

# BOARD OF ALDERMEN

ITEM NO.: B(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 26, 2007

**TITLE: A REQUEST FOR A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR THE 300 EAST MAIN STREET SHOPPING CENTER**

<b>DEPARTMENT: PLANNING DEPARTMENT</b>	<b>PUBLIC HEARING: YES ___ No <u>X</u></b>
<b>ATTACHMENTS:</b> <b>A. RESOLUTION APPROVING MINOR MODIFICATION REQUEST</b> <b>B. LETTER REQUESTING THAT NONCONFORMING SITUATIONS BE ALLOWED TO REMAIN</b>	<b>FOR INFORMATION CONTACT:</b> <b>MARTY ROUPE, 918-7333</b>

### PURPOSE

The Board is asked to review a request for a Minor Modification to the Conditional Use Permit for the existing shopping center at 300 East Main Street. The request involves improving the westernmost entranceway and reconfiguring a portion of the parking spaces on the western side of the parking lot. Town Staff recommends that the Board of Aldermen deliberate and make a decision regarding the CUP Minor Modification request.

### INFORMATION

#### **Background & Additional Information**

The Board of Aldermen originally granted a Conditional Use Permit (CUP) on February 13, 1979 for the existing shopping center at 300 East Main Street. Various uses have located in the center over the years and it is still vibrant and active. Still, the property owners seek to redevelop the site more intensely over the course of the next few years. This Minor Modification application essentially sets in place improvements to portions of the existing parking lot, which the owners suggest will be in accordance with an eventual site plan they hope to have approved. The improvements also will serve a new building known as Phase A of 300 East Main, assuming the project is approved. Additional details in brief follow, but please refer to the Phase A of 300 East Main Street public hearing staff report (found under separate agenda item on same date) for in-depth analysis:

- **Plan Review to date.** 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, proposes a five-story building on the property where Archer Graphics currently operates – see separate agenda item for details.

- **Improved entranceway and reconfigured parking.** The proposed improvements modify the existing, westernmost entranceway to the shopping center, at the Lloyd Street stoplight. It involves a dedicated right-turn egress lane, dedicated left-turn egress lane, and one ingress lane, as well as reconfigures a portion of the existing parking spaces (reduction of 4 spaces, from 144 to 140). The improvements are intended to serve a new building known as Phase A, assuming it is approved, and also set the stage for a later development of the existing site that they also hope to have approved (at a later date).
- **Request to Allow Nonconforming Situations to Remain.** The applicant submitted a letter explaining that they would like to leave all existing, nonconforming situations on the site in place (**Attachment C**). Per Section 15-126(c), the Board of Aldermen is authorized to allow such situations to remain in certain situations. If seen as necessary, the Board of Aldermen may wish to discuss specific nonconformities. The two most obvious nonconforming situations are the height of existing lights (they exceed the 15-foot maximum height currently allowed) and the width of sidewalk along East Main Street (not the currently required width of 10-feet).

### **Public Hearing**

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.”

### **FISCAL IMPACT**

N/A

### **RECOMMENDATION**

The Town Staff recommends that the Board of Aldermen deliberate and make a decision regarding the CUP Minor Modification request. If the Board chooses to approve the request, then the attached resolution (**Attachment A**) should be adopted.