

BOARD OF ALDERMEN

ITEM NO. D(3)

AGENDA ITEM ABSTRACT MEETING DATE: February 19, 2008

TITLE: Consideration of a Request for a Minor Map Amendment for the Property Located at 102 Center Street from R-7.5 to B-2

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Petition for change of zoning C. Location Map D. Excerpt of LUO Article IX E. Excerpt from Arch/Hist Inventory	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

Section 15-321 provides for the initiation of amendments to the Town's zoning map. Such a petition has been received from Center Street Preservation regarding the rezoning of 102 Center Street. The Board of Aldermen may set a public hearing date and direct the staff to prepare an appropriate ordinance or may deny the petition.

INFORMATION

A petition to amend the zoning map for 102 Center Street was submitted on November 15, 2007 (*Attachment B*) by property owners, Center Street Preservation, which includes Jane Hamborsky, et. al. As this request involves fewer than five parcels of land in single ownership, the ordinance classifies this as a "minor map amendment." Ms. Hamborsky and others are requesting that the zoning of this property be changed from R-7.5 Residential, one dwelling unit per 7,500 square feet to B-2, Fringe Commercial, in order to fully utilize the property for commercial purposes.

Zoning Context

As shown on the attached location map (*Attachment C*), the property is located on the east side of Center Street, just north of Weaver Street. Information on the zoning and use of 102 Center Street and adjacent properties is summarized in the table below.

Address	Tax map	Zoning	Activity	Use
102 Center Street	7.98.H.2	R-7.5	Curl Up and Dye Hair Salon Photo Studio (application for privilege license has been submitted)	Single family residence, 1.110
100 Center Street/100 W. Weaver Street	7.98H.1	B-2	Community Realty, WCOM	
104 Center Street	7.98H.3	R-7.5	1-story frame house	Single family residence, 1.110
201 N. Greensboro Street	7.98H.7	B-1C	Community Realty, WCOM	
201 N. Greensboro Street	7.98.H.6	B-1C	Debra Seaton Dental Office	Office, 3.110

Table 1. Summary of zoning and use of the Hamborsky property and adjacent properties.

The zoning of 102 Center Street has been unchanged for over 28 years. Rezoning in the area have included the establishment of the B-2 zoning district in 1986 and the rezoning of 103 Short Street from R-7.5 to B-2 in 1998.

Definitions and Pertinent Policy

Article IX of the Land Use Ordinance. This article presents definitions of each zoning district in Town and includes information on the purpose and essential characteristics of each district. The definitions (*Attachment D*) relevant to the rezoning petition for 102 Center Street are summarized below:

Residential- 7,500 square feet per dwelling unit (R-7.5). A district designed for medium density residential on small parcels of land. Permitted non-residential uses include home occupations.

B-2 Fringe Commercial. A district designed to serve as a transition from residential to commercial by accommodating commercial enterprises in existing, largely historic, residential structures. New structures are to be designed and sited so as to continue the residential character of the district.

Carrboro Vision2020. Two policies that address the expansion of the downtown commercial area have been identified. It will be noted that these policies call for preservation and protection of historic areas and older neighborhoods and do not specifically prohibit the expansion of the commercial districts. These policies have been interpreted as intending to:

- 1) support the maximum use of the existing commercial fabric as the desired means of achieving a more robust non-residential tax base
- 2) afford the greatest protection to historic and older residential neighborhoods by preventing the expansion of commercial zoning to those areas.

The Carrboro Vision2020 policies are:

2.42 Development throughout Carrboro should be consistent with its distinctive town character. The town should adhere to policies that limit the widening of roads, encourage plantings alongside roads, preserve historic areas, buildings and older neighborhoods, and retain unspoiled green spaces and other natural areas.

3.1 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.

Density and Dimensional Regulations

The density and dimensional requirements illustrate the differences between the R-7.5 and B-2 zoning districts, and the potential impacts of development on adjacent properties. These requirements are presented in Table 2.

	Existing Zoning – R-7.5	Requested Zoning – B-2
Density	7,500 per dwelling unit	7,500 per dwelling unit
Height	35 feet	Two stories, stepback if in excess of 35 feet
Setbacks	25 r/w; 10 lot boundary	15 r/w; 10 lot boundary

Table 2. Comparison of Density and Dimensional Requirements in Existing and Requested Zoning Districts.

As shown, the change from R-7.5 to B-2 would allow the mass of any building, to increase. Residential uses are permitted in both zoning districts. It may be noted that the last residential use of a property in the existing B-2 zoning district ceased about 10 years ago.

Considerations

Adopted policy calls for protection of existing residential areas, particularly those that also contain historic value, and opposes intrusion of commercial zoning to those areas.

The rezoning petition seeks only the change in zoning for one parcel. This property is located within a block, formed by Center, Short, North Greensboro and Weaver Streets that contains properties zoned B-1(c), B-2, and R-7.5. If the subject property were to be rezoned, one R-7.5 lot would remain on the east side of Center Street.

The right of way on Center Street measures less than 30 feet. Indeed the distance between the faces of existing residential structures measures only 50 feet for so. None of the existing properties conform to the 25-foot r/w setback for this district and most do not conform to the 10-foot property boundary setbacks.

The petitioner has sought the support of neighboring properties owners for a wider-scale request for rezoning.

Two of the residentially zoned parcels on Center Street contain historic structures that were included in Carrboro, N.C.: An Architectural and Historical Inventory. One of these structures, though apparently built around 1898 as a residence, was adapted as the first local school and served in that capacity until 1908 (*Attachment E*). Due to the proximity of residential uses, the Downtown Neighborhood Protection overlay district was placed on the east half on the lots facing N. Greensboro. The unique, historic character of this location suggests that the Board may wish to strongly consider a conditional use rezoning request for the subject property, and perhaps others that are similarly situated.

The Board could include the other remaining R-7.5 lot on the east side of Center Street in a general rezoning of both lots to B-2 and hold a public hearing on such an amendment.

Alternatively, the Board of Aldermen could direct staff to examine the appropriateness of a new general use zoning district for a larger area.

Section 15-321, "Initiation of Amendments" describes the process by which the Board is to consider text and map amendments to the Carrboro Land Use Ordinance. Subsection (d) specifies that, in the case of petitioners who are other than members of the town staff, administration, or advisory boards, the Board of Aldermen may either deny the petition or set a date for a public hearing on the requested amendment. Should the Board decide to set a date for a public hearing, the Board would direct staff to prepare an appropriate ordinance.

Section 15-322 requires that any proposed amendments shall be referred to the planning board. If applicable, the proposed amendment shall also be referred to the Appearance Commission and/or the Transportation Advisory Board.

FISCAL IMPACT

The petitioner has submitted an application fee, which has been set to capture advertising costs and the average staff time associated with a rezoning request.

The staff involved in processing such a request includes the Town Attorney, GIS Specialist, Planning Administrator, and numerous other planning staff who participate in evaluating the appropriateness of the request, public notice (mailing and posting the property) and preparation for the advisory board meeting.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider the provisions of Section 15-321 noted above, and decide whether to accept or deny the petition for a minor map amendment.

Should the Board of Aldermen be inclined to move forward, staff would strongly urge the Board of Aldermen consider either directing staff to formulate a rezoning scheme for all or some of the lots on Center Street or requesting a proposal for a conditional use rezoning from the owners of property on Center Street and allowing time for preparation of an appropriate mechanism. A resolution that presents these action options is provided (*Attachment A*).