



## TOWN OF CARRBORO

NORTH CAROLINA

### TRANSMITTAL

### PLANNING DEPARTMENT

**DELIVERED VIA:** ☒ *HAND* ☐ *MAIL* ☒ *FAX* ☐ *EMAIL*

**To:** Patrice Toney, Town Manager  
Mayor and Town Council

**From:** Tina Moon, Planning and Transportation Administrator

**Date:** May 15, 2024

**Subject:** Request for Map Amendment to B-1G-CZ for 400 North Greensboro Street

### PROJECT DESCRIPTION/BACKGROUND

Sam Mitchell, as representative for Bison Lodge, LLC, has submitted a petition to change the zoning of 400 North Greensboro Street from CT (Corporate Town, Residential 7,500 square feet per dwelling unit) to B-1G-CZ (General Business, Residential 3,000 square feet per dwelling unit). The property currently contains a one-story single-family home dating to the first quarter of the twentieth century. The applicant is seeking to remove the home and construct a three-story brick building with seven (7) residential units and shared common areas. A rezoning is needed for the project to move forward. A vicinity map of the property is provided for information (*Attachment C*).

It should be noted that the proposal originally included a small commercial space on the ground floor. While a commercial space is not currently envisioned as part of the project some non-residential uses have been identified, setting in place the possibility for a small restaurant or office or similar non-residential use to become part of the development at some future time without necessitating the need for an amendment to the rezoning.

A draft ordinance for the proposed rezoning has been provided (*Attachment B*). The ordinance includes a list of draft conditions; it is anticipated that the conditions may be further modified during the public hearing process. The final list of conditions must be mutually agreed upon by the applicant and the Town. Should the Town Council approve the rezoning, the applicant would follow with an application for a special use permit-A. The special use permit involves a separate public hearing process; however, the main elements of the development proposal will be determined as part of the consideration of the rezoning and any conditions approved as part of the rezoning would remain binding.

### REZONING OVERVIEW

The process for amending the official Carrboro Zoning Map is described in Article XX of the Land Use Ordinance. In accordance with Section 15-320(b) the request would be considered a minor map

amendment, in that it involves fewer than five parcels and less than fifty acres. The petition form includes four key questions for the applicant to answer:

- A. How is the proposed rezoning consistent with Town plans and policies?
- B. In what way is the subject property particularly suited for the potential uses of the new district?
- C. How will the purposed rezoning affect the value of nearby buildings?
- D. In what way does the rezoning encourage the most appropriate use of the land?

The applicant's responses to these questions are provided in (*Attachment E*).

More specific information relating to conditional zoning is discussed in Section 15-141.4, of Article IX. As noted above, the applicant must submit a list of proposed conditions as part of the application to rezone property to a conditional district (Section 15-141.4(d)). The conditions which may be in the form of written statements, graphic illustrations, or any combinations thereof, are incorporated into the ordinance that rezones the property.

### **PETITIONERS/OWNERS**

The petitioner for the rezoning request is Sam Mitchell with Bison Lodge, LLC. The application materials—a short narrative, petition for change in zoning and illustrative site plan are provided as attachments E & F.

### **DESCRIPTION OF THE AREA**

The subject property is located along the east side of North Greensboro Street at the corner of North Greensboro and Parker streets, between Shelton Street and East Poplar Street. This section of North Greensboro Street, just north of Fitch Lumber, Harris Teeter and Southern States, is the approximate location where land uses begin to shift from the commercial downtown to the residential neighborhoods. Many of the homes along North Greensboro Street date to the early twentieth century period when Carrboro was a mill town, and this specific section from East Poplar Street to Pleasant Drive and on to Estes Drive Extension includes a number of original mill homes recorded in the Town's historic architectural inventory. These mostly one and one-and one-half story frame buildings with front porches, side gables and triple-A gable forms create a pedestrian friendly scale and streetscape.

An example of more recent development is located on the property directly to the north. Approved through the conditional rezoning process, Shelton Station is an example of a mixed-use project, in that it includes commercial and residential units. The L-shaped brick building consists of a two-story commercial component facing North Greensboro Street and a larger four-story residential component in the rear. The residential component includes a combination of market rate apartments and affordable units.

