

JOINT REVIEW BOARDS

AGENDA ITEM ABSTRACT

MEETING DATE: AUGUST 7, 2008

TITLE: JOINT REVIEW OF 300 EAST MAIN STREET CONDITIONAL USE PERMIT

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ___ NO ___ X ___
ATTACHMENTS: A. PROJECT PLANS B. STAFF REPORT C. LETTER FROM NCDOT D. TREE REMOVAL JUSTIFICATION LETTER E. SCREENING RELAXATION JUSTIFICATION LETTER F. LETTER FROM REAL ESTATE APPRAISER G. CONSTRUCTION MITIGATION LETTER	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333

PURPOSE

Main Street Partners, LLC has submitted an application for a Major Modification of the Phase A of 300 East Main Street Conditional Use Permit (CUP) to allow for construction of multiple commercial buildings on an assemblage of land on and near 300 East Main Street. Prior to reaching a decision on a request for a CUP, the Board must hold a public hearing to receive input. In advance of the public hearing, Advisory Boards are invited to review the project and forward a recommendation statement to the Board of Aldermen.

INFORMATION

See attached staff report for additional details – **Attachment B**.

RECOMMENDATION

Upon receipt of additional, necessary information and subject to completion of certain CUP conditions, Town Staff expects to recommend approval of the project to the Board of Aldermen. Meanwhile, the advisory boards are welcome and encouraged to comment. A draft list of conditions, including many placeholders, is included below:

1. Placeholder for possible CUP condition regarding use 18.100.
2. Placeholder for possible condition or recommendation regarding site configuration near the hotel and parking deck.
3. Placeholder for possible conditions related to Boyd Street realignment.
4. Prior to construction plan approval, the applicant shall replace the currently-shown handicap accessible ramp detail with a detail conforming to NCDOT roadway standard specifications for handicap ramp curb cut / sidewalk connections w/in public right-of-way (i.e.: two ramps per radius, 90-degrees from one another, instead of one ramp per radius).
5. Placeholder for possible condition relating to pedestrian connectivity along the southern property line.
6. Placeholder for condition regarding obtaining a NCDOT driveway permit for the project and possible statement from the Town of Carrboro to the applicant and/or NCDOT regarding improvements.
7. Placeholder for condition relating to requiring valet parking service to mitigate parking deficit when necessary.
8. Placeholder for Board of Aldermen finding regarding total number of parking spaces provided.
9. Placeholder for CUP condition regarding the number of bicycle parking spaces and their locations.

10. That the Board of Aldermen finds that no screening requirements are imposed on this project because the Board desires to foster a pedestrian-friendly atmosphere in the downtown area and further finds that integration of this project with the neighboring property on the eastern side would be diminished were screening required between the two sites.
11. Placeholder for stormwater-related matters.
12. Placeholder for possible OWASA related condition regarding easements internal to the site.
13. Placeholder for possible condition(s) related to the lighting plan, once submitted.
14. Placeholder for possible condition related to expectations when reviewing potential future changes related to materials, colors, and design.
15. Placeholder for possible future review of a new Arts Center building.

STAFF REPORT

TO: Joint Review Boards

DATE: August 7, 2008

PROJECT: Major Modification of 300 East Main Phase A Conditional Use Permit to incorporate Phase B of the project.

APPLICANT / OWNER: Main Street Partners of Chapel Hill, LLC (MSP)
PO Box 2152
Chapel Hill, NC 27515

PURPOSE: MSP has submitted an application for a Major Modification of the Phase A of 300 East Main Conditional Use Permit (CUP) to allow for construction of multiple five-story commercial buildings and associated infrastructure at and around 300 East Main Street. Prior to reaching a decision on a request for a CUP Major Modification, the Board must hold a public hearing to receive input. Prior to the hearing, the advisory boards may review and make a recommendation on the project to the Board of Aldermen.

EXISTING ZONING: B-1(c), Business-1(central) and B-1(g), Business-1(general)

TAX MAP NUMBERS: 7.92.A.1, 7.92.A.5, 7.92.A.5A, 7.92.A.11, 7.92.A.12, 7.92.A.8, 7.92.A.9, 7.92.D.19

LOCATION: 200, 208, 300, 300-G, 304, 400, and 404 East Main Street & 104 Boyd Street

TRACT SIZE: 5.24 acres total (228,452 square feet)

EXISTING LAND USE: Building site – Multiple commercial spaces, restaurants, nightclubs, etc; Satellite Parking Lot – Parking Lot

PROPOSED LAND USE: Building Site – 2.110, 2.111, 2.120, 2.150 (in B-1c portion only), 3.110, 3.120, 3.130, 3.150, 3.250, 5.110, 5.120, 5.130, 5.200, 5.310, 5.320, 5.400, 6.110, 6.121, 6.122, 6.130, 6.140, 6.221, 6.222, 8.100, 8.200, 8.500, 8.600, 13.100, 15.100, 15.700, 18.100, 19.100, 23.000, 27.000; Satellite Parking Lot – No change (10.100).

