

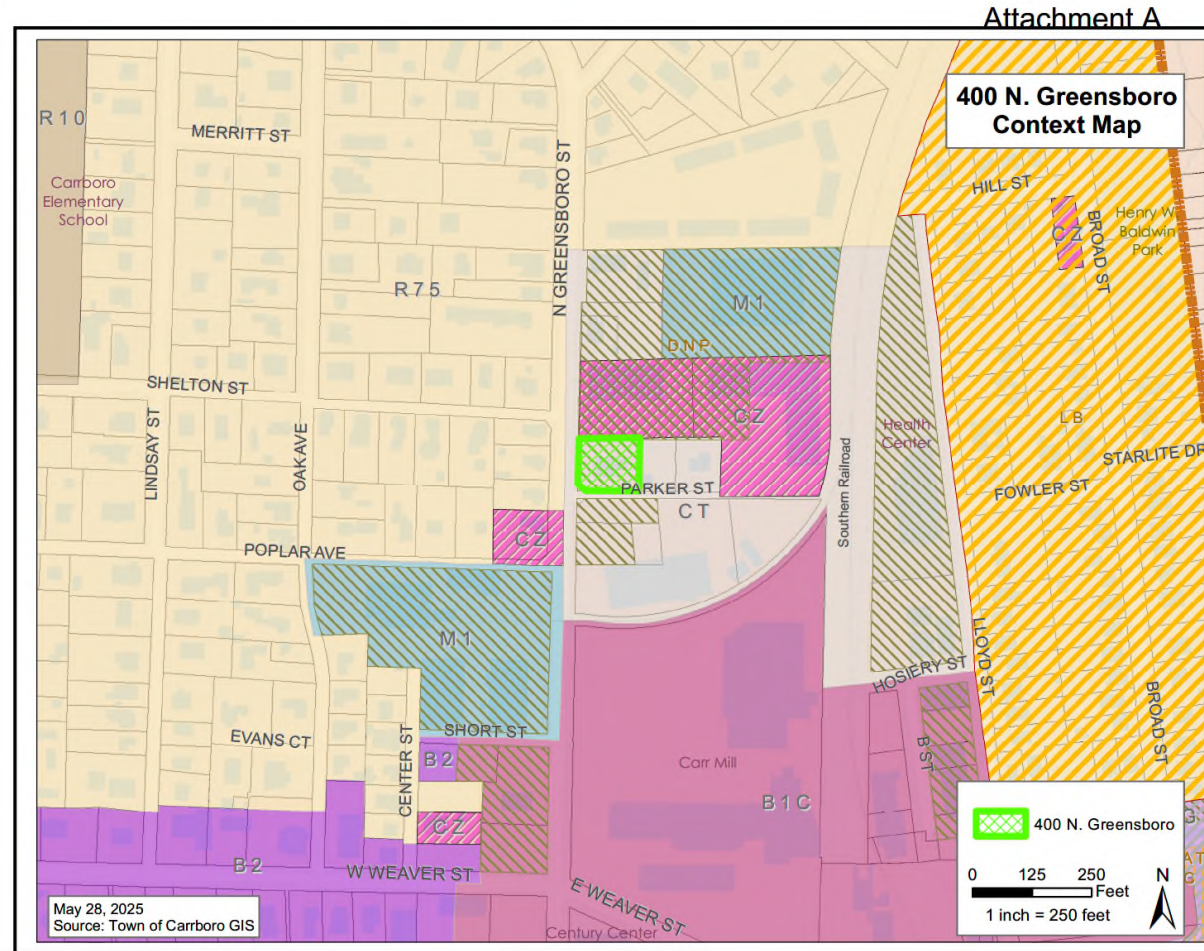
SPECIAL USE PERMIT-A FOR 400 NORTH GREENSBORO MULTIFAMILY RESIDENTIAL PROJECT

June 17, 2025



TOWN OF CARRBORO • NC

Vicinity Map – South Green



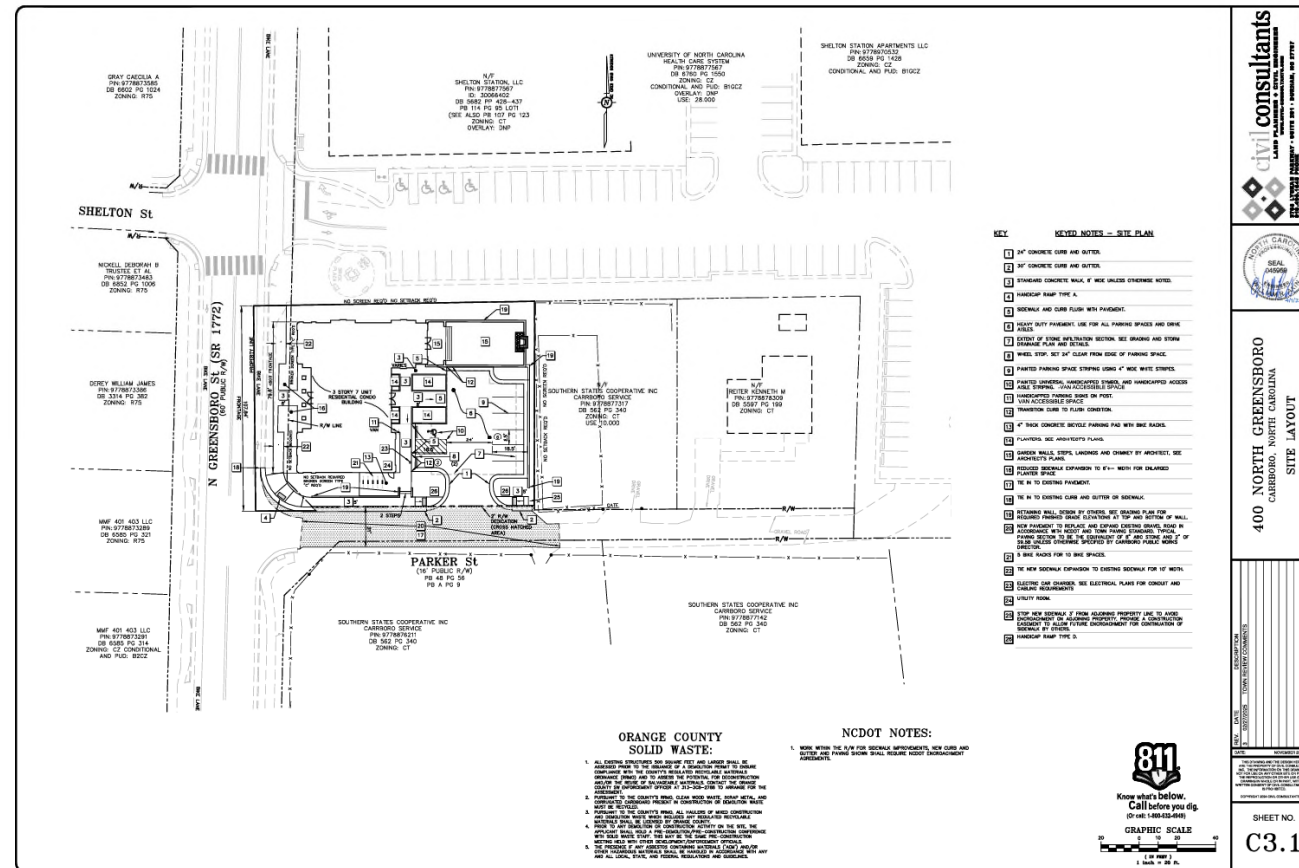
View from North Greensboro Street

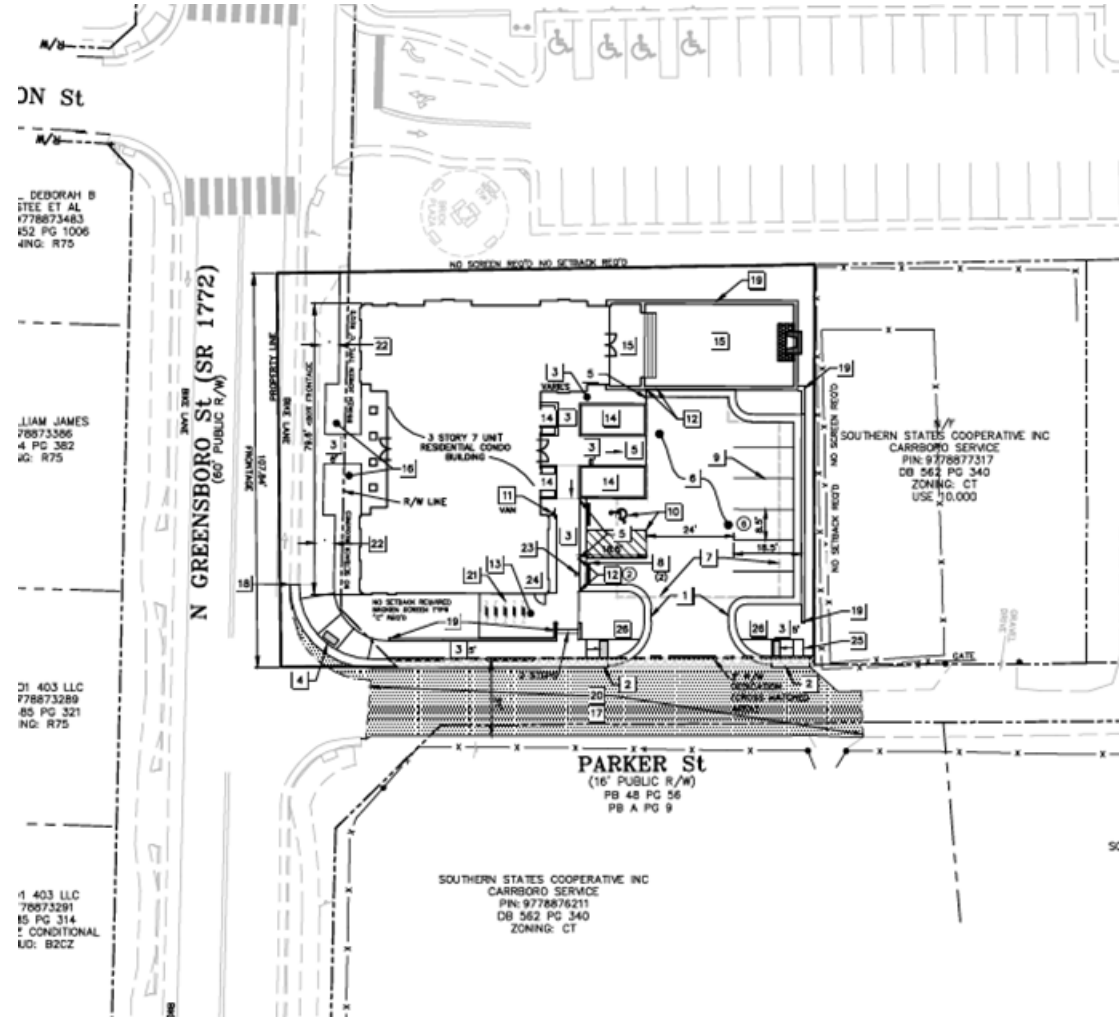


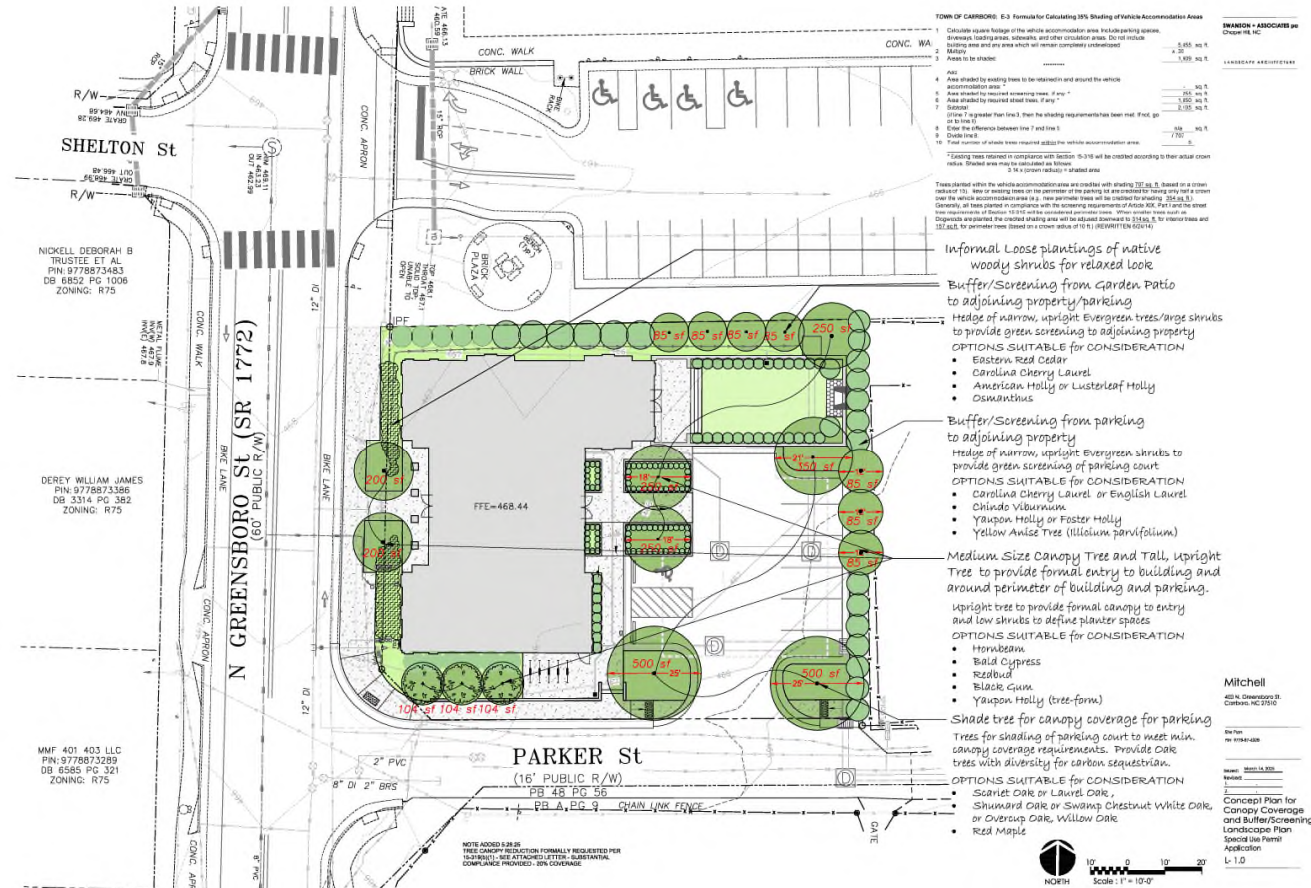
• General Information:

- Conditionally rezoned to B-1(g)-CZ with both non-residential uses (on the first floor) and up to 7 multifamily dwelling units allowed on the site, along with other conditions
- 1 parcel, total size of 0.37 acres
- Applicant is requesting to include 7 residential units. Non-residential uses are not proposed at this time but may be requested in the future by a permit modification
