

STAFF REPORT

TO: Board of Aldermen

DATE: October 21, 2003

PROJECT: Conditional Use Permit Minor Modification to allow a new building at Carrboro Plaza Shopping Center.

OWNER/APPLICANT: Applicant: Advantis Real Estate Services (Vijay Shah)
6320 Quadrangle Drive, Suite 360
Chapel Hill, NC 27514

Owner: Carrboro Shopping Center I and II, LLC
c/o: Thomas W. Scott Associates
2405 West Broad Street, Suite 200
Atlanta, GA 30603

PURPOSE: Advantis Real Estate Services has submitted an application for a minor modification to the Conditional Use Permit for the Carrboro Plaza Shopping Center to allow for the construction of a two-story building to be located at 104 Highway 54 West.

EXISTING ZONING: B-4, Outlying Concentrated Business

TAX MAP NUMBER: 7.114..31

LOCATION: 104 Highway 54 West

TRACT SIZE: 16.986 acres (shopping center total)

EXISTING LAND USE: Shopping Center Combination Use, Permitted Uses 2.000, 3.000, 5.000, 6.000, 8.000, 9.000, 10.000, 12.000, 13.000, 15.000, 16.000, 17.000, 19.000, 22.000, 23.000 and 27.000.

PROPOSED LAND USE: Retail Sales 2.100, Office 3.110 and Veterinarian 12.100

SURROUNDING LAND USES: North: B-4, Single Family Residences
South: R-10, Single Family Residence
West: R-10, Single Family Residence
East: B-1(g), Retail

ZONING HISTORY: B-4 since 1976; R-20 and A-R prior to 1976

RELEVANT

ORDINANCE SECTIONS: 15-64, Amendments to and Modifications of Permits

ANALYSIS

Background

On December 11, 2002, Advantis Real Estate Services submitted an application for a modification to the Condition Use Permit (CUP) for Carrboro Plaza Shopping Center located at 104 Highway 54 West (**Attachment C**). The CUP was originally granted on February 22, 1983 (**Attachment D**). The modification, if approved, would allow the construction of a two-story building. The subject property is zoned B-4, Outlying Concentrated Business. The entire shopping center site is 16.986 acres (739,910 square feet) and is listed on the Orange County Tax Map as 7.114..31. The current square building square footage (sf) on the site totals 125,948sf and an additional 6,048sf (or an additional 5%) is currently proposed.

As additional background, please note that when the application was originally submitted, there was discussion between staff and the applicant regarding whether the application should be considered a major modification or minor modification to the CUP. Per Section 15-64(c) of the Town of Carrboro Land Use Ordinance (LUO), major modifications are considered and reviewed as 'new applications,' which requires compliance with current standards of the LUO, to the degree it is possible to do so. The applicant felt that it would not be feasible to pursue approval of the application if it were considered a major modification. Staff and the applicant met and discussed the situation at length and determined an avenue the applicant might pursue in order for staff to be comfortable considering the application as a minor modification. In short, the applicant was required to provide to the Town evidence from all neighboring property owners stating that they did not feel that the proposed modification would have a substantial impact on their property, in accordance with the language of Section 15-64(b) of the Town of Carrboro Land Use Ordinance (LUO). Once the letters were received, staff allowed the application to move forward at the minor modification level. As a result, the applicant is not required to 'retrofit' the existing portions of Carrboro Plaza with regard to the current standards of the LUO. The portion of the site currently proposed for development, however, is generally required to meet all current standards of the LUO.

Also of note, the applicant has requested that the plans be reviewed as and considered CUP Modification/Construction Plans. Because of this, the applicant essentially can begin construction of the project almost immediately following approval, if the Board does approve the project. A preconstruction meeting must still be held. Then, construction may begin.

The applicant requests that the Board of Aldermen consider, deliberate, and make a decision on the proposed Conditional Use Permit Minor Modification to allow the construction of a two story office veterinary building at the Carrboro Plaza Shopping Center at 104 Highway 54 West.

