

Board of Aldermen

ITEM NO. B(2)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, September 27, 2011

TITLE: Continuation of a 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
ATTACHMENTS: A. Consistency Resolutions B. Draft ordinance including PB, EAB, and TAB recommendations C. LUO Map Amendment Petition, Proposed Conditions and Conceptual Plan D. Excerpt of Minutes, Board of Aldermen, 6/14/2011 E. Revised concept plan and petitioner's memo and addendum F. Staff Memo G. Appearance Commission comments H. Staff memo on trip generation and MAB response	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

The Board of Aldermen considered 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 on June 14, 2011. The Board continued the public hearing and requested additional information related 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, currently zoned CT, 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. 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. For a summary of the buildings and other background information on this request, see the agenda materials at http://www.townofcarrboro.org/BoA/Agendas/2011/06_14_2011.htm (Item 2). Minutes of the hearing are attached (*Attachment D*). The Board of Aldermen requested additional information on

a number of topics. The petitioner has submitted a memo and revised concept plan (*Attachment E*). A staff memo responding to questions from the Board of Aldermen has been prepared (*Attachment F*).

Conditions

Conditions proposed by the petitioner, staff, and advisory board members are listed in the draft ordinance (*Attachment B*). Those conditions that are underlined (four out of 37) are those that have been agreed to by staff and the petitioner. A number of other conditions, proposed by the petitioner and advisory boards, are worded in such a way that they are not yet ready for adoption because they lack the specificity for determining compliance when a permit is applied for at a later date.

Staff comments

The staff memo prepared for the June 14th public hearing described benefits and limitations associated with the requested rezoning and the concept plan upon which the conditional zoning is to rely. New development would add to the Town's tax base and provide new residential and business opportunities. As designed, the project will result in a significant traffic increase and change the look, feel, and scale of N. Greensboro Street in this location. Limitations with regard to traffic/roadway impacts, safety, emphasis on residential uses, and scale/consistency with the existing streetscape and nearby development and zoning framework were noted. The possible need for a turn lane along the property frontage was described, as was concern that this change would result in removal of the existing bike lanes along N. Greensboro Street and limit the implementation of a plan for bike lanes to be continued south towards the Weaver Street intersection. The petitioner has followed up on that issue and determined that it is possible for the existing street r/w to accommodate bike lanes, sidewalks, planting strips, travel lanes and a left turn lane north and south of Shelton Street, though off-site grading easements will be needed to do so. The proposal for a turn lane in this location, along an existing street, may be considered in relation to Vision2020 policy 4.41 which states "As a general policy, established roads should be widened to accommodate bike lanes and sidewalks, but not to provide additional lanes for automobiles." The revised site plan, included as part of the petitioner's memo in *Attachment E*, was forwarded for NCDOT review on September 13, with full-sized plans following on September 15. NCDOT staff has indicated that they need a couple of weeks to review and comment. Additional Town staff comments were also provided to the petitioner regarding the trip generation for the project. These comments and a reply are attached (*Attachment H*).

The petitioner has offered to increase the commercial square footage from approximately 14 percent to 19 percent, by seeking leases through January 2012. Staff has not offered support of this condition; the short time frame proposed for seeking additional non-residential space appears to provide little opportunity for seeking to increase the commercial component of the project. The attached staff memo suggests that if this condition were of interest, that a longer time frame be specified. No change has been made to the scale and placement of the front building; concerns about the inconsistency with the existing development and the expectations established by the existing zoning have not been addressed. On balance, the extent of the change has not lead staff to recommend in support of the change.

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 recommends that the Board of Aldermen consider the petition, concept plan, and proposed conditions. A draft ordinance that includes all proposed conditions to date, annotated as to who has proposed or supports the condition is provided (*Attachment B*). Action on the consistency resolutions (*Attachment A*), in support of or opposition to the rezoning, is needed prior to acting on the rezoning ordinance.

The Board of Aldermen could find that the limitations of the proposed development as presently designed do not advance the public interest and either request additional time/information or modifications or choose to deny the request for a zoning map amendment. At a minimum, additional time to fully consider comments from NCDOT regarding the revised concept plan, proposed turn lanes, as well as the trip generation comments, is urged.

If the Board of Aldermen wishes to proceed with acting on and approving the requested rezoning at this time, at least two options are available; accepting that only four, mutually-agreed upon conditions would be established in conjunction with a grant of additional density nearly ten-fold, or continuing discussion with the petitioner to see whether agreement can be reached on additional conditions proposed by the staff, petitioner, or advisory boards. Staff does not believe the first option is the optimal one. Of the additional conditions offered by the petitioner, staff notes that condition 6, regarding LEED equivalency, lacks the specificity that would be needed for inclusion in a rezoning ordinance. Staff further notes that condition 11 deals with ordinance requirement (the downtown architectural standards and the DNP overlay) that must be addressed at the time a permit is sought. Staff encourages particular consideration of condition 10, a placeholder for site and building elements from the draft ordinance. Based on the magnitude of the increase in density for the project, the expectation is that site and building elements, representing several of the environmental or design areas, would be selected and included as conditions of rezoning.