- Size-limited homes do not apply based on the small number of dwelling units. An affordable housing payment in lieu for two dwelling units is required before a building permit may be issued
- A rezoning condition requires that at least three environmental / green infrastructure related features be included in the project. The applicant has chosen:
 - Energy conservation measures
 - Alternative transportation measures
 - Stormwater management
- Request for 20% tree canopy coverage, see Attachment E
- Staff and advisory board recommendations included as Attachment H

400 N Greensboro Street, Overall Site Plan:









Topics / Findings for Town Council Related to Permit:

- Project complies with LUO requirements, subject to matters noted below:
 - Monetary values associated with urban amenities (testimony to be provided during public hearing)
 - Tree canopy reduction request (proposed condition number 5)
 - Continuing compliance with rezoning conditions
- Real estate appraisal information to be submitted to Town Council
- Twelve conditions recommended by staff
- Consideration of recommendations from advisory boards

Conditions of Conditional Zoning:

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 Boyner, Town Clerk

Staff Recommended Conditions & Advisory Board Recommendations

SUMMARY SHEET OF STAFF AND ADVISORY BOARD RECOMMENDATIONS
SPECIAL USE PERMIT-A FOR
400 North Greensboro Street Multifamily Residential Project

STAFF RECOMMENDATIONS	
Staff Recommendations (w/ Advisory Board support where applicable):	<i>Explanation: Staff recommendations, primarily related to LUO compliance, are represented by #s 1 thru 12 below. If an advisory board voted to 'support' the staff recommendation, then such board is listed after staff in the left-hand column.</i>
Recommended by	Recommendations
Staff, PB	1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Council, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
Staff, PB	2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
Staff, PB	3. That the required affordable housing payment (for two units) must be submitted to the town before any building permit is issued at the subject site. The amount to be paid will be in accordance with the amount identified in the town's fee schedule for an affordable housing payment-in-lieu at the time the payment is submitted.