Transportation, Access and Parking

Access

Access to the site will be provided by a new curb cut along the existing drive into the shopping center, between the existing entrance off Old Fayetteville Road and the entrance to the State Employees Credit Union (**Attachment A, p. C-2**). The site also can be reached from the east through the existing shopping center parking lot. No new curb cuts are proposed onto a public right of way. The drive aisle has a minimum width of 25' feet which is wider than the minimum 24' that is required by the LUO for a two-way drive aisle.

Transportation

The applicant has submitted a Transportation Impact Statement (TIS) detailing the anticipated impact to the road system relative to the amount of construction proposed. Given the relatively small percentage of additional commercial space proposed (5%), the TIS concludes that no negative roadway impacts are anticipated as a result of the proposed construction. Therefore, the applicant does not propose to do any roadway improvements as a result of this project. However, the applicant has agreed to re-stripe the left and right turn lanes leading out of the site at the Old Fayetteville Road entrance. The re-striping arrows have been included on the plans.

Sidewalks

A five-foot sidewalk is proposed on the plans along a portion of Old Fayetteville Road. Specifically, staff requested that the applicant begin the sidewalk at the intersection with the entrance drive off Old Fayetteville Road and continue the sidewalk to a point where it aligns with the end of the proposed parking lot. The request was made in this manner so as to provide a sidewalk that could easily connect with an eventual sidewalk running the length of the east side of Old Fayetteville Road. The proposed sidewalk will connect to a 4-foot (4') sidewalk running along the northern perimeter of the vehicle accommodation area. The 4-foot (4') sidewalk continues and ultimately extends beside and around the proposed building. On the east side of the building, a wider sidewalk is proposed to act as the entrance to the building's bottom floor.

Parking

The proposed development includes 23 parking spaces, which would bring the total for the shopping center to 705 spaces (shopping center has 682 existing parking spaces). These 705 spaces exceed the 660 spaces required by Section 15-291(g) the LUO. Because of this, town staff asked the applicant to consider eliminating the proposed lot or to consider reducing the number of spaces in the proposed lot. The applicant declined this request and submitted a letter in response detailing the reasons it is necessary to

include this amount of parking (**Attachment E**). The Board of Aldermen may wish to discuss this issue further with the applicant.

Also of note related to parking, per Section 15-293(b) of the LUO, a maximum of forty percent (40%) of the total number of parking spaces may be set aside for the exclusive use of subcompact cars. As illustrated on the plans 15% of the parking spaces currently on the site are subcompact spaces.

Lastly, please note that there is not currently a bicycle rack in the vicinity of the new addition. Town staff requested that the applicant include a bicycle rack in the vicinity of the new addition, but the applicant declined. While there is not a requirement in the LUO that a bicycle rack be included, the Board of Aldermen may wish to request that the applicant include such a facility as a part of the project.

Loading Zone

The applicant has included a note on the plans stating that they do not expect any uses within the building to require regular shipping and/or receiving of goods, merchandise, or equipment. Therefore, they have chosen not to include a dedicated loading zone in the site design. Staff does not anticipate that this situation will cause any problems as long as deliveries remain infrequent. However, should deliveries begin to occur frequently, then circulation around the site may be compromised to some degree.

Conclusion:

The proposed project meets all of the requirements of the Land Use Ordinance pertaining to transportation, access, and parking; however, the Board may wish to discuss with the applicant the possibility of reducing the number of proposed parking spaces and/or the possibility of including a bicycle rack in the vicinity of the new addition.

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 site reveals that there are no specimen trees on the site. There are several smaller trees that are existing on the site that will be retained. Tree protection fencing has been shown on the grading plan (**Attachment A, p. C-4**) around all the existing trees that are to be retained. According to the 'tree removal justification letter' provided by the applicant, there are ten (10) existing non-specimen trees that must be removed as a result of the construction (**Attachment F**). Two (2) of the trees would be removed to create the access into the vehicle accommodation area. The other eight (8) are on the east side of the proposed building.