Two properties are located directly behind the project site (to the east) and access North Greensboro Street by way of Parker Street. One of these properties contains a single-family home, the other is owned by Southern States and is used for overflow plant storage and related materials.

The subject property may also be identified by information in the table below.

Address	PIN	Existing Zoning	Proposed Zoning	Acres
400 North Greensboro	9778-87-6328	CT	B-1G-CZ	0.37

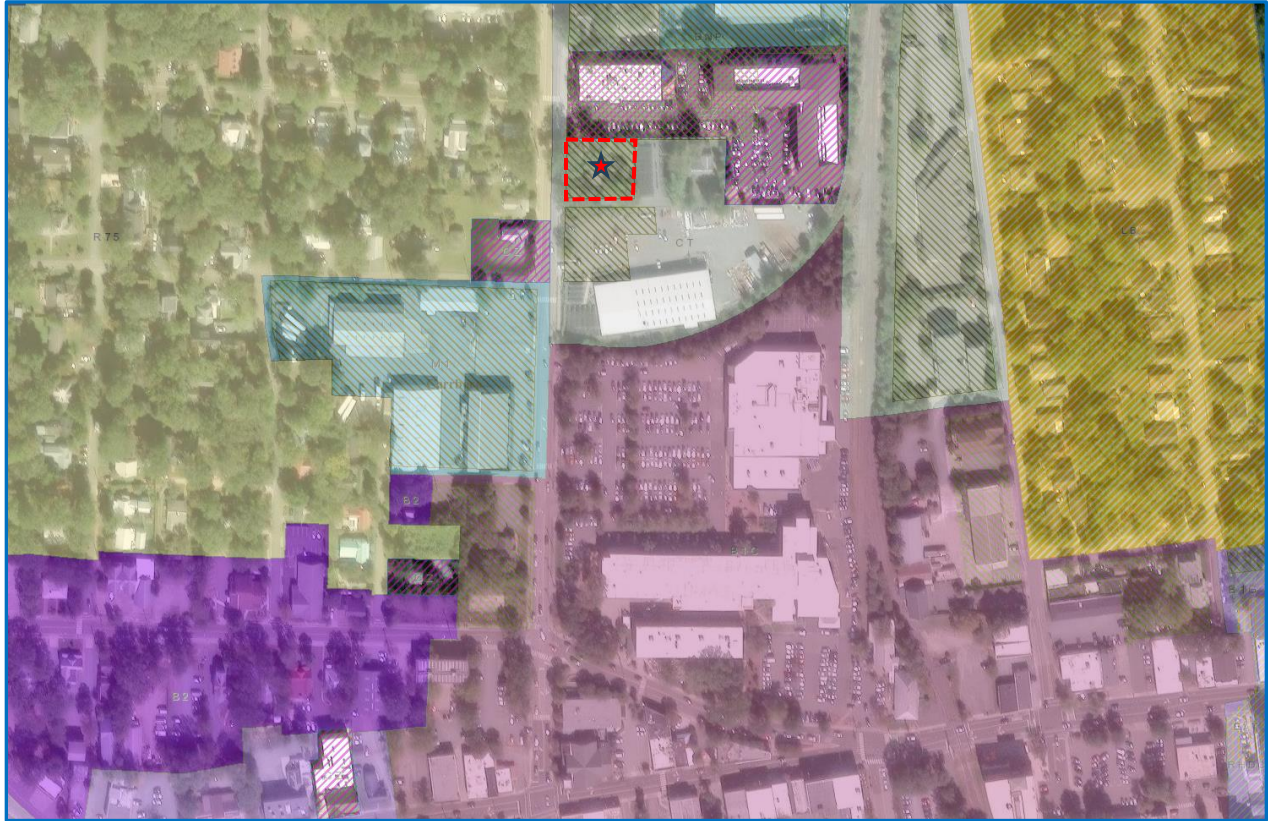
### **ADJACENT ZONING & LAND USES**

The table and map below show the site (outlined in red) and the surrounding properties with the zoning layer.

