

JOINT REVIEW BOARDS

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 7, 2007

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

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: Yes ___ No <u>X</u> ___
ATTACHMENTS: A. PROJECT PLANS B. STAFF REPORT C. VICINITY MAP D. LAND USE PERMIT APPLICATION E. TRAFFIC IMPACT ANALYSIS MEMORANDUM F. PARKING JUSTIFICATION INFORMATION G. SCREENING RELAXATION JUSTIFICATION LETTER H. STORMWATER JUSTIFICATION STATEMENT I. SUPPLEMENTAL ARCHITECTURAL RENDERING J. LETTER FROM REAL ESTATE APPRAISER K. REQUEST FOR NONCONFORMING SITUATIONS TO REMAIN AT 200 EAST MAIN STREET	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333

PURPOSE

Main Street Partners, LLC has submitted a Conditional Use Permit (CUP) application for construction of a five-story commercial building at 208 East Main Street along with associated parking at 200 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

Main Street Partners originally submitted an application for a multi-building mixed use project on assembled parcels including and adjacent to the existing shopping center at 300 East Main Street. The project underwent two (2) formal reviews by staff and outside reviewing agencies and review is expected to continue in the near future. In the meantime, the applicant chose to split one, individual building from the rest of the project and seek a CUP for the one building in advance of the rest of the project. This project, known as Phase A of 300 East Main Street (**Attachment C**), proposes a five-story building on the property where Archer Graphics currently operates. Multiple uses are proposed including office, retail, restaurant, etc. While it is known to be an integral part of a larger plan, staff has reviewed the Phase A plans for LUO-compliance individually. As the town has no assurance that the larger plan will come to fruition, Advisory Boards are similarly requested to consider the Phase A project on its own merits.

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

RECOMMENDATION

Town Staff recommends that the Board of Aldermen approve the Conditional Use Permit to allow the construction of a five-story commercial building (Use 27.000, consisting of Uses 2.110, 2.111, 2.120, 2.150, 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, 29.000; Satellite Parking Lot – No change (10.100) at 200 and 208 East Main Street, subject to the following conditions:

1. 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).
2. That prior to construction plan approval the applicant must receive a driveway permit from NCDOT. The Town of Carrboro encourages NCDOT to require the improvements mentioned in ‘recommendation #2’ and to consider requiring the improvements mentioned in ‘recommendation #1,’ both in the ‘12/22/06 TIA Memorandum.’
3. Parking reduction finding – placeholder.
4. That before construction plan approval, the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize parking spaces at 300 East Main Street.
5. 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.
6. That the applicant shall consider suggestions made by the Environmental Planner prior to construction plan approval related to finding possible additional or alternate locations for shade trees.
7. Stormwater engineering issues – placeholder.
8. That the construction plans show a catch basin including the phrase ‘dump no waste, drains to Jordan Lake.’
9. That before construction plan approval, the applicant shall record a stormwater facility and drainage easement agreement or similar legal instrument providing that the new building at 208 East Main Street may direct stormwater into an underground system below property at 300 East Main Street. The easement shall specify a responsible party for maintaining the system in perpetuity and grant access as necessary for maintenance duties and responsibilities.
10. That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.
11. That on the construction plans a 20-foot easement must be shown around the meter vault as referenced on OWASA’s May 16, 2007 letter.
12. That prior to construction plan approval the applicant must submit a ‘service letter’ from Duke Power making it clear that they are willing and able to serve the project as designed.
13. That before construction plan approval, the applicant shall record a shared-use of solid waste facilities easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize facilities at 300 East Main Street.

Additionally, the Board may wish to discuss the following issues with the property owners:

1. **Proposed Uses** – The Board of Aldermen is asked to closely consider whether the following uses should be allowed as a part of CUP: 18.100, Towers and Antennas fifty-feet tall or less; 19.100, Open Air Markets; 23.000, Temporary structure or parking lots used in conjunction with construction of a permanent building; 29.000, Special Events.
2. **Loading Zone** – The Board of Aldermen is asked to consider whether proposed ‘loading zone’ design, located on the adjacent lot and intended to double as parking spaces much of the time, is acceptable with respect to LUO Section 15-300.
3. **Right-of-Way Dedication** – The Board of Aldermen is asked to consider discussing with the applicant: 1) timing of the dedication of 10-feet of right-of-way along East Main Street, and 2) the possibility of

additional right-of-way dedication along East Main Street, specifically to the back-edge of the 10-foot sidewalk.

4. **Covered Bus Shelter** – The Board of Aldermen is asked to consider requiring a covered bus shelter as a CUP condition and is asked to consider discussing with the applicant whether the shelter should be the typical blue-top design commonly used in Carrboro or whether a custom designed bus shelter is acceptable.
5. **Parking** – The Board of Aldermen is asked to closely consider the proposed parking situation and determine whether CUP conditions are necessary *in addition to* a finding related to the acceptability of the applicant providing fewer than the presumptive number of required parking spaces for the project.
6. **Type of Stormwater Treatment Device** – The Board of Aldermen is asked to consider the applicant’s stormwater justification statement and discuss the possible inclusion of non-mechanical stormwater devices if it is seen as necessary.
7. **Nonconforming Situations to Remain** – The Board of Aldermen is asked to consider the applicant’s request for nonconforming situations to remain (at 200 East Main Street) and determine whether to allow the situations to remain or to require that one or more situations be brought into compliance with current LUO requirements, per LUO Section 15-126(c).

STAFF REPORT

TO: Joint Review Boards

DATE: June 7, 2007

PROJECT: Conditional Use Permit for Phase A of 300 East Main Street to allow a multiple use commercial building at 208 East Main Street.

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

PURPOSE: MSP has submitted a Conditional Use Permit (CUP) application for construction of a five-story commercial building at 208 East Main Street along with associated parking at 200 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.

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

TAX MAP NUMBER: 7.92.A.1 (building site) and 7.99.D.19 (location of satellite parking lot)

LOCATION: 208 East Main Street (building site) and 200 East Main Street (satellite parking lot)

TRACT SIZE: 0.530 acres total (23,091 square feet)

EXISTING LAND USE: Building site – Office and Service Building (currently Archer Graphics); Satellite Parking Lot – Parking Lot

PROPOSED LAND USE: Building Site – 2.110, 2.111, 2.120, 2.150, 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, 29.000; Satellite Parking Lot – No change (10.100).

SURROUNDING LAND USES:
North: Road – East Main Street
South: B-1(g) & R-7.5, Health Clinic
East: B-1(c), Shopping Center
West: Railroad corridor

ZONING HISTORY: B-1(c), 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

Main Street Partners originally submitted an application for a multi-building mixed use project on assembled parcels including and adjacent to the existing shopping center at 300 East Main Street. The project underwent two (2) formal reviews by staff and outside reviewing agencies and review is expected to continue in the near future. In the meantime, the applicant chose to split one, individual building from the rest of the project and seek a CUP for the one building in advance of the rest of the project. This project, known as Phase A of 300 East Main Street (**Attachment A**), proposes a five-story building on the property where Archer Graphics currently operates. Multiple uses are proposed including office, retail, restaurant, etc (complete listing above). While it is known to be an integral part of a larger plan, staff has reviewed the Phase A plans for LUO-compliance individually. As the town has no assurance that the larger plan will come to fruition, Advisory Boards are similarly requested to consider the Phase A project on its own merits.

