



### Staff Report – for Town Council Quasi-Judicial Public Hearing

<b>Meeting Date:</b>	June 17, 2025	<b>Project Name:</b>	400 North Greensboro Street		
<b>Applicant:</b>	Jim Spencer	<b>Request:</b>	Multi-Family Residential (Seven Units)		
<b>Zoning District:</b>	General Business, Conditional Zoning, Downtown Neighborhood Protection Overlay (B-1(G)-CZ, DNP)	<b>Existing Land Use:</b>	Vacant Residential		
<b>Site Address:</b>	400 North Greensboro Street	<b>PIN:</b>	9778876328	<b>Project Area:</b>	0.37 Acres
<b>Adjacent Zoning District(s):</b>	North: B-1(G)-CZ, DNP East: Corporate Town (CT) South: CT, DNP West: Residential-75 (R75)	<b>Adjacent Land Uses:</b>	North: Mixed Use East: Residential South: Commercial West: Residential		

### Background and Project Summary

The Zoning Division has received an application for a Special Use Permit-A (SUP-A), from Jim Spencer, requesting the approval of a multi-family residential structure on property located at 400 North Greensboro Street. If approved, the project will consist of a three-story structure for seven (7) residential units and infrastructure to serve such. Additional details regarding the project are included below.

### Density, Affordable Housing

#### Density

The approved conditional rezoning (Attachment C) established a 3,000 square feet per dwelling unit requirement for this site. The SUP-A plans (Attachment D) propose a total of seven units, via the density bonus standards found in Section 15-141.4 of the Carrboro Land Use Ordinance (LUO).

#### Affordable Housing

The applicant has included a note on the plans stating that they will provide the equivalent amount of money equal to two payments in lieu for an affordable housing unit, and will thereby



be allowed to build two additional market rate units. This payment must be submitted before a building permit is approved for the project, and the following condition is recommended:

- 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.

### Size-Restricted Units

The LUO requires size restricted units on projects with a minimum of 13 dwelling units. This project is for seven units, which is below the threshold for size restricted units.

### **Streets & Sidewalks, Connectivity, Traffic Analysis, Traffic Calming, Greenways Transit, Parking:**

#### Streets & Sidewalks

The site is currently accessed via North Greensboro Street. As part of this proposal, the applicant proposes to improve portions of Parker Street for bicycle, pedestrian, and vehicular access, which meets minimum LUO requirements. If approved, the project will have bicycle and vehicular access via Parker Street. Pedestrian access is provided via the existing sidewalk along North Greensboro Street (which will be widened to ten feet) and a new sidewalk to be installed along the site's Parker Street frontage. As part of this project's compliance with a rezoning condition (see Attachment C, responses from Jim Spencer), the applicant proposes to dedicate additional right-of-way along Parker Street, for the proposed sidewalk and for improvements within the Parker Street right-of-way, including paving.

About the sidewalks, town staff has asked the applicant to consider including the brick-edged sidewalk design common to parts of downtown Carrboro, including in front of the adjacent Shelton Station project. As they have tentatively agreed, the following condition is recommended:

- 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.

#### NCDOT Review

NCDOT has reviewed the plans as part of this proposal, as North Greensboro Street is maintained by NCDOT. At the time of this report, the project meets NCDOT requirements and the applicant will need to seek an encroachment agreement for any work within NCDOT's right-of-way.



## Parking

The applicant has included information on the plans indicating that they are complying with the applicable number of parking spaces related to all uses, including bicycle parking. Of note more than half of the proposed bicycle parking spaces are to be located in the building, thereby satisfying the requirement that at least 50% of the spaces be sheltered.

Regarding EV parking, the applicant agreed during the rezoning process, and as included in a rezoning condition, to include both EV and E-bike charging infrastructure. Jim Spencer notes that the project will comply with this condition in his responses as part of Attachment C. Town staff will verify again during the construction plan review process that all necessary related infrastructure is included.

Staff Conclusion: The project plans comply with the applicable LUO standards.