Screening

The screening requirements for this project are found in Section 15-308 of the LUO. Specifically, a 'Type B' screen must be provided on the southwest property line along Old Fayetteville Road (**Attachment A, p. L-1**). To satisfy the southwest-facing screen,

the applicant is retaining two existing oak trees, is proposing the addition of one laurel oak, and is proposing eighteen (18) juniper bushes. Next, a "Type A" screen is required along the northwest edge of the project. The applicant proposes Fortune Tea Olive bushes along the length of the vehicle accommodation area along with the retention of three (3) existing oak trees in this area. Various other plantings will be interspersed with the aforementioned plantings as indicated in the 'site plant schedule' on page L-1 of the project plans. This combination of plantings satisfies the 'Type A' screen requirement. To the south, a screen is not required; however, the applicant has proposed to plant several bushes along with a Red Maple tree and a Laurel Oak tree along the side of the building and around the dumpster. The dumpster is also screened from adjacent properties by a reinforced concrete retaining wall in compliance with Section 15-250 of the LUO.

Shading

Section 15-317 of the LUO requires that 20% of all vehicle accommodation areas be shaded with shade trees complying with the recommendations of Appendix E-10. In this case, the applicant has satisfied this standard in a couple of different ways. First, the applicant will be retaining four (4) existing oaks in the vicinity of the vehicle accommodation area. The applicant will also be planting five large trees around the perimeter of the vehicle accommodation area including two (2) Red Maples, two (2) Laurel Oaks and one (1) River Birch. In addition the applicant has proposed six (6) Crape Myrtles along the south side of the vehicle accommodation area. The combination of trees described exceeds the 20% shading requirement of Section 15-317 of the LUO.

Conclusion:

The proposed project complies with the requirements of the LUO pertaining to tree protection, screening and shading.

Drainage, Grading, and Erosion Control

Drainage

The location of the proposed building and associated parking facilities will increase the amount of impervious surface on the site. In order to accommodate the additional impervious surface, the applicant proposes to connect to the existing drainage system for Carrboro Plaza by way of curb inlets and an underground pipe system. Once water is directed into the existing storm drainage system, it runs towards the ABC Store and empties into the existing stormwater detention basin located at the main entrance to the site off of NC Highway 54 Bypass. The Town Engineer has reviewed the plans and has found that they comply with the drainage requirements of the LUO.

The Town is now required by the State to meet regulatory requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Management Program. One of these requirements is to inventory and map all stormwater collection, conveyance and discharge structures within the Town's jurisdiction, and to keep the inventory and map current. The Town has inventoried the majority of existing structures (including the structures at Carrboro Plaza) and has included the data as a GIS map layer.

In order to keep the data current, it is necessary to acquire GIS compatible, electronic as-built data from new developments. Therefore Staff recommends a condition that:

- That the applicant shall provide to the Zoning Division, prior to being issued a certificate of occupancy, or prior to the release of a bond if some features are not in place at the time of the issuance of the certificate of occupancy, mylar and digital as-builts for the stormwater-related features of the project. Digital as-builts must be in DXF format and must include a base map of the whole project and all separate plan sheets. As-built DXF files must include all layers or tables containing storm drainage features. Storm drainage features must be clearly delineated in a data table. The data must be tied to horizontal controls.

Grading

A significant amount of grading is associated with the project. The existing topography in the area is relatively flat on its northern end, but steep on its south to southeastern side. A retaining wall between the subject part of the property and the existing Food Lion grocery store was partially replaced recently and will be completed as a part of this project. The proposed grading will modify the slope on the southern side of the property so as to 'tie-into' and complete the retaining wall. Other minor grading will be necessary around the site to create a workable pad for the parking area and to even the land surrounding the proposed building. The Town Engineer has reviewed the grading plan and found that it meets the minimum requirements of the LUO.

Erosion Control

Orange County Erosion Control (OCEC) has reviewed and approved the erosion control plan for the site.

Conclusion:

The applicant has met the drainage, grading, and erosion control provisions of the LUO for the project; however, staff is recommending that the aforementioned condition regarding 'stormwater as-builts' be attached to the permit.