The site has been used for various uses in the past including car repair, oil distribution, and more recently office and gallery space. Because of the past use as a oil distribution site, the applicant proactively filed a binding ‘Brownfields Agreement’ with 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 for the building. 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. Note that this report primarily focuses on the building site at 208 East Main Street, except for references to 200 East Main Street where necessary such as the ‘parking information’ section.

Also of note, the applicant proposes minor improvements to the adjacent entranceway at the existing shopping center. Additional details provided in applicable sections below. Note that these changes constitute a Minor Modification to the existing CUP and will require Board of Aldermen approval. All subject properties are under common ownership.

Proposed Uses

Permissible and Agreeable

Currently proposed are a mix of uses including but not limited to: office, service, retail, restaurant, educational / 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) district 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) 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. All said some questions do exist regarding a few specific proposed uses, as described below.

Points-of-Discussion

The following uses, discussed by staff and the applicant during the review, are permissible in the B-1(c) district, but may deserve more attention and will be considered as points-of-discussion between the applicant and the Board of Aldermen: 18.100, Towers and Antennas fifty-feet tall or less; 19.100, Open Air Markets; 23.000, Temporary structure or parking lots used in conjunction with construction of a permanent building; 29.000, Special Events. Each use is further described below:

18.100, Towers and Antennas fifty-feet tall or less. Staff informed the applicant that we do not necessarily object to the idea of this use being listed as permissible, but that it would be helpful to identify an area on the site where such uses may locate. In other words, staff’s request is that the applicant define an area where the Town may expect towers and antenna less than 50-feet tall to locate, rather than allow them outright, anywhere on the site. It is possible that the Board of Aldermen will not be comfortable allowing this use at all without seeing a visual representation of the tower or antenna beforehand.

19.100, Open Air Markets. Similar to above, staff informed the applicant that we do not necessarily object to the idea of this use being listed as permissible, but that it would be helpful to identify an area on the site where such uses may locate. In other words, staff’s request is that the applicant define an area where the Town may expect open-air markets to take place, rather than allow them outright, anywhere on the site. Staff is less concerned about this use than towers and antennas as markets usually are ephemeral and for a variety of reasons may need to shift locations on the site from time to time. Again, it is possible that the Board of Aldermen will not be comfortable allowing this use at all without explicit definition of where such uses will take place and / or better understanding of the potential impacts associated with such markets.

23.000, Temporary structure or parking lots used in conjunction with construction of a permanent building. The listing of this use may simply be a point-of-confusion between staff and the applicant. Staff imagines this use may be listed to account for a staging area and / or construction trailer associated with the construction of the project. If so, that is fine, but a location (presumably the satellite parking lot as staging area and a trailer located somewhere on the lot) should be identified if it is to be included. Usually, staging areas are identified during construction plan review and staff usually issues a Zoning Permit for construction trailers separate of the CUP. The applicant has not yet clearly indicated the reason for including this particular use nor have they indicated a staging area or construction trailer location.

29.000, Special Events. Occasional, non-recurring events lasting less than 24 hours generally are considered an accessory use of one’s property; however similar events lasting longer than 24 hours are defined by the LUO as ‘special events.’ While the LUO permits such events on sites this size (not already operating under a land use permit) with a zoning permit, it is not clear how

such events would impact the site itself or more importantly neighboring properties, especially considering the parking situation (see applicable section below). Without specific details related to a certain event, it is not clear how such impacts can be identified and evaluated. The applicant is possibly willing to drop this use from the list, but has requested that an application for such an event in the future not be considered a CUP modification. Again, if the site were not operating under a land use permit, it is possible that only a Zoning Permit would be required for this site, but per LUO Section 15-64, any such application must be considered a CUP modification, assuming the CUP is granted. It is conceivable that the staff would consider such an event an Insignificant Deviation, which would only require staff-level review, but more likely such an application would be considered a Minor Modification. In summary, staff requests that the Board of Aldermen closely consider the applicant's request to allow this use outright, especially in light of the parking situation at this time.

In summary, staff is identifying the aforementioned uses as a point-of-discussion between the applicant and Board of Aldermen. The advisory boards, as well, are asked to consider the situation and if seen as necessary make a recommendation on the topic to the Board of Aldermen, as described below:

- Point-of-discussion: The Board of Aldermen is asked to closely consider whether the following uses should be allowed as a part of CUP: 18.100, Towers and Antennas fifty-foot tall or less; 19.100, Open Air Markets; 23.000, Temporary structure or parking lots used in conjunction with construction of a permanent building; 29.000, Special Events.

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 Lloyd / Main intersection. This project will close the curb cuts along Main Street in favor of shared use of the entranceway to the adjacent shopping center and use of an existing parking lot on the west side of the railroad corridor (see **Attachment A**).

The adjacent entranceway improvements create one ingress lane, one dedicated left-turn egress lane, and one straight / right-turn egress lane. Additional improvements on the adjacent property include reconfigured parking spaces, which effectively orient a small number of surface-level parking spaces toward the proposed building, and an area intended to serve as both parking spaces and during certain times a 'loading zone.' In other words, the area will be signed 'no parking,' during certain times when deliveries are expected. LUO Section 15-300 allows some flexibility as to whether a formal loading zone is required in conjunction with a development. It does not, however, allow for such an area to double as parking spaces, which means the area could not be counted as a formal loading zone under the LUO. Since this is not an LUO requirement per se, staff is presenting the matter as a point-of-discussion between the applicant and Board of Aldermen. The advisory boards, as well, are asked to consider the situation and if seen as necessary make a recommendation on the topic to the Board of Aldermen, as described below:

- Point-of-discussion: The Board of Aldermen is asked to consider whether proposed 'loading zone' design, located on the adjacent lot and intended to double as parking spaces much of the time, is acceptable with respect to LUO Section 15-300.

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. The applicant has included 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. Additional information regarding the satellite parking lot found near the end of the report, under *Request to Allow Nonconforming Situations to Remain*.

Pedestrian circulation on the site includes a sidewalk and plaza surrounding the north and east of the building. The 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 be the beginning of a central plaza axis that will continue across the larger development site next door (if it is approved). A 10-foot wide sidewalk including brick-edged borders and expansion joints (as is common downtown) is proposed along the East Main Street frontage. At staff's request, the applicant volunteered to adhere to the following recommended CUP condition:

- 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.

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. Because a bus stop is proposed directly in front of the site, the additional 10-feet of dedicated right-of-way only extends approximately 7-feet into the sidewalk. It is also common downtown for sidewalks to extend beyond the public right-of-way and continue on private property, but staff usually requests that developers define clearly where the public realm begins and private ownership begins. This helps avoid confusion in the future regarding maintenance responsibilities, questions of where private property rights begin, etc. The differentiation is most commonly identified by the outside edge of the brick-bordered sidewalk. As currently designed, approximately 7-feet of brick-edged sidewalk will be public and approximately 3-feet private. The applicant suggested that they are willing to lay the brick-edge at 7-feet instead of 10-feet. LUO Section 15-221(e) states that "*whenever possible, such sidewalk shall be constructed within the public right-of-way,*" but 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. This matter is identified as a point-of-discussion between the applicant and Board of Aldermen. The advisory boards, as well, are asked to consider the situation and if seen as necessary make a recommendation on the topic to the Board of Aldermen, as described below:

- Point-of-discussion: The Board of Aldermen is asked to consider discussing with the applicant: 1) timing of the dedication of 10-feet of right-of-way along East Main Street, and 2) the possibility of additional right-of-way dedication along East Main Street, specifically to the back-edge of the 10-foot sidewalk.