Location	Description	Zoning District	Color	Notes
400 North Greensboro	Site (outlined in red)	CT (Corporate Town), DNP	Gray	Request to rezone to B-1G-CZ
East	East of railroad - Lloyd & Broad streets	R-7.5 & Lloyd-Broad Overlay	Yellow hatching	Historic Lloyd-Broad Neighborhood
West	Fitch Lumber	M-1 (Light Manufacturing) DNP	Blue	Downtown Neighborhood Protection (DNP) Overlay District*
West	Oak Avenue & parallel streets	R-7.5	Very light gray	R-7.5 Residential, 7500 sf per dwelling unit
North	Shelton Station	B-1G-CZ DNP	Light gray with purple hatching	Developed through conditional zoning process. Downtown Neighborhood Protection (DNP) Overlay District*
South	Southern States	CT (Corporate Town), DNP	Gray	Gray hatching indicates the Downtown Neighborhood Protection (DNP) Overlay District*
South	Carr Mill and historic commercial district	B-1C Town Center Business-	Pink	Harris Teeter/Carr Mill and much of central downtown Carrboro
South/West	Weaver Street	B-2	Dark purple	B-2 (Fringe Commercial)

\*The light gray diagonal hatching indicates the Downtown Neighborhood Protection Overlay District (DNP). Commercially zoned properties in the DNP are subject to additional height, setback and design requirements where such lots abut or are located directly across the street from residentially zoned properties. A description of the DNP is provided in Section 15-143.4 of the Land Use Ordinance; the additional standards are outlined in Section 15-185.1.

**Site (outlined in red) with Zoning Classifications Shown in Colors & Hatching**



**DENSITY AND DIMENSIONAL REGULATIONS**

More specific information relating to the dimensional standards for the subject property and the surrounding residential districts is provided in the table below. A comparison of the density and dimensional requirements between the existing (CT) zoning district and proposed zoning district (B-1G-CZ) is also provided in the table and offers a sense of the potential development impact on adjacent properties, should the zoning change occur.

	<b>Existing Zoning CT</b>	<b>Surrounding Zoning M-1</b>	<b>Surrounding Zoning R-7.5</b>	<b>Surrounding Zoning B-1C</b>	<b>Proposed Zoning – B-1G- CZ</b>
<b>Density</b>	7,500 sf per dwelling	Residential uses not permitted	7,500 sf per dwelling unit	No minimum sf per dwelling unit	3,000 sf per dwelling unit
<b>Height</b>	Three Stories	Three Stories	35 feet	Three Stories	Three Stories
<b>Setbacks</b>	--/-- r/w; -- lot boundary	--/-- r/w; -- lot boundary	25/12.5 r/w; 10 lot boundary	--/-- r/w; -- lot boundary	--/-- r/w; -- lot boundary

As currently zoned, the property at 400 North Greensboro Street yields a base residential density of two (2) dwelling units ( $43,560 \text{ sf} \times 0.37 \text{ acres} = 16,117/7500 \text{ per DU} = 2$ ). The proposed rezoning from CT to B-1G-CZ, would allow up to five (5) dwellings units under the base zoning and a possible increase to seven (7) units using the affordable density bonus (one market rate unit for one affordable unit). As described in Section 15-182.4, a payment in lieu may count as an affordable unit.

## **COMPARISON OF ZONES**

Zoning provides the planning mechanism that allows certain land uses to occur in defined areas or districts. Article IX of the LUO provides descriptions of the different zoning districts in the Town. Descriptions of the existing and proposed districts are provided below.

**EXISTING DISTRICT - CT CORPORATE TOWN.** This district is designed to create a visually attractive, commercial use district with flexible space. The district is intended to provide space for assemblage and research and development type enterprises. Any structure in this district which is proposed for non-residential use shall be located a minimum distance of 50 feet from any residential dwelling unit in the district that was in existence on July 1, 1985. In order to encourage the creation of flexible space, an average minimum building height of 18 feet for any principal structure is required. The continued use of existing residential dwelling units along North Greensboro Street is encouraged.

**PROPOSED DISTRICT -- B-1(G) GENERAL BUSINESS, CONDITIONAL.** This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area.

Development in conditional zoning districts follow the same regulations applicable to the corresponding conventional district, with regard to use and permitting requirements, as modified with the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to a specific site.

