



Legislation Details (With Text)

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Title: Request-to-Set Public Hearings on Conditional Rezoning at 410, 420 and 430 Smith Level Road and associated LUO Text Amendment
 PURPOSE: The Town has received a petition to rezone property at 410, 420 and 430 Smith Level Road to O/A-CZ (Office/Assembly, conditional) for the construction of a commercial development that would include a self-storage facility, office, retail and restaurant uses. An application for a text amendment to the Land Use Ordinance relating to the project has also been submitted. The Town Council must receive public input before reaching decisions on these requests. A hearing date of May 25, 2021 has been identified. Resolutions setting two public hearings are provided for the Council's use.

Indexes:

Code sections:

Attachments: 1. Attachment A-1 Resolution for Rezoning 4-23-2021, 2. Attachment A-2 Resolution for Text Amend_04-23-2021, 3. Attachment B-1 Applicant's Narrative, Rezoning Petition & Draft Conditions, 4. Attachment B-2 Application for Text Amendment, 5. Attachment C-1 Draft Ordinance for Rezoning with Conditions, 6. Attachment C-2 Draft Ordinance TextAmend_OA-CZ, 7. Attachment D Vicinity Map for Smith Level Road-Proposed Rezoning to OACZe, 8. Attachment E Illustrative Master Plan, 9. Attachment F NIM Form & Minutes, 10. Attachment G Excerpts from LUO

Date	Ver.	Action By	Action	Result
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TITLE:

Request-to-Set Public Hearings on Conditional Rezoning at 410, 420 and 430 Smith Level Road and associated LUO Text Amendment

PURPOSE: The Town has received a petition to rezone property at 410, 420 and 430 Smith Level Road to O/A-CZ (Office/Assembly, conditional) for the construction of a commercial development that would include a self-storage facility, office, retail and restaurant uses. An application for a text amendment to the Land Use Ordinance relating to the project has also been submitted. The Town Council must receive public input before reaching decisions on these requests. A hearing date of May 25, 2021 has been identified. Resolutions setting two public hearings are provided for the Council's use.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org <<mailto:cmoon@townofcarrboro.org>>; Marty Roupe - 919-918-7333, mroupe@townofcarrboro.org <<mailto:mroupe@townofcarrboro.org>>; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org <<mailto:pmcguire@townofcarrboro.org>>; Nick Herman - 919-929-3905, gnherman@broughlawfirm.com <<mailto:gnherman@broughlawfirm.com>>

INFORMATION: In March 2020, Deans Hackney of Hackney & Company, LLC, submitted a petition to rezone three parcels encompassing approximately 3.94 acres along Smith Level Road from R-10 to O/A-CZ for

a proposed development involving the construction of four new buildings with a combined total of approximately 100,000 square feet of commercial space. Mr. Hackney also submitted an application for a text amendment to reduce the minimum size for the district from 5 acres to 4 acres. The subject properties are further identified in the table below and the vicinity map provided as *Attachment D*.

No.	PIN	Existing Zoning	Proposed Zoning	Acres
Parcel 1	9778-60-9205	R-10	O/A-CZ	0.795
Parcel 2	9778-70-0424	R-10	O/A-CZ	1.623
Parcel 3	9778-60-9663	R-10	O/A-CZ	1.523
Total				3.941

The application materials were distributed to reviewing agencies including the Town Engineer and NCDOT to determine compliance with applicable regulations. On June 25, 2020, the proposal was presented to the joint advisory board for a courtesy review ([_06252020-3804 \(townofcarrboro.org\)](http://www.townofcarrboro.org/AgendaCenter/ViewFile/Agenda/06252020-3804) <<http://www.townofcarrboro.org/AgendaCenter/ViewFile/Agenda/06252020-3804>>). Based on comments from the advisory boards, and the reviewing agencies, Mr. Hackney substantially revised the proposal and resubmitted updated materials in December 2020. These materials included a brief project narrative, an updated petition for rezoning, a list of draft conditions (*Attachment B-1*) and a revised illustrative master plan (*Attachment E*). The applicant also submitted an updated request for the text amendment to reduce the minimum size for the district to 3.5 acres (*Attachment B-2*). A neighborhood information meeting was held on April 8th. Materials from the meeting--the neighborhood information form and meeting summary are provided (*Attachment F*).

A draft ordinance for the requested rezoning has been prepared. The ordinance includes an initial list of conditions; additional refinement is anticipated (*Attachment C-1*). A draft text amendment has also been prepared (*Attachment C-2*). As currently written, the text amendment is designed to incorporate some of the specific elements of the existing O/A-conditional use district into the O/A-conditional district. (As a reminder, amendments underway for compliance with the adoption of G.S. Chapter 160D will eliminate conditional use districts and conditional use permits after July 1st.)

The Town Council must receive public comment before adopting amendments to the Land Use Ordinance (map and text). Planning Board, and Orange County review for the text amendment, are also needed, and other advisory boards have been identified based on their areas of expertise. If the text amendment and rezoning are approved, the applicant would follow with an application for a special use permit subject to Town Council approval.

FISCAL & STAFF IMPACT: The petitioner has submitted fees and materials for reviewing and processing this request, which includes public hearing notice and advisory board evaluation. Staff time will be necessary for public notice and public hearing agenda preparation.

RECOMMENDATION: Staff recommends that the Town Council consider the attached resolutions setting two public hearings for May 25, 2021 and for referring both applications to advisory boards: *Attachment A-1* for the request for rezoning and *Attachment A-2* for the requested LUO text amendment.