## **Tree Protection, Street Trees, Tree Canopy**

### Tree Protection

The subject site contains a single-story residential structure with a mix of hardwoods and grass lawn. Both the existing structure and existing trees are proposed for removal as part of this request.

### Street Trees

Two trees are shown in the NCDOT right-of-way along North Greensboro Street, which will require an encroachment agreement from NCDOT. The applicant proposes trees adjacent to the right-of-way (on private property) along Parker Street.

### Tree Canopy

The applicant proposes to plant trees and shrubs, equivalent to a broken 'C' type screening, providing 20% of tree canopy coverage.

40% of canopy coverage is typically required for residential developments, per Section 15-319. LUO Section 15-319(b) provides the permit issuing authority the option of reducing the required canopy amount to 20%. To reduce the canopy requirement from 40% to 20%, the applicant has submitted a letter explaining reasons for which they feel sufficient the project qualifies for the reduction, included as Attachment E. If Town Council finds that the reduction is justified, then the following condition is recommended:



- 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.

#### Vehicle Accommodation Area Shading

The plans show multiple trees in the parking area to provide at least 35% shading of the vehicle accommodation area, in accordance with ordinance requirements.

#### Staff conclusion

The project plans comply with the applicable LUO standards, subject to the condition noted above.

#### Drainage and Water Quality, Stormwater Bonding, Stream Buffers, Grading, and Erosion Control

##### Drainage and Water Quality

Section 15-263 of the LUO establishes stormwater management criteria that must be met for the project. In particular, the applicant must meet stormwater runoff standards with respect to water quality, quantity, and volume.

To this end, the grading and drainage plan show a system of curb and gutter, catch basins, pipes, and swales to manage water runoff. The information has been submitted to and reviewed by the town engineer, who has concluded that the design does meet the minimum related requirements of the LUO. Additional review and approval by the town engineer as well as Stormwater Utility Staff of all final details will be completed during the construction plan review stage.

Relative to the Town satisfying state requirements pertaining to the National Pollutant Discharge Elimination System (NPDES) Phase II permit, the following conditions are required:

- 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.
- 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.

### Stormwater Bonding and Conversion to Owner's Association (HOA) Responsibility

Section 15-263 (i) enables the Town to require the developer post a security to the Town to assure that the stormwater BMPs perform as designed; because of this, the following condition is recommended:

- 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).

Additionally, the town wants to ensure that all relevant parties are aware of responsibilities associated with the SCMs as the developer may transition away from their responsibilities by way of the OA becoming the entity responsible for long term maintenance and upkeep for all SCMs. Related to this matter, the following condition is recommended:

- 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.

### Erosion Control

An erosion control plan has been provided which is provisionally satisfactory to Orange County Erosion Control. Additional details will be provided as part of the Construction Plan review process.

### Staff conclusion

The project plans comply with the applicable LUO standards, subject to the conditions noted above.



## **Utilities, Fire Safety, Lighting, Refuse Collection**

### **Utilities**

The water and sewer plans have been reviewed by OWASA and they have indicated that they are able to serve the development, but that additional information is needed at the construction plan stage. OWASA will review the plans in greater detail during construction plan review.

Regarding electric and gas utilities, the applicant has submitted letters from the respective providers indicating that they can serve the development.

Per Section 15-246 of the LUO, the plans must specify that all electric, gas, telephone, and cable television lines are to be located underground in accordance with the specifications and policies of the respective utility companies.

### **Fire Safety**

The plans have been reviewed and provisionally approved by the Fire Department subject to further review during construction plans.

Fire flow calculations must be submitted and approved by the Town Engineer and Fire Department prior to construction plan approval. A condition regarding this matter is recommended as follows:

- Fire flow calculations shall be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.

### **Lighting**

A lighting plan has been included that does show compliance with LUO standards. Both pole and wall pack lights are proposed, along with landscaping accent lighting at ground level. Compliance includes diminishing the footcandle (fc) measurements associated with the lights to not more than 0.2 fc on the north and west property lines and not more than 2.0 fc along the eastern and southern property lines.