The Table of Permissible Uses, found in Article X, Section 15-146 of the Town of Carrboro Land Use Ordinance (LUO) lists the land uses that are allowed in each zoning district along with permitting requirements (i.e. special use permit-A, special use permit-B, zoning permit).  
<http://www.townofcarrboro.org/DocumentCenter/View/691/Article-X-Permissible-Uses-PDF-with-table>

<b>General Use Category</b>	<b>Number of Uses Permitted in CT District</b>	<b>Number of Uses Permitted in B-1G District</b>	<b>Change in Uses Permitted CT to B-1G</b>
Residential (1.000)	23	22	-1
Sales and Rental of Goods (2.000)	7	7	0
Office, Clerical, Research (3.000)	6	6	0
Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment (4.000)	1	1	0
Educational, Cultural, Religious, Philanthropic, Social (5.000)	6	7	+1
Recreation (6.000)	8	8	0
Institutional Residence or Care of Confinement Facilities (7.000)	3	3	0
Restaurant, Bar, Nightclub (8.000)	0	6	+6
Motor Vehicle-related (9.000)	0	2	+2
Storage and Parking (10.000)	1	1	0
Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards (11.000)	0	0	0
Services and Enterprises Related to Animals (12.000)	0	1	+1
Emergency Services (13.000)	4	4	0

<b>General Use Category</b>	<b>Number of Uses Permitted in CT District</b>	<b>Number of Uses Permitted in B-1G District</b>	<b>Change in Uses Permitted CT to B-1G</b>
Agricultural, Silvicultural, Mining, Quarrying (14.000)	0	0	0
Public/Semi-public Utility Facilities (15.000)	4	7	+3
Dry Cleaner, Laundromat (16.000)	1	1	0
Utility Facilities (17.000)	7	6	-1
Towers and Related Structures (18.000)	4	4	0
Open Air Markets, Horticultural Sales (19.000)	2	3	+1
Funeral Home (20.000)	0	0	0
Cemetery (21.000)	1	1	0
Day Care (22.000)	4	4	0
Temporary Structure or Parking (23.000)	1	1	0
Bus Station (24.000)	1	1	0
Commercial Greenhouses (25.000)	0	0	0
Subdivisions (26.000)	2	2	0
Combination Uses (27.000)	1	1	0
Planned Unit Developments (28.000)	0	0	0*
Special Events (29.000)	1	1	0
Planned Industrial Development (30.000)	0	0	0*
Off-Premises Signs (31.000)	0	0	0
Village Mixed Use (32.000)	0	0	0*
Temporary Lodging (34.000)	2	1	-1

**Comparison of the Number of Uses, by General Category, in Existing and Proposed Zoning Districts.**

\* Permissible only in Planned Unit Development District, Planned Industrial Development, Village Mixed Use District, or Office/Assembly Planned Development (respectively) and subject to a conditional use permit.

The above table compares the number of permitted uses in the respective conventional zoning districts. It should be noted that the number of uses in a conditional district may be limited by conditions in the illustrative site plan and rezoning ordinance. In the proposal for 400 North Greensboro Street, the applicant is seeking to use the property for multi-family apartments: multi-family 20% units with more than 3 bedrooms (1.331) and multi-family units with no bedroom limit (1.332). The petition identifies six other non-residential uses as potential future uses. These include:

1. retail, low volume traffic generation (2.120),
2. 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. (3.110)
3. operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use (3.120),
4. 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 (3.220),
5. restaurant, bars and night clubs (8.100), and
6. restaurant with outside service or consumption (8.200).

In addition, 'neighborhood café' (8.900) was also included to the list of non-residential uses on the draft rezoning ordinance. This is a potential new classification under consideration as a LUO text amendment as part of a separation application. Should the Council approve the text amendment permitting neighborhood cafes in the B-1G district, the use would be available for the project.



## **ANALYSIS**

The conditional zoning mechanism allows for the approval of a site-specific development plan and conditions tailored to the individual project. The conditions, including the site plan, become binding to the rezoning and subsequent permit, in this case a special use permit-A, reviewed by the Town Council. If approved, the existing corporate town classification would be removed, and the new general business, conditional, classification applied, with the specific development proposal shown on the illustrative site plan which involves seven (7) residential units, and the possibility of converting space in the project to one or more of the non-residential uses listed above. The inclusion of a handful of non-residential uses in the rezoning allow some flexibility to modify the project at a future time without having to go back and amend the conditional district. Eight use classifications are listed on the illustrative site plan; use 8.900 (neighborhood cafes) would also be permitted as a ninth use if available in the B-1G zoning district at the time such use is proposed to be added to the building.

