BOARD OF ALDERMEN

ITEM NO.: (2)

AGENDA ITEM ABSTRACT

MEETING DATE: SEPTEMBER 11, 2007

TITLE: **A REQUEST FOR A MINOR MODIFICATION TO THE CONDITIONAL USE PERMIT FOR CARR MILL MALL, 200 NORTH GREENSBORO STREET**

DEPARTMENT: PLANNING DEPARTMENT	**PUBLIC HEARING**: YES __ NO _X_
ATTACHMENTS: A. RESOLUTION APPROVING MINOR MODIFICATION REQUEST B. LETTER REQUESTING THAT NONCONFORMING SITUATIONS BE ALLOWED TO REMAIN	**FOR INFORMATION CONTACT**: MARTY ROUPE, 918-7333

PURPOSE

The Board is asked to review a request for a Minor Modification to the Conditional Use Permit for the existing Carr Mill Mall shopping center at 200 North Greensboro Street. The request involves splitting the 200 North Greensboro Street parcel from the 100 Sweet Bay Place / 300 Roberson Street parcel. 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 granted a Conditional Use Permit (CUP) for the conversion of an existing mill property into a shopping complex called Carr Mill Mall. The issuance of the permit included a satellite parking lot, on a separate parcel of land, to serve the mall. The lot is located at 100 Sweet Bay Place / 300 Roberson Street. Pursuant to the property owner now requesting a conditional use rezoning and new conditional use permit for the satellite parking parcel, the owner submitted a Minor Modification application to formally split the two sites from one another with respect to land use permitting. Parking at both sites will remain tied together via a shared parking easement.

Additional details in brief follow, but please view the public hearing staff report for The Alberta (found under separate agenda item on same date) for in-depth analysis of what is proposed on the 100 Sweet Bay Place / 300 Roberson Street parcel:

Shared parking arrangement. If The Alberta project is approved, it is necessary to formally tie parking at both sites to one another. A recommended condition, therefore, is included on the attached resolution.

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 B**). 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. Obvious nonconforming situations include the height of existing lights (they exceed the 15-foot maximum height currently allowed), the width of sidewalks along both Weaver Street and North Greensboro Street (not the currently required width of 10-feet), and more than 40% compact parking spaces in the satellite parking lot.

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.