Utilities

OWASA & Public Service Gas:

The proposed building will receive water and sewer service from OWASA by connecting to existing OWASA water and sewer lines. Water service and sanity sewer service would be provided via simple connections to existing lines within the Carrboro Plaza Shopping Center site. All necessary OWASA easements have been included on the plans, and OWASA has supplied the Zoning Division with a letter stating that they are satisfied with the plans.

Electric Service:

Duke Power Company will provide electrical service to the proposed building. The service line for the building will be placed underground in accordance with Section 15-246 of the LUO. Because of the location of the driveway and the building, it will be

necessary to relocate two utility poles that are currently on the site. One of these poles would be moved slightly to the east of its current location and the other pole would need to be moved west of its current location.

Town Services:

The applicant proposes to place an additional dumpster pad on the site to serve the proposed building. It will be located on the southwest corner of the building itself near the parking area aisle on the north side of the Food Lion grocery store. As indicated on the plans, both a dumpster and recycling facilities are to be located within the pad area (1 dumpster and 5 recycling facilities). The Town's Public Works Department has reviewed the plans and approves of the location for the dumpster facility. As described above under 'screening,' the dumpster and recycling facilities are screened from adjacent properties by a reinforced concrete retaining wall in compliance with Section 15-250 of the LUO.

Exterior Lighting:

Section 15-242 and Section 15-243 of the LUO govern exterior lighting requirements. The applicant has proposed to retain several existing lights on the site. The existing lights are not in conformance with the current ordinance requirements in that they exceed the 15' height limitation on lighting. Since the application is being processed as a minor modification, the applicant is not required to bring the existing lights into compliance. Any new lights, on the other hand, must comply with the current standards of the LUO. For this project, only one new light is proposed on the site. This light is within the 15' height limitation (**Attachment A, p. C-3**). In accordance with Section 15-243 of the LUO, the applicant has shown the foot-candle measurements associated with the proposed site lighting on page C-3 of the plans. According to the foot-candle measurements and detail drawings, the proposed lighting is in compliance with Section 15-243 of the LUO.

Conclusion:

Utility letters from each utility serving the proposed building have been received, with each stating that they are able to serve. Additionally, a note has been included on the plans stating that on-site utilities will be placed underground, per Section 15-246. The project complies with the requirements of the LUO pertaining to utilities.

Architecture, Setbacks and Exterior Design

Height, Square Footage, and Setbacks:

The proposed building would contain 6,048sf of usable space. This square footage would be contained in two (2) stories. The total height of the building would be twenty-eight feet (28'), which is within the height limit of 50 feet allowed by Section 15-185 of the LUO. Setback requirements in the B-4 zoning district are 30' from the right of way line and 10' from adjacent property lines, which the applicant has observed.

Building Materials, Design, & Signage:

As represented on Sheet A1, Elevations, of the project plans (**Attachment A, Sheet A1**), the proposed two-story building will in some ways function as a one-story building with two different levels. As further explanation, when approaching the building from the west, the parking lot will essentially lead into what appears to be a one-story building with a basement on its south side. In contrast, when approaching from the east (i.e.: existing Carrboro Plaza parking lot), one would enter the bottom floor of the building, with clear view of the second floor of the building.

The design includes multiple windows on both the eastern and western elevations to allow a good amount of natural light into the building. The insets for these windows are surrounded by a red stucco finish. The building also includes a small number of windows on the northern and southern elevations. The façade will be covered with a stucco finish and painted beige to match the existing color scheme at Carrboro Plaza. Additionally, a metal canopy is proposed at the top of the ground-level floor on both the western and eastern elevations.

Lastly, a conceptual representation of signage for the building has been included on the elevations sheet of the project plans; however, the applicant did not desire to present an exact signage plan for the building at this time. Because of this, it will be necessary for tenants to file sign permit applications for proposed signage. All signage will have to adhere to the Town's signage regulations and will have to meet the parameters of the 'master sign permit' on file for Carrboro Plaza.

Conclusion:

The project meets all requirements of the LUO related to setbacks and building heights.

