

Board of Aldermen

ITEM NO. A(2)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, June 14, 2011

TITLE: Public Hearing on a Land Use Ordinance Map Amendment Related to Four Properties at and Near 500 N. Greensboro Street

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u>X</u>
ATTACHMENTS: A. Consistency Resolutions B. Draft ordinance C. LUO Map Amendment Petition, Proposed Conditions and Conceptual Plan D. Staff Memo and attachments E. Mailed Notice Certification F. Recommendations and Comments	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

The Town has received a petition to change the zoning classification for four properties located at and near 500 N. Greensboro Street from CT and B-1(g)-CZ to B-1(g)-CZ. A draft ordinance making these changes has been prepared. The Board of Aldermen must receive public comment before taking action in response to this request.

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 Orange County PIN 9778-87-7556, addressed as 500 N. Greensboro Street, from B-1(g) CZ (General Business, Conditional), and 9778-87-7448, 9778-97-0512, 9778-87-9369, addressed as, 404 N. Greensboro Street, 406 N. Greensboro Street, and 113 Parker Street, submitted a petition on April 8, 2011 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. Included in the submittal are the Rezoning Petition, a list of proposed conditions, and a conceptual plan for development of the property (*Attachment C*). If approved, the conceptual plan would be incorporated as an exhibit into the ordinance rezoning the four properties. 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 in a building of approximately 36,000 square feet fronting on N. Greensboro Street. The second building is proposed as four stories, with below-grade parking garage under half the structure; 90 residential dwelling units are proposed in this building of approximately 84,000 square feet. 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. Eight 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. Further information on the request is provided in the staff memo and its attachments (*Attachment D*). Among these attachments are building elevations and an artist's rendering of the project as it would appear from N. Greensboro Street. Please note that these images have been provided as illustrations and are not intended to become part of the ordinance changing the zoning of the property, if the zoning change is granted.

Public notice was carried out as required in Section 15-323. Certification of the mailed notice is provided (*Attachment E*). Per Section 15-322 of the Land Use Ordinance, the petition has been referred to the Planning Board. The petition was also referred to the Transportation Advisory Board, Environmental Advisory Board, and the Economic Sustainability Commission, each of which has completed its review and made comments/recommendations (*Attachment F*). The petition was also referred to the Appearance Commission. The Appearance Commission did not reach quorum on June 2, so has not carried out its review. The commission is expected to meet quorum on June 16; the chair is requesting that the Board of Aldermen delay making a decision on the petition until it has completed the review.

FISCAL AND STAFF IMPACT.

The four properties included in this petition are either developed with residences or are vacant. The assessed land value of these lots averages approximately \$275,000. Some increase in the assessed value of the property may occur if the area is rezoned to support the development noted on the conceptual plan, though a significant increase in property value would likely take place only after a permit for the development had been obtained. A particular staff impact associated with the change has not been noted, though staff time will be involved in review and administration of a conditional use permit application for this project if the conditional rezoning is approved.

RECOMMENDATION

The staff has identified three significant limitations in the conceptual plan and traffic impact analysis that accompany the petition that argue against approval of the requested amendment and consequently the staff recommendation is not in support of approving the requested change. The limitations are inherent in the size and scope of the project and include the projected level of service at the entrance driveway, the mix of uses, and the inconsistency of the project's scale and placement with the character of nearby development fronting on N. Greensboro Street. It may be noted that concerns associated with the scale and placement of the front building could be allayed with changes to the conceptual plan that presented a smaller building or buildings that in placement, scale and style would be in keeping with the existing residential structures on this site and along the street.

Should the Board of Aldermen find that these limitations are outweighed by benefits that might otherwise result from this project and wish to support the rezoning request, staff would strongly urge delay of a decision until the Town receives confirmation from NCDOT regarding the need for any mitigation of the queues that are projected in the traffic impact analysis for southbound traffic during the PM peak. Staff notes that it is not clear whether a turn lane could be provided in this location; at a minimum, within the existing right-of-way, it would result in removal of the bicycle lanes.

If the Board of Aldermen wishes to proceed with acting on and approving the requested rezoning at this time, staff has identified the following conditions for attachment to this action. Underlined conditions have been agreed to by the petitioner and are included in the attached draft ordinance.

1. Driveway access to the parcel shall be aligned with Shelton Street;
2. All structures currently located on the property shall be offered for relocation prior to beginning construction.
3. Possible land uses will be limited to those listed on the Concept Plan labeled "500 North Greensboro, RZ-2" dated June 10, 2011 subject to the determination that adequate parking has been provided for the overall project.
4. The property will be developed substantially in accordance with the attached Concept Plan labeled "500 North Greensboro, RZ-1 & RZ-2" dated June 10, 2011.
5. A minimum of 15 percent of the residential units shall be affordable consistent with the definition and term of maintenance of affordability found in Section 15-182.4 of the Land Use Ordinance at the time a conditional use permit for the development is obtained.
6. Solar shading impacts along the northern property line shall be mitigated as if it were a street right-of-way, per Section 15-178(a)(3).
7. Bedroom/bathroom ratio shall be less than 1:1 for any residential units consisting of three or more bedrooms.
8. Parking configuration along the Parker Street right-of-way/southern property boundary will allow for secondary emergency vehicle access to/from the site.

Staff encourages additional conditions such that one item from each of the seven building and site elements be selected and included as conditions. The Board may wish to consider the items noted in the petitioners' proposed condition number 6.

Resolutions of consistency and the draft ordinance amending the zoning of these properties are provided for the Board's use (*Attachments A and B*). The Board of Aldermen must adopt a statement of consistency prior to acting on the amendment request.