STAFF REPORT

TO:	Board of Aldermen
DATE:	January 22, 2008
PROJECT:	Conditional Use Permit to allow a Mixed Use Building at 203 South Greensboro Street.
APPLICANT / OWNER:	Darcon of NC, Inc. 7000 Harps Mill Road Suite 201 Raleigh, NC 27615
PURPOSE:	Darcon of NC, LLC has submitted an application for a Conditional Use Permit (CUP) to allow for the construction of a five-story mixed use building at 203 South Greensboro Street, on the site where the Andrew—Riggsbee Hardware Store formerly operated.
EXISTING / PROPOSED ZONING:	B-1(g), Business-1(general)
TAX MAP NUMBER:	7.99.D.1
LOCATION:	203 South Greensboro Street
TRACT SIZE / BUILDING SIZE:	0.883 acres total (38,463 square feet) / 91,575 sf, building
EXISTING LAND USE:	Vacant (former Andrew—Riggsbee Hardware Store)
PROPOSED LAND USE:	Use 27.000, Combination, consisting of Uses 1.331, 1.340, 2.111, 2.120, 2.130, 2.210, 2.220, 2.230, 3.110, 3.120, 3.130, 3.150, and 3.250
SURROUNDING LAND USES:	North: B-1(c), Roberson Street right-of-way South: R-7.5, Carr Street right-of-way East: B-1(g), Maple Avenue Extension right-of-way West: B-1(g), South Greensboro Street right-of-way
ZONING HISTORY:	B-1(g) Since 1986; B-1 Prior

RELEVANT ORDINANCE SECTIONS: 15-55.1, Findings and Burden of Proof for Conditional Use Permits for Taller Buildings in Commercial Districts
15-292, Parking – Flexibility in Administration
15-309, Screening – Flexibility in Administration

ANALYSIS

Background

Darcon of NC, Inc (applicant) has submitted a Conditional Use Permit application (**Attachment C**) for construction of a five-story mixed building at 203 South Greensboro Street. The site is zone Business-1(general), is currently vacant, and until a few years ago was the long-time home of Andrew-Riggsbee Hardware Store. The five-story building includes two lower floors of commercial space (ground-level retail and restaurants, and second floor office space), with multifamily condominiums comprising the top three floors.

Density, Size-Limited Units, & Affordable Housing

Density and Affordable Housing:
The project's residential component is designed in accordance with the density section of the LUO, which requires 3,000 square feet of land per dwelling unit in the B-1(g) zoning district. The amount of land actually allows a base density of 12 dwelling units and a maximum density of 18 dwelling units in accordance with Section 15-182.4 (Density Bonus for Affordable Housing) (**see Attachment A**). The applicant proposes to construct the maximum density of eighteen (18) units, including a ratio of fifteen (15) market-rate units and 3 affordable units (16.7%). The project thereby complies with the density related provisions of the LUO.

For the affordable housing component, the applicant has agreed to work with Orange Community Housing & Land Trust. The applicant is aware of the newly-adopted provisions related to affordable housing and understands that working with OCHLT generally will ensure that they adhere. To achieve fifteen percent affordable units, the applicant must provide three units (actually 16.7%) