

A RESOLUTION CALLING A PUBLIC HEARING
FOR 901 WEST MAIN STREET REZONING
Draft Resolution No. 29/2012-13

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, a petition for rezoning the 0.48-acre property from R-10 to B-1(G)-CZ has been received; and

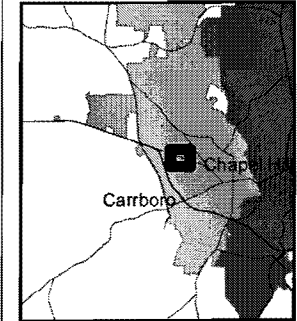
WHEREAS, the Board of Aldermen must hold a public hearing on rezoning requests, and must also refer the rezoning petition for Planning Board review.


NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on _____ to receive public comments and to consider the petition for rezoning.

BE IT FURTHER RESOLVED by the Board of Aldermen that the rezoning petition is hereby referred for review to the Planning Board,

and _____

Rezoning Exhibit R-10 to B-1(G)-CZ



 Proposed Rezoning

901 W Main Street

**THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.



TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

Printed November 7, 2012



AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY 0.48 ACRES OF THE PROPERTY KNOWN AS 901 WEST MAIN
STREET FROM R-10 TO B-1(G)-CZ

****Draft 11-13-2012****

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property being described on Orange County Tax Maps as:

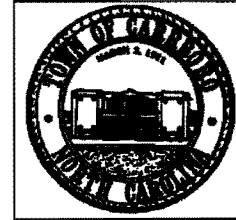
Lot 7 of Tax Map106 in Chapel Hill Township (PIN 9778-48-1023), encompassing approximately 0.48 acres of land shown on the accompanying map titled "Exhibit A," is hereby rezoned from R-10 (Residential, 10,000 square feet per dwelling unit, respectively) to B-1(G)-CZ (General Business, Conditional), subject to the following conditions agreed to by the property owner and Board of Aldermen:

1. The property owner proposes that music, instrumental or voice, on premises be acoustic.
2. The property owner proposes to enhance the parking lot in the following ways:
 - two handicapped parking spots will be added and delineated.
 - additional 'bike racks will be installed in various locations around the proprety.
3. The property owner proposed to set the hours 7:00 a.m. to 10:00 p.m., Sunday through Saturday.
4. The property owner proposes to keep the existing lighting as per the CUP submittal docs.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

SECTION 3. This ordinance shall become effective upon adoption.

TOWN OF CARRBORO



"Dear Potential Business Operator:

Please be advised that it may be necessary to meet with several members of Town staff as well as outside agencies to identify and fully understand all rules, regulations, and policies applicable to your business. Please refer to the 'Checklist for Opening a Business in Carrboro.'

PETITIONER

Jan Hale

DATE:

Nov 5 2012

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from R10 to B1G C zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME: Jan Hale

ADDRESS:

901 W Main St.

TELEPHONE #:

(919) 417-0725

2. INTEREST IN PROPERTY(IES): OWNER

3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS:

A. 78. tract SW corner
of main st. & Westview Dr.

4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:

a. OWNER:

Jan Hale (Gusano & Worms)

Plot book 6 pg 8

TAX MAP: 7 BLOCK: 106 LOT: C7 ACREAGE: .40 PARCEL: 706235

SUBDIVISION NAME: none FRONTAGE: 115' x 155' DEPTH: 155.64

EXISTING STRUCTURES AND USES:

1 1/2 story frame bldg with 200
use 1.111 upstairs & 1.111 use 2.000 retail downstairs

d. OWNER: _____

TAX MAP: _____ **BLOCK:** _____ **LOT:** _____ **ACREAGE:** _____ **PARCEL:** _____

SUBDIVISION NAME: _____ **FRONTAGE:** _____ **DEPTH:** _____

EXISTING STRUCTURES AND USES:

[illegible]

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES ___ NO X
If "YES", WHEN? _____

7. PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN. MORE SPECIFICALLY:

- (a) How do the potential uses in the new district classification relate to the existing character of the area?

see attached 7 (a)

- (b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

see attached 7 (b)

- (c) How will the proposed rezoning affect the value of nearby buildings?

see attached 7 (c)

(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

See attached 7 (d)

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 5th DAY OF NOV, 2012.