Miscellaneous Issues

Neighborhood Information Meeting:

In lieu of holding a 'neighborhood information meeting,' the applicant chose to formally contact the neighboring property owners, as described above under the 'background' information. As mentioned earlier, neighboring property owners submitted information to the Zoning Division stating that they did not feel the project would have a substantial impact on their property.

Appearance Commission

Staff forwarded the project to the Appearance Commission for review and comment at its August 21, 2003 meeting. Afterwards, the Commission offered a recommendation statement to staff in support of the project (**Attachment G**).

RECOMMENDATION

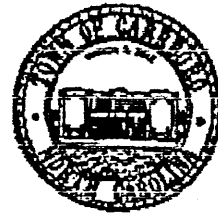
The Administration recommends that the Board of Aldermen adopt the attached resolution approving the minor modification to the Carrboro Plaza Conditional Use Permit, subject to the following condition:

1. That the applicant shall provide to the Zoning Division, prior to being issued a certificate of occupancy, or prior to the release of a bond if some features are not in place at the time of the issuance of the certificate of occupancy, mylar and digital as-builts for the stormwater-related features of the project. Digital as-builts must be in DXF format and must include a base map of the whole project and all separate plan sheets. As-built DXF files must include all layers or tables containing storm drainage features. Storm drainage features must be clearly delineated in a data table. The data must be tied to horizontal controls.

Additionally, the Board may wish to consider discussing with the applicant the possibility of reducing the number of proposed parking spaces and/or the possibility of including a bicycle rack in the vicinity of the new addition.

TOWN OF CARRBORO

LAND USE PERMIT APPLICATION



DATE: September 9, 2003

FEE: Paid

APPLICANT: Vijay K. Shah/ Advantis (Agent)		OWNER: Carrboro Shopping Center I, LLC Carrboro Shopping Center II, LLC	
ADDRESS 6320 Quadrangle Drive, Suite 360		ADDRESS 2405 West Broad Street, Ste. 200	
CITY/STATE/ZIP Chapel Hill, NC 27517		CITY/STATE/ZIP Athens, GA 30603	
TELEPHONE/FAX PHONE: (919) 493-6905 FAX: (919) 419-1596		TELEPHONE/FAX PHONE: 706-546-1422 FAX: 706-353-1874	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Agent		TAX MAP BLOCK(S), LOT(S) 7.114.31	
PROPERTY ADDRESS: 104 Highway 54, Carrboro, NC 27510		PROPOSED LAND USE & USE CLASSIFICATION: Use 2.1, 3.1, & 12.1	
PRESENT LAND USE & USE CLASSIFICATION: CUP for various uses		LOT AREA 16.9 Acres 736,164 Square Feet	
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): B-4, 100Z			
# OF BUILDINGS TO REMAIN One		GROSS FLOOR AREA 125,948 square feet	
# OF BUILDINGS PROPOSED One		GROSS FLOOR AREA of proposed building or proposed additions 6,048 square feet	

NAME OF PROJECT/DEVELOPMENT: Carrboro Plaza Shopping Center

PERMIT TYPE	PERMIT REQUIREMENTS	PERMIT REVIEWER
SUBDIV. FINAL PLAT	1, 18, 19, 21, 23, 31, 33, 34, 36	
X 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	
X 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)	9, 10, 22, 24, 34, 36 (also see "Building Permit Review - Residences Only" checklist)	
Residential Infill & Additions		
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: Vijay Shah

DATE: 9/9/03

OWNER:

DATE: 9/10/03

Attachment "D"

THE TOWN OF CARRBORO

CONDITIONAL USE PERMIT GRANTED

JUL 21 1983

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application.

