated and became guiding principles for growth in Carrboro by the Year 2000 Task Force that was convened in March of 1985. The Board of Aldermen adopted the result of that group's effort, "Year 2000 Task Force Policies" in 1989. The Year 2000 Task Force report was adopted in 1989 as non binding policy towards growth and development and was updated and adopted as "Carrboro Vision2020: Policies through the year 2020" on December 5, 2000. References found in Vision 2020, the most recent of these documents that are of specific relevance to this requested text amendment are noted below. This vision document clearly articulates the need for both commercial revitalization and expansion to occur in conjunction with the protection of existing neighborhoods

### **"Carrboro Vision2020" (2000)**

- 2.41** The town should support the evolution of a downtown district that embodies Carrboro's character. The downtown district should have medium-rise buildings appropriately sited with adequate public access, and it should provide shopping opportunities that meet our citizens' everyday needs. The downtown should remain a center for the community where people work, gather, shop, socialize and recreate. The Century Center should serve as a focal point for the downtown

## **3.0 ECONOMIC DEVELOPMENT**

### **3.1 Nature of Development**

In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

- 3.23** Other downtown commercial activity could include restaurants, entertainment venues, technology companies, lodging, and offices.

## **3.6 ECONOMIC DIVERSITY**

- 3.61** While our citizens may not be able to meet all of their consumer needs in Carrboro, it is important that the town encourage the widest possible diversity of locally operated businesses. The objective is a balanced portrait of convenience, a movie theater, overnight accommodations, home businesses, technology, retail, a variety or department store, restaurants, and entertainment.

The change in the permitted uses for the B-3 zoning district slightly expands the commercial opportunities for nearly fourteen acres of commercial property in the town. Because of the unique

characteristics for the B-3 locations, this expanded opportunity is not expected to negatively affect and/or compete with office development in other zoning districts either in the downtown or outlying areas. This change appears consistent with the town's desire to expand the commercial tax base, the diversity of commercial activities, and revenue from non-residential development.

### **Review Process, Comments and Recommendations**

The General Assembly recently updated a number of the zoning and subdivision statutes, effective January 2006. The Town Attorney has been working on the changes that will be needed to the town's LUO to make them comply with the new statutes. Two of these changes address the text and map amendment process. While changes to the LUO are pending, it will be necessary for the Board's actions to comply with the new statutory provisions. The relevant changes are summarized here and italicized text indicates how the Board could demonstrate compliance.

1. Members of advisory and governing boards 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. *In order to create a clear record of compliance with this provision, it is recommended that the standard procedure for the adoption of text and map amendments include a statement of the Board members' direct, substantial and readily identifiable financial impact, or lack thereof. The Planning Board has included in its recommendation statement a finding that addresses this prohibition (Attachment E).*
2. The Planning Board and Board of Aldermen must make formal findings that the proposed text and map change is consistent with adopted plans. Since Carrboro relies heavily on adopted policy, such consistency should be noted. The Planning Board recommendation (Attachment E) on the proposed changes also includes this finding. *A resolution has been prepared for the Board of Aldermen to use in recording its findings of consistency or inconsistency when an amendment is adopted or rejected (Attachment F).*

The Village Square Homeowners Association has submitted a letter of support for the proposed amendment (*Attachment G*).

### **FISCAL IMPACT**

No specific fiscal impact, negative or positive, has been estimated in association with this proposed change.

### **STAFF RECOMMENDATION**

The staff recommends that the Board of Aldermen adopt the attached draft ordinance that would authorize some office uses within the B-3 zoning district, subject to the issuance of a special use permit (*Attachment A*) and that the Board of Aldermen also adopt the plan/policy consistency findings resolution (*Attachment F*).

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