Traffic and Transportation

The applicant conducted a ‘Traffic Impact Analysis’ (TIA) for the entirety of their development (i.e.: including the later phases), then asked the traffic consultant to issue a ‘Memorandum’ updating the TIA (**Attachment E**) for the Phase A CUP application. In summary, the 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 install pedestrian signal control.*

Commentary: The applicant is willing to discuss this recommendation with the advisory boards and the Board of Aldermen but has not yet committed to the improvements as a part of the Phase A application. It is not yet clear whether NCDOT sees these improvements as necessary for Phase A.

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 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.

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. NCDOT has not yet, however, decided exactly what improvements will be required before they will issue a driveway permit. With this in mind, staff recommends the following CUP condition:

- CUP Condition: That prior to construction plan approval the applicant must receive a driveway permit from NCDOT. The Town of Carrboro encourages NCDOT to require the improvements mentioned in ‘recommendation #2,’ consider requiring the improvements mentioned in ‘recommendation #1’ (both contained in the ‘12/22/06 TIA Memorandum’), and to discuss their final list of requirements with the Town of Carrboro Transportation Planner to ensure compatibility with the Carrboro Downtown Traffic Circulation Study.

Also of note, the applicant held a field-meeting with representatives of several agencies including Carrboro, Chapel Hill, and Chapel Hill Transit staff to discuss the proposed bus stop design and location. It is possible that minor design changes will be necessary during construction plan review because of NCDOT requirements or similar, but all parties generally agree on the location and design of the bus stop. A ‘covered bus waiting area’ detail drawing is not yet included on the plans. Staff suggested that the applicant include the typical blue-top design commonly used in Carrboro. The applicant agrees to the shelter being covered, but is interested in custom designing a shelter to fit the architecture and theme of their development. An actual custom design has not been presented to this point. This matter is identified as a point-of-discussion between the applicant and Board of Aldermen. The advisory boards, as well, are asked to consider the

situation and if seen as necessary make a recommendation on the topic to the Board of Aldermen, as described below:

- Point-of-discussion: The Board of Aldermen is asked to consider requiring a covered bus shelter as a CUP condition and is asked to consider discussing with the applicant whether the shelter should be the typical blue-top design commonly used in Carrboro or whether a custom designed bus shelter is acceptable.

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 in conjunction with a shared-parking arrangement with the existing shopping center at 300 East Main Street. The applicant submitted 'parking justification information' to explain how parking is expected to work after the building is occupied (**Attachment F**). This information includes a voluntary condition related to providing 90 additional parking spaces proximate to the building within a specified time frame (2 years from certificate of occupancy, or CO). The applicant included a schematic drawing (see Sheet ADD-1 of **Attachment A**) showing one possible way the parking spaces might be provided. Staff acknowledges the applicant's suggested condition and is still considering whether to recommend that the Board of Aldermen include essentially the same condition or a different version of the same idea. One idea under consideration is a briefer time frame from CO to provision of the additional spaces.

The following paragraph attempts to provide a brief and concise explanation of the proposed parking for the project, as further detailed on the cover sheet of **Attachment A** and in **Attachment F**. The calculated, presumptive number of parking spaces required for the building is 187. The number of parking spaces dedicated *to this building only* is 35. The calculated parking space deficits increase and decrease during the course of the day, with deficits ranging from zero (0) (from 2 AM to 7 AM) to 130 (6 PM to 9 PM on weekends). Besides data and calculations, **Attachment F** provides a narrative justifying why the project should be approved with 35 dedicated parking spaces. It is laudable that the applicant voluntarily offered a CUP condition that effectively provides 90 additional parking spaces within a defined period of time, but staff, the advisory boards, and the Board of Aldermen still should give due consideration to the proposed parking scenario for the project. Staff and the applicant can provide additional details regarding parking calculations and data upon request.

Of note regarding the parking information, the applicant requests flexible use of both indoor and outdoor 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%, 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). Because of this, staff has included a placeholder in the list of CUP conditions related to this finding, but exact wording for the condition is not yet provided. In addition, staff is identifying parking as a point-of-discussion between the applicant and Board of Aldermen. The advisory boards, as well, are asked to consider the situation and if seen as necessary make one or more recommendations on the topic to the Board of Aldermen, as described below:

- Point-of-discussion: The Board of Aldermen is asked to closely consider the proposed parking situation and determine whether CUP conditions are necessary *in addition to* a finding related to the acceptability of the applicant providing fewer than the presumptive number of required parking spaces for the project.

In summary, staff likely will recommend one or more specific CUP conditions related to parking during the public hearing, but no specific recommendations have been decided yet. At this juncture, the advisory boards are asked to closely consider the information provided and, as inclined, recommend one or more related CUP conditions.

As for bicycles, two bike racks are proposed. The applicant indicates willingness to place at least one rack under a covered area (i.e.: under the colonnade area on the east side of the building), but has not yet shown a rack in a covered location.

One other matter related to parking involves formally-tying parking at the existing shopping center (at 300 East Main Street) to the new building at 208 East Main Street. While the properties are currently under common ownership, they are separate, fee-simple lots and it is conceivable that the one lot could sell separate from the other. To this end the applicant has submitted to staff sample easement documents that would formally allow parking at 300 East Main Street to serve the new building at 208 East Main Street. No such agreements have been formally recorded at this point though, so staff recommends the following CUP condition:

- CUP Condition: That before construction plan approval, the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize parking spaces at 300 East Main Street.

Conclusion:

The proposed CUP application complies with all LUO provisions relating to parking, traffic, and transportation, subject to the CUP conditions identified above and subject to the results of possible discussions with the property owner of the points-of-discussion identified within this report.

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 there is one specimen tree in the area of the site to be disturbed – a 30-inch oak.

Unfortunately, the tree is located in the center of the lot and it is impossible to save the tree while developing the site in the manner proposed. A few other trees (4-5 trees, approximately 8-9

inches dbh) are located along the periphery but also must be removed. 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 building and street, ‘Type B’ between the parking lot and the street, and ‘Type A’ between the building and the neighboring shopping center (because of a few, specific uses at one site versus the other). The LUO allows and the applicant is seeking flexible administration of the screening requirements. Specifically, the applicant requests that no particular screening requirements be applied to their project on any side of their lot. As explained in **Attachment G**, among other reasons the applicant believes that screening will detract from the pedestrian-friendly environment they strive to create. Further, the applicant notes that screening on the eastern-side of their lot will detract from what is currently planned as an integration between the two properties (applicant also owns site to the east). LUO Section 15-309 allows such flexibility when the Board adopts a finding specifically allowing a reduction in the screening requirements otherwise required. Staff generally agrees with the statements made in the applicant’s ‘screening relaxation justification’ letter and, assuming the Board agrees, suggests that the following CUP condition be included:

- 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 a 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).

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 three (3) shade trees in the vehicle accommodation area. It is possible that improvements to the shading plan are possible, including alternate locations that may shade additional VAA. Staff recognizes, however, that the locations for such plantings are limited because the building itself and proposed plaza consume much of the site. To that end, staff recommends the following condition:

- CUP Condition: That the applicant shall consider suggestions made by the Environmental Planner prior to construction plan approval related to finding possible additional or alternate locations for shade trees.

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 office building would result in a slight increase (17,844 sf – pre construction, 19,239 sf – post construction) in the amount of impervious surface on the site, some stormwater resulting from the development is subject to stormwater quality treatment per the LUO. To treat the water, the applicant proposes to install a swirl-type vault system (i.e.: Stormceptor®) that then feeds into an underground detention system before exiting the site. Minor stormwater engineering issues remain unresolved as of writing this report, but are expected to resolve prior to the public hearing for the project. If for some reason one or more issues are unresolved by June 26, 2007, then staff must decide whether it is acceptable to add related CUP conditions or whether a decision on the project should be delayed. The consulting engineer and Town Engineer should be available during the advisory boards meeting to answer questions about any remaining, unresolved engineering items. For now, staff is including a placeholder CUP condition in case one or more issues remain unresolved as the project moves forward.

One known stormwater-related issue involves the type of treatment device proposed (i.e.: a Stormceptor®). For some time, staff has encouraged the use of non-mechanical devices wherever practical. In short, non-mechanical devices more closely mimic nature and studies usually find they are more effective, especially with respect to removing nutrients from stormwater (such as nitrogen and phosphorus). In this case, the Town Engineer requested and encouraged the applicant to choose a non-mechanical device, but the applicant did not find it practical to do so (see **Attachment H**). While the LUO includes a ‘no damage’ clause relating to stormwater leaving a site, the longstanding standard for determining ‘no damage’ has been removal of 85% of total suspended solids (TSS) from stormwater resulting from a project. Since studies show that Stormceptors® do remove 85% TSS, staff concludes that this aspect of the stormwater plan does meet the LUO requirements. On a related note, the Board of Aldermen may conduct a public hearing on June 26, 2007 to consider amending the stormwater-related requirements of the LUO. In light of the possible public hearing and pending NPDES-permit obligations for the Town of Carrboro, this issue is raised as a point-of-discussion between the applicant and Board of Aldermen. The advisory boards, as well, are asked to consider the situation and if seen as necessary make one or more recommendations on the topic to the Board of Aldermen, as described below:

- Point-of-discussion: The Board of Aldermen is asked to consider the applicant’s stormwater justification statement and discuss the possible inclusion of non-mechanical stormwater devices if it is seen as necessary.

With respect to detail drawings, note that to date the applicant has included a standard catch basin drawing in accordance with current LUO requirements. Of late, staff has requested that applications include a catch basin that includes the phrase ‘dump no waste, drains to Jordan Lake.’ Catch basins fitting this description are available locally through East Jordan Iron Works. To this end, staff recommends the following condition:

- CUP Condition: That the construction plans show a catch basin including the phrase ‘dump no waste, drains to Jordan Lake.’

Lastly, on the topic of drainage, note that most of the stormwater control system is located underground on the neighboring 300 East Main Street property. Similar to information provided above (related to shared-parking), both lots are under common ownership and the owner is prepared to record an easement or similar legal instrument to burden the 300 East Main Street

property with having to accept the stormwater from 208 East Main Street in perpetuity. If the 300 East Main Street project continues moving forward and is realized, then they recorded easement effectively may become moot. Still the Town needs assurance that the neighboring property is legally burdened and obligated to receive the stormwater in case the larger project does not happen among other reasons. To this end the applicant has submitted to staff sample easement documents as examples of the type document they are willing to record. No such easements or agreements have been formally recorded at this point, so staff recommends the following CUP condition:

- CUP Condition: That before construction plan approval, the applicant shall record a stormwater facility and drainage easement agreement or similar legal instrument providing that the new building at 208 East Main Street may direct stormwater into an underground system below property at 300 East Main Street. The easement shall specify a responsible party for maintaining the system in perpetuity and grant access as necessary for maintenance duties and responsibilities.

Grading for the proposed project is minimal. A small amount of grading is proposed between building and East Main Street to create a level plaza area and additional grading is proposed behind the building to create a more level area while still sloping gently toward the railroad right-of-way corridor. Note that the proposed grade lines to the rear of the building extend very close to the property line at the railroad corridor. Staff questioned the applicant regarding whether a temporary construction easement, encroachment agreement, or similar device is necessary to realize construction in this area. As a side note, the building itself is proposed to rise vertically approximately 2-3 feet from the property line. The applicant responded stating that they intend to stay on their own property even if requires using hand-machinery in areas where they are close to the property line. While this is an acceptable response, staff suggests the following condition in case circumstances show during construction plan review that it is necessary to obtain the right to encroach on the railroad corridor:

- CUP Condition: That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.

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. However, staff is recommending at least two CUP conditions as noted above.

Utilities

OWASA:

The proposed building 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. All necessary OWASA easements have been included on the plans, with the exception of one 20-foot easement around the meter vault. Because of this, staff recommends the following condition:

- CUP Condition: That on the construction plans a 20-foot easement must be shown around the meter vault as referenced on OWASA's May 16, 2007 letter.

Electric Service:

Duke Power Company is expected to provide electrical service to the proposed building. Because of the location of the building, 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. During the review, the applicant has sought a 'service letter' from Duke Power but has yet to receive it. That in mind, staff recommends the following condition:

- CUP Condition: That prior to construction plan approval the applicant must submit a 'service letter' from Duke Power making it clear that they are willing and able to serve the project as designed.

Town & County Services:

As for Town services, please note that the applicant intends to share use of the existing solid waste facilities at 300 East Main Street. As stated earlier, the properties are under common ownership and the owner is willing to record a shared-use easement obligating 300 East Main Street to accept trash and recycling from 208 East Main Street. To this end the applicant has submitted to staff sample easement documents as examples of the type document they are willing to record. No such easements or agreements have been formally recorded at this point, so staff recommends the following CUP condition:

- CUP Condition: That before construction plan approval, the applicant shall record a shared-use of solid waste facilities easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize facilities at 300 East Main Street.

Orange County Solid Waste is still reviewing the existing situation at 300 East Main Street but any remaining issues are expected to resolve prior to the public hearing.

The Town of Carrboro Fire Department and Public Works Department both have indicated that they are satisfied with the plans.

Exterior Lighting:

Section 15-242 and Section 15-243 of the LUO govern exterior lighting requirements. Three different fixture types are proposed to be located on the building and around the plaza. Wall-mounted lights are proposed to be mounted at both 15-feet and 10- to 12-feet and the plaza lights are to be mounted at 24-inches (see detail drawings on Sheet A600 of **Attachment A**). Light locations are shown on the plans and a note is included stating that the plan complies with the lighting-related provisions of the LUO. The proposed wall-mounted lights are cut-off fixtures but will be located approximately 2-feet from the property line. Because of proximity to the property line and the fact that the lighting plan has not been sealed by a lighting engineer, staff recommends the following condition:

- That prior to construction plan approval an engineer with expertise in lighting design must seal the lighting plan to certify that the plan does comply with the lighting-related provisions of the LUO (Sections 15-242 and -243).

Conclusion:

The plans comply with the utilities section of the Town's LUO, subject to the CUP conditions noted above.

Architecture – Exterior Design

The applicant is preparing a somewhat 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 building would contain 48,878 gross floor area. This square footage would be contained in five (5) stories of usable space, with multiple deck and patio spaces located around the exteriors of the building. Many of the deck spaces will be used as outdoor dining and retail spaces, as described under 'proposed uses' near the beginning of this report. The building reaches 73-feet and includes multiple building materials throughout and around the building (**Attachment A, Pages A100-A400**).

No setback requirements exist in the B-1(c) zoning district. With this in mind, the applicant chose to locate the building in close proximity to the railroad right-of-way corridor (approximately 2-feet). The western façade alongside the railroad curves with the existing railroad corridor. The building generally is centrally located on the lot and consumes more than 50% of the lot itself.

Building Materials & Design:

The applicant included various design shots of the building with colors and materials indicated in a very 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 or colors. The applicant's architect will be prepared to discuss this topic further during the meeting.

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 proposed building complies with all six standards. Evidence is provided on the applicable plan sheets themselves making it clear they comply with one exception: standard #1 states in part *...that a primary entrance shall be oriented toward the right-of-way...* The drawings included in the plans do not actually show such an entranceway, so the applicant submitted a supplemental drawing showing an entranceway (**Attachment I**).

In closing, the architect and applicant have stated that they wish to retain some level of flexibility regarding the final design. If this is of concern to one or more advisory boards, then it may be advisable to discuss the matter with the applicant. Staff has not committed to any particular stance on the matter except to say that any changes after the CUP is granted must be judged with respect to LUO Section 15-64, which allows for staff-level changes, Minor Modifications, and Major Modifications. 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.

Conclusion:

The project does comply with the architectural standards for downtown development. However, one or more advisory boards may want to discuss possible changes to the materials or design with the applicant.

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) zoning district. 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 J**).

Request to Allow Nonconforming Situations to Remain:

The satellite parking lot at 200 East Main Street contains a number of existing nonconforming situations the applicant desires to leave in place, as outlined in the attached letter (**Attachment K**). Per Section 15-126(c), the Board of Aldermen is authorized to allow such situations to remain in certain situations. Staff is presenting the matter as a point-of-discussion between the applicant and Board of Aldermen, since the Board ultimately must decide whether to allow the situations to remain or to require that one or more situations be brought into compliance with current LUO requirements as a part of the current CUP application. The advisory boards, as well, are asked to consider the situations and if seen as necessary make a recommendation on the topic to the Board of Aldermen, as described below:

- Point-of-discussion: The Board of Aldermen is asked to consider the applicant’s request for nonconforming situations to remain (at 200 East Main Street) and determine whether to allow the situations to remain or to require that one or more situations be brought into compliance with current LUO requirements, per LUO Section 15-126(c).

RECOMMENDATION

Town Staff recommends that the Board of Aldermen approve the Conditional Use Permit to allow the construction of a five-story commercial building (Use 27.000, consisting of Uses 2.110,

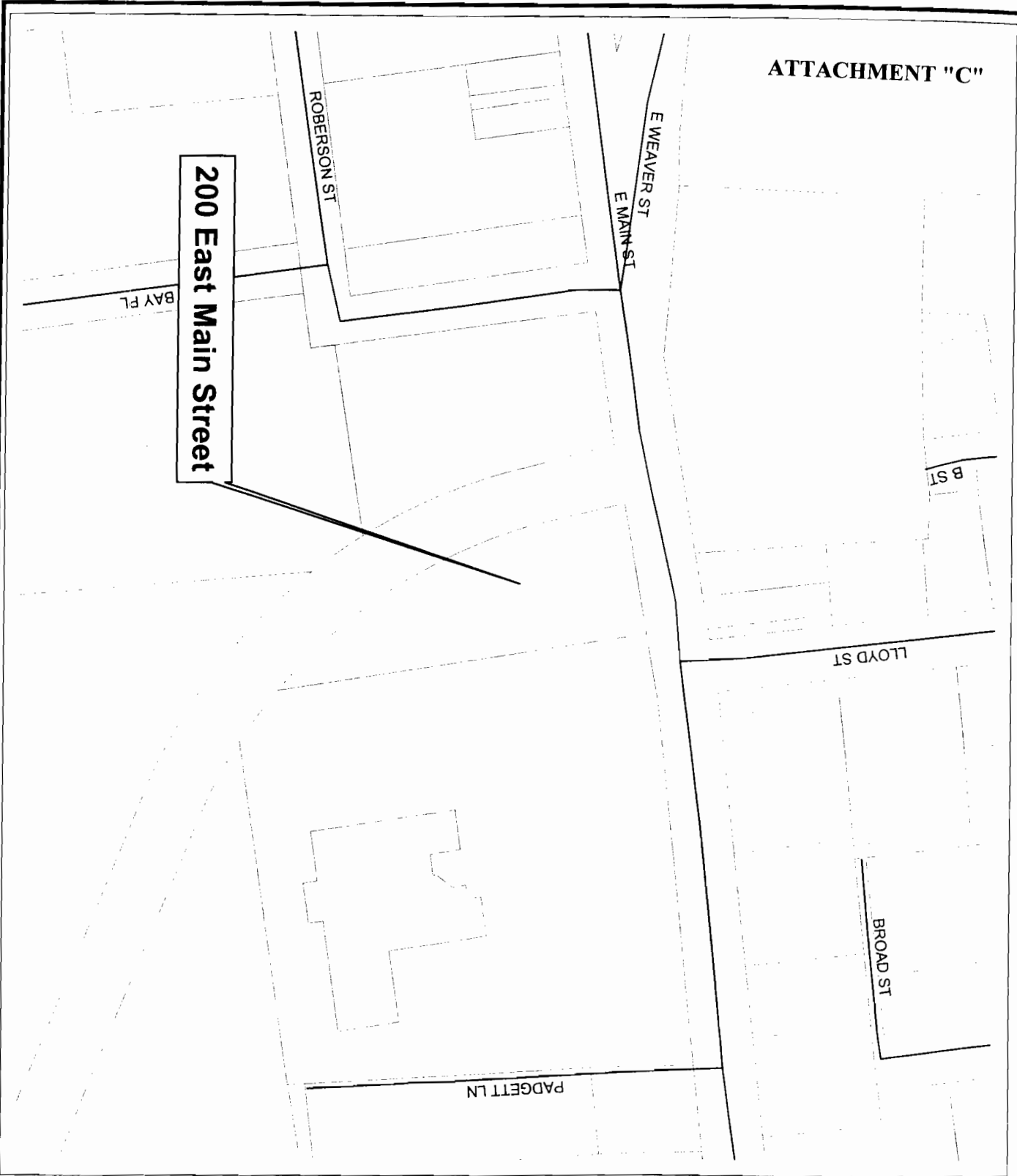
2.111, 2.120, 2.150, 3.110, 3.120, 3.130, 3.150, 3.250, 5.110, 5.120, 5.130, 5.200, 5.310, 5.320, 5.400, 6.110, 6.121, 6.122, 6.130, 6.140, 6.221, 6.222, 8.100, 8.200, 8.500, 8.600, 13.100, 15.100, 15.700, 18.100, 19.100, 23.000, 27.000, 29.000; Satellite Parking Lot – No change (10.100) at 200 and 208 East Main Street, subject to the following conditions:

1. 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).
2. That prior to construction plan approval the applicant must receive a driveway permit from NCDOT. The Town of Carrboro encourages NCDOT to require the improvements mentioned in ‘recommendation #2’ and to consider requiring the improvements mentioned in ‘recommendation #1,’ both in the ‘12/22/06 TIA Memorandum.’
3. Parking reduction finding – placeholder.
4. That before construction plan approval, the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize parking spaces at 300 East Main Street.
5. 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.
6. That the applicant shall consider suggestions made by the Environmental Planner prior to construction plan approval related to finding possible additional or alternate locations for shade trees.
7. Stormwater engineering issues – placeholder.
8. That the construction plans show a catch basin including the phrase ‘dump no waste, drains to Jordan Lake.’
9. That before construction plan approval, the applicant shall record a stormwater facility and drainage easement agreement or similar legal instrument providing that the new building at 208 East Main Street may direct stormwater into an underground system below property at 300 East Main Street. The easement shall specify a responsible party for maintaining the system in perpetuity and grant access as necessary for maintenance duties and responsibilities.
10. That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.
11. That on the construction plans a 20-foot easement must be shown around the meter vault as referenced on OWASA’s May 16, 2007 letter.
12. That prior to construction plan approval the applicant must submit a ‘service letter’ from Duke Power making it clear that they are willing and able to serve the project as designed.
13. That before construction plan approval, the applicant shall record a shared-use of solid waste facilities easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize facilities at 300 East Main Street.

