

BOARD OF ALDERMEN

ITEM NO. A(1)

AGENDA ITEM ABSTRACT

MEETING DATE: SEPTEMBER 25, 2007

SUBJECT: Continuation of the Public Hearing on the Conditional Use Permit Request for the Commercial Development Proposed for 405 Jones Ferry Road.

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> No ____
ATTACHMENTS: A. LIST OF STAFF AND ADVISORY BOARS RECOMMENDATIONS B. CONDITIONAL USE PERMIT WORKSHEET C. LEASE AGREEMENT LETTER FOR HARRIS TEETER AT CARR MILL D. REVISED BARNES STREET ENTRANCE/EXIT DRAWING E. APPLICANT'S RESPONSE TO ADVISORY BOARD'S RECOMMENDATIONS (THIS ATTACHMENT WAS NOT AVAILABLE AT THE TIME OF AGENDA PRINTING, BUT WILL BE PROVIDED PRIOR TO OR AT THE BOARD MEETING)	FOR INFORMATION CONTACT: JAMES THOMAS, 918-7335

PURPOSE

Northwest Property Group is requesting a Conditional Use Permit for commercial development consisting of three (3) buildings. One building (proposed grocery store) will be 52,250 square feet in size and the second building (labeled as building A), consisting of eleven (11) individual shops will be 17,550 square feet in size. The third building (labeled as building B) consisting of five (5) individual shops will be 7,900 square feet in size.

The Board of Aldermen opened a public hearing on September 18, 2007 and continued the hearing to September 25, 2007. It is necessary for the Board to complete the public hearing before taking action on this item.

INFORMATION

Please refer to materials from the September 18, 2007 meeting for analysis and information, except the following new attachments are provided:

- Further explanation of stormwater regulations for The Shoppes at Jones Ferry;
- Information related to lease agreement of existing Harris Teeter at Carr Mill;
- Condition related to NCDOT and possible installation of traffic signal at Jones Ferry Road and Barnes Street;
- Condition and additional information related to the relocation of Barnes Street entrance/exit;

- Applicant's response to advisory board's recommendations.

Stormwater Regulations:

The Shoppes at Jones Ferry project was submitted prior to the June 2006 revisions to Section 15-263 "Management of Stormwater" of the Land Use Ordinance. Section 4 of the June 2006 ordinance specifically excluded projects already under review from having to meet requirements established in the new ordinance. In effect, the project is only required to treat the additional stormwater caused by an increase in impervious surface. Staff has concluded that The Shoppes at Jones Ferry is in compliance of treating the additional impervious surface.

Lease Agreement of Existing Harris Teeter at Carr Mill:
(see **attachment C**)

Condition Related to Possible Installation of Traffic Signal at Intersection of Jones Ferry Road and Barnes Street:

Based on citizen comments and Board discussion, staff contacted NCDOT for further discussion of possible intersection improvements. Chuck Edwards, District Engineer was not prepared to commit to any certain or specific improvements, but is willing to further discuss and consider improvements during construction plan review for the project. In light of the situation, staff recommends the following condition:

- That prior to issuance of Construction Plan approval, the applicant must continue to work with the Town and NCDOT on improving the Jones Ferry Road / Barnes Street intersection. The applicant hereby agrees to install a traffic signal prior to receiving a Certificate of Occupancy if permitted by NCDOT and / or other possible improvements to the intersection, as determined necessary in the granting of a driveway permit by NCDOT.

Condition and Additional Information Related to the Relocation of Barnes Street Entrance/Exit:

The applicant has included a revised drawing (**see attachment D**) of the relocated Barnes Street entrance/exit. The revised entrance/exit onto Barnes Street has moved towards Jones Ferry Road and away from the single-family residences at 107 and 109 Barnes. If the Board finds the new design acceptable, then staff recommends the following condition:

- That the applicant relocate the Barnes Street entrance/exit closer to Jones Ferry Road as shown in Attachment D of the September 25, 2007 agenda item. Attachment D must be recorded with the CUP as an attached exhibit. The relocated entrance/exit onto Barnes Street will be reviewed and approved by town staff and the town engineer prior to Construction Plan Approval. If changes to the schematic design are necessary, then such changes are subject to LUO Section 15-64, including the possibility of an additional public hearing.

Applicant's Response to Advisory Board's Recommendations:
(see **attachment E**)

RECOMMENDATION

Town Staff recommends that the Board of Aldermen consider the project, decide whether to support and/or modify any of staff's recommendations as related to the Conditional Use Permit application for construction of commercial development (use #2.110) at 405 Jones Ferry Road, subject to the following recommendations/conditions:

1. That the applicant must obtain a driveway permit from Town of Carrboro and NCDOT prior to Construction Plan approval.
2. That the applicant shall provide to the Zoning Division, prior to the release of the Certificate of Occupancy or before the release of a bond if some features are not yet in place at the time of wishing to obtain the Certificate of Occupancy, mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be DXF format and shall include a base map of the whole project and all separate plan sheets. As build DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
3. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
4. That an engineer must verify compliance with LUO Section 15-243(d)'s light pollution limits of 0.2 foot candles across property lines by sealing a plan for all proposed lighting prior to Construction Plan approval.
5. That the Appearance Commission review the proposed outdoor seating area and fountain at the corner of Barnes Street and Jones Ferry Road as a courtesy review prior to installation.
6. That additional right-of-way at the corner of Barnes Street and Jones Ferry Road be dedicated to the Town of Carrboro and NCDOT for the possible future installation of a round about at this intersection prior to the Certificate of Occupancy being issued for the proposed buildings. Amount right of way dedication shall be sufficient to construct 120 foot diameter roundabout.
7. That all temporary and/or permanent construction and drainage easements be obtained prior to Construction Plan approval. The storm water easement on University Lake Apartments shall be reviewed and approved by the Town Attorney and must include language specifically disclosing that the property owner has received and acknowledged the complete stormwater report (stormwater plans, calculations, etc) for the project.
8. That the proposed sidewalk along Barnes Street be constructed per the "collector street" (standard drawing #26) in Appendix C of the LUO, except that the right-of-way shall extend a minimum of two (2) feet from the back edge of sidewalk rather than 4.5 feet. Additional street right-of-way be dedicated to the town, if necessary, prior to Construction Plan approval to construct as described.
9. That per Section 15-291 of the LUO, the Board of Aldermen hereby finds that 348 parking spaces is sufficient to serve the proposed development, based on information submitted by the applicant regarding proximity to both nearby, residential neighborhoods and bus lines.

10. That curb stops be added to parking areas adjacent to landscaping and sidewalks per Sections 15-295(b) and 15-317(d) of the LUO prior to Construction Plan approval.
11. That prior to issuance of Construction Plan approval, the applicant must continue to work with the Town and NCDOT on improving the Jones Ferry Road / Barnes Street intersection. The applicant hereby agrees to install a traffic signal prior to receiving a Certificate of Occupancy if permitted by NCDOT and / or other possible improvements to the intersection, as determined necessary in the granting of a driveway permit by NCDOT.
12. That the applicant relocate the Barnes Street entrance/exit closer to Jones Ferry Road as shown in Attachment D of the September 25, 2007 agenda item. Attachment D must be recorded with the CUP as an attached exhibit. The relocated entrance/exit onto Barnes Street will be reviewed and approved by town staff and the town engineer prior to Construction Plan Approval. If changes to the schematic design are necessary, then such changes are subject to LUO Section 15-64, including the possibility of an additional public hearing.