PETITIONER'S SIGNATURE: [Signature]

1. For all the persons identified under "5", please attach addressed envelopes with the correct postage. Oversight of this requirement could delay processing your rezoning request.
2. If a rezoning or master plan is approved, a Certificate of the Adequacy of Public School Facilities (CAPS) will be required from the Chapel Hill Carrboro City School District before the approval of a conditional or special use permit for a residential development shall become effective. The rezoning of property or approval of a master plan provides no indication as to whether the CAPS will be issued.

7(a). How do the potential uses in the new district classification relate to the existing character of the area?

The uses surrounding the subject parcel range from:

North: residential (single family and multi-family); institutional Calvary Baptist Church

South: residential (single family)

East: residential (single family)

West: residence for disabled individuals and caregivers

The area in question supports single and multi-family residences and institutional properties including a church and a residential treatment home.

The property in question has always housed retail businesses as well as a living space above. It has been grandfathered for off-premises beer and wine sales as well as seasonal sales. It is our opinion therefore that the request is consistent with the overall intent and purpose of the B-1(g) CZ zoning district given the ability of this property to supply what Carrboro residents seem to want as referenced in Vision 2020. (See answer to 7D for specifics.) The property owner believes that this property is suitable to provide a beneficial public service to existing local residents from a central, embedded location.

1. The property owner shall develop the subject property for use classifications:

1.0 Residential

1.111 Single family home (refers to upstairs apartment)

2.0 Sales and Rental of Goods, Merchandise and Equipment

2.2 Display of goods outside fully enclosed building

2.12 Low volume traffic generation

2.22 Low volume traffic generation

~~3.0 Educational uses~~

~~4.00 Special uses (for activities not otherwise)~~

8.0 Restaurant including outside service or consumption

~~8.2 OUTSIDE FOOD CONSUMPTION~~

8.500 Carry-out service

8.700 Mobile prepared food vendors

19.00 Open Air Market

19.1 Open Air Markets (farm and craft, flea markets, produce markets)

19.200 Horticulture sales with outdoor display

19.300 Seasonal Christmas or Pumpkin sales

27.00 Combination Uses as described in the Table of Permissible Uses.

To help foster and promote the existing neighborhood aesthetic, the property owner suggests the following conditions be placed on the rezoning:

1. The property owner proposes that music, instrumental or voice, on premises be acoustic.
2. The property owner proposes to enhance the parking lot in the following ways:
 - two handicapped parking spots will be added and delineated.
 - additional 'bike racks will be installed in various locations around the property.
3. The property owner proposes to set the hours 7:00 a.m. to 10:00 p.m., Sunday through Saturday.
4. The property owner proposes to keep the existing lighting as per the CUP submittal docs.

7(b). In what way is the property proposed for rezoning particularly suited for potential uses of the new district?

Given the property's central location within the neighborhood, the property owner believes that the property is well-suited for mixed use (mercantile, residential and assembly). The application for rezoning will entitle the business to provide a family-friendly location for eating and meeting with neighbors. We wish to offer a safe place for people to sit and eat a casual meal or drink a beer/glass of wine with their friends as in other Carrboro cafés such as Weaver Street Market and The Looking Glass. Acoustic music would be a welcome and enhancing addition to such a place. The property is particularly suited for these uses because:

- It is in an established neighborhood and therefore within walking distance for many of the people who want it to be rezoned.
- It has on-site, good-sized outdoor space available for seating.
- It has a parking lot, bike racks and welcome mats at all entrances (for on which to wipe one's shoes after walking to our establishment).

7(c). How will the proposed rezoning affect the value of nearby buildings?

