

The following ordinance was introduced by Council Member Fray and duly seconded by Council Member Nowell:

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE APPROXIMATELY 0.37 ACRES OF PROPERTY KNOWN AS 400 NORTH GREENSBORO STREET FROM CT (CORPORATE TOWN) TO B-1G-CZ (GENERAL BUSINESS, CONDITIONAL)

(Ordinance No. 23)

****05-15-2024****

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

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

That the property being described on Orange County Tax Maps as Chapel Hill Township, 400 North Greensboro Street (PIN 9778-87-6328) encompassing approximately 0.37 acres as shown on the accompanying map titled "Rezoning Exhibit CT to B-1G-CZ" is hereby rezoned from CT (Corporate Town) to B-1G-CZ (General Business, Conditional) subject to the following conditions.

1. The Concept Plan labeled "400 North Greensboro Street, Conditional Rezoning Drawing Set," dated March 21, 2024, is approved and incorporated herein to indicate all potential land uses, the general location of the building and parking areas, vehicular and bicycle-pedestrian access points, stormwater management features, areas of preserved trees and other landscaped areas. Other features and issues remain to be decided at the time a special use permit is requested for the development. Those features and issues include, but are not necessarily limited to, the location of EV charging stations, open space and recreation facilities, sidewalk facilities along North Greensboro Street, and all other elements necessary to determine compliance with the Land Use Ordinance.
2. The residential density of the project shall be capped at a maximum of seven (7) dwelling units, including a combination of use classifications 1.331 (multi-family apartments with maximum 20% units with > 3 bedrooms/du) and 1.332 (multi-family apartments with no bedroom limits).
3. Construction of the building shall allow for future conversion to commercial use on the entire ground floor.
4. Seven non-residential uses shall be allowed in the development subject to compliance with Town standards. These include use classifications: 2.120 (retail, low volume traffic generation); 3.110 (office, clerical, research and services, all operations conducted entirely within fully enclosed building: operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professionals, insurance and stock brokers, travel agents, government office buildings, etc.); 3.120 (office, operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use), 3.220 (office, operations conducted within or outside fully enclosed building, operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use); 8.100 (restaurant, bars and night clubs; 8.200 (restaurant with outside service or consumption); and 8.900 (neighborhood cafes) if

available in the B-1G zoning district at the time such use is proposed to be added to the building.

5. The project shall contain at least three of the following features: water conservation, energy conservation, on-site energy production, provisions for affordable housing, alternative transportation, and provisions for public art/outdoor amenities and stormwater management that exceeds the Town's standards. The project will detain the post-development runoff to the pre-development runoff levels for the 25-year storm.
6. The applicant is offering to make a payment to the Town's Affordable Housing Fund for the cost of one unit at the time when the special use permit is approved.
7. The project shall include the components necessary for EV vehicle charging and E-bike charging, final locations to be determined as part of the special use permit.
8. The rooftop pergola will never be enclosed.

SECTION 2. This ordinance shall become effective upon adoption.


The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this the 21st day of May 2024:

The motion was carried 6-0.

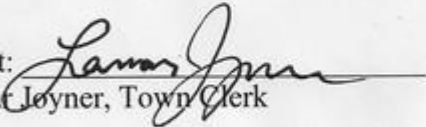
AYES: Mayor Foushee, Council Member Nowell, Council Member Fray, Council Member Merrill, Council Member Posada, Council Member Haven-O'Donnell

Noes: None

Absent or Excused: None


Barbara M. Foushee
Mayor, Town of Carrboro

Attest:


