

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE CARR MILL
MALL SHOPPING CENTER CONDITIONAL USE PERMIT FOR SPLITTING THE
200 NORTH GREENSBORO STREET PARCEL FROM THE 100 SWEET BAY
PLACE / 300 ROBERSON STREET PARCEL
06/2007-08

WHEREAS, the Carrboro Board of Aldermen already approved a Conditional Use Permit for the Carr Mill Mall shopping center; and

WHEREAS, the Town of Carrboro desires to see appropriate improvements and redevelopments of parcels of land downtown; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification to the Carr Mill Mall shopping center is hereby approved, subject to the following stipulations:

That the following additional CUP condition is hereby added:

- That before construction plan approval, the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 100 Sweet Bay Place / 300 Roberson Street and the existing Carr Mill Mall complex at 200 North Greensboro Street may utilize each other's parking spaces.
- This Minor Modification shall become effective upon issuance of a building permit for The Alberta Mixed Use Building project located at 100 Sweet Bay Place / 300 Roberson Street.

**Minor Modification to the Existing Carr Mill Mall
Conditional Use Permit – 8/17/07**

Request to Allow Existing Non-Conforming Situations to Remain

As part of this minor modification we are requesting, per section 15-126 (c) 2 of the LUO to allow existing non-conforming situations to remain. The following non-conforming situations are noted;

- there are building and site lights mounted more than 15' above grade on the north and east side of the building (LUO 15-243 C). These lights are so mounted to provide sufficient lighting for the safety of patrons and users of the services located in those areas. The parking lot lights in front of Harris Teeter are taller than 15'. There have been no complaints from neighboring property owners.

- the sidewalks at the perimeter of the site (where a public right of way adjoins the lot) are less than is currently required by LUO 15 – 221-f. All of these walks were in compliance with the LUO at the time of their construction.

- after identifying the 69 spaces for The Alberta in the lot behind the proposed building, the remaining compact parking spaces for the use of Carr Mill Mall exceed 40% of the total parking spaces. We would like this overage to remain. To be in compliance would mean a loss of total parking, and we feel it undesirable to lose parking. It is worth noting that these spaces are wider than the town's standards for parking spaces. The typical compact space is 7'6" wide and these are 8' wide.

Remedy of both of these situations would prove not only costly (acquisition of light fixtures, installation requiring removal of asphalt, trenching, wiring, electrical panel re-working, and the loss of parking spaces to accommodate the increase in light fixtures in the case of lighting and removal of landscaping and parking (along North Greensboro St.) and removal of landscaping and a diminution of the "public green" and its shading and screening along East Weaver St. The costs and other results of remedying these non-conformities are disproportional to the benefits of eliminating the non-conformities.