SURROUNDING LAND USES:
North: Road – East Main Street
South: B-1(g) & R-7.5, Health Clinic, Butler Garage property, and Brewer Lane Mixed Use project
East: B-1(g), Nice Price Books, church, Boyd Street
West: Railroad corridor

ZONING HISTORY: B-1(c) & B-1(g), Since 1986; B-1, Prior

RELEVANT ORDINANCE SECTIONS: 15-55.1, Findings and Burden of Proof for Conditional Use Permits for Taller Buildings in Commercial Districts
15-292, Parking – Flexibility in Administration
15-309, Screening – Flexibility in Administration

ANALYSIS

Background

In June 2007, the Board of Aldermen granted a CUP for Phase A of 300 East Main to Main Street Partners (MSP). Since that time, MSP has continued the review process for the remainder of their desired project, herein referred to as Phase B. At this time, MSP is asking for a Major Modification of the Phase A permit to incorporate Phase B and bring the entire project together under a single CUP.

If approved, the 300 E Main CUP will allow for construction of five (5) buildings, most and possibly all of which will rise to 5-stories, along with a 5-story parking deck, and associated infrastructure including a central axis courtyard. The construction will take place on an assemblage of land at and near the existing shopping center at 300 East Main, which also contains the Arts Center property and Cat's Cradle. Multiple uses are proposed including office, retail, restaurant, etc (complete listing above).

As discussed in June 2007, the applicant has filed a binding 'Brownfields Agreement' for the Phase A portion of the site (because of prior use as an oil distribution site) with the North Carolina Department of Environment & Natural Resources.

Of note, the existing parking lot at 200 East Main Street is included as a part of the CUP to act as a satellite parking lot. In short, the applicant is requesting to leave the site as is, but utilize it as a private parking lot rather than its recent use as public parking.

Also of note, the Arts Center maintains ownership of a single parcel of land essentially surrounded by the proposed development. They have been involved throughout the review and basically will be a part of the development, though they likely will retain ownership of their land. Precisely what the Arts Center will do, in terms of property improvements, is largely unknown at this time. This matter is further discussed under the architecture portion of the report (below).

The applicant also has tentatively agreed to improvements on the neighboring Church of God property. As these improvements are not a part of the CUP application before us, they will be processed via a separate land use permit application.

Proposed Uses

Currently proposed are a mix of uses including but not limited to: office, service, retail, restaurant, educational / school facilities / cultural, recreation, independent parking lot (for satellite parking lot), government offices, utility services, etc. A complete listing is included on the first page of this report. The applicant's general idea is to include virtually all allowable uses

in the B-1(c) and B-1(g) districts to allow various tenants to move in and out over time without the potential requirement of a formal review process each time. Staff generally supports this idea and recognizes that flexible use of the property may create a business-friendly atmosphere that does not unduly burden potential tenants, property owners, or staff.

Of note, the applicant has requested flexible use of both indoor and outdoor spaces. Indoors, the applicant has included an ‘average’ square footage for the key, primary expected uses including retail, office, and restaurants. Outdoors, the applicant requests that the Town allow flexible use of the multiple decks and patios included in their design with respect to outdoor dining and outdoor sales (associated with an indoor establishment). In other words, the location of and number of outdoor tables, seats, etc associated with one or more restaurants or other uses may change over time. So long as sufficient parking is provided (see applicable section below for detailed parking information) and the impacts of the proposed uses are well understood, no particular reason is evident for not allowing a flexible permit. Flexible use is further described under the ‘parking’ information below. Two particular uses worth noting, separate of the range of expected retail, office, restaurants, etc, include a hotel and parking deck. The parking deck will serve the entire development including the hotel.

A few particular uses were discussed and ultimately approved during the Phase A. These uses are again proposed at this time and include: 19.100, Open Air Markets and 23.000, Temporary structure or parking lots used in conjunction with construction of a permanent building.

One other use, 18.100, Towers and Antennas fifty-feet tall or less, ultimately was removed by the Board of Aldermen from the list of approved uses. Removing it from the list did not necessarily amount to the applicant not being able to erect such a tower or antenna. Rather, it means that the applicant must come back before the Town, present the details of the request for any specific antenna(s), and seek permission from the Town before erecting them on the site. In any event, the applicant is requesting again the ability and right to erect such towers on the site without revisiting the land use permit before doing so. Given that the Board of Aldermen removed the use during the Phase A review, it is worth considering whether it should or should not be allowed at this time. Accordingly, staff offers the following placeholder condition on the matter while we continue to discuss exactly what to recommend to the Board of Aldermen:

- CUP Condition: Placeholder for possible CUP condition regarding use 18.100.

Conclusion:

The proposed project complies with the requirements of the LUO pertaining to proposed uses, subject to the Board of Aldermen finding acceptable the uses described as ‘points of discussion’ described above.

