

# Board of Aldermen

ITEM NO. A(3)

## AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, January 24, 2011

**TITLE: Continued 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> A. Consistency Resolutions B. Draft ordinance C. LUO Map Amendment Petition D. Excerpt of Minutes, Board of Aldermen, 6/14/2011, 9/27/11, 11/15/11 E. Revised Traffic Impact Analysis and NCDOT comments F. Updated concept plan G. Staff memo on economic analysis H. Technical Memorandum on Shelton Station Economic Benefits, DPF, Inc. I. Adopted ordinance allowing additional density in B-1(g)-CZ districts	<b>FOR INFORMATION CONTACT:</b> 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, 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. The rezoning petition and supporting materials are attached (*Attachment C*). Other background information on this request and the Town's consideration of it may be found in agenda materials and minutes on the Town's website at the following locations:

Date	Agenda	Item #	Minutes	Pages
6-14-	<a href="http://www.townofcarrboro.org/BoA/A">http://www.townofcarrboro.org/BoA/A</a>	A.2.	<a href="http://www.townofcarrboro.or">http://www.townofcarrboro.or</a>	1-3

Date	Agenda	Item #	Minutes	Pages
11	<a href="http://www.townofcarrboro.org/BoA/Agendas/2011/06_14_2011.htm">gendas/2011/06_14_2011.htm</a>		<a href="http://www.townofcarrboro.org/BoA/Minutes/2011/06_14_2011.pdf">g/BoA/Minutes/2011/06_14_2011.pdf</a>	
9-27-11	<a href="http://www.townofcarrboro.org/BoA/Agendas/2011/09_27_2011.htm">http://www.townofcarrboro.org/BoA/Agendas/2011/09_27_2011.htm</a>	B.2	<a href="http://www.townofcarrboro.org/BoA/Minutes/2011/09_27_2011.pdf">http://www.townofcarrboro.org/BoA/Minutes/2011/09_27_2011.pdf</a>	3-4
11-15-11	<a href="http://www.townofcarrboro.org/BoA/Agendas/2011/11_15_2011.htm">http://www.townofcarrboro.org/BoA/Agendas/2011/11_15_2011.htm</a>	D.6	<a href="http://www.townofcarrboro.org/BoA/Minutes/2011/11_15_2011.pdf">http://www.townofcarrboro.org/BoA/Minutes/2011/11_15_2011.pdf</a>	11-13

Mr. Reiter also submitted a request to amend the text of the land use regulations pertaining to the B-1(g)-CZ zoning district to allow the Board of Aldermen to approve conditions allowing additional residential density subject to the inclusion of site features and building elements that would result in a more vibrant and successful community. That requested change was approved by the Board of Aldermen on November 15, 2011. Agenda materials and minutes associated with the text change may be found at

Date	Agenda URL	Item #	Minutes URL	Pages
6-14-11	<a href="http://www.townofcarrboro.org/BoA/Agendas/2011/06_14_2011.htm">http://www.townofcarrboro.org/BoA/Agendas/2011/06_14_2011.htm</a>	A.1	<a href="http://www.townofcarrboro.org/BoA/Minutes/2011/06_14_2011.pdf">http://www.townofcarrboro.org/BoA/Minutes/2011/06_14_2011.pdf</a>	1
9-27-11	<a href="http://www.townofcarrboro.org/BoA/Agendas/2011/09_27_2011.htm">http://www.townofcarrboro.org/BoA/Agendas/2011/09_27_2011.htm</a>	B.1	<a href="http://www.townofcarrboro.org/BoA/Minutes/2011/09_27_2011.pdf">http://www.townofcarrboro.org/BoA/Minutes/2011/09_27_2011.pdf</a>	2-3
11-15-11	<a href="http://www.townofcarrboro.org/BoA/Agendas/2011/11_15_2011.htm">http://www.townofcarrboro.org/BoA/Agendas/2011/11_15_2011.htm</a>	D.6	<a href="http://www.townofcarrboro.org/BoA/Minutes/2011/11_15_2011.pdf">http://www.townofcarrboro.org/BoA/Minutes/2011/11_15_2011.pdf</a>	7-11

Minutes of the hearings are attached (*Attachment D*). On November 15<sup>th</sup>, the Board of Aldermen requested additional information on several topics.

1. That staff notify neighbors and the community sooner on future developments. It was also requested that the developer consider creative ways to create more access to commercial space in the back of the proposed development.
2. That the developer consider converting Parker Street to a one-way road and to explore the possibility of decreasing the Shelton Street left turn storage. It was also requested that the traffic improvements have more of a narrow profile.
3. That the developer look into reducing the traffic improvement impacts and to consider the alternate ingress and egress routes.
4. That the developer consider the public comments related to traffic improvement impacts and the scale of the project.
5. That the Board also consider whether this density is appropriate for this location at this time.

The petitioners have reduced the project from 114 units to 96 units and modified the mix of non-residential uses to include 12,000 square feet of retail and 12,000 square feet of office. In association with this change, the front building has been changed from three stories to two stories. The building in the rear is unchanged. The petitioners have submitted revised traffic impact information (*Attachment E*) reflecting these changes and concept plan. Updated architectural renderings are expected to be included in the petitioner's presentation on January 24<sup>th</sup>.

Staff was directed to advertise the continued public hearing. Notice of the hearing has been published in the Chapel Hill Herald and notice of the hearing has been posted on the property. The petitioners mailed a notice to property owners and held an information meeting on the updated project proposal on January 12<sup>th</sup>.