Additionally, the Board may wish to discuss the following issues with the property owners:

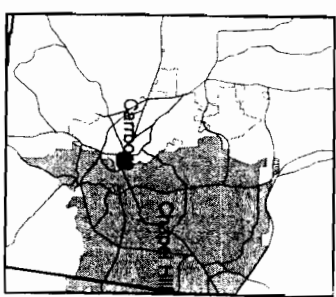
1. **Proposed Uses** – The Board of Aldermen is asked to closely consider whether the following uses should be allowed as a part of CUP: 18.100, Towers and Antennas fifty-foot tall or less; 19.100, Open Air Markets; 23.000, Temporary structure or parking lots used in conjunction with construction of a permanent building; 29.000, Special Events.
2. **Loading Zone** – The Board of Aldermen is asked to consider whether proposed ‘loading zone’ design, located on the adjacent lot and intended to double as parking spaces much of the time, is acceptable with respect to LUO Section 15-300.
3. **Right-of-Way Dedication** – The Board of Aldermen is asked to consider discussing with the applicant: 1) timing of the dedication of 10-feet of right-of-way along East Main Street, and 2) the possibility of additional right-of-way dedication along East Main Street, specifically to the back-edge of the 10-foot sidewalk.
4. **Covered Bus Shelter** – The Board of Aldermen is asked to consider requiring a covered bus shelter as a CUP condition and is asked to consider discussing with the applicant whether the shelter should be the typical blue-top design commonly used in Carrboro or whether a custom designed bus shelter is acceptable.
5. **Parking** – The Board of Aldermen is asked to closely consider the proposed parking situation and determine whether CUP conditions are necessary *in addition to* a finding related to the acceptability of the applicant providing fewer than the presumptive number of required parking spaces for the project.
6. **Type of Stormwater Treatment Device** – The Board of Aldermen is asked to consider the applicant’s stormwater justification statement and discuss the possible inclusion of non-mechanical stormwater devices if it is seen as necessary.
7. **Nonconforming Situations to Remain** – The Board of Aldermen is asked to consider the applicant’s request for nonconforming situations to remain (at 200 East Main Street) and determine whether to allow the situations to remain or to require that one or more situations be brought into compliance with current LUO requirements, per LUO Section 15-126(c).

ATTACHMENT "C"



Document: LetterLandscape.mxd

Vicinity Map-
200 E. Main Street



**THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS
ACCURACY**

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TOWN OF CARRBORO
301 W. Main St.
Carboro, NC 27510
Printed Sep 22, 2006

TOWN OF CARRBORO



LAND USE PERMIT APPLICATION

DATE: 12/21/06

FEE: \$3,773.40

APPLICANT: <u>MAIN STREET PROPERTIES OF CHAPEL HILL LLC</u>	OWNER: <u>SAME</u>
ADDRESS <u>PO BOX 2152</u>	ADDRESS:
CITY/STATE/ZIP <u>CHAPEL HILL, NC 27515</u>	CITY/STATE/ZIP
TELEPHONE/FAX: PHONE: <u>923-4343</u> FAX: <u>933-6776</u>	TELEPHONE/FAX: PHONE: FAX:
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER:	TAX MAP(S), BLOCK(S), LOT(S): <u>7.92.A.1</u>
PROPERTY ADDRESS: <u>206 E. MAIN ST.</u>	PROPOSED LAND USE & USE CLASSIFICATION: <u>SEE PROJECT SUMMARY ON COVER SHEET</u>
PRESENT LAND USE & USE CLASSIFICATION:	LOT AREA: <u>0.53</u> Acres <u>23,091</u> Square Feet
ZONING DISTRICT(S) AND AREA WITHIN EACH (Including Overlay Districts): <u>B-1(c)</u>	
# OF BUILDINGS TO REMAIN <u>0</u>	GROSS FLOOR AREA <u>0</u> square feet
# OF BUILDINGS PROPOSED <u>1</u>	GROSS FLOOR AREA (of proposed building or proposed addition) <u>43,600</u> square feet

NAME OF PROJECT/DEVELOPMENT: 300 EAST MAIN PHASE A

TYPE OF REQUEST	**INFORMATION REQUESTED (Refer to Attached Key)
SUBDIV. FINAL PLAT / EXEMPT PLAT	1, 18, 19, 21, 23, 31, 33, 34, 36
CONDITIONAL USE PERMIT (CUP)	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36
CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36
SUP MODIFICATION	SAME AS SPECIAL USE PERMIT (SUP)
ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36
ZONING PERMIT (Building) Residential Infill & Additions	9, 10, 22, 24, 34, 36 (also see "Building Permit Review - Residences Only" checklist)
SIGN PERMIT	1, 10, 13, 14, 17, 20, 36
VARIANCE	4, 5, 10, 20, 29, 34, 36 Attachment A
APPEAL	4, 5, 36, Attachment B
SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment C

APPLICANT: [Signature]

DATE: 12/21/06

OWNER: [Signature]

DATE: [Signature]



Martin/Alexiou/Bryson, PLLC
Transportation Planning
Traffic Engineering

MEMORANDUM

To: Trish McGuire, Town of Carrboro Transportation Planner
From: Andrew Topp, Martin/Alexiou/Bryson
Date: December 22, 2006
Subject: 300 East Main Street Development TIA Phasing Analysis

Introduction

A phasing analysis has been conducted for the 300 East Main Street development in Carrboro. The original Traffic Impact Analysis (TIA) was submitted on August 18th, 2005 and a follow-up memorandum was submitted on January 20th, 2006. Since the initial study, the developers have modified the original site plan, resulting in a substantially reduced trip generation. Additionally, we analyzed the first phase of the development which consists of a single building in 2008 (Phase 1, CUP 1), with the full buildout scheduled for 2011. Lastly, due to difficulties in acquiring the necessary right-of-way along Roberson Street and obtaining the necessary railroad crossing approvals, the owners have asked us to analyze the feasibility of the site without the Roberson Street driveway (Site Access #1). Under this scenario, the project will still have the other three driveways, a signalized full access (#2) along Main Street, and a partial access along Main Street (#3) and a full access at Boyd Street (#4). Detailed traffic analysis of Phase 1 and the ultimate buildout (with three driveways and four) was conducted and the primary findings are detailed below.