Access, Traffic and Transportation Issues, and Parking

Access and Circulation

Currently, the site is accessed via existing curb cuts on East Main Street between the railroad corridor and the eastern end of the property, with two primary entrances into the main shopping center. This project will close the curb cuts in front of the 208 East Main Street property in favor of an improved, shared two-way entrance at the Lloyd / Main intersection. A second entrance will be constructed east of the Lloyd / Main intersection near the existing entrance beside Crawdaddy’s Restaurant (see **Attachment A**). The assemblage also has frontage on the western end of the Boyd Street right-of-way, where the applicant proposes to reconfigure the public street

and utilize as a third entrance to the site. The Boyd Street entrance goes directly into the project's parking deck (more information below regarding Boyd Street).

The resulting traffic pattern involves two separate north-south entrances that extend and connect along the southern edge of the property. Thus, a car can enter at either point and drive through and around the site. The portion of the drive along the southern property line provides access to a large loading / unloading zone and service area. An additional loading zone is provided alongside the building on the western drive and the primary refuse and recycling area for the site is provided alongside the building beside the eastern drive (see **Attachment A**).

An access point along the easternmost entranceway provides a second way in and out of the parking deck. Of note, the applicant presents in the plans two possible scenarios for the orientation of the parking deck as it relates to the eastern driveway. Both are accessed off of Boyd Street and the easternmost drive, but one includes a traffic circle / drop-off point near the proposed hotel. Reconfiguring the site in this area may result in an increased number of parking spaces in the deck, but the ability to do so is contingent on cooperation with the neighboring property owner; hence the applicant presents both options. Staff is still discussing whether to make a formal recommendation regarding one or the other site configuration. Therefore, the following placeholder is included for a possible, related CUP condition:

- CUP Condition: Placeholder for possible condition or recommendation regarding site configuration near the hotel and parking deck.

Realigning Boyd Street is viewed as a relatively important improvement to aid circulation to and from the site. Since multiple property owners are either directly involved or at least impacted though, the Town is carefully analyzing the proposal and cautiously moving forward. The basic idea is to create a straight street from the property line to Main Street instead of the current configuration wherein it turns at a right angle halfway to Main Street. Successfully completing this alignment involves the Church of God deeding land to the developer who in turn will dedicate the land to the Town of Carrboro upon completion of the street. Many discussions have taken place with the developer, NCDOT, the owner of Nice Price Books, etc regarding the implications of such a change. Whether to close the existing Boyd Street curb cut or leave it open have been discussed among other topics. Town staff generally supports the idea of straightening the road and agrees with the applicant that it should provide an improved access point for their project compared to what is there now. Still, staff wants to carefully weigh concerns of all potentially impacted nearby properties. That in mind staff is including a placeholder for possible, related CUP conditions, as noted below:

- CUP Condition: Placeholder for possible conditions related to Boyd Street realignment.

Note that it is clear that one or more procedural conditions will be recommended regarding the timing of the closure and what is dedicated to whom and when. What is still under discussion is whether to recommend any particular course of action regarding impacts to neighboring properties. Staff, advisory boards, and the Board of Aldermen may wish to consider any related comments that are forthcoming during the public meetings.

An extension of Roberson Street across the railroad tracks and into the site was contemplated earlier during the review. For various reasons, this idea is no longer an option and has been removed from the site plan. The TIA has been revised to reflect this change. It should be noted that the site is still designed to accommodate such an extension at some point in the future, if

deemed necessary (i.e.: buildings, parking spaces, etc are not located where the road / driveway would enter the site).

Note that NCDOT will need to issue a driveway permit for all proposed entrances. NCDOT also may require some dedication of right-of-way to serve currently proposed or future improvements to Main Street. The applicant should be prepared during the public meetings to illustrate the conceptual improvements they and staff have discussed with NCDOT. A CUP condition regarding the receipt of the necessary driveway permit(s) from NCDOT is detailed below under the Traffic & Transportation section.

As approved during Phase A, the applicant proposes to simply leave the existing parking lot west of the railroad corridor in place, but convert its use from public to private. They also will attempt to build a wider sidewalk along Main Street, though no particular further study has been done regarding the matter, to staff's knowledge, since approval of Phase A. As a reminder, the applicant provided evidence that the lot does contain enough trees to shade 20% of the vehicle accommodation area (VAA) as required by the LUO. Further, the LUO does allow such parking lots to remain as a gravel surface when located in the B-1(c) zoning district.

Pedestrian circulation on the site includes a sidewalk and plaza surrounding the north and east of the building in Phase A and a central axis courtyard running approximately through the middle of the remainder of the site (see **Attachment A**). The courtyard / plaza surface is scheduled to be at least two (2) scored concrete materials but the applicant has not yet decided on specific details for the surfaces. One of the scored concrete materials, running west to east, is intended to create and identify the central plaza axis continuing across the entire site. A 10-foot wide sidewalk including brick-edged borders and expansion joints (as is common downtown) is proposed along all the East Main Street frontage. The following CUP condition remains from the Phase A approval:

- CUP Condition: Prior to construction plan approval, the applicant shall replace the currently-shown handicap accessible ramp detail with a detail conforming to NCDOT roadway standard specifications for handicap ramp curb cut / sidewalk connections w/in public right-of-way (i.e.: two ramps per radius, 90-degrees from one another, instead of one ramp per radius).

The requested handicap-accessible feature is noted as more desirable in the 'walkable intersections' section of the Downtown Traffic Study document.

As with Phase A, one other sidewalk-related item is notable. The applicant agreed to a future 10-foot DOT right-of-way expansion along East Main Street but has not clearly indicated *when* they would be willing to dedicate the additional right-of-way. Further, the applicant indicated that they are not necessarily interested in additional dedication. Ideally and commonly, the public right-of-way extends at least to the back-edge of downtown sidewalks. Along the entire Main Street frontage, the existing right-of-way extends varying distances into the proposed new sidewalk. Ideally, the applicant will dedicate right-of-way sufficient to contain the entirety of the new sidewalk within the right-of-way, but staff understands that the applicant may wish to retain a portion of the sidewalk under private ownership in order to accommodate uses not typically allowed in the public right-of-way, such as outdoor dining areas. Ultimately, NCDOT will or will not require a dedication in granting driveway permits for the project, but the Town may choose to include related CUP conditions. In any event, staff suggests similar to Phase A that the brick-edged sidewalk standard should extend to the back edge of public right-of-way to clearly distinguish between the public and private realm. The related LUO language reads as follows...

Section 15-221(e) states that “*whenever possible, such sidewalk shall be constructed within the public right-of-way.*” Per this language, the Town cannot necessarily compel the applicant to dedicate right-of-way. In summary, the LUO requires a 10-foot sidewalk, but does not necessarily require that the sidewalk be in public right-of-way.

One other note relating to pedestrian flow relates to the neighboring property, at 120 Brewer Lane, also under consideration for a land use permit. Both applicants have stated throughout the review that they intend and hope to make their projects flow together with respect to pedestrians (and likely bicycle traffic as well), but neither applicant has committed to a particular plan of action in this regard. Staff expects that both projects ultimately will tie together as mutual benefits seem to exist for doing so, but it should be understood that no formalized and definite connections are set at this time. At this time, a placeholder CUP condition is included while discussions continue regarding the matter:

- CUP Condition: Placeholder for possible condition relating to pedestrian connectivity along the southern property line.

Traffic and Transportation

The applicant conducted a ‘Traffic Impact Analysis’ (TIA) for the entirety of their development (i.e.: Phase A and Phase B), then asked the traffic consultant to issue a ‘Memorandum’ updating the TIA for the Phase A CUP application. In summary, the Phase A TIA Memorandum recommends two improvements for Phase A, noted below with commentary:

1. *At the Main Street at Weaver Street/Roberson Street intersection, restripe the northbound approach to provide an exclusive right-turn lane with at least 75-feet of storage. Re-stripe crosswalks and upgrade pedestrian signal control.*

Commentary: As noted in the Phase A staff report, the applicant was willing to discuss this recommendation with the Board of Aldermen but had not yet committed to the improvements as a part of the Phase A application. This recommendation remains open for discussion between the applicant and the Board of Alderman for the Phase B CUP application. It is not yet clear whether NCDOT sees these improvements as necessary for Phase A or buildout (Phase B).

2. *At the Main Street at Lloyd Street / Site Access 2 intersection, provide two egress lanes out of the site with a through-right and exclusive left-turn lane with at least 100-feet of storage. Re-stripe crosswalks and install pedestrian signal control.*

Commentary: The applicant generally has agreed to the recommendations included in #2. As described above, the Phase A plans show the recommended changes to the neighboring entranceway and also show a re-striped crosswalk along the south side of East Main Street. The plans do not yet make it perfectly clear that the applicant is willing to re-stripe the crosswalks crossing East Main Street on either side of the Lloyd Street intersection, nor do the plans currently show pedestrian signal control improvements, but the applicant has verbally and conceptually agreed to do so.

On December 5, 2007 the traffic consultant issued a second Memorandum to the original TIA to identify recommendations for the buildout of the project (Phase A plus Phase B).

The 12/5/07 TIA memorandum made the following recommendations:

3. *At the Main Street/Weaver Street/ Roberson street intersection: Consider restriping the Weaver Street approach to provide dual southbound through lanes along Weaver. Consider installing a sign restricting left turns from Weaver to Car Mill Mall.*

Commentary: These improvements were deemed to not be feasible in the revised TIA and therefore the applicant is not proposing any improvements to this intersection due to limited right-of-way available and a concern for pedestrian safety.

4. *At the Main Street Site Access #3: Convert the driveway to right-in right-out access. Provide appropriate channelization, pavement markings and signing to effectively prohibit left turn movements.*

Commentary: The applicant has agreed to this recommendation verbally, though the pavement markings are not noted on the plans.

