



Town of Carrboro

Town Hall
301 W. Main St.
Carrboro, NC 27510

Agenda Item Abstract

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TITLE:

Conditional Use District Rezoning/Conditional Use permit For 201 North Greensboro Street

PURPOSE: Reddlands, Inc., REVCO Discount Drug Centers, Inc., and others have submitted applications for a B-1(C) conditional use rezoning and a conditional use permit (CUP) for the construction of a two-story mixed use building on six properties on the northwest corner of the intersection of North Greensboro and West Weaver streets in downtown Carrboro (see vicinity map in *Attachment D*). Prior to reaching a decision, the Board must hold a public hearing to receive input on the rezoning request and the CUP. The applicants are requesting that the Aldermen review, deliberate and offer comment on the proposed plans.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Tina Moon, 918-7325 James Thomas, 918-7335

INFORMATION: Part I. A staff memo on the rezoning request is attached (Part I, *Attachments D and C*).

The six subject properties (104 Center Street, 105 Short Street, 101 Short Street, 203 North Greensboro Street, 201 North Greensboro Street and 100 West Weaver Street), are currently zoned R-7.5, B-2, and B-1(c) DNP, and are identified respectively by Orange County Parcel Identification Numbers 9778-86-2648, 9778-86-2724, 9778-86-3704, 9778-86-3699, 9778-86-3587, and 9778-86-2555.

Resolutions regarding the consistency of the rezoning with adopted plans are provided for the Board's use (*Attachment B*). A draft ordinance that would rezone the property from zoning classifications listed above to B-1(C)-CU DNP is also attached (*Attachment A*). Certification of the mailed notice for the public hearing on this request is provided (*Attachment E*).

This application would mark the third non-village mixed use conditional use rezoning that has advanced to a public hearing, following the Alberta B-1(G)-CU (September 2007) and The Butler B-1(C)-CU (June 2008). It should be noted that Subsection 160A-382(b) of the North Carolina Statutes provides the following information on conditions that may be associated with combined conditional use rezoning request/development approval:

Specific conditions applicable to these districts may be proposed by the petitioner of the city or its agencies, but only those conditions mutually approved by the city and the petitioner may be incorporated into the zoning regulations or permit requirements. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to city ordinances reasonably expected to be generated by the development or use of the site. A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a special or conditional use district, or a conditional district or other small-scale rezoning.

In February of 2012, the Board set a public hearing to consider the conditional use rezoning petition/conditional use permit application, and the item was presented at the March 2012 joint review meeting. In response to the rezoning request, surrounding property owners submitted a protest petition to the Town Clerk in accordance with Section 15-326 of the LUO. Staff have verified that the protest petition is still valid and have included it as Attachment G. When a valid protest petition opposing a zoning map amendment is submitted in accordance to the provisions in the Land Use Ordinance, the proposed rezoning may only be adopted with a favorable vote of three-fourths of the Board membership.

Part II. The proposal includes the redevelopment of the existing developed property such that three single-story structures and one single-story commercial structure will be torn down and replaced with a two-story commercial building and surface parking. The two-story building will provide high volume retail sales on the 1st floor (12,295 square feet of area) and the 2nd floor will provide office space (12,295 square feet of area).

See attached staff report and supporting materials for additional detail - Part II, Attachments B through M. A copy of the Conditional Use Permit worksheet is provided for the Board's use (*Attachment O*).

FISCAL IMPACT: N/A

RECOMMENDATION: Part I. B-1(C) Conditional Use Zoning: Town staff recommends that the Board of Aldermen receive public comment and consider if the proposed rezoning is consistent with the advancement of the public health, safety and welfare of the Town. Approval would be subject to the conditions specified in association with the conditional use permit application for development of the two-story building for retail (CVS) and office use.

Part II. Conditional Use Permit Application: If the rezoning is found to be appropriate, Town staff recommends that the Board of Aldermen review the Conditional Use Permit to allow the removal of three existing buildings and the construction of a two-story retail and office use building (consisting of Uses 2.110 General High Volume Retail Use, 3.110 Office and 3.130 Office) at 201 N. Greensboro Street, subject to the following conditions:

Town staff recommends that the Board of Aldermen review the Conditional Use Permit and consider the following conditions:

1. That the applicant must obtain driveway permits from either NCDOT or the Town of Carrboro Public Works prior to construction plan approval.
2. That flexibility of the species of the street trees and the final location of the tree planting area along North Greensboro Street and West Weaver Street be finalized during the Construction Plan review process.
3. That the applicant shall provide to the Zoning Division, prior to the issuance of the Certificate of Occupancy for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in .dxf format and shall include a base map of the whole project and all separate plan sheets. As-built .dxf files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
4. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
5. That the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall be subject to approval by the Town Attorney and shall include scheduled maintenance activities for each unit in the development, (including cisterns, sand filters, swirl-systems, etc), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall become an ongoing obligation of the property owners.
6. That if any changes are required during the Construction Plan review related to stormwater design or otherwise, then such changes shall be considered a permit modification under Section 15-64 of the Land Use Ordinance. This includes the possibility of the project undergoing an additional public hearing if the changes are considered major.