Findings and Conclusions

- The modified site plan results in 243 (-41%) fewer trips in the A.M. peak, 295 (-33%) fewer trips during the P.M. peak, and 3,823 (-42%) fewer daily trips than the original plan.
- With the reduction of trips, the site operates acceptably with only three driveways. All previously recommended improvements remain, with the exception of restriping recommendations for the northbound right-turn lane and southbound left-turn lane along Greensboro Street at Roberson Street. Without the Roberson Street connection, the impacts at this intersection are substantially lessened.
- If four driveways are constructed, all of the recommended improvements in the previous Traffic Impact Analysis remain valid.
- As part of Phase 1, a portion of the improvements should be made. Specifically:
 - 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. Restripe crosswalks and install pedestrian signal control.
 - 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. Restripe crosswalks and install pedestrian signal control.

300 East Main Street Redevelopment

Parking Calculations per § 15-291(g) and 15-292 for CUP I – Building A **REVISED 05-25-07**

Part One – Presumptive Parking Calculation per § 15-291(g)

For total leasable Retail space in Building A (9,134 sf average)	- 23 parking spaces
For total leasable Restaurant space in Building A (11,692 sf average)	- 117 parking spaces
For total leasable Office space in Building A (19,744 sf average)	- 66 parking spaces
Outdoor terrace areas (2,742 s.f. / 2 = 1,371 s.f. average / 15 s.f. per occupant = 91 total occupants / 4 = 23)	- 23 parking spaces
	229 Total Spaces
 Parking Reductions Allowed:	
Parking Reduction Ratio of 1.2 (per 15-297 (c))	= [-38] Spaces
20 bike spaces provided = 4 car spaces (per 15-291 (d))	= [-4] Spaces
Total Spaces per LUO presumptive parking calculation	187

Part Two – Flexible Parking Calculation per § 15-292

Mixed-Use Overlapped Parking Calculations *

* Per § 15-292, Flexibility in Administration [of § 15-291(g)]

NOTES:

1. Per § 15-291(d)(2), parking reduction (1 less car space per 5 bike spaces provided)
2. 35 spaces of additional parking will be provided in the existing, adjacent lot at the corner of East Main and Roberson Streets, per LUO 15-298.
3. The following overlapped parking calculation is based on 100% occupancy rate for all proposed leasable square footage (which represents a "highest impact scenario" even though it is unlikely that Building A will be 100% occupied at any give time). Actual average occupancy rates of approximately 90% are more realistic.

Parking Needs by Time of Day (Estimated) - Building A

(Total Parking Spaces needed per above calculations = 229)
(§ 15-291(g) presumptive calculation = 187)

For the following table, we have taken estimated percentages of the most conservative number based on total presumed need, 229.

Weekday	Office	Restaurant	Retail	Needed	*Provided	(Deficit)
2 am to 7 am	0	14	0	14	145	0
7 am to 6 pm	66 (100%)	56 (40%)	12 (50%)	134	92	(42)
6 pm to 9 pm	13 (20%)	112 (80%)	18 (80%)	143	35	(108)
9 pm to 2 am	3 (5%)	42 (30%)	0	45	35	(10)

Weekend	Office	Restaurant	Retail	Needed	*Provided	(Deficit)
2 am to 7 am	0	14 (10%)	0	14	143	0
7 am to 1 pm	7 (10%)	105 (75%)	12 (50%)	124	95	(29)
1 pm to 6 pm	13 (20%)	84 (60%)	23 (100%)	120	40	(80)
6 pm to 9 pm	7 (10%)	140 (100%)	18 (80%)	165	35	(130)
9 pm to 2 am	0	112 (80%)	2 (10%)	114	35	(79)

***Based on calculations below:**

Spaces available in lot at corner of Roberson and Main Streets:

35

In addition, the following excess spaces are available at the existing 300 East Main St. shopping center during certain times of day (based on a similar overlapped parking calculation for that site which calculation is confirmed by years of observation):

<u>Weekday</u>		<u>Weekend</u>	
2 am to 7 am	110	2 am to 7 am	108
7 am to 6 pm	57	7 am to 1 pm	60
6 pm to 9 pm	0	1 pm to 6 pm	5
9 pm to 2 am	0	6 pm to 9 pm	0
		9 pm to 2 am	0

* Additional spaces would be likely available at the existing 300 East Main shopping center site during many of the above time intervals if Main Street Properties more rigorously prevented persons not patronizing the 300 East Main shopping center from parking on shopping center property.

Also, up to 40% of the existing parking areas could be re-stripped to allow for subcompact spaces to increase the parking space count at a later time, should the need arise during Phase B construction for more spaces, per LUO 15-293 (b).

Conclusion

Even with overlapped parking, there appears to be a space deficit during many periods of the day. However, it appears the largest parking deficit would only occur after 6 p.m. on weeknights and weekends when alternate parking is more available in downtown Carrboro and Chapel Hill because office buildings and daytime retail are closed.

In addition, please recognize in particular with respect to daytime parking that one tenant in Building A will likely be Performance Bicycle, which will be relocating from its building in the existing 300 East Main Shopping Center (after which that building is expected to be torn down), such that the projected space parking deficit will be less than shown above. Further, please note again that the parking deficit shown above is based on 100% occupancy of both the existing 300 East Main Shopping Center and Building A (upon approval and completion. If the actual occupancy rate at any given time proves to be closer to 90%, which is more realistic, the parking deficit will prove to be significantly less than shown above.

Even so, the parking deficit shown above could become a problem if it were to persist for the long term as other development replaces currently available, nearby parking lots. However, within two years of receiving a certificate of occupancy for Building A (which is the subject of this CUP I application), Main Street Properties plans to construct a parking deck with more than 400 spaces on the underutilized southeast portion of the existing 300 East Main shopping center site (as will be shown in detail in the Main Street Properties' CUP II application to be resubmitted in the coming weeks).

Main Street Properties is willing to accept as a condition on the CUP for Building A that, within two years of the date Main Street Properties receives its certificate of occupancy for Building A, Main Street Properties will provide at least 90 additional parking spaces (the approximate number of additional spaces that may be needed for the peak time of 6 p.m. to 9 p.m. on weekends once Building A reaches a high level of occupancy and other development projects in downtown Carrboro impact the usage of other parking lots) for use by the tenants of Building A and the existing 300 East Main Shopping Center. The additional spaces will either be in the planned parking deck, in surface parking on nearby property owned by Main Street Properties, or at an alternate location within walking distance to the 300 East Main Shopping Center. See drawing 2/ADD-1.



JIM SPENCER ARCHITECTS

May 25, 2007

Mr. Marty Roupe
Town of Carrboro Zoning Division
301 West Main Street
Carrboro, North Carolina 27510

Re: **SCREENING RELAXATION STATEMENT**, Parking Lot (7.99.D.19) and adjacent lot 7.92.A.5, 300 East Main Redevelopment Phase A

Dear Town of Carrboro Staff:


Landscape Plan L100, comment 1:

In meetings with town staff we've already determined that screening along the railroad right of way is not required by the ordinance. That leaves only screening along the Main Street right of way and the eastern property boundary.

We ask for flexibility in these screening requirements as we believe it would be inappropriate to have screening at either of these locations. Our proposal is for pedestrian plaza to abut a wide sidewalk along Main Street, and screening this area would not create a pedestrian-friendly environment. On the eastern property line, the building will share parking and be integrated with the rest of the current and future 300 East Main development that we own, and they shouldn't be screened off from each other.