5. *At Main Street/Boyd Site Access #4: Realign Boyd Street to intersect Main Street at approximately 200 feet south of its current location. Provide a single egress lane and single ingress lane on the Boyd Street approach.*

Commentary: Please refer to the Access and Circulation section of the staff report for the status of this recommendation.

Ultimately, NCDOT has the authority to accept, reject, or require different improvements for East Main Street as a part of issuing a driveway permit for the project. The applicant, staff, and NCDOT met during project review and generally agreed on the nature of improvements at the Lloyd Street intersection and along Main Street, and NCDOT provided a letter describing what they expect to require of the developer (see **Attachment B**). NCDOT has not yet, however, decided exactly what improvements will be required before they will issue a driveway permit. What if anything the Town of Carrboro should suggest or say to NCDOT, regarding improvements related to the project, is still under discussion. With this in mind, staff is including the following placeholder CUP condition:

- CUP Condition: Placeholder for condition regarding obtaining a NCDOT driveway permit for the project and possible statement from the Town of Carrboro to the applicant and/or NCDOT regarding improvements.

Parking

Parking for the project is multi-layered and somewhat complicated. In short, the existing public lot at 200 East Main Street will be converted to private to serve the project, a number of surface spaces are proposed on the main site, and a parking deck is proposed. In total, 843 parking spaces are proposed compared with a presumptive required number of 1,195 spaces. It is staff's understanding that the presumptive number of required parking spaces is based on gross square footage, even though staff offered the possibility of utilizing net square footages. Staff is still confirming as much with the applicant. In any event, the applicant submitted 'parking analysis and justification information' to explain how parking is expected to work during construction and post build-out (see **Attachment A, Page 1.0**). Staff has discussed the information at length with the applicant and generally agrees with the applicant regarding how parking should work on the site.

The analysis breaks the parking demand counts into groups of hours throughout the day and night wherein vehicular demands are expected to rise and fall. Predictably, demand in the middle of

the night is very low and the development will greatly exceed its parking needs. During the day and evening hours, parking demands are higher but still manageable at virtually all times. The only time period where a deficit is shown is 6 PM to 9 PM on weekend nights. The deficit identified is up to 43 spaces. Because of the deficit, the applicant presented to staff a conceptual drawing showing that space in the deck could be better utilized by a valet parking service such that an additional 47 cars could be parked when necessary. A note is included on the plans stating that the applicant is willing to accept a CUP condition requiring that such service be provided when and if parking capacity is reached (i.e.: at build out and full occupancy). Such an approach has never been proposed in Carrboro before, but staff notes that the concept appears to be acceptable per the flexibility in parking provisions of the LUO, assuming the Board of Aldermen finds such an approach acceptable. A placeholder for a related CUP condition follows as staff is still determining how to word a condition as it relates to occupancy, timing, etc.

- CUP Condition: Placeholder for condition relating to requiring valet parking service to mitigate parking deficit when necessary.

Of note as it relates to the parking information, the applicant requests flexible use of both indoor building and outdoor / courtyard / plaza spaces on the site. As briefly explained under 'proposed uses' above, the applicant included an 'average,' expected square footage for the key, primary uses including retail, office, and restaurants when determining the required parking for the site. Many of the other proposed uses for the site have the same or similar parking demands per the LUO's presumptive requirements, so, generally speaking, this is a legitimate request. The expected number of trips should be approximately the same as predicted, so long as the uses are approximately the same as what is shown as an 'average' for any particular use. This grants the owner good flexibility with respect to bringing new tenants into the building without having to conduct a formal review process with the Town each and every time. By including 'average' square footages on the plans, the Town may have some recourse if over time the building became occupied in a way that was very skewed from the approved averages. By way of illustration, if the building were 90% occupied by restaurants (example w/ high parking demand chosen), whereas the approved 'average' was approximately 27% (as for Phase A), then the Town legitimately could make issue of the building's occupancy type. It is not expected, however, that the town would make an issue over the building being occupied by say 35% restaurants.

To approve the project, the Board of Aldermen ultimately must find the provision of some number of parking spaces acceptable (perhaps in conjunction with other, related CUP conditions such as the valet parking placeholder mentioned above). Staff's recommendation regarding this matter is still being drafted. As a result, the following placeholder is included below:

- CUP Condition: Placeholder for Board of Aldermen finding regarding total number of parking spaces provided.

Additionally, the applicant notes that if necessary they are willing and do intend to more closely monitor individuals utilizing their parking areas. In other words, if the parking situation becomes problematic, then the property owner will ensure that their parking areas are limited to individuals in fact visiting their site for legitimate purposes.

As for bicycles, multiple bike racks are proposed around the site. The applicant indicated willingness to place at least one rack under a covered area (i.e.: under the colonnade area on the east side of the Phase A building) and submitted in writing during the Phase B review a statement that they will have bicycle parking for at least 80 bicycle parking spaces and that they will locate them such that at least 50% of those spaces are covered. The plans do not yet clearly reflect this

statement by the applicant, so staff is including a placeholder CUP condition while we further discuss the issue with the applicant and work through the wording of such a condition:

- CUP Condition: Placeholder for CUP condition regarding the number of bicycle parking spaces and their locations.