Applicant R.S. Lloyd

Property Location Southwest corner of Highway 54 and 54 Bypass
Street Address

Tax Map 108 Block -- Lot 35 (Partial); Tax Map 114, Lot 30

Proposed Use of Property Construction of a shopping center with an
ABC Store

Meeting Date(s) February 22, 1983

Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Code for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Code and the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall.
- 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 3) That any future access to the property, as shown on the approved site plan, be restricted to internal drive access only. Therefore, driveways for this development will be limited to five(5) driveways shown on the modified site plan dated 2/22/83.
- 4) That if there shall be any stormwater discharge into the University Lake Watershed, the developer shall be required to provide the necessary grading to stop such discharge.
- 5) That bus access be provided for the public transportation system as well as places for bus stops and turn outs at routes and locations to be chosen by mutual agreement by the owner and the Town of Carrboro.
- 6) That when the N.C. Department of Transportation constructs the Highway 54/54 Bypass intersection realignment, the developer shall, by the completion of such construction, open future entrance #2, install the concrete island shown at entrance #1, and install pavement markings at entrance #1 to indicate clearly that entrance #1 shall thereafter allow only right turn in and right turn out traffic.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

PIN: 9778-19-3698

Assigned by: 7.108.35
C.L.R.O.

PIN: 9778-18-16301

Assigned by: 7.114.30
C.L.R.O. *ogp*

RECEIVED

103 JUL 15 AM 9:51

ORANGE CTY. LAND RECORDS

WHEREUP, the Town of Carrboro has caused this permit to be issued
 its name, and the undersigned being all of the property owners of the property
 above described, do hereby accept this Conditional Use Permit, together with all its
 conditions, as binding upon them and their successors in interest.

ATTEST

Sarah C. Williamson (SEAL)
 Town Clerk

THE TOWN OF CARRBORO

BY

Richard F. Hunter
 Town Manager

I, Rachel E. Alford (Graham), a Notary Public in and for said County
 and State, do hereby certify that Richard F. Hunter, Town Manager
 of the Town of Carrboro, and Sarah C. Williamson, Town Clerk for the
 Town of Carrboro, personally came before me this day and being by me duly sworn says
 each for himself that he/she knows the corporate seal of the Town of Carrboro and that
 the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro,
 that Richard F. Hunter, Town Manager of said Town of Carrboro and
Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed
 their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto,
 and by virtue of a resolution of the Board of Aldermen, and that said instrument is the
 act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set my Hand and Notarial Seal this the
22nd day of March, 1983.

Rachel E. Alford
 Notary Public

My Commission Expires:

11/20/84

I, Roy S. Lloyd, owners, do hereby
 acknowledge receipt of this Conditional Use Permit. The undersigned owners do further
 acknowledge that no work may be done pursuant to this permit except in accordance with
 all of its conditions and requirements and that this restriction shall be binding upon
 them and their successors in interest.

Owner

Owner

NORTH CAROLINA
Orange COUNTY

I, Caroline S. Stuck, a Notary Public in and for said State and
 County, do hereby certify that Roy S. Lloyd, owners,
 personally appeared before me this day and acknowledged the due execution of the
 foregoing instrument.

WITNESS my Hand and Notarial Seal, this the 5 day of July, 1983.
Caroline Stuck
 Notary Public

My Commission Expires:

3/16/87

(Not valid until fully executed and recorded)



FAX MEMORANDUM

TO: Marty Roupe

FROM: Vijay K. Shah

COMPANY: Town of Carrboro

REGARDING: Pad Approval
Carrboro Plaza
Parking Lot Reduction Request

FAX: 942-1720

DATE: July 29, 2003

PHONE: 918-7333

NUMBER OF PAGES: 1

Per our meeting at the developmental review on Wednesday, July 23, 2003, one of the transportation planner's recommendations was that the project's owners, in order to meet current ordinances, try to reduce the overall parking of the shopping center.

Per my conversation with the current Owner of Carrboro Plaza, the proposed Owner, one of the proposed tenants for the new building, and per our lease covenants and recorded documents with Food Lion, we are unable to fulfil the Town's request for a reduction in overall parking as it relates to the pad approval. For many reasons, most importantly the successful operation of the shopping center tenants, which is reflected in the high sales per square foot we have been able to achieve over the past four years, we do not wish to reduce the parking at this center.

Other reasons this request is unacceptable include: (1) Provisions contained within the Food Lion lease. We legally cannot reduce the parking area per the terms of the Food Lion lease. The Owner's have a recorded document that we have to maintain a certain parking ratio within the center. (2) The parking has been vital to the success of the center and serves other purposes in addition to direct retail customers. (3) We also agreed in the lease with the Town of Chapel Hill to provide additional parking in addition to the Park-n-Ride Facility for game and event parking which is located in the front of the center.