### 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 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. Initially, these concerns led the NCDOT to indicate that left turn lanes into the site for north- and south-bound traffic would be needed. The implication of this request was that, in order to maintain the bicycle lanes, the entirety of the 60-foot right-of-way would be utilized. The possibility for some construction-related activity outside the right-of-way was also noted. Since the November 15<sup>th</sup> hearing, the petitioners have reduced the scale of the project resulting in slightly fewer trips than previously estimated. The updated traffic impact analysis states that "intersection operations are generally unaffected or have a very slight decrease in delay" in comparison to the previous analysis. does not show a need for turn lanes at this time in association with this development. NCDOT staff have indicated that they concur with the updated assessment (*Attachment E-25*).

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 and the policy framework otherwise in place. 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. As is noted above the front building has been reduced from three stories to two. The Concept Plan dated January 10, 2012 shows the building approximately 16 feet from the existing right-of-way line (*Attachment F*).

The placement of the front building continues to be of some concern as it provides little space for the maintenance of a street scape that is in keeping with the character of N. Greensboro Street. The short 'block' from about Parker Street to just north of Shelton Street, until the removal of the home at 500 N. Greensboro Street in the summer of 2011, appears to have remained largely unchanged since the 1930s, serving as a key entranceway to the commercial center from the north and the mill house area

from the south. The Board of Aldermen established the B-1(g)-CZ zoning district in response to a proposal to develop the lot at 500 N. Greensboro Street. Some of the specific limitations of the CT district were found to be problematic, particularly the minimum lot size of one acre (which would prevent the subdivision/sale of the lot into separate parcels) and separation requirement between residential and non-residential buildings (a minimum of 50 feet from any residential dwelling unit that existed on July 1, 1985). The B-1(g)-CZ district was established and placed on the lot at 500 N. Greensboro. In keeping with the language in the CT district definition, “continued use of existing residential dwelling units along N. Greensboro is encouraged,” the mill-era bungalow at 404 N. Greensboro was to be relocated to the front of 500 N. Greensboro. The bungalow was to be moved because then, as in the current plan, the entrance to the site lined up with Shelton Street, which lies due west of the house at 404. In discussions with the Board of Aldermen during the public hearing about the desirability of flexibility, the final approved plan shows a building with a footprint matching the bungalow, without the words “relocated existing structure,” as they were removed. The footprint is shown approximately 20 feet from the existing right-of-way line. This rezoning maintained the residential scale of buildings along the street; the current proposal does not do so. The CT zone does allow zero setbacks along the street right-of-way and the presence of the DNP overlay zone establishes parameters for building design and height of buildings. The language regarding the continued use of existing residential dwelling units has been in place for over 25 years. The visioning activities in 2001 did not consider/identify changes to this block. If the requested rezoning is approved, the site has the potential to present compatibility issues with the CT district that adjoins it. The Board may wish to proactively reassess the purposes and characteristics of the zoning districts in this area as other changes may be proposed or appropriate as a result.

For the November 15<sup>th</sup> hearing, staff prepared an illustration of the project’s presence on N. Greensboro Street and noted 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.” 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 relocating/undergrounding utility lines along the W. Main Street frontage. Those challenges did not become apparent until after the project had received its special use permit and was under construction. It may be noted that the placement of the building will allow little room for right-of-way expansion on the east side of N. Greensboro Street, should this be determined necessary at some point in the future.

The issues not addressed by this plan. Downtown architectural standards, including the requirement for parking to be screened from nearby streets by habitable building space, the off-street parking requirement, and the evaluation of traffic impacts through the conditional use permit review and quasi-judicial public hearing are three aspects of the Town’s regulations that cannot be pre-approved through conditional zoning. Per the provisions associated with conditional zoning and permitting requirements otherwise, the Board of Aldermen cannot technically and formally approve of the project beyond the conceptual level presented in the amendment request. It was noted earlier that with the level of detail that has been provided (and is arguably necessary to reasonably 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, practically, and possibly legally express support and acceptance for this project in its entirety and as presently represented. Staff has considered this point further since the November hearing and has determined that unless a condition specifies otherwise, at the time a conditional use permit was later applied for, some of the ordinance requirements would essentially not be open to review. Staff has modified one of the conditions (#3) to note the limitations of the site plan and the areas of the project/decision that will open to review later.

## Economic Analysis

Staff has received questions on the economic underpinnings of a project of this scope and size. A memo responding to these questions has been prepared (*Attachments G and H*).

## Conditions

The draft ordinance proposes to rezone the four properties subject to 12 conditions (see *Attachment B*), with which the petitioners have agreed. Conditions 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11 are virtually unchanged since they were presented at the November 15<sup>th</sup> continued public hearing. Condition 3 has been revised, per the discussion presented above. Condition 5 has been revised to reflect the contribution of a total of 20 percent affordable units. Condition 12 has been revised, in conjunction with 3, to reflect the fact that some elements of the project would be finally decided upon at a hearing for consideration of a conditional use permit application. In accordance with the provisions of the Land Use Ordinance text amendment approved on November 15, (*Attachment I*), conditions pertaining to site and building elements are included in addition to a condition that establishes a maximum residential density of 96 units. Site and building elements are specified in conditions 2, 5, 6, 8, 9, 10 and 11 and address the areas identified in the ordinance provision, as follows. Seven areas are specified in the ordinance and listed in the following sentence. Those areas shown in bold text appear to be addressed in the proposed conditions: **stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, provision of affordable housing**, and the provision of public art and/or provision of outdoor amenities for public use. Should the Board approve the requested rezoning, the January 10, 2012 concept plan, RZ-2, shall be included as an exhibit to the ordinance amending the zoning map for these properties.

## 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, and public hearing comments. 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 chooses to proceed with acting on and approving the requested rezoning at this time, consistency resolutions and the draft ordinance have been prepared (*Attachments A and B*). The Board of Aldermen must adopt a statement of consistency prior to acting on the amendment request.