Conclusion:

The proposed CUP application complies with all LUO provisions relating to parking (subject to the Board's acceptance of the applicant's justification for a deviation in the number of parking spaces presumptively required), traffic, and transportation, subject to the potential CUP conditions identified above.

Tree Protection, Screening and Shading

Tree Protection

Section 15-316 of the LUO specifies that all trees greater than 18" in diameter and all rare tree species must be preserved, to the extent practicable. An evaluation of the building site reveals that it is necessary to remove seven (7) large trees from around the site to realize the project. Several smaller trees also must be removed, but the applicant is making a substantial effort to save existing trees where possible (see **Attachment C**). Also of note it is possible that a few trees immediately off site may suffer some damage from construction of the project. However, the trees in question are to be removed, anyway, if and when The Butler is developed at 120 Brewer Lane. Staff has discussed this matter with the applicant and expects that reasonable precautions will be put in place to protect any and all trees possible, both on-site and off-site where applicable. Tree protection fencing is shown around other trees near the construction limits.

Screening

An examination of the screening requirements of Section 15-308 of the LUO reveals the type of screening required for this project, including 'Type C' between the buildings and street, 'Type B' between the parking lot and the street, and 'Type A' between the building and the neighboring properties to the south and east. The applicant satisfies the Type C requirement along the street through the provision of street trees, but requests flexible administration regarding the southern and eastern property lines. LUO Section 15-309 allows flexible administration when the permit-issuing authority (Board of Aldermen, in this case) finds it is acceptable. Specifically, the applicant requests that no particular screening requirements be applied to their project on any side of their lot. As explained in **Attachment D**, the applicant is suggesting that the same logic applied during Phase A be extended to the entire project, including among other reasons that screening will detract from the pedestrian-friendly environment they strive to create.

Staff generally agrees with the statements offered by the applicant, but is interested in hearing during the advisory boards meeting what the public, most especially the immediate neighbors, may think of the request before forming a final recommendation for the Board of Aldermen's consideration. Assuming that the Board of Aldermen ultimately finds the request acceptable, then it will be necessary to include the following condition:

- CUP Condition: That the Board of Aldermen finds that no screening requirements are imposed on this project because the Board desires to foster a pedestrian-friendly atmosphere in the downtown area and further finds that integration of this project with the neighboring property on the eastern side would be diminished were screening required between the two sites.

Note that the applicant has proposed various plantings and two new trees as a part of the application (see L100 of **Attachment A**), but requests that all such plantings not be considered a required part of the plans (subject to the Board approving the screening relaxation request). The LUO does not contain landscaping requirements per se (outside of screening and vehicle accommodation area shading requirements) but some discussion has taken place regarding the possibility that the applicant provide one or more trees, in wells placed in metal grates, in the plaza area to mitigate heat effect.

Shading

Section 15-317 of the LUO requires that 20% of all vehicle accommodation areas (VAA) be shaded with shade trees complying with the recommendations of Appendix E-10. In this case, the applicant has satisfied this standard by providing certain trees identified in a table on **Attachment A, Sheet ADD-1**. This sheet contains calculations exhibiting compliance with both proposed site plan configurations.

The applicant also submitted a diagram showing that the parking lot at 200 East Main Street contains a sufficient number of existing trees so that twenty percent (20%) of the lot already is shaded.

Conclusion:

The proposed project complies with the requirements of the LUO pertaining to tree protection, screening and shading, subject to the Board of Aldermen finding 'no screening requirements' acceptable.

Drainage, Grading, and Erosion Control

Because the construction of the proposed buildings will result in an increase in the amount of impervious surface on the site, stormwater resulting from the development is subject to stormwater quality treatment per the LUO. To treat the water, the applicant proposes to install multiple stormwater treatment devices including RainTank® and sand filter systems, virtually all of which will be installed sub-surface beneath paved surfaces. Essentially, these systems store and treat water before releasing it via a primary outlet point near the southeastern side of the property. The application predates adoption of the current stormwater regulations and is therefore held to the previous standards. However, the applicant voluntarily is treating more impervious surface than technically required (still not all, but more than necessary to meet the LUO).

The town's and applicant's engineers are still working through details related to the stormwater plan, including but not limited to a backwater flow question near the parking deck. The details are expected to resolve prior to the August 26, 2008 public hearing, but staff is including a placeholder for possible, related CUP condition(s):

- CUP Condition: Placeholder for stormwater-related matters.

Since the site is relatively flat, only fairly minimal grading is necessary to level certain areas and create a stable building pad. Primary areas to be graded include the drive areas and Boyd Street with very minimal, incidental grading around other portions of the site.