Lamar Joyner, Town Clerk

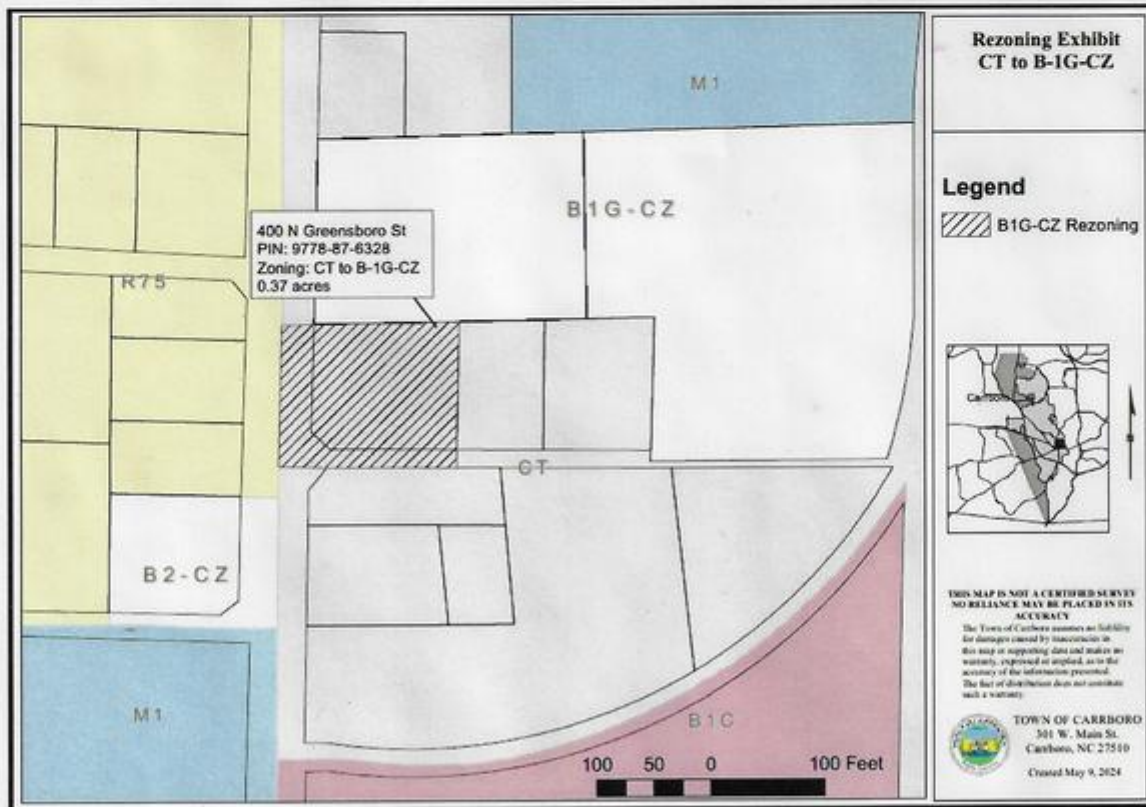
I SAM MITCHELL & THOMAS LAYTON,
 petitioner(s) for the requested rezoning, hereby agree to all conditions described above, including the
 site plan, building elements and notes shown on the concept plan referenced in Condition #1 and
 acknowledge the subsequent requirement for a special use permit.

PETITIONER SIGNATURE _____

Sam Mitchell

PETITIONER SIGNATURE _____

Thomas Layton



Note: JSA responses for second submission of SUP-A in blue bold below, 3.17.25

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY 0.37 ACRES OF PROPERTY KNOWN AS 400 NORTH GREENSBORO
STREET FROM CT (CORPORATE TOWN) TO B-1G-CZ (GENERAL BUSINESS,
CONDITIONAL)

****Draft 05-15-2024****

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

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

That the property being described on Orange County Tax Maps as Chapel Hill Township, 400 North Greensboro Street (PIN 9778-87-6328) encompassing approximately 0.37 acres as shown on the accompanying map titled “Rezoning Exhibit CT to B-1G-CZ” is hereby rezoned from CT (Corporate Town) to B-1G-CZ (General Business, Conditional) subject to the following conditions.

1. The Concept Plan labeled “400 North Greensboro Street, Conditional Rezoning Drawing Set,” dated March 21, 2014 is approved and incorporated herein to indicate all potential land uses, the general location of the building and parking areas, vehicular and bicycle-pedestrian access points, stormwater management features, areas of preserved trees and other landscaped areas. Other features and issues remain to be decided at the time a special use permit is requested for the development. Those features and issues include, but are not necessarily limited to, the location of EV charging stations, open space and recreation facilities, sidewalk facilities along North Greensboro Street, and all other elements necessary to determine compliance with the Land Use Ordinance.