However, should it become a mandate on our existing project, which we would find very unfair, we would consider reducing some parking in the non-Food Lion area, with Food Lion's, Dollar General's, Ferguson's and the Town of Chapel Hill's written permission, provided the Town simultaneously gave us approval to construct another building(s) within the shopping center.

As always, we appreciate the Town's concerns and we hope we can mutually agree to maintain the success of Carrboro Plaza.

Attachment F

CARRBORO PLAZA SHOPPING CENTER ADDITION

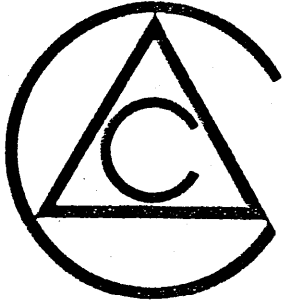
Tax Reference 7.114..31

Prepared: August 26, 2002

Revised: March 20, 2003

TREE REMOVAL JUSTIFICATION STATEMENT

The trees scheduled for removal as a result of this project include ten (10) trees along the south and west sides of the shopping center entrance road from the Old Fayetteville Road right-of-way as it continues around to the edge of the service driveway on the north side of Food Lion and two (2) trees along the Old Fayetteville Road street frontage. None of the trees proposed for removal are specimen trees. The trees are necessary to be removed for two primary reasons. (1) A pedestrian sidewalk along the south and west sides of the entrance road is essential for pedestrian safety and it is an extremely important asset to the entire Carrboro Plaza Shopping Center. (2) The existing trees along the entrance road are very close to the roadway edge and grading required to install the pedestrian sidewalk will necessitate their removal. In addition, the proximity of the building pad to the existing roadway edge will necessitate removal of trees in that area. Replacement trees are proposed, as shown on the Landscape Plan (sheet L-1).



Attachment G

THURSDAY, AUGUST 21, 2003

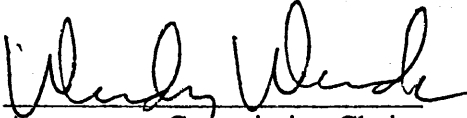
CARRBORO PLAZA CUP MINOR MODIFICATION, 104 HIGHWAY 54 WEST

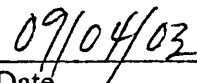
The Appearance Commission Advisory Board recommends approval of the proposed project as presented.

VOTING:

AYES: 4 (Chuck Morton, Wendy Wenck, Catherine DeVine and Tom Wiltberger)

NOES: 0


Appearance Commission Chair


Date

A RESOLUTION APPROVING A MINOR MODIFICATION OF THE
CONDITIONAL USE PERMIT FOR CARRBORO PLAZA FOR THE
CONSTRUCTION OF AN ADDITIONAL 6,048 SQUARE FOOT, TWO-STORY
BUILDING WITH ASSOCIATED PARKING

Resolution No. 55/2003-04

WHEREAS, the Carrboro Board of Aldermen has approved a Conditional Use Permit for Carrboro Plaza Shopping Center located at 104 Highway 54 on February 22, 1983; and

WHEREAS, the applicant has requested a modification to allow the addition of a two-story building with associated parking on the site; and

WHEREAS, the Administration has determined that the requested phase change is a minor modification, which requires approval by the permit issuing authority (in this case, the Board of Aldermen).

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to the Carrboro Plaza Conditional Use Permit is approved, subject to the following condition:

- That the applicant shall provide to the Zoning Division, prior to being issued a certificate of occupancy, or prior to the release of a bond if some features are not in place at the time of the issuance of the certificate of occupancy, mylar and digital as-builts for the stormwater-related features of the project. Digital as-builts must be in DXF format and must include a base map of the whole project and all separate plan sheets. As-built DXF files must include all layers or tables containing storm drainage features. Storm drainage features must be clearly delineated in a data table. The data must be tied to horizontal controls.

This the 21st day of October 2003.