It will, unquestionably, raise the property value of surrounding homes and other residences in the area. Walk-ability and bike-ability to an establishment such as Johnny's 3.0 is a huge perk when buying/renting in Carrboro. We've included a few statements from residents to support this.

Name: Daren Brabham

Email Address: daren.brabham@gmail.com

Subject: I <3 Johnny's 3.0

Message: When we moved here in 2010, we specifically bought a house on Main Street, just a few doors down from Johnny's, because we liked the way Johnny's was a kind of community hub. We preferred this kind of scene to the master-planned neighborhood option. We love being able to get great coffee in the morning, we love how you can sit at the bar and eat a bagel and chat, and we love that we can pop in for a six pack of beer or a bottle of wine after work. We would REALLY love to have some low-key live music events happen at Johnny's, and we'd also love to be able to responsibly consume a beer or two on site. Johnny's is, in our opinion, the crown jewel of the western part of Carrboro; Weaver Street Market and Johnny's are like the two ends of Carrboro's backbone. We want Johnny's to become more than just a great neighborhood convenience store. We'd love to have events and happenings near our house. It's the reason we made our first home purchase right there on Main Street!

Do You Live In Carrboro (Or Have In The Past)?: "Yes"

Name: Jessica Thornton

Email Address: sweetjessied@gmail.com

Subject: I <3 <3 <3 Johnny's

Message: Hello!! Just a short message to say how much I love having Johnny's walking distance from my home. I live on Westview, and we were glad to purchase here in 2009 with Johnny's on the corner. I rely on the store for last minute items (like when I run out of coffee), I purchase produce from Simon on a regular basis, and I would love to start attending events again! I've attended town meetings before to voice my appreciation and support, and I will gladly do it again. Keep us informed. Regards, Jessica Thornton 121 Westview Dr #28

Do You Live In Carrboro (Or Have In The Past)?: "Yes"

Name: Hannah Shumaker

Email Address: Hannahshumaker@gmail.com

Subject: I support Johnny's

Message: I have lived directly adjacent to Johnny's and would not hesitate to do so again. In fact, the area is much more attractive to me if it offers a thriving neighborhood hub

like Johnny's! I have not experienced the activity as disruptive or negative in any way. As heir to adjacent property, I believe the presence of Johnny's protects and supports my property value.

Do You Live In Carrboro (Or Have In The Past)?: "Yes"

Name: bob johnson

Email Address: bob@madurobob.com

Message: I've been a Johnny's customer for at least 30 years! I used to pick up night crawlers and nabs on Saturday mornings before heading out for a day of relaxing by a farm pond not too far away. There was always a small group of folks there drinking coffee, making jokes and just hanging out with friends for a while. It is what gave that little section of town its character. It was an asset. Johnny's 3.0 is even better. You can stretch out on a comfy chair and have a nice relaxing snack or a whole meal in a wonderfully friendly and inviting atmosphere any time of the day. I have a hard time understanding why anyone would be put off by this little slice of slow-paced wonderfulness in today's hectic world. Johnny's 3.0, like the original bait and tackle before it, sets the tone of the neighborhood, and its a *good* tone! I'm pretty sure nearby property values are going up as a result. Keep up the good work guys! - Bob

Do You Live In Carrboro (Or Have In The Past)?: "Yes"

Name: Katie Byerly

Email Address: kwbyerly@gmail.com

Message: I rent the house that shares a fence with Johnny's. It was a huge perk and reason I chose to live in this wonderful neighborhood. I knew that living there meant I would have the opportunity to support a local business and be part of a wonderful community. I support events at Johnny's and trust the management of Johnny's to make responsible, respectful choices about the type of events they hold. Please help support this local business in our community!

Do You Live In Carrboro (Or Have In The Past)?: "Yes"

Name: Caitlin Zoghby

Email Address: crzoghby@gmail.com

Message: I would absolutely LOVE to see Johnny's hosting fun community events. I live RIGHT behind Johnny's and would not mind the noise any extra events would create. We love the idea of the community being able to come together and share in local events at a local business. We would also definitely take part in these events with Johnny's being so close to our house! I think it is important for a community, such as Carrboro to build strong businesses outside of the main downtown area. These small businesses working together and building a community are what make Carrboro such a special town, and I feel that one neighbors voice shouldn't be the only one heard over many especially when it benefits the entire community.