### **Refuse Collection**

The project's waste arrangements have been reviewed by both Public Works and Orange County. The Town and County will provide trash and recycling collection services for the development, and the County will be involved in managing construction waste.



Waste management during construction requires from the County an approved Solid Waste Management Plan as well as a permit. The Solid Waste Management Plans and permit must be obtained prior to construction.

#### Staff conclusion

The project plans comply with the applicable LUO standards.

### **Open Space and Recreation Facilities / Downtown Livability Area and Urban Amenities**

#### Open Space and Amenities

Per Section 15-204 of the LUO, the site is subject to the Downtown Livability Area and Urban Amenities provisions, per the site's B-1(G) zoning designation. The site is subject to a 12% land area requirement for DLA standards. 12% of the site is 1,915 square feet. The applicant proposes 3,060 square feet to meet this requirement (updated figure included in letter from applicant). Sheet L1.0 of the site plan shows the location of proposed amenities.

The applicant has submitted a letter outlining how the project complies with the Urban Amenities portion of the LUO (Attachment F). Additional information will be provided through testimony during the public hearing regarding the dollar values of the amenities.

#### Staff conclusion

The project plans comply with the applicable LUO standards for Open Space and Recreation so long as the applicant provides sufficient information and testimony during the public hearing indicating compliance with the Urban Amenities portion of the LUO.

### **Miscellaneous**

#### Construction Management

Prior to construction plan approval the Town will inform the applicant and contractor of the requirements of the Town Code pertaining to construction noise and hours of operation and obstructing or excavating within public street rights of way. Section 15-49 (c-1) further provides that the Town may require the applicant submit a construction management plan prior to construction plan approval.



### Phasing

This project is designed and proposed to be constructed in one single phase.

### Real Estate Appraisal

As a part of review and quasi-judicial nature of the proposal, the applicant engaged a real estate professional to complete a property appraisal. The resulting document is included as Attachment G.

### Architectural Standards for Downtown Development

The application's architectural related drawings do comply with the provisions of LUO Section 15-178

### CAPS

Per Article IV, Part 4 of the LUO, the applicant must receive the required Certificate(s) of Adequacy of Public School Facilities (CAPS) from the Chapel Hill Carrboro City Schools District prior to construction plan approval. Because of this the following condition is recommended:

- 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.

### Neighborhood Information Meeting

The applicant conducted a neighborhood information meeting during the conditional rezoning portion of the project. Because of this, they chose to not hold an additional meeting as the project had not substantially changed from what was shared during the earlier meeting.

### Advisory Board Recommendation Statements

A Staff and Advisory Board Recommendations Summary Sheet is included as Attachment H, containing the staff recommendations along with additional comments from advisory boards that chose to adopt a recommendation statement.

### Owner's Association Documents

Prior to construction plan approval, Owner's Association Declarations and Covenants will need to be submitted to the Town for review and approval by the Town Attorney. Section 15-83 of the LUO specifically prevents these documents from prohibiting "devices that generate or conserve energy or water." Photovoltaic panels and clotheslines are such devices that cannot be regulated by owner's associations. Because of this the following condition is recommended:





- 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.

#### Presentation Materials

Presentation materials from staff are included as Attachment J, and materials from the applicant are included as Attachment K.

#### Staff conclusion

The project plans comply with the applicable LUO standards, subject to the conditions noted above.

#### **Staff Recommendation:**

Town staff recommends that Town Council open and conduct a quasi-judicial public hearing for the Special Use Permit-A application, and consider whether to approve, deny, or approve with conditions. Conditions recommended by staff are included below as well as in the Staff and Advisory Boards Recommendations Summary Sheet, included as Attachment H.

A draft decision document is included as Attachment I, in case Town Council chooses to vote on this matter during the June 17, 2025 meeting.

The list of recommended conditions from staff are as follows:

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.
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.
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.
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.
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.



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.
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.
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).
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.
10. Fire flow calculations shall be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
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.
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.