Staff Recommended Conditions & Advisory Board Recommendations (continued)

Staff, PB	4. That a detail drawing for brick-edged sidewalks common to downtown Carrboro be included in the construction plans, and be constructed for the sidewalks along both North Greensboro Street and Parker Street.
Staff, PB	5. That Town Council finds that the tree canopy requirement is hereby reduced to 20% for the project, based on the information provided by the applicant in accordance with LUO Section 15-319.
Staff, PB	6. That the applicant shall provide to the Zoning Division, prior to the approval of a building permit, or before the release of a bond if some features are not yet in place at the time of issuing the first building permit, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in PDF format and shall include a base map of the whole project and all separate plan sheets. As-built PDF 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.
Staff, PB	7. Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, 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 Stormwater Utility staff for approval prior to construction plan approval.

Staff Recommended Conditions & Advisory Board Recommendations (continued)

Staff, PB	8. That, prior to issuance of a CO, or the certification of a stormwater SCM, the applicant shall submit a performance security to be posted and held by the Town for a period of two years per the provisions of Section 15-263(i).
Staff, PB	9. That the developer shall follow all established town procedures associated with the installation of SCMs within the development, including but not limited to filing Operation and Maintenance Agreements and submitting and receiving approval of as-built drawings for all SCMs, in accordance with established town procedures in place at the time. The developer must also make clear to both the town staff and the OA representatives in place at such time exactly when any related responsibilities have transitioned to the OA.
Staff, PB	10. Fire flow calculations shall be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
Staff, PB	11. That the applicant receive a CAPS certificate from the Chapel Hill-Carrboro City Schools district pursuant to Article IV, Part 4 of the Carrboro Land Use Ordinance prior to construction plan approval.
Staff, PB	12. That, prior to issuance of a building permit, the Owner's declarations and covenants shall satisfy the applicable provisions of the Land Use Ordinance subject to review and approval of the Town Attorney.
Advisory Boards	Recommendations
Planning Board	13. Recommends approval with staff conditions
TMGAC	14. Recommends approval

Staff Recommended Conditions & Advisory Board Recommendations (continued)

CEAC	<p>15. The Climate and Environmental Advisory Commission (CEAC) recommends that the Town Council approve the zoning request SUP-A with modifications. The town requires 40% tree canopy for residential projects; the developer has requested a reduction to 20%. We like the 400 N. Greensboro St. project design since it aligns with the TOC comprehensive plan in these areas: urban density in the downtown core, limited parking, alternative transportation, a 100-year stormwater control, and some tree canopy. We cite this credible evidence for proposing a few modifications, most of which the developers have already mentioned during the review process, and which would further meet the town's goal to reduce urban heat.</p>
CEAC	<p>16. To compensate for the tree canopy reduction from 40% to 20%, we support these modifications and would like them to be formally included in the project.</p> <ul style="list-style-type: none"> a) Lean into native plants—at least 85% of all trees, shrubs, vines, ground covers, etc. should be natives. b) Create habitat-rich layers and edges. c) Consider other cooling strategies such as green walls or vertical gardens, a green roof (extensive or intensive), and rooftop gardens.
ESC	17. Recommends approval

Questions?

Consideration of a Quasi-Judicial Request

Once Town Council closes the public hearing and votes on whether to approve the application, the following standards must be considered:

Section 15-54 Special Use Permits-A and Special Use Permits-B. (AMENDED 6/28/05; 6/22/21)

(c) The board of adjustment or the Town Council, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the evidentiary hearing, that:

- 1) The requested permit is not within its jurisdiction according to the table of permissible uses;
- 2) The application is incomplete, or
- 3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations, involving permit choice); **(AMENDED 6/22/21)**

Consideration of a Quasi-Judicial Request

Once Town Council closes the public hearing and votes on whether to approve the application, the following standards must be considered:

- 4) If completed as proposed, the development, more probably than not:
 - a) Will materially endanger the public health or safety; or
 - b) Will substantially injure the value of adjoining or abutting property; or
 - c) Will not be in harmony with the area in which it is to be located; or
 - d) Will not be in general conformity with the Comprehensive Plan, Land Use Plan, Long Range Transportation Plans, or other plans officially adopted by the Council.