

BOARD OF ALDERMEN

ITEM NO. C(4)

AGENDA ITEM ABSTRACT
MEETING DATE: September 16, 2008

TITLE: Request to Set a Public Hearing to Consider a Minor Map Amendment for the Property Located at 401 North Greensboro Street from R-7.5 to B-2-Conditional

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO _X_
ATTACHMENTS: A. Resolution B. Petition for change of zoning C. List of possible limitations D. Excerpt of LUO Article IX E. Section 15-321 F. Excerpt of Architectural Inventory G. Location Map	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 Mac Fitch regarding the rezoning of 401 N. Greensboro Street. A resolution that provides an opportunity for the Board of Aldermen to set a public hearing date and direct the staff to prepare an appropriate ordinance is provided.

INFORMATION

A petition to amend the zoning map for 401 N. Greensboro Street from R-7.5 to B-2 CZ (Fringe Commercial Conditional) was submitted on July 17, 2008 (*Attachment B*). A list of proposed limitations on the use of the property has also been submitted (*Attachment C*).

A date of October 27, 2008 has been identified as available should the Board of Aldermen wish to forward this item to a public hearing. The resolution included as Attachment A, if adopted, would set a public hearing date and forward the rezoning petition to the Planning Board for review.

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 a rezoning from R-7.5 to B-2 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- Conditional (Fringe Commercial- conditional). Petitions for rezoning to a conditional zoning district must be initiated by a property owner and must include a list of conditions that will limit uses or manner in which a property may be developed. The B-2 is 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.

Staff comment: The existing house at 401 N. Greensboro Street is one of the 150 historic properties inventoried and among the 75 properties described in Carrboro, N.C.: An Architectural and Historical Inventory (excerpt – *Attachment F*).

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.

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 the petition for a minor map amendment. A resolution that accepts the petition and sets a public hearing for October 27, 2008 is provided for the Board's use (*Attachment A*).