Orange County Erosion Control (OCEC) has indicated to the Zoning Division that the project has received preliminary Erosion Control approval. OCEC also will further examine the project at the construction plan stage.

Conclusion:

All of the Land Use Ordinance requirements pertaining to drainage, grading, and erosion control have been met by the applicant, subject to resolving the remaining stormwater engineering issues.

Utilities

OWASA:

The proposed buildings will receive water and sewer service from OWASA by connecting to existing OWASA water and sewer lines. Water and sewer lines both exist in the Main Street right-of-way and simple connections are possible generally speaking. The applicant has discussed at length alternatives for how the lines will run internal to the site and matters seem to be drawing to a satisfactory conclusion. Staff has been informed verbally that all questions between OWASA and the applicant have been resolved, but we have not yet received confirmation in writing. With this in mind, staff includes the following placeholder CUP condition:

- CUP Condition: Placeholder for possible OWASA related condition regarding easements internal to the site.

Electric Service:

Duke Power Company is expected to provide electrical service to the proposed buildings. Because of the location of the buildings, minor changes to the locations of some existing power poles on the site may be necessary. The applicant has included notes on the plans regarding placing electrical service underground.

Town & County Services:

Refuse and recycling facilities are sited on the eastern side of the building located near the rear of the site. Essentially, service vehicles will utilize the development's driveway, pick up refuse, and continue around the service drive, exiting the other side. Both Public Works and Orange County Solid Waste have reviewed the plans and find them serviceable.

The Town of Carrboro Fire Department also has indicated that they are satisfied with the plans at this stage.

Exterior Lighting:

Section 15-242 and Section 15-243 of the LUO govern exterior lighting requirements. For this project, several different types of lights are proposed. All lights are at least minimally identified on the plans (see **Attachment A, Sheet A300**) and a note is included stating that the lighting plan will comply with the applicable LUO sections. However, the Town requires additional details before concluding that the project complies with the LUO. Specifically, lighting details and specifications must be included showing the appearance and height of each proposed light and concentric footcandles (or similar) must be shown based on the specifications to visually show compliance with the applicable sections (i.e.: show that the light intensity lessens sufficiently prior to reaching property lines).

Of note the applicant recently received approval by the Board of Aldermen for allowance of increased lighting intensity in certain situations in the downtown zoning districts. That in mind, staff does not expect any particular problem with complying with the LUO. A lighting engineer is working on a plan currently and has already offered multiple iterations to the applicant. The applicant is not yet satisfied with the information but does expect to submit a complying lighting plan prior to the public hearing. Therefore, the following placeholder condition is included in case related CUP conditions are necessary.

- CUP Condition: Placeholder for possible condition(s) related to the lighting plan, once submitted.

Note that a compliant lighting plan must be received prior to the public hearing in order for staff to conclude that the project complies with the LUO.

Conclusion:

The plans comply with the utilities section of the Town's LUO, subject to the receipt of additional lighting information and the possible CUP conditions noted above.

Architecture – Exterior Design

The applicant is preparing an extensive modeling program for the public meetings, which should act as evidence to the buildings' design and placement on the site. That in mind the related sections of the staff report, below, are relatively brief and concise.

Height, Square Footage, and Placement:

The proposed buildings would contain a total of 338,800 square feet (sf), or 507,500 sf with the parking deck included. Excluding the parking deck, the square footage will be spread among five (5) different buildings at up to 5 stories each. Multiple decks and patio spaces are located around the exteriors of the buildings and a central axis courtyard area runs approximately through the middle of the site. Many of the deck spaces and portions of the courtyard will be used as outdoor dining and retail spaces, as described under 'proposed uses' near the beginning of this report. The buildings reach up to 75-feet and include multiple building materials throughout and around the building (**Attachment A, Page A100**).

No setback requirements exist in the B-1(c) zoning district. With this in mind, the applicant chose to locate the buildings in close proximity property lines.

Building Materials & Design:

The applicant included various design shots of the building with colors and materials indicated in a fairly general, non-specific way. It is evident that much of the façade will be brick, likely of different colors, but no final decisions have been made about exact materials, colors, or design. It is clear that the applicant desires to retain some degree of flexibility regarding aspects of the final design for each building. The applicant's architect will be prepared to discuss this topic further during the meeting. Carrboro's process typically involves such details being formally presented at this stage and becoming an official part of the record of what is to be built, but it is possible that the Board of Aldermen may choose to grant the applicant some degree of flexibility. Staff is including a placeholder for a possible CUP condition related to expectations when reviewing potential future design changes:

- CUP Condition: Placeholder for possible condition related to expectations when reviewing potential future changes related to materials, colors, and design.

Barring a CUP condition giving specific guidance, staff will judge any requests for changes in accordance with LUO Section 15-64, which allows for staff-level changes (i.e.: Insignificant Deviations), Minor Modifications, and Major Modifications, with the latter two requiring Board of Aldermen approval. Staff mentioned to the applicant that it may be helpful in how we judge such matters at a later date to know that possible changes were openly discussed during the public meetings for the project.

