

**A RESOLUTION SPECIFYING FOLLOW-UP TO THE
REZONING REQUEST FOR 102 CENTER STREET
Resolution No. 131/2007-08**

WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Board of Aldermen has received a request to rezone the parcel known as 7.98.H.2 and located at 102 Center Street from R-7.5 to B-2-Conditional; and

WHEREAS, adopted policies call for protection of historic properties and older neighborhoods and this parcel is located in such an area; and

WHEREAS, adopted policies also call for increased commercial opportunities, particularly downtown developments with a mix of uses.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen:

Section 1. Accepts the petition, directs staff to prepare an ordinance that rezones 102 Center Street (Orange County TMBL 7.98.H.2) from R-7.5 to B-2-Conditional, sets a public hearing for May 27, 2008, and refers the rezoning petition and draft ordinance to the Planning Board for review.

This is the 15th day of April in the year 2008.

**PUBLIC HEARING TO CONSIDER A MINOR MAP AMENDMENT FOR THE PROPERTY
LOCATED AT 102 CENTER STREET FROM R-7.5 TO B-2**

The Board of Aldermen set a public hearing on the rezoning request for 102 Center Street and was required to receive public comment before reaching a decision.

Trish McGuire, the town's Planning Administrator, made the presentation.

Jane Hamborsky, the applicant, stated that six people (the Center Street Preservation, LLC), including herself, own 102 Center Street, and they are interested in preserving the house while allowing small commercial opportunities activities to take place.

Tim Peck, a resident of 204 W. Main Street, stated that he likes the idea of using the house for businesses.

Jeff Herrick, a resident of 109 Center Street, stated that they are renovating their house which was built in 1898, and expressed concern about the remainder of Center Street being rezoned to B-2. He also expressed concern that additional "up" zoning could be requested in the future. He stated that they would like to keep the street residential, but does not have a problem with businesses with daytime-only hours.

Michelle Rivest, a resident of 100 Oak Avenue, spoke in support of daytime-only businesses on this property, but does not feel B-2 zoning is compatible with a residential neighborhood. She expressed a desire to see a zoning district created that would protect the neighborhood while allowing for daytime-only businesses. She also expressed opposition to rezoning all of Center Street.

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY DAN COLEMAN TO DIRECT STAFF TO PREPARE A LAND USE ORDINANCE TEXT AMENDMENT TO CREATE A CONDITIONAL ZONING PROVISION, AND THAT THE APPLICATION FEE BE WAIVED. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA)

It was the consensus of the Board that the town staff follow the standard advertisement procedure.

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- (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
 - (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.
- (c) Upon receipt of a petition as provided in (b), the planning staff shall either:
- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
 - (2) Forward the petition to the Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).

(d) Upon receipt of a proposed ordinance as provided in subsection (a), the Board may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance.

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments (AMENDED 10/24/06)

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues. **(AMENDED 09/19/95)**

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen. The planning board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report. **(AMENDED 10/24/06)**

(c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen, and the Board

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of Aldermen is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**

(d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board) shall not vote on recommendations regarding 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. **(AMENDED 10/24/06)**

Section 15-323 Hearing Required: Notice

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term "owners" shall mean the persons shown as owners on Orange County's computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97;3/26/02)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06)**