



Legislation Details (With Text)

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Title: Legislative Public Hearing for Conditional Zoning at 1307 West Main Street

PURPOSE: The Town has received a petition to amend the zoning classification for the property at 1307 West Main Street from B-3 to R-2-CZ for the development of a five-story multi-family residential project. The application includes a request for a text amendment to increase the maximum building height in the R-2 district from 50 feet to 65 feet. The Town Council must receive public input before reaching a decision on this request.

Indexes:

Code sections:

Attachments: 1. A - Resolution 1307 Map Amendment, 2. B - Zoning Map Amendment - 1307 West Main, 3. C - Rezone Vicinity R2CZ, 4. D - Staff Report_1307 W Main_02, 5. E - Applicant Rezoning Materials - TEMPO - 1307 W MAIN ST (compiled), 6. F - TEMPO Survey and Plans, 7. G - TEMPO-1307 W MAIN - NIM MATERIALS, 8. H - Certification-bundle, 9. I - Recommendations-Combined_02-23-2024).pdf, 10. J - LUO ART IX & XX, 11. K - Racial Equity Pocket Questions for 1307 West Main Rezoning

Date	Ver.	Action By	Action	Result
2/27/2024	1	Town Council		

Legislative Public Hearing for Conditional Zoning at 1307 West Main Street

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DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon, Planning and Transportation Administrator, 919-918-7325, cmoon@carrboronc.gov; Patricia McGuire, Planning Director, 919-918-7327, pmcguire@carrboronc.gov; Nick Herman, Town Attorney, 919-929-3905, herman@broughlawfirm.com

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

The Town Council must hold a legislative public hearing for the consideration of a zoning map amendment. The Town Council is required to adopt a statement of consistency as part of its decision. Racial Equity pocket questions have been prepared (*Attachment K*).

INFORMATION: Tempo Investco, LLC, has submitted a petition to rezone the 1.16-acre property at 1307 West Main Street from B-3 (Neighborhood Business, 7,500 square feet per dwelling unit) to R-2-CZ (Residential, 2,000 square feet per dwelling unit) for the purpose of constructing a multifamily residential development. The proposal is for 34 residential units including a combination of 1-bedroom, 2-bedroom units and 3-bedroom units along with shared common space on the upper story. The site is currently undeveloped. A vicinity map has been provided (*Attachment C*).

Materials submitted by the applicant include the petition for change of zoning with answers to the four-part question seven addressing consistency with the comprehensive plan, a short project narrative, site plans and building elevations (*Attachments E and F*). Materials relating to the neighborhood information meeting (NIM) held on March 1, 2023, are provided as (*Attachment G*). On September 13, 2023, the Board of Adjustment approved a variance to allow encroachment into and placement of fill within the Special Flood Hazard Area (SFHA) along the eastern portion of the property. (Agenda materials may be found here: https://www.carrboronc.gov/AgendaCenter/ViewFile/Agenda/_09132023-4322.)

The applicants have also submitted an associated text amendment request to allow an increase in the maximum building height in the district from 50 feet to 65 feet to accommodate the proposed 5-story building. A draft ordinance for the text amendment has been prepared and will be considered as part of a separate agenda item (24-032).

A draft rezoning ordinance has been provided and includes a list of draft conditions (*Attachment B*). It is anticipated that the conditions may be further refined during the public hearing process. The final list of conditions must be mutually agreed upon by the Town and the applicants. The Town Council must receive public comment before deciding on the rezoning request. The proposed map amendment was presented at the Joint Advisory Board meeting on February 1, 2024. Comments from the Planning Board, Transportation Advisory Board and Stormwater Advisory Commission and Affordable Housing Advisory Commission are provided (*Attachment I*). The draft minutes from the Appearance Commission discussion are also provided; the Environmental Advisory Board did not have a quorum.

Should the Town Council approve the rezoning, the applicants would follow with an application for a Special Use Permit-A. The illustrative site plan provided as a condition of the rezoning would be binding and dictate the overall design for the development. As noted in the conditions for the rezoning (*Attachment B*), certain elements of the project would be determined as part of the rezoning and other elements would be determined as part of the SUP plans which include much more detail to ensure compliance with the Land Use Ordinance. As noted in the staff report (*Attachment D*) the Future Land Use Plan in the Comprehensive Plan, identifies the subject property for park use in error. The adoption of the consistency statement (*Attachment A*) will amend the Future Land Use Plan to identify the site as multi-family.

FISCAL IMPACT: The petitioner has submitted materials and fees, as applicable, for reviewing and processing this request, including providing envelopes for the mailed notice for the rezoning. Staff time is necessary for public notice and agenda preparation for advisory board review and public hearings.

RECOMMENDATION: Staff recommends that the Town Council receive public input and consider whether the proposed rezoning to R-2-CZ is consistent with Town plans and policies as well as the advancement of the public health, safety and welfare. A resolution for consistency (*Attachment A*) and a draft ordinance for the map amendment (*Attachment B*) are provided.