JSA: The concept plan has been refined as the current site plan and incorporates the agreed upon conditions and land uses, location of building, parking area, bicycle parking, storm water management features, landscaping, location of EV charging, Downtown Livability amenities (in lieu of open space and recreation due to downtown zoning), sidewalks on North Greensboro and Parker street, and other elements necessary to determine compliance with the Land Use Ordinance.

2. The residential density of the project shall be capped at a maximum of seven (7) dwelling units, including a combination of use classifications 1.331 (multi-family apartments with maximum 20% units with > 3 bedrooms/du) and 1.332 (multi-family apartments with no bedroom limits).

JSA: Density of the project is capped at seven dwelling units, shown on the attached site and floor plans. This is achieved by the five units per the land area of the site, plus a two-unit density bonus based on number 5 below.

3. Construction of the building shall allow for future conversion to commercial use on the entire ground floor.

JSA: The building has been designed with commercial construction features including plate height on the ground level, sidewalks and other amenities to allow future conversion to commercial.

4. Seven non-residential uses shall be allowed in the development subject to compliance with Town standards. These include use classifications: 2.120 (retail, low volume traffic generation); 3.110 (office, clerical, research and services, all operations conducted entirely within fully enclosed building: operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, physicians, other professionals, insurance and stock brokers, travel agents, government office buildings, etc.); 3.120 (office, operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use), 3.220 (office, operations conducted within or outside fully enclosed building, operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use); 8.100 (restaurant, bars and night clubs; 8.200 (restaurant with outside service or consumption); and 8.900 (neighborhood cafes) if available in the B-1G zoning district at the time such use is proposed to be added to the building.

JSA: Noted, but these are not proposed in the current application.

5. The project shall contain at least three of the following features: water conservation, energy conservation, on-site energy production, provisions for affordable housing, alternative

transportation, and provisions for public art/outdoor amenities and stormwater management that exceeds the Town's standards. The project will detain the post-development runoff to the pre-development runoff levels for the 25-year storm.

JSA/CC response: Density bonus of two extra units is proposed on the site. Per condition 5 in the CZ process, the project proposes:

- A. **Energy Conservation** – this all-electric building will use high-seer electric heat pumps and/or cassette heat pumps to limit energy use for mechanical equipment. Low-e glass and highly insulated building envelope will also contribute. All lighting will be LED and some automated control systems are anticipated to aid in energy conservation.
- B. **Alternative Transportation** – The owners/residents plan to use traditional vehicular transportation very little on this project. There is absolute minimal parking provided, but also electric vehicle charging. The project is within walking distance of many downtown amenities and bicycle parking will be provided both exterior and interior to the building. Bus stops are also very near the property.
- C. **Storm Water Management** – despite the small project site and size, the project will exceed the Town standard and will detain the post-development runoff to the pre-development runoff levels for the 25-year storm.

6. The applicant is offering to make a payment to the Town's Affordable Housing Fund for the cost of one unit at the time when the special use permit is approved.

JSA/CC response: The project will make the payment to the Town's Affordable Housing Fund for the agreed upon number (at the CZ hearing) when the SUP-A is approved.

7. The project shall include the components necessary for EV vehicle charging and E-bike charging, final locations to be determined as part of the special use permit.

JSA/CC response: EV charging and E-bike charging conduit locations will be provided and locations shown on the site plans.

8. The rooftop pergola will never be enclosed.

JSA/CC response: Rooftop pergola will not be enclosed. However, access by stair and elevator for ADA may be provided (non-occupiable space, no occupiable indoor space will ever be provided).

9. *The applicant shall show and dedicate on the special use permit plans, right of way sufficient to provide their respective share of the future paved Parker Street, to include 20 feet of pavement, curb and gutter, and a sidewalk within the right of way.*

JSA/CC response: Dedication of right-of-way for both more vehicular width and for sidewalk have been provided on the site plans.

SECTION 2. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this _____ day of 2024:

AYES:

NOTES:

ABSENT OR EXCUSED:

