

BOARD OF ALDERMEN

ITEM NO. C(3)

AGENDA ITEM ABSTRACT

MEETING DATE: March 16, 2010

TITLE: Request to Set a Public Hearing to Consider a Land Use Ordinance Text Amendment and Map Amendment Related to Establishment of the B-1(g) CZ Conditional Zoning District and Placement on the Property Located at 500 North Greensboro Street

DEPARTMENT: PLANNING	PUBLIC HEARING YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. LUO Amendment request and petition for change of zoning C. Location map D. Zoning district information E. Sections 15-321, 15-322, and 15-325	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

Section 15-321 provides for the initiation of text and map amendments to the Town's Land Use Ordinance. The Town has received a request to amend the ordinance and a petition to amend the zoning map in relation to the property at 500 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 appropriate ordinances is provided.

INFORMATION

Green Equity, LLC has submitted a request to amend the Land Use Ordinance to establish a new, B-1(g) conditional zoning district and a petition to amend the zoning map for 500 N. Greensboro Street from B-2 to B-1(g) CZ (General Business Conditional) (*Attachment B*). The application includes proposed conditions which would limit development and use of the property under the amended zoning classification. A location map is attached (*Attachment C*).

A date of April 27, 2010 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 amendment request to the Planning Board and Orange County, and the rezoning petition to the Planning Board, for review. The Board of Aldermen may also wish to request review by the Appearance Commission, Transportation Advisory Board, and Economic Sustainability Commission.

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 permitted uses, and development standards are listed in (*Attachment D*). A comparison of the change in permitted uses from CT to B-1(g) CZ is summarized below.

General Use Category	Number of Uses Permitted in CT District	Number of Uses Permitted in Business (B-1(g) District	Change in Uses Permitted
Residential (1.000)	37	36	- 1
Sales and Rental of Goods (2.000)	7	7	0
Office, Clerical, Research (3.000)	6	5	-1
Manufacturing, w/in fully enclosed building	1	1	0
Educational, Cultural, Religious, Philanthropic, Social (5.000)	6	6	0
Recreation (6.000)	7	8	0
Hospital, Nursing Care (7.000)	3	3	0
Restaurant, Bar, Nightclub (8.000)	0	4	+ 4
Parking or storage (10.000)	1	1	0
Veterinarian (12.000)	0	1	+1
Emergency Services (13.000)	4	4	0
Public/Semi-public Utility Facilities (15.000)	3	6	+ 3
Utility Facilities (17.000)	2	1	+1
Towers and Related Structures (18.000)	3	3	0
Open Air Markets, Horticultural Sales (19.000)	2	2	0
Cemetery (21.000)	1	1	0
Day Care (22.000)	4	4	0
Temporary Structure or Parking (23.000)	1	1	0
Subdivisions (26.000)	3	3	0
Combination Uses (27.000)	1	1	0
Special Events (29.000)	1	1	0
Temporary Lodging (34.000)	2	1	-1

Table 1. Comparison of the Number of Uses, by General Category, in Existing and Proposed Zoning Districts

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 500 N. Greensboro Street is over 50 years old, but was not at the time historic properties were inventoried in 1979. Seventy-five of those properties are described in Carrboro, N.C.: An Architectural and Historical Inventory.

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.

Carrboro Land Use Ordinance. 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.

Section 15-325 describes the central issue before the Board of Aldermen in considering petitions for zoning amendments to be whether the amendments advance the public health, safety, or welfare. In the case of petitions to rezone property to a conditional zoning district, the Board of Aldermen is able to consider representations as to how a property will be used.

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 requests to amend the text and map of the Land Use Ordinance. A resolution that accepts these requests and sets a public hearing for April 27, 2010 is provided for the Board's use (*Attachment A*).