Arts Center

Note that the Arts Center building has not yet been designed. It is not yet known exactly what size building they may build, but the project's parking standards assume a five-story building similar to others proposed. If a new building ultimately is constructed, the general design is expected to be in accordance with all other buildings currently proposed. Note that it also is possible the Arts Center will choose to simply refurbish their existing building (they retain fee simple ownership in a landlocked parcel, completely surrounded by the remainder of the project). Because of the uncertain nature of the situation, staff is including a placeholder for a possible related CUP condition regarding potential future review of any new Art Center building's design:

- CUP Condition: Placeholder for possible future review of a new Arts Center building.

Architectural Standards for Downtown Development

On June, 20, 2006, the Board of Aldermen adopted design standards for buildings in multiple downtown zoning districts, including the B-1(c). Six standards are dictated in LUO Section 15-178, with an alternative review option for situations where an applicant chooses not to comply. In this case, the applicant recognizes that they do not adhere to all six design standards and therefore have engaged in the alternative review option with the Appearance Commission. The designs for all buildings have been well received by the Appearance Commission, generally speaking, but after multiple attempts it has been difficult to gather enough voting members to have a quorum present to cast an official vote. The latest attempt to do just that is expected to take place during the Joint Review Meeting on August 7, 2008.

Conclusion:

The project must receive certification of an alternative design from the Appearance Commission before staff concludes that the project meets the applicable LUO section in addition to the possible CUP conditions noted above.

Miscellaneous Issues

Neighborhood Information Meeting:

Multiple public meetings have taken place over the course of 2-3 years. Some meetings focused on the entire project, known as 300 East Main Street, and at least one meeting focused solely on the proposed Phase A building. Property owners and renters within 1000-feet were formally invited to at least one such meeting. While many questions were posed during the meetings, the project generally has been well received.

Environmental Issues:

The property at 208 East Main Street formerly housed a wholesale oil distribution facility. As a result, it has been identified as a brownfield property. The property owner is well aware of the

situation and proactively has done what is necessary to create and file with NCDENR a remediation plan that will be followed during redevelopment of the site. The town has received a copy of the basic information and the property owner is obligated to follow the plan. Additional information regarding this issue can be provided upon request.

Burden of Proof – LUO Section 15-55.1:

Note that this project is taller than two stories and located in the B-1(c) and B-1(g) zoning districts. As such, the ‘burden of proof’ related to impacts resulting from the development is shifted to the applicant. That is to say the applicant bears the burden of showing the permit-issuing authority that the project will not negatively impact surrounding properties. To that end the applicant submitted a letter from a general real estate appraiser essentially proclaiming that the project will increase property values and enhance the area (**Attachment E**).

Proactive Strategies for Minimizing Disruption Downtown During Construction:

After the June 12, 2007 Board meeting where such topic was discussed, staff began requesting that applicants proactively address certain aspects of their construction sequencing and potential impacts to the downtown area related to building the project. The applicant’s response is included as **Attachment F**.

RECOMMENDATION

Upon receipt of additional, necessary information and subject to completion of certain CUP conditions, Town Staff expects to recommend approval of the project to the Board of Aldermen. Meanwhile, the advisory boards are welcome and encouraged to comment. A draft list of conditions, including many placeholders, is included below:

1. Placeholder for possible CUP condition regarding use 18.100.
2. Placeholder for possible condition or recommendation regarding site configuration near the hotel and parking deck.
3. Placeholder for possible conditions related to Boyd Street realignment.
4. Prior to construction plan approval, the applicant shall replace the currently-shown handicap accessible ramp detail with a detail conforming to NCDOT roadway standard specifications for handicap ramp curb cut / sidewalk connections w/in public right-of-way (i.e.: two ramps per radius, 90-degrees from one another, instead of one ramp per radius).
5. Placeholder for possible condition relating to pedestrian connectivity along the southern property line.
6. Placeholder for condition regarding obtaining a NCDOT driveway permit for the project and possible statement from the Town of Carrboro to the applicant and/or NCDOT regarding improvements.
7. Placeholder for condition relating to requiring valet parking service to mitigate parking deficit when necessary.
8. Placeholder for Board of Aldermen finding regarding total number of parking spaces provided.
9. Placeholder for CUP condition regarding the number of bicycle parking spaces and their locations.
10. That the Board of Aldermen finds that no screening requirements are imposed on this project because the Board desires to foster a pedestrian-friendly atmosphere in the downtown area and further finds that integration of this project with the neighboring property on the eastern side would be diminished were screening required between the two sites.
11. Placeholder for stormwater-related matters.
12. Placeholder for possible OWASA related condition regarding easements internal to the site.

13. Placeholder for possible condition(s) related to the lighting plan, once submitted.
14. Placeholder for possible condition related to expectations when reviewing potential future changes related to materials, colors, and design.
15. Placeholder for possible future review of a new Arts Center building.