

BOARD OF ALDERMEN

ITEM NO.: D(6)

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 6, 2006

TITLE: MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR 201 NORTH GREENSBORO STREET TO ALLOW AN OPEN AIR MARKET

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ___ No <u>X</u> ___
ATTACHMENTS: A. RESOLUTION B. PROJECT PLAN C. LAND USE PERMIT APPLICATION D. OPEN AIR GUIDELINES E. ORIGINAL CUP DOCUMENT	FOR INFORMATION CONTACT: JAMES THOMAS, 918-7335

PURPOSE

Chris Frank, representing Public Gallery of Carrboro/WCOM Radio, has submitted an application (see **attachment C**) for a minor modification to an existing Conditional Use Permit (CUP) to allow an “open air market” (use# 19.100) at 201 North Greensboro Street. Pursuant to Section 15-64(b) of the Town of Carrboro Land Use Ordinance, a minor modification to a CUP is permissible with the approval of the Board of Aldermen. Town staff recommends that the Board of Aldermen consider holding a public hearing before rendering a decision on the minor modifications to the CUP.

INFORMATION

The CUP for the property at 201 North Greensboro Street was originally issued on September 24th, 1991. The application currently before you amounts to a minor modification to the existing CUP. If approved, the minor modification would allow an “open air market” to take place in front of the radio station on Saturdays of each week. The number of tables would be limited to twenty-five (25) tables and the hours of operation would be between the hours of 8am to 6pm- weather permitting.

Additional Information Related to Open Air Market

Background

Chris Frank, representing Public Gallery of Carrboro/WCOM Radio, approached the town about operating an “open air market” within the paved area in front to the existing radio station. This open air market, use# 19.100, will consist of a maximum of twenty-five (25) vendors that will operate on Saturdays between the hours of 8am to 6pm. The purpose of this open air market is to raise funds for the operation of WCOM Radio Station.

A portion of the mulched area will be removed in order to allow additional area for sales tables. In addition, a pedestrian barrier (see **attachment B**) will be installed during the sales hours along North Greensboro Street. The intent of the barrier is to maintain a safety barrier between the open air market and North Greensboro Street. Sufficient port-o-lets will be on-site in order to serve the needs of customers.

Parking

The present use of the property contains two uses, those being: real estate office (use# 3.110) and radio station (use# 3.120). Per the presumptive “parking requirement” of the LUO, the real estate office (2000 sq. ft. in size) will require five (5) parking spaces (1 space per 400 sq. ft.) and the radio station (460 sq. ft. in size) will require one (1) parking space (1 space per 400 sq. ft.).

With the addition of the “open air market” added to the use category of the property, an additional three (3) parking spaces would be required (1 space per 1,000 sq. ft). The total parking spaces with the existing two uses plus the proposed new “open air market” will require a total of nine (9) parking spaces.

The applicant has twenty-six (26) parking spaces in the adjacent lot addressed as 100 West Weaver Street.

A representative of the real estate office was contacted to determine how many parking spaces are used on Saturdays and it was stated that four (4) parking spaces are used for real estate office and one (1) parking space for the radio station. It should be noted that the applicant is proposing up to twenty-five (25) vendor tables and staff is concerned that this will result in vendor/customer vehicles parking elsewhere with the potential to adversely impact nearby businesses and/or residential areas. The applicant has verbally stated that he has acquired additional parking spaces at 200 West Weaver Street to offset the vendor/customer parking requirements.

An additional concern of staff was the use of the parking spaces across from the Century Center and per this concern, the applicant has stated that signs will be installed during operation hours of the open air market that no parking is allowed in these spaces.

In addition, staff has concerns over potential conflicts between delivery trucks serving Weaver Street Market on Saturdays, especially considering that delivery trucks often utilize the area proposed for the open air market for maneuverability.

Public Hearing/Notification

Staff made the recommendation that the applicant voluntarily send notification to those property owners within 500 feet of 201 North Greensboro Street of the proposed “open air market” on Saturdays. This is not a requirement per the LUO due to being a minor modification without a public hearing and the applicant chose not to take this action. Instead, the applicant stated that he would contact those large businesses (Harris Teeter, Fitch Lumber, Weaver Street Market etc.) and inform them verbally of the proposed “open air market” on Saturdays.

It is within the purview of the Board of Aldermen to call a public hearing before rendering a decision on the requested changes. Specifically, with regard to Minor Modification requests, Section 15-64(b) of the LUO states the following: “Unless it is requested by the permit issuing authority, no public hearing shall be required for such minor modification.”

RECOMMENDATION

Staff recommends that the Board of Aldermen consider holding a public hearing before rendering a decision on the minor modification to the CUP.

If the Board of Aldermen chooses to approve the project now, then the staff recommends that the approval be granted subject to the conditions included in the attached resolution (**see attachment A**).