

BOARD OF ALDERMEN

ITEM NO.: **B(1)**

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 27, 2006

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

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> No ____
ATTACHMENTS: A. RESOLUTION B. PROJECT PLAN C. LAND USE PERMIT APPLICATION D. OPEN AIR GUIDELINES AND CONTRACT 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 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. Staff requests that the Board hold a public hearing, review, deliberate, and make a decision regarding the Minor Modification to the existing CUP.

INFORMATION

The CUP for the property at 201 North Greensboro Street was originally issued to allow Land Use Category 3.000 uses (i.e.: office, service, etc) on the site on September 24th, 1991 (**see Attachment D**). This CUP was last modified on June 1st, 2004 to erect a 50 foot tall lattice-type antenna, enclose old drive thru area to house the radio station, and create natural area within the southeastern parking area. The application currently before you amounts to a Minor Modification to the existing CUP. If approved, it 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. Staff is recommending that a condition worded accordingly be included if the application is approved. It should be noted that per the Town Code parking in the Carrboro Century Center is reserved for visitors to the center.

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.

Notification

Per the request of the Board of Aldermen at their June 6th, 2006 meeting, staff has sent property owners/renters within 150 feet of 201 North Greensboro Street notification of the public hearing. In addition, a notification was placed in the Herald Sun newspaper on Sunday, June 18th, 2006 and the property was also posted.

Miscellaneous

Staff discussed with the applicant at some length the possibility of a 'trial-period' for the market. A general, preliminary agreement was reached regarding three (3) month expiration on the permit

modification. At the end of 3 months, the permit would be reviewed again and potentially issued anew with no time limit or expiration. Comments were made during the June 7, 2006 Board of Aldermen meeting about the feasibility of determining the relative success or impacts of the market during the proposed time frame. Staff discussed this matter further and is now suggesting that the permit expire December 31, 2006, again with the potential of receiving a 'new' approval afterwards that does not include an expiration date.

Staff also discussed at some length possible voluntary conditions the market might be willing to impose. Many of these conditions were incorporated into the 'Market Guidelines' and 'Contract for Vendors.' Staff simply made reference to these documents in whole via a recommended condition during the June 7, 2006 Board of Aldermen meeting. Based on comments during this meeting, staff revisited the documents and has culled certain provisions from them, per our discussions with the applicant. These provisions are now included as individual recommended conditions (see: 2, 3, 4, 5, and 7).

RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the Minor Modification to the Conditional Use Permit for the property at 201 North Greensboro Street with the following conditions:

1. The Minor Modification of the Conditional Use Permit is valid until December 31, 2006. Upon or prior to this expiration, the Minor Modification may be reviewed and/or extended.
2. The "open air market" will take place on Saturdays between the hours of 8am and 6pm.
3. A limit of twenty-five (25) vendors will be imposed.
4. Vendors will conduct no activity outside the reserved area and will not block any wheelchair ramps, crosswalks, driveways or sidewalks. No "hawking" will be permitted or any activity which could impede or distract traffic.
5. Vendors may not park in the Century Center parking lot.
6. At least two (2) signs approximately four square feet in size shall be placed around the market during the event informing visitors that they may not park in the Carrboro Century Center parking lot.
7. A 'Manager-on-Duty' shall be present at all times during operation of the market.