The draft rezoning ordinance includes nine conditions. The Council may wish to suggest additional conditions as part of their review comments. The applicant has committed to providing:

- a payment to the Affordable Housing Fund equal to one affordable unit;
- green building elements such as renewable energy, energy conservation, enhanced stormwater management. The final selection of elements to be determined as part of the special use permit process, which includes a greater level of detail than the rezoning exhibit, unless the Council wishes to request that the applicant commit to certain elements as part of the rezoning process; and
- EV charging facilities and E-bike charging facilities; the final location of these facilities will be determined as part of the permit application.

As noted above, the special use permit process will involve another public hearing, but the overall design must remain consistent with the illustrative site plan approved as part of the rezoning. The applicant will be required to demonstrate compliance with all sections of the Land Use Ordinance as part of the special use permit.

### **Consistency with Adopted Plans/Policies**

The approval of a legislative decision requires a statement of consistency with adopted plans or policies. Carrboro Connects 2022-2042 Comprehensive Plan provides goals, strategies, and projects that are expected to guide the Town's growth and development. In the Petition for Change of Zoning the petitioners have provided responses in support of their assertion that the proposed zoning district classification is consistent with the Town's adopted plans and policies. Staff has identified the following relevant sections of Carrboro Connects Comprehensive Plan to assist in the project review.

<b>Chapter</b>	<b>Applicable Strategies</b>	<b>Staff Comments</b>
Affordable Housing	<p><b>Consistent with:</b> 1.1</p> <p><b>Inconsistent with:</b> -</p> <p><b>Inconclusive:</b> -</p>	(AH 1.1) The applicant has identified a commitment to provide a payment in lieu of affordable housing due to small unit count (7)
Climate Action & Environment	<p><b>Consistent with:</b> -</p> <p><b>Inconsistent with:</b></p>	(ENV 1.1 & 1.2) The development will meet the requirements of Article XIX for Tree Canopy, Screening, and Landscaping. Requirements in the Land Use Ordinance offer a recommended plant

	<p>-</p> <p><b>Inconclusive:</b> ENV1.1, ENV 1.2</p>	<p>list, however not all of these are native plants. In addition, the developer has committed to detaining post-development runoff to the pre-development runoff levels for the 25-year storm and has indicated exploring pervious pavers and on-site rain garden features to help mitigate stormwater. The final selection of trees for compliance with the LUO will be determined as part of the SUP.</p>
Transportation & Mobility	<p><b>Consistent with:</b> 2.1, 3.1, 4.1, 4.2</p> <p><b>Inconsistent with:</b> -</p> <p><b>Inconclusive:</b> -</p>	<p>(2.1) The development meets the “close-to-transit” definition in <i>Carrboro Connects</i>, via the F route, and will provide new density near the downtown.</p> <p>(3.1) The development is adding bicycle parking, 50% covered as required by ordinance. The site is located on North Greensboro Street where existing bike and pedestrian infrastructure may incentivize residents to use alternative transportation.</p> <p>(4.1) The project will provide 10 bicycle parking spaces, with 50% sheltered, increasing bicycle parking infrastructure for residents.</p> <p>(4.2) The illustrative site plan shows an approximate number of parking spaces based on one &amp; two bedroom units and a possible small non-residential use. The final number of spaces and location of EV charging/E-bike charging facilities will be determined as part of the SUP application. The applicant has conveyed an intention to minimize parking on site.</p>
	<p><b>Consistent with:</b> ENERGY 1.1</p> <p><b>Inconsistent with:</b> -</p> <p><b>Inconclusive:</b> (final selection of elements to be determined as part of SUP-A) GSI 2.1 ENERGY 1.3</p>	<p>(GSI 2.1) The development will meet the 15% canopy requirement, which may provide more shade on the adjacent bike and pedestrian infrastructure and improve the tree canopy downtown.</p> <p>(ENERGY 1.1 &amp; 1.3) The project’s proximity to existing transit and bike/ped facilities aim to limit additional GHG emissions from automobile use by new residents. The project will meet state energy codes, and notes higher density offers higher efficiency of systems—more detail is needed on weatherization efforts and/or renewable energy opportunities (either in construction of the project, or for residents that live there)</p>
Economic Sustainability	<p><b>Consistent with:</b> 2.1</p> <p><b>Inconsistent with:</b> -</p> <p><b>Inconclusive:</b> -</p>	<p>(2.1) The project increases residential density in the downtown. While the development is not mixed-use, the applicant notes that the development could in the future convert the first floor to commercial use and includes some non-residential uses in the rezoning to allow for future flexibility</p>
RPCR	N/A	Not applicable
Land Use	<b>Consistent with:</b> 1.3, 2.2, 4.1, 8.1	(1.3) The project involves the removal (relocation/demolition) of an existing one-story