Do You Live In Carrboro (Or Have In The Past)?: "Yes"

Name: Phil Blank

Email Address: phil@philblank.net

Message: Where to begin, I have enjoyed walking to Johnny's many times over the years. Most of the time, I am just enjoying the sunset with friends or buying something at a place I can walk to instead of driving. Many of the events I've attended at Johnny's have seemed reasonable. I lived very close to Johnny's and I can say the noise I've experienced there is no worse than say, leafblowers and lawnmowers, that are ever present in the area and for which people feel are reasonable to endure. I've met many of my neighbors that I would otherwise not have met. Without Johnny's that area is just a bunch of houses, with it, it's a neighborhood.

Do You Live In Carrboro (Or Have In The Past)? "Yes"

Name: David Glass

Email Address: david.glass@da.org

Message: I have been a regular at Johnny's since the new ownership. I live in the neighborhood, it's about a 1-minute walk from my house. Johnny's is one of the few places in town where people of all ages, cultural and socio-economic backgrounds, and races can meet. The events like the wine tastings have been fun and a way for people like myself to meet and get to know a large number of fellow Carrboro neighbors. Johnny's laid-back atmosphere makes it easier than just about anywhere for people to converse and get to know one another. It's never noisy, which is another plus, because one can have conversations without having to shout to be heard. Sadly, the small group of opponents to Johnny's have not taken the time to get to know Johnny's. I guess their imaginations have run wild with what they think is taking place on the property. I don't understand how anyone can claim that Johnny's under the current ownership is "disrupting" my neighborhood. Honestly, I make more noise and disrupt my quiet street more whenever I mow my yard! I don't see the police coming to Johnny's because of noise or drunken behavior, or unruly mobs. I would bet the police records show that there have been no such complaints, because this simply doesn't happen. It is a shame that Johnny's--a uniquely CARRBORO business--that supports so many area artisans, farmers, and food preparers--is getting bullied by a tiny minority (and I use the word bullied because I have seen for myself at two town hall meetings the behavior of several opponents--cutting people off who don't agree with them, speaking out of turn, in short, refusing to listen) who know next to nothing about what Johnny's is. And what is Johnny's? Well, Johnny's is, in my opinion, the spirit of Carrboro.

Do You Live In Carrboro (Or Have In The Past)? "Yes"

Local real estate agent, Tom Whisnant's letter--

-- Brighton Square Condos has, in their advertising literature, that they're within walking distance to Johnny's.

--The people who moved in to the renovated buildings across the street (who spent \$100,000 on converting the house) said that they moved in because of the proximity to Johnny's.

7D In what way does the rezoning encourage the most appropriate' use of the land in the planning jurisdiction?

In requesting this rezoning, the property owner was guided by several of the Town's development principles as documented within Carrboro Vision 2020; Creating Carrboro's Economic Future; Downtown Carrboro New Vision.

"Hanging Out"

Along with the rest of the Carrboro citizenry, we see the obvious benefit of Weaver Street Market to the community, in terms of a place for people to gather and socialize. (*V2020*, 1.1) Who wouldn't wish to emulate such a model? That's exactly what we hope for in Johnny's: a place for people to meet, mingle, have a drink with their friends and listen to some acoustic music. "Indeed the respondents to the survey (*Creating Carrboro's Economic Future*) indicated that 'just hanging out in Carrboro' was one of the main reasons they wanted to come to town...Carrboro has cultivated a reputation as a 'funky' place to do business. A company executive who is more comfortable doing a business deal outside at Weaver Street Market rather than a corporate boardroom will be drawn to the 'vibe.'"

