

## Board of Aldermen

ITEM NO. D(6)

### AGENDA ITEM ABSTRACT

**MEETING DATE: Tuesday, November 15, 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

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></b>
<b>ATTACHMENTS:</b> <b>A. Consistency Resolutions</b> <b>B. Draft Ordinance</b> <b>C. LUO Map Amendment Petition and Conceptual Plan</b> <b>D. Excerpt of Minutes, Board of Aldermen, 6/14/2011 and 9/27/2011</b> <b>E. Staff Memo</b> <b>F. Email from Ken Reiter re: expected tax revenue</b> <b>G. Shelton Station at N. Greensboro Street frontage – Sketch Up illustration</b> <b>H. American Community Survey Data – Housing Characteristics 2005-2009</b> <b>I. LEED New Construction Checklist</b> <b>J. LEED New Construction Checklist for Fire Station N. 2</b> <b>K. Resolution No. 78/2009-10</b> <b>L. Copy of Ken Reiter’s matrix of conditions</b>	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – <b>918-7327</b>

#### 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 and September 27, 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, 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. 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 application materials, see *Attachment C*. Background information on this request, may be found at [http://www.townofcarrboro.org/BoA/Agendas/2011/06\\_14\\_2011.htm](http://www.townofcarrboro.org/BoA/Agendas/2011/06_14_2011.htm) (Item 2) and [http://www.townofcarrboro.org/BoA/Agendas/2011/09\\_27\\_2011.htm](http://www.townofcarrboro.org/BoA/Agendas/2011/09_27_2011.htm) (Item B.2). Minutes of the hearings are attached (*Attachment D*). The Board of Aldermen continued discussion on June 14<sup>th</sup> and September 27<sup>th</sup> and requested additional information and changes to the draft ordinance amending the zoning map to establish the B-1(g)-CZ in this location. A staff memo responding to the Board's requests has been prepared (*Attachment E*). In response to a question from Alderman Lavelle, Mr. Reiter has submitted an estimate of tax revenue that may be generated from the project (*Attachment F*).

### **Possible Conditions**

Twelve possible conditions have been identified. Further description of the revisions following requests from the Board of Aldermen on September 27<sup>th</sup> is provided in *Attachment E*.

Proposed conditions (Underlined if mutual agreement between Town staff and petitioner)	
1.	<u>Driveway access to the parcel shall be aligned with Shelton Street;</u>
2.	<u>All structures currently located on the property shall be offered for relocation prior to beginning construction</u>
3.	<u>Possible land uses will be limited to those listed on the Concept Plan labeled "Shelton Station, RZ-2" dated September 22, 2011, subject to the determination that adequate parking has been provided for the overall project.</u>
4.	For any residential unit consisting of 3 or more bedrooms, the bathroom count per unit shall be a maximum of .75 bathrooms per bedroom, rounded to the nearest half.
5.	A minimum of fifteen (15) percent (ten percent (10 percent), if more than 20 percent non-residential) of the dwelling units will be limited to a cost not exceeding that affordable to a family with income of no more than 60 percent of the Durham-Chapel Hill area median. The applicant further agrees to limit a minimum additional 10 percent of the units to a cost not to exceed that affordable to a family with income of no more than 80 percent of the Durham-Chapel Hill area median. These cost limits shall remain in effect for a period of 99 years from the date a Certificate of Occupancy is issued for the first residential unit.
6.	The property will be designed and constructed to meet a Leadership in Energy and Environmental Design (LEED) Silver equivalent standard as certified by a LEED accredited professional but shall not be required to complete a certification or commissioning process governed by the U.S. Green Building Council (USGBC). The total points necessary to obtain a LEED silver equivalent shall include points for the following features: a compact, highly-efficient building envelope and glazing, finishes, insulation, and reflective roofing materials that reduce heat island effects, as well as use of Energy Star appliances, high SEER HVAC equipment, and an on-site electric vehicle charging stations.
7.	<u>Parking configuration along the Parker Street r/w/southern property boundary will allow for secondary emergency vehicle access to/from the site.</u>

