

# BOARD OF ALDERMEN

ITEM NO. C(1)

## AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 26, 2007

**TITLE: PUBLIC HEARING FOR PHASE A OF 300 EAST MAIN STREET CONDITIONAL USE PERMIT**

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> YES <u>X</u> No _____
<b>ATTACHMENTS:</b> A. PROJECT PLANS B. STAFF REPORT C. VICINITY MAP D. LAND USE PERMIT APPLICATION E. TRAFFIC IMPACT ANALYSIS MEMORANDUM F. PARKING JUSTIFICATION INFORMATION G. SCREENING RELAXATION JUSTIFICATION LETTER H. STORMWATER JUSTIFICATION STATEMENT I. SUPPLEMENTAL ARCHITECTURAL RENDERING J. LETTER FROM REAL ESTATE APPRAISER K. REQUEST FOR NONCONFORMING SITUATIONS TO REMAIN AT 200 EAST MAIN STREET L. PROACTIVE STRATEGIES LETTER FROM APPLICANT REGARDING POTENTIAL IMPACTS TO DOWNTOWN M. COMMENT FROM CITIZEN N. JOINT REVIEW SUMMARY SHEET AND RECOMMENDATIONS O. CONDITIONAL USE PERMIT WORKSHEET FOR TALLER BUILDINGS	<b>FOR INFORMATION CONTACT:</b> MARTY ROUPE, 918-7333

### PURPOSE

Main Street Partners, LLC has submitted a Conditional Use Permit (CUP) application for construction of a five-story commercial building at 208 East Main Street along with associated parking at 200 East Main Street. Prior to reaching a decision on a request for a CUP, the Board must hold a public hearing to receive input. Town staff recommends that the Board of Aldermen hold a public hearing and consider issuing the requested Conditional Use Permit.

### INFORMATION

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 (**Attachment C**), proposes a five-story building on the property where Archer Graphics currently operates. Multiple uses are proposed including office, retail, restaurant, etc. While it is known to be an integral part of a larger plan, staff has reviewed the Phase A

plans for LUO-compliance individually. As the town has no assurance that the larger plan will come to fruition, the Board of Aldermen is similarly requested to consider the Phase A project on its own merits.

See attached staff report for additional detail – **Attachment B**.

### **RECOMMENDATION**

Town Staff recommends that the Board of Aldermen approve the Conditional Use Permit to allow the construction of a five-story commercial building (Use 27.000, consisting of Uses 2.110, 2.111, 2.120, 2.150, 3.110, 3.120, 3.130, 3.150, 3.250, 5.110, 5.120, 5.130, 5.200, 5.310, 5.320, 5.400, 6.110, 6.121, 6.122, 6.130, 6.140, 6.221, 6.222, 8.100, 8.200, 8.500, 8.600, 13.100, 15.100, 15.700, 18.100, 19.100, 23.000, 27.000, 29.000; Satellite Parking Lot – No change (10.100) at 200 and 208 East Main Street, subject to the following conditions:

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1. Prior to construction plan approval, the applicant shall replace the currently-shown handicap accessible ramp detail with a detail conforming to NCDOT roadway standard specifications for handicap ramp curb cut / sidewalk connections w/in public right-of-way (i.e.: two ramps per radius, 90-degrees from one another, instead of one ramp per radius).
2. *(New since Advisory Board Review and Related to Point-of-discussion #3)* That on the construction plans, the applicant must show a public access easement to the back-edge of the required 10-foot sidewalk along the East Main Street frontage. Further, prior to receiving a certificate of occupancy, the applicant must file appropriate paperwork with Orange County Land Records providing for such public access easement along the East Main Street sidewalk.
3. That prior to construction plan approval the applicant must receive a driveway permit from NCDOT. The Town of Carrboro encourages NCDOT to require the improvements mentioned in ‘recommendation #2’ and to consider requiring the improvements mentioned in ‘recommendation #1,’ both in the ‘12/22/06 TIA Memorandum,’ and to discuss their final list of requirements with the Town of Carrboro Transportation Planner to ensure compatibility with the Carrboro Downtown Traffic Circulation Study.
4. *(New since Advisory Board Review)* That within 18-months of the date the applicant (Main Street Properties of Chapel Hill, LLC) receives its certificate of occupancy for Building A, the applicant shall construct, lease or otherwise provide at least 90 additional parking spaces for use for use by the tenants and customers of Building A and the existing 300 East Main Shopping Center. The additional spaces will either be in the planned parking deck, in surface parking on nearby land owned by the applicant, or at an alternate location within 1320-feet of the Phase A of 300 East Main site. To the extent that part or all of such additional spaces may need to be located on the same land area on which the planned parking deck is later to be constructed, such additional spaces may be removed by the applicant with no requirement of substitution for a time period of eight months as necessary to allow applicant to construct its planned parking deck on that land area.

