

BOARD OF ALDERMEN

ITEM NO. C(2)

AGENDA ITEM ABSTRACT

MEETING DATE: May 3, 2011

TITLE: Request to Set a Public Hearing to Consider a Land Use Ordinance Text Amendment and Minor Map Amendment Related to B-1(g) CZ Conditional Zoning and Placement on Four Parcels Located at and near 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. Rezoning ordinance adopted April 27, 2010 for 500 N. Greensboro Street D. Land Use Ordinance – Excerpt of relevant sections	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 four parcels at and near 500 N. Greensboro Street. A resolution that offers an opportunity for the Board of Aldermen to set a public hearing date and direct the staff to prepare appropriate ordinances is provided.

INFORMATION

Ken Reiter of Belmont Sayre, contract purchaser, and David and Karen Jessee, Paul Piersma, and Dave Bellin, property owners of the lots known as 500, 404, and 406 N. Greensboro Street and 116 Parker Street, have submitted a petition to amend the zoning map for these properties to B-1(g) CZ (General Business Conditional) to allow development of the property with two buildings. There is no change proposed to the Downtown Neighborhood Protection overlay zoning district that occurs in the area within fifty feet of the N. Greensboro Street frontage.

The first building is proposed as two to three stories, to consist of 12,000 square feet of retail space and 24 residential dwelling units. The second building is proposed as four stories, with a below-grade parking garage and is to consist of 90 residential dwelling units. As the residential density proposed for the property exceeds that permitted in the requested zoning district, Mr. Reiter has also submitted a request to amend the text of the Land Use Ordinance to allow greater density in the B-1(g) CZ district in accordance with goals of creating a more vibrant and successful community. Six conditions have been proposed by the petitioner, the last of which seeks to limit development of the property in accordance with an illustrated development program (*Attachment B includes the text amendment*

request, rezoning petition and attached maps showing the subject property and development program).

A portion of this property was rezoned from CT (Corporate Town) to B-1(g) - CZ in April 2010, subject to conditions and zoning exhibit (*Attachment C*).

A date of June 14, 2011 has been identified as one that would allow the Board of Aldermen to consider, and perhaps come to a decision on this item, prior to taking its summer break. Mr. Reiter has indicated that his option to purchase, obtained in late December 2010, will expire before the Board of Aldermen returns from summer break and has requested scheduling flexibility, if at all possible. 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, Environmental Advisory Board, and Economic Sustainability Commission and the appropriate boxes referring the items to these boards have been checked in *Attachment A*.

Excerpts of Article IX related to conditional zoning, and Article XX, related to the initiation and review of land use ordinance amendments, are included as *Attachment D*.

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 requests 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, if adopted (*Attachment A*) will:

- Accept the amendment request and rezoning petition and direct staff to prepare appropriate ordinances, and
- Set a public hearing date of June 14, 2011, and
- Refer a draft ordinance amending the provisions related to B-1(g)-CZ districts to Orange County and the Planning Board, and
- Refer a draft ordinance amending the zoning map to advisory boards.