

**A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE
CONDITIONAL USE PERMIT FOR 201 NORTH GREENSBORO STREET TO
ALLOW AN OPEN AIR MARKET**

Resolution No. 172/2005-06

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for 201 North Greensboro Street on September 24th, 1991; and

WHEREAS, the applicant has requested a Minor Modification to the Conditional Use Permit to allow an "open air market" be added to the allowable uses on this property; and

WHEREAS, the town staff has determined that the requested changes are a minor modification, which requires approval by the permit issuing authority (in this case, the Board of Aldermen); and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen approve the Minor Modification to the Conditional Use Permit for the property at 201 North Greensboro Street, which would allow an "open air market" (use# 19.100) to operate 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.

This the 27th day of June 2006.

ATTACHMENT A

8AM-6PM Saturdays



- pedestrian barrier (temp) will be placed day of sale - will include openings for access
- All sales occur in designated area.
- Market is limited to 25 vendors

TOWN OF CARRBORO

LAND USE PERMIT APPLICATION



DATE: 3/23/2006

FEE: \$250.00

APPLICANT: Public Gallery of Carrboro WCOM Radio	OWNER: Weaver Street Market
ADDRESS: 201 N. Greensboro ST	ADDRESS: 101 E. Weaver St
CITY/STATE/ZIP: Carrboro NC 27510	CITY/STATE/ZIP: Carrboro NC 27510
TELEPHONE/FAX: PHONE: 919-929-9601 FAX:	TELEPHONE/FAX: PHONE: 919-929-0010 FAX: 942-8483
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Tenant	TAX MAP(S), BLOCK(S), LOT(S): 9th Block H Lots 1 & 7
PROPERTY ADDRESS: 201 N. Greensboro ST	PROPOSED LAND USE & USE CLASSIFICATION: Outdoor Sales 2.210 or 19.100
PRESENT LAND USE & USE CLASSIFICATION: Office 3.120	LOT AREA: 24,641 Square Feet
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): Bic 13.933 B2 4744	
# OF BUILDINGS TO REMAIN: One	GROSS FLOOR AREA: 2458 1418 square feet
# OF BUILDINGS PROPOSED:	GROSS FLOOR AREA (of proposed building or proposed addition): square feet

NAME OF PROJECT/DEVELOPMENT: WCOM Flea Market

TYPE OF REQUEST	**INFORMATION REQUESTED (Refer to Attached Key)
SUBDIV. FINAL 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: Ruf Slater

DATE: 3/23/06

OWNER: Ruf Slater

DATE: 3/23/06

WCOM Flea Market Guidelines:

- 1) Flea Market will take place on Saturdays, weather permitting, between the hours of 8AM and 6PM
- 2) There will be a "Manager on Duty" (MOD) at all times when the Market is in operation.
- 3) MOD will collect vendor payments, assist vendors and enforce vendor rules; MOD will be responsible for trash removal on site
- 4) All vendors will operate within the area proscribed by attached map. All sales will occur on the east side of the station, north of a pedestrian barrier running east from approximately the east doorway of the main building to the Greensboro St sidewalk, with said barrier continuing north along the sidewalk to property boundary. Mulch will be removed from sales area due east of main building.
- 5) A limit of 25 vendors will be imposed

Contract for WCOM Flea Market
201 N. Greensboro St.
Carrboro, NC 27510
919-929-9601

This agreement is made between WCOM-LP 103.5 FM and _____, hereinafter termed vendor, for table space in the WCOM flea market. This agreement is valid only for the dates _____.

Vendor will be conducting the following business at the flea market: _____

Vendor agrees to pay _____ per day for space rental. Due on morning of above date(s). Monthly rentals are available with advance payment.

WCOM reserves the right to withhold space rental if vendors products are deemed inappropriate for the WCOM flea market.

Hours of operation for the flea market are 8AM to 6PM.

Vendor is responsible for removal of all vendor owned material at the end of each day.

Vendor is solely responsible for collecting and remitting, as required by law, all state sales tax.

Vendor will not infringe upon copyrighted or trademarked materials of any entity.

Vendor will conduct no activity outside the reserved space, 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.

Vendors may not park in Century Center parking lot.

Vendor agrees to defend indemnify and hold harmless WCOM from and against all claims, demands, actions, loss, cost, liabilities, expenses and judgements recovered from or asserted against WCOM on account of injury or damage to person or property during time vendor is participating in the WCOM flea market.

WCOM will not be held liable for loss or damage of any of vendors property while on the premises of WCOM or while participating in the flea market.

Booth assignment will be made by WCOM and cannot be changed except by flea market manager.

Booth space cannot be sublet.

For WCOM _____

Vendor _____

NORTH CAROLINA

ORANGE COUNTY

TOWN OF CARRBORO

CONDITIONAL USE PERMIT GRANTED

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: Francis Chan

Owner: Lloyd W. Gardner

Property Location: 201 North Greensboro Street
(Street Address)

Tax Map 98 Block H Lot(s) 1 and 7

Proposed Use of Property: To allow high volume retail sales and office use.

Carrboro Land Use Ordinance Use Category: 2.110 and 3.120

Meeting Date(s): September 24, 1991

Having heard all the evidence and arguments 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 Ordinance 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 Ordinance 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. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

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 the right turn only island be reconfigured to effectively prohibit left turns in and out.

4) That signs indicating "a right-in right-out only" onto North Greensboro Street be erected prior to issuance of a certificate of compliance and occupancy.

5) That during rejuvenation of the building the applicant should use a color that is less contrasting than current color (such as not white, sky blue but perhaps something reddish-brown with a similar value to the brick on the building.)

6) That the planting islands and foundation plantings be refurbished in a manner to suit the applicant.

7) That upon enclosure of the drive-through area that elevations should be brought before the Appearance Commission for approval.

8) That a traffic barrier be erected at the exit onto Center Street to prevent traffic from entering Center Street between the hours of 8:00 P.M. through 6:00 A.M.

This condition was

Page 1

deleted from

The permit

See modification dated

Sept. 24, 91

- 9) That the dumpster shown on the site plan be deleted.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

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.

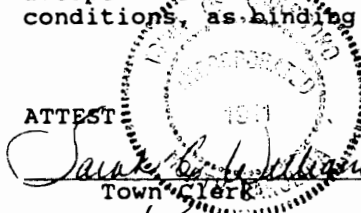
NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in 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.

THE TOWN OF CARRBORO

ATTEST



Town Clerk

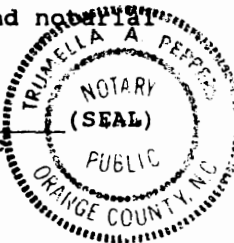
(SEAL) BY

Town Manager

I, Trimella A. Pappas, a Notary Public in and for said County and State, do hereby certify that Robert W. Morgan, 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 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 Robert W. Morgan, 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, all 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 WHEREOF, I have hereunto set my hand and notarial seal this the 3rd day of March, 1992.

Trimella A. Pappas
Notary Public



My Commission Expires:

1-14-93

MY COMMISSION EXPIRES 1-14-93

I (We), Francis Chan, owner(s), do hereby acknowledge receipt of this Conditional Use Permit. The undersigned owner(s) 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.

Francis Chan
Owner applicant

Owner