5. *(New since Advisory Board Review)* That the Board of Aldermen hereby finds 35 dedicated parking spaces, in conjunction with a shared-parking arrangement with the existing shopping center at 300 East Main Street, is sufficient to serve the project based on information submitted by the applicant describing how the proposed parking arrangement is adequate to handle the project.
6. That before construction plan approval, the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize parking spaces at 300 East Main Street.
7. That the Board of Aldermen finds that no screening requirements are imposed on this project because the Board desires to foster a pedestrian-friendly atmosphere in the downtown area and further finds that integration of this project with the neighboring property on the eastern side would be diminished were screening required between the two sites.
8. That the applicant shall consider suggestions made by the Environmental Planner prior to construction plan approval related to finding possible additional or alternate locations for shade trees.
9. *(New since Advisory Board Review)* That prior to construction plan approval the applicant must fully analyze and survey the existing storm drain system all the way to the outlet and modify elements of the underground detention system if necessary based on associated findings.
10. *(New since Advisory Board Review)* That the applicant must incorporate an appropriate filter or similar type device into the proposed swirl-type vault system, upon such device being reasonably available, in order to increase to percentage of TSS removal associated with the stormwater device.
11. That the construction plans show a catch basin including the phrase ‘dump no waste, drains to Jordan Lake.’
12. That before construction plan approval, the applicant shall record a stormwater facility and drainage easement agreement or similar legal instrument providing that the new building at 208 East Main Street may direct stormwater into an underground system below property at 300 East Main Street. The easement shall specify a responsible party for maintaining the system in perpetuity and grant access as necessary for maintenance duties and responsibilities.
13. That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.
14. That on the construction plans a 20-foot easement must be shown around the meter vault as referenced on OWASA’s May 16, 2007 letter.
15. That prior to construction plan approval the applicant must submit a ‘service letter’ from Duke Power making it clear that they are willing and able to serve the project as designed.
16. That before construction plan approval, the applicant shall record a shared-use of solid waste facilities easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize facilities at 300 East Main Street.
17. That prior to construction plan approval an engineer with expertise in lighting design must seal the lighting plan to certify that the plan does comply with the lighting-related provisions of the LUO (Sections 15-242 and -243).

Additionally, the Board may wish to discuss the following issues with the property owners:

1. **Proposed Uses** – The Board of Aldermen is asked to closely consider whether the following uses should be allowed as a part of CUP: 18.100, Towers and Antennas fifty-feet tall or less; 19.100,

Open Air Markets; 23.000, Temporary structure or parking lots used in conjunction with construction of a permanent building; 29.000, Special Events.

2. **Loading Zone** – The Board of Aldermen is asked to consider whether proposed ‘loading zone’ design, located on the adjacent lot and intended to double as parking spaces much of the time, is acceptable with respect to LUO Section 15-300.
3. **Right-of-Way Dedication** – The Board of Aldermen is asked to consider discussing with the applicant: 1) timing of the dedication of 10-feet of right-of-way along East Main Street, and 2) the possibility of additional right-of-way dedication along East Main Street, specifically to the back-edge of the 10-foot sidewalk.
4. **Covered Bus Shelter** – The Board of Aldermen is asked to consider requiring a covered bus shelter as a CUP condition and is asked to consider discussing with the applicant whether the shelter should be the typical blue-top design commonly used in Carrboro or whether a custom designed bus shelter is acceptable.
5. **Parking** – The Board of Aldermen is asked to closely consider the proposed parking situation and determine whether CUP conditions are necessary *in addition to* a finding that 35 dedicated parking spaces and a shared-parking arrangement with 300 East Main Street shopping center.
6. **Type of Stormwater Treatment Device** – The Board of Aldermen is asked to consider the applicant’s stormwater justification statement and discuss the possible inclusion of non-mechanical stormwater devices or a stormwater cistern if it is seen as necessary.
7. **Nonconforming Situations to Remain** – The Board of Aldermen is asked to consider the applicant’s request for nonconforming situations to remain (at 200 East Main Street) and determine whether to allow the situations to remain or to require that one or more situations be brought into compliance with current LUO requirements, per LUO Section 15-126(c).