Proposed conditions (Underlined if mutual agreement between Town staff and petitioner)	
8.	<u>Covered bike parking at the rate of one bike parking space for every four residential units</u>
9.	<u>The parking lot shall meet the standard for a “green” parking lot, per the “EPA Green Parking Lot Resource Guide”</u>
10.	Upon the request of the Town, a public bicycle and pedestrian trail easement shall be incorporated into the site, the location to be determined at the time a conditional use permit is approved.
11.	Petitioner has the responsibility of establishing procedures that are appropriate and necessary to assure that income data provided by the applicants for affordable residential units is complete and accurate and that third-party verification of employment and family annual income will occur at least annually.
12.	That the applicant agrees to move the building nearest North Greensboro Street at least fifteen-feet (15') from the North Greensboro Street right-of-way line.

Mr. Reiter has not agreed to the revision to condition #4, but is agreeable to the following condition related to the bedroom/bathroom ratio:

*For any residential unit consisting of 3 or more bedrooms, the bathroom count per unit shall be a maximum of one less than the number of bedrooms.*

#### Analysis and action options

The Board of Aldermen is aware that the staff has identified limitations inherent in the size and scope of the proposed project that have prevented a recommendation in support of the map amendment request. The limitations which have been noted include:

The projected level of service at the entrance driveway. The traffic impact analysis prepared for the project estimated poor and failing levels of service at the site entrance, raising public concerns related to behavior of motorists seeking to enter and leave the site at peak hours. The possibility of needing to remove the existing bicycle lanes in order to provide a turn lane along the property frontage and greater space for cars to wait to exit from the interior of the site has been explored. The petitioner has determined that it is possible for the existing street r/w to accommodate bike lanes, sidewalks, travel lanes and a left (i.e. center) turn lane north and south of N. Greensboro Street. The concept plan (September 22 version) includes this plan for the street. Mr. Reiter has indicated that there may be a need to acquire easements for construction should the Board determine that the proposed cross-section on the concept plan is deemed desirable. The total width of the proposed features for the street is 56 feet. The N. Greensboro Street r/w is 60 feet wide.

Staff of the NCDOT have reviewed the revised concept plan and responded with a request for submittal of detailed information relating to the design when future plans are submitted.

The mix of uses. The initial concept plan included 10 percent of the building square footage for non-residential purposes and the question of the opportunity cost of using these properties for primarily residential purposes was raised. The non-residential component of the project has been increased to approximately 20 percent, alleviating this concern to a large degree.

The inconsistency of the project's scale and placement with the character of nearby development fronting on N. Greensboro Street. It was noted previously 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, if the placement, scale and style would be in keeping with the existing residential structures on this site and along the street. The site plan was revised from its initial submittal to shift the front building further back, approximately 15 feet behind the sidewalk. Staff has prepared an illustration of the project's presence on N. Greensboro Street (*Attachment G*) and notes the language in subsection 15-178(a) that expresses the purpose and intent of the Downtown Architectural Standards; "new architectural design is harmonious and complementary with existing buildings and the community as a whole." Please note that the image as shown is an approximation of the form and size of the proposed front building as presented in elevation drawings submitted by the petitioner. Town staff have noted the close proximity of utility poles to the existing mill houses on the west side of N. Greensboro Street and recalls the challenges faced by the 605 W. Main Street in exploring options for relocating utility lines along the W. Main Street frontage.

The Board of Aldermen cannot, at this time, technically and formally approve of the project beyond the conceptual level presented in the amendment request. It must be noted, however, that with the level of detail that has been provided (which may be considered reasonably necessary to discuss a project of this size and scope) regarding the building plan and likely development impacts, approval of the map amendment with conditions and accompanying concept plan would effectively, and practically express support and acceptance for this project in its entirety and as presently represented. At the time a conditional use permit is later under consideration, the purpose statement presented in Section 15-178 (a), copied above, would very likely not be open to review since by approving the requested rezoning, the accompanying development plan illustrated on the concept plan would also be approved.

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. If the Board of Aldermen wishes to proceed with acting on and approving the requested rezoning at this time, consistency resolutions and the draft ordinance have been prepared.

#### **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 conditions agreed to by the petitioner, reflecting the Board's requested changes on September 27<sup>th</sup>, where possible, is provided.

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.