



Legislation Text

File #: 23-124, **Version:** 1

Request to Set Legislative Public Hearings for Conditional Rezoning at 501 South Greensboro Street and Associated Text Amendments

PURPOSE: The Town has received a petition to amend the existing M-3-CZ district at 501 South Greensboro Street, known as South Green. The application includes a request for text amendment to add certain multi-family residential uses to the M-3-CZ district, and other associated changes relating to the proposed residential uses. The Town Council must receive public comment before considering these requests. Resolutions setting public hearings are provided for the Council's use.

DEPARTMENT: Planning

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COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

Setting a public hearing for map and text amendments are required steps in accordance with North Carolina state statutes and Town regulations.

INFORMATION: In 2015, Woodhill NC LLC, received a conditional use rezoning to rezone three parcels at 501 South Green, for the purpose of developing a commercial complex including a combination of retail, office and restaurant uses. The project involved the adoption of a text amendment to create a new zoning district, M-3-CU (light manufacturing, conditional use) which was based on the existing M-1 (light manufacturing) district with the addition of freestanding ATMs and restaurants. The inclusion of restaurants required the applicant to provide a percentage of green building/site features within the project based on a sliding scale. The subsequent adoption of N.C.G.S. Chapter 160D automatically converted the conditional use district to a conditional district (M-3-CZ).

In 2022, Mark Moshier of Legacy Real Property Group reached out to the Town to explore options for replacing the approved commercial building for lot 2 of the South Green project with a residential component. Residential uses are not currently permitted in the M-3-CZ district. In order to add residential uses to the project, three steps are needed: 1) a text amendment to add the new use classification to list of uses permitted in the M-3 district; a rezoning, to apply the new use to the existing three-lot district at 501 South Green; and a modification to the permit. (The adoption of 160D also converted adopted conditional use permits to special use permits so the applicant would be seeking a major modification to the existing special use permit-A.) The Town has received a petition to rezone all three parcels at 501 South Greensboro Street (South Green) to amend the existing zoning district to add certain residential uses (*Attachments C-2 through C-5*). The applicants have also submitted three associated text amendments (*Attachment C-1*). The first to add certain multi-family uses to the district, the second to replace the open space and recreational facilities requirements associated with residential uses to urban amenities, and the third to increase the maximum building height for the district to accommodate the proposed 4-story buildings for the multi-family units. A draft ordinance for the

requested text amendments and a draft rezoning ordinance have been provided (*Attachments D-1 & D-2*). The draft rezoning ordinance includes a list of draft conditions; it is anticipated that the conditions will be further modified during the joint review and public hearing process. The final list of conditions must be mutually agreed upon by the Town and the applicants. Of note, all of the conditions approved as part of the 2015 permit approval remain binding and will be incorporated into the draft rezoning ordinance.

The Town Council must receive public comment before taking action on map and text amendments. Orange County review of the text amendment is also required. Article XX of the Land Use Ordinance describes the procedure for the Town Council to consider a map and text amendments and Section 15-322 describes the role of the Planning Board and other advisory boards (*Attachment E*). Responses to the pocket questions relating to the amendment process have been provided (*Attachment F*). A discussion of the specifics of the project will be provided as part of the public hearing materials.

The process for considering the amendments would be to hold both public hearings sequentially on the same night. The council would open the hearing for the text amendment first, followed by the rezoning.

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

RECOMMENDATION: Staff recommends that the Town Council consider:

- (Attachment A-1) setting a public hearing for May 23, 2023 for the text amendments and referring draft ordinance for the text amendments to Orange County and the Planning Board, and other advisory boards as appropriate,
- (Attachment A-2) setting a public hearing on the same date for the map amendment and referring the petition for change of zoning to the Planning Board and other advisory boards as appropriate.