"New Business for Carrboro"

"With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas. Carrboro should seek to reduce the tax burden on single-family owners by increasing the percentage of commercial space in town." (*V2020* 3.0) Our survival is dependent upon rezoning and therefore that rezoning is both necessary and consistent with Carrboro's vision for the future in terms of our contribution to new businesses in Carrboro. "While our citizens might not be able to meet their consumer needs in Carrboro, it is important that the town encourage the widest possible diversity of locally operated businesses....retail, restaurants, and entertainment" (*V2020*, 3.61) "Development throughout Carrboro should be consistent with its distinctive town character." (*V2020*, 2.42) Johnny's 3.0 epitomizes Carrboro's 2020 philosophy and vision for future business growth.

"Family Friendly"

Contingent upon rezoning, we envision hosting group activities for adults, children and young adults who already use Johnny's as a study hall and have expressed the wish to use it as a "spoken-word" stage, a musical venue for budding musicians, a supervised gathering place. (*V2020*, 1.1) In addition, young parents have expressed, both to us and at the neighborhood meeting, that one of the things they want is a neighborhood gathering spot they can walk to, drink a glass of wine with their friends while their children play, and then walk home from so that they don't have to get in a car. (*Downtown Carrboro New Vision, Walkability*)

"Music"

Throughout Vision 2020, the citizens involved in the writing of the document expressed the desire for an outdoor place to listen to music. It seems to us that acoustic music that stops at a specified hour is not an exceptional thing to ask for and is entirely in keeping with one of the most popular requests expressed in Vision 2020.

"Art"

Johnny's has devoted its sitting room walls to what we call The People's Gallery. It's not exactly public art (*V2020*, 1.27) but it provides local artists an opportunity to exhibit, some of whom may have a hard time getting show space elsewhere. We're doing this without being rezoned, but it would be nice to be able to continue to offer these walls in the future and include openings for the artists. (*V2020*, 1.28) Our green space gives small farmers, for whom there is no space at the Carrboro Farmer's Market, a way to display their wares and distribute their CSAs. When they're done, we try then to buy some of their unused produce and sell it for them inside our store, thereby supporting some of the "home businesses" (*V2020*; 3.61) which Carrboro supports. Additionally, we support some local small businesses such as Whitney Dane L.L.C., Local Cookie, Tempeh Girl, Sari Sari Sweets, Blakemere, Glutey Tooty, Eco Farm, Small Potatoes Farm and Calico Farms.

"Community on the Web"

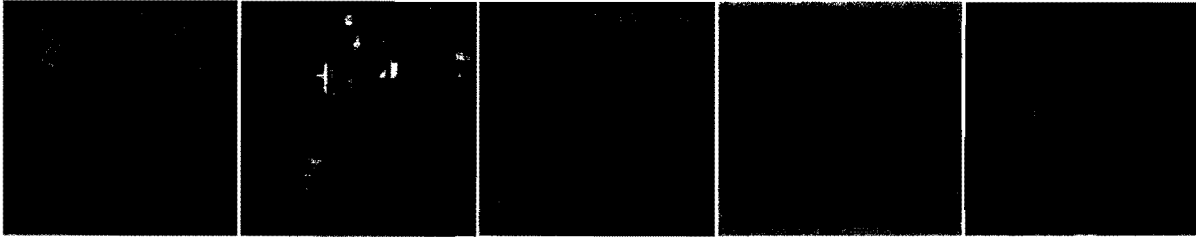
Johnny's provides free wifi, thereby contributing to Carrboro's vision of itself as a "community on the web," (*V2020*, 1~4).

[illegible]

TREE PROTECTION AREA
 DO NOT ENTER
 ZONA DE PROTECCIÓN DE
 ARBOLES
 ENTRADA PROHIBIDA

10/30/2012

Johnny's 3.0



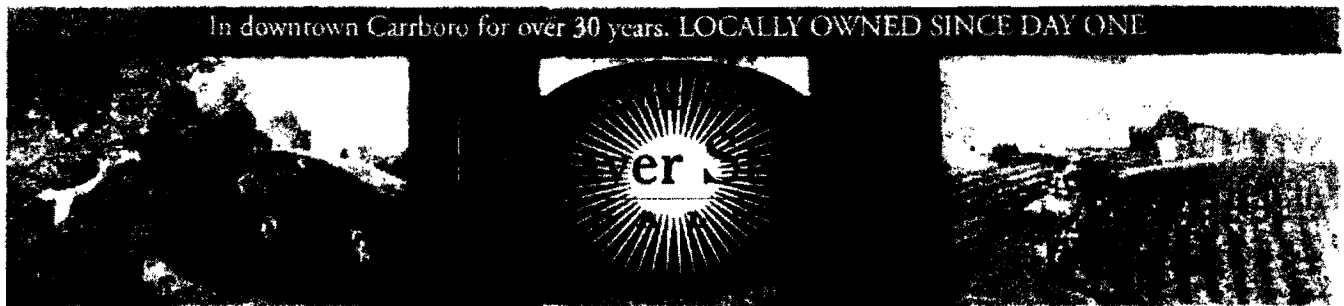
The LLC known as Johnny's Gone Fishing, which was formed in the latter part of 2011 by Jan Halle, Erica Eisdorfer and Kevin Morgan, has been dissolved. The new LLC is DBA Johnny's 3.0, and is owned by Kevin Morgan, Duncan Morgan and Meghan Truesdell. Duncan Morgan & Meghan Truesdell are the current managers of the coffee shop/general store/community hub that resides at 901 West Main Street in Carrboro.

Our mission at Johnny's 3.0 is to be a place our entire neighborhood and community will enjoy and utilize. We have the rare opportunity to do and be what many retail establishments can't because we are literally embedded in our community. We are a place where families can walk and bike safely with their kids to get locally-sourced groceries, a place where students can walk or bike to meet for study group over coffee, and a place that welcomes people in this neighborhood whether they've just arrived or have lived here all their lives.

We would like to continue to be a place that supports local farmers by allowing them to have their stands/small markets outside our store. We would like to be a meeting place for various local groups - for example, local run/bike groups who could start their adventure by meeting at Johnny's. We would like to be a space for open air markets to support our local artisans and crafters, who show and sell their wares as a labor of love rather than a money-making venture.

We are planning on moving forward with rezoning from an R-10 to a B-1(g) CZ. We understand the zoning concerns of neighbors, which is why we're working towards getting a conditional zoning. With this conditional zoning we'd like to be able to have classes, art openings, birthday parties, indoor movie nights, live acoustic music inside our store and on our back deck (weather/season permitting), open air markets, wine/beer tastings as well as other food/drink tastings, and we'd like to be able to combine certain events for the enjoyment of all who attend.

We are very conscious of environmental and residential impact, and plan to continue encouraging our customers and friends to walk or bike to the store when possible. We are also very sensitive to noise concerns, which would be taken into account with any/all outdoor events. The bulk of what we would like to do will be inside our store so as not to have any impact beyond our four walls. Community, not profit, is our goal.



WeaverStreetRealty.com (919) 929 • 5658

- 4 bedrooms
- 2 baths
- 1647 square feet
- Carrboro Elementary
- McDougle Middle
- Chapel Hill High School

\$272,500
106 Kay Street
Carrboro NC



CARRBORO MID-CENTURY HOME



JAY PARKER, Broker
919-225-6773 (cell)
jap@weaverstreetrealty.com

919 929 5658
116 L. Main Street
Carrboro, NC 27510

Classic mid-century design situated at the end of a quiet Carrboro street. The large, level, sunny lot perfect is for gardens. All ceilings in the house are vaulted. Other details include clerestory windows, oak floors, tiled baths and lovely custom book/display cases. Recent updates include roof with beefed-up insulation and a new water heater (2012). A wired, detached garage has interior stairs that lead to 2nd level storage/workshop. [REDACTED] the Carrboro Farmers Market and [REDACTED]