Should the town agree that screening isn't appropriate for this site, none of the movable planters will function as required screening or shading. They will simply be additional foliage to improve the site's aesthetics and ambiance.

Sincerely,


LAURA VAN SANT

Laura van Sant
Main Street Properties, LLC



JIM SPENCER ARCHITECTS

Attachment H

May 25, 2007

Mr. Marty Roupe
Town of Carrboro Zoning Division
301 West Main Street
Carrboro, North Carolina 27510

Re: **STORMWATER JUSTIFICATION STATEMENT**
300 East Main Redevelopment Phase A

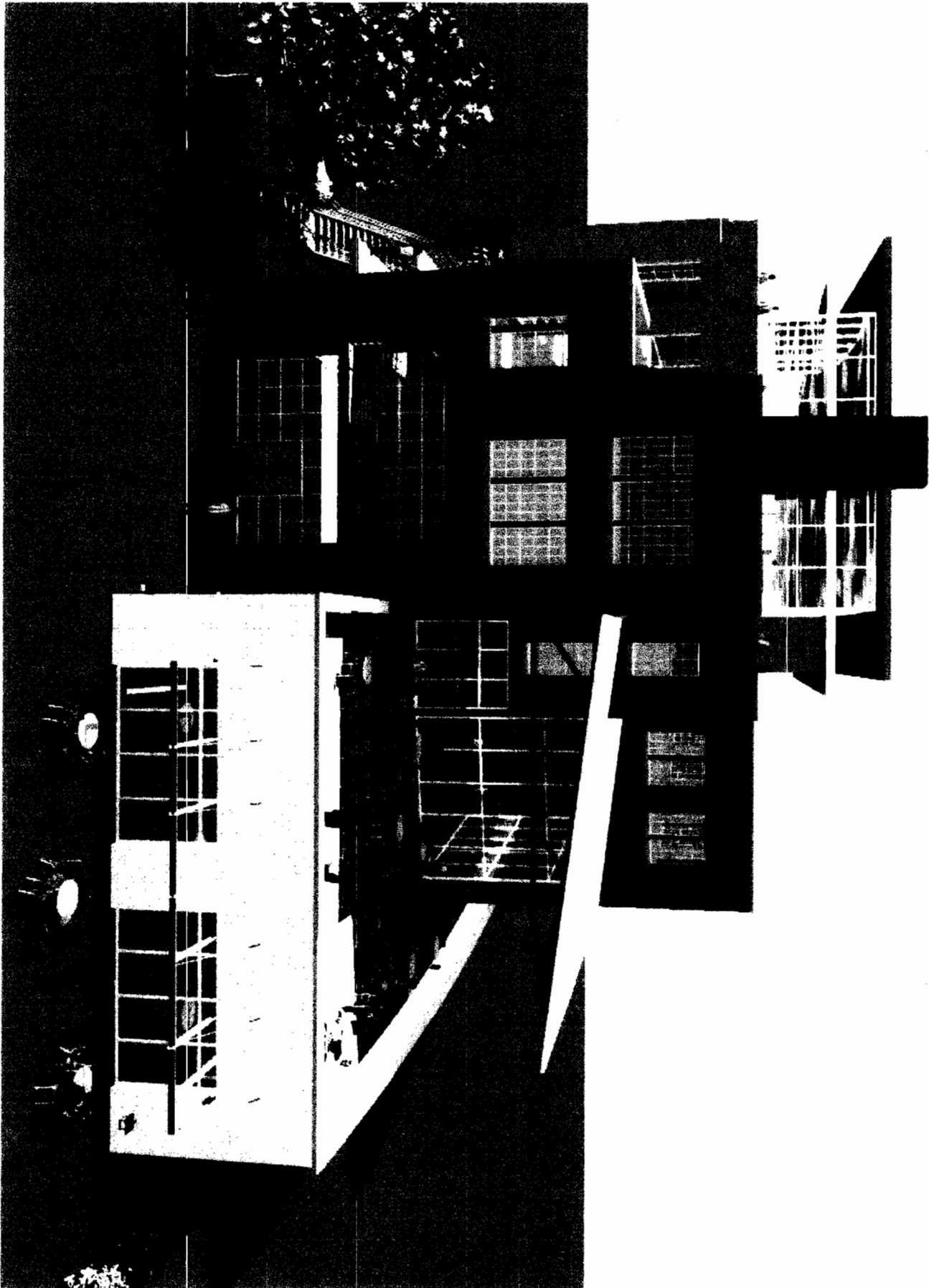
Dear Town of Carrboro Staff:

The Conditional Use Permit application for Phase A of 300 East Main proposes a Stormceptor system to reduce the amount of total suspended solids from storm water by 85% as required. We understand the Town and Sungate Design Group's desire to treat storm water using non-mechanical systems and we intend to provide this type of system on Phase B of the project. Severe area constraints for Phase A make this type of system impractical, costly and detrimental to the pedestrian environment. There is only .03 acre of new impervious surface under the proposal. Please see additional detail regarding the systems proposed on the attached drawing sheets C-500 and C-900. Thank you for your consideration.

Sincerely,

Laura van Sant
LAURA VAN SANT

Laura van Sant
Main Street Properties, LLC



ATTACHMENT "J"

May 8, 2007

To Whom It May Concern:

I was approached by representatives of Main Street Partners LLC to address the impact of their proposed project located in the old Art Center in Carrboro. The project calls for six structures to replace the Art Center.

Our firm has appraised the Art Center and surrounding properties in the past. Although the structures were in operable condition, each was certainly in far from optimal condition. The structures showed significant age on the interior and exterior. The parking area also needed some attention.

The proposed \$45 million project would bring a greater level of quality construction to the property. The esthetic enhancement to the property would be high. I have no doubt that the project, despite the construction time and inconveniences, will not lower any values of nearby properties, and more likely enhance them. The impact of greater consumer traffic to the area should not be overlooked.

I would be glad to discuss the contents of this letter with anyone having questions.

Sincerely,

J. Thomas Tolley, III
State Certified General Appraiser



JIM SPENCER ARCHITECTS

Attachment "K"

May 25, 2007

Mr. Marty Roupe
Town of Carrboro Zoning Division
301 West Main Street
Carrboro, North Carolina 27510

Re: **NON CONFORMING SITUATIONS TO REMAIN**

Parking Lot (7.99.D.19) and adjacent lot 7.92.A.5
300 East Main Redevelopment Phase A

Dear Town of Carrboro Staff:

The Conditional Use Permit application for Phase A of 300 East Main proposes the existing trees (shading), sidewalks, lighting, and all other existing conditions remain with the exception of the reworked parking shown on the Minor Modification application attached.

We propose not widening the sidewalks abutting the satellite parking for the following reasons:

- Widening sidewalks on two sides of a half-acre lot would be disproportionately costly for the gain of 35 parking spaces.
- Widening the sidewalk along East Main Street would force the removal of a number of trees, whose value in shading and downtown green space outweighs the advantages of the wider sidewalk.
- We have generously leased the parking lot for \$10/month plus property taxes to the Town of Carrboro for a number of years, and it has functioned fine as a public parking lot with below-standard sidewalks.
- Someday this lot will probably be developed, and it would make sense to defer the sidewalk widening (and tree destruction) until that time.

Sincerely,

LAURA VAN SANT

Laura van Sant
Main Street Properties, LLC