	<p><b>Inconsistent with:</b></p> <p><b>Inconclusive:</b> 1.3, 2.5, 3.1</p>	<p>frame home contemporary with the period in which the mill was in operation, and in that way results in a loss of Town history, and the historic streetscape. The current proposal will meet the downtown architectural standards. The project is notably larger in scale than the remaining mill homes along North Greensboro Street, however, it includes elements found in Carr Mill and Shelton Station, such as the brick exterior, flat roof with parapet, albeit in a more classical, almost Beaux Arts design.</p> <p>(2.2) The project is pursuing rezoning for greater density along a transit node and in the downtown.</p> <p>(2.5) Since the project is designed for a specific group of people, the cost benefit for a denser project may be more difficult to quantify.</p> <p>(3.1) The specific site design features to be determined as part of the SUP. At least 3 green site/building features will need to be included in the project to comply with the LUO.</p> <p>(8.1) The development increases density along North Greensboro Street, aligning with the Future Land Use map and changes identified in both the Downtown Corridor Plan and the Estes and N. Greensboro Corridor Plan</p> <p>(4.1) The development's proximity to transit, connection to existing bike and pedestrian facilities, and reduced parking does meet the plans goals of promoting development that reduces GHG emissions by reducing auto-dependence.</p>
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### **CONSIDERATIONS/SUMMARY COMMENTS**

- Adopted policies support the establishment of conditional districts.
- The conditional district process (legislative action for the rezoning) is expected to mitigate the associated impacts of the additional density requested as part of this development.
- Town policies acknowledge an interest and need for increased residential density along priority corridors, with diverse housing options.
- The site's location provides connections to surrounding neighborhoods within reasonable distances for walking, biking.
- The proposal to rezone to B-1G retains the commercial classification; the inclusion of some non-residential uses allows for the possibility for the project to include a commercial component at some point in the future.

- The applicant has agreed to provide a payment to the Affordable Housing Fund in the amount of one affordable unit. The amount is determined by multiplying the average of median home sales prices, as obtained from MLS data, of the previous three years for the Chapel Hill Carrboro City School District, by 10%. the Town and listed in the annual fee schedule.
- The applicant identified policy provisions appear to be consistent with the request. These are included as part of the petition (*Attachment E*).

### **ACTION REQUESTED**

Staff requests that the Town Council receive public comment and consider the request to rezone the property at 400 North Greensboro Street to B-1G-CZ.

### **RELEVANT ORDINANCE PROVISIONS**

The LUO describes the steps for the Council when adopting or rejecting any zoning map or text amendment, as noted in the excerpt below from Section 15-324.

Section 15-324(d) - The Council shall adopt a statement describing whether the action is consistent or inconsistent with an adopted comprehensive plan.

Section 15-324(d)(1) - If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment shall be required.

Section 15-324(d)(2) - A plan amendment and zoning amendment may be considered concurrently.

Section 15-324(d1) - When adopting or rejecting any petition for a zoning map amendment the Council shall adopt a statement explaining the reasonableness of the proposed rezoning. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment, (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment.

Section 15-325 of the LUO specifies that when considering an amendment, the central issue before the Town Council is “whether the proposed amendment advances the public health, safety or welfare.” The Council is obligated to disregard advantages or disadvantages to the individual requesting the change and must consider the impact of the proposed change on the public at large.

Please also note the expanded conflict of interest provisions adopted as part of 160D, which extends the conflict of interest to include familial, business, or other associational relationships.

Relevant excerpts from Land Use Ordinance articles IX and XX are included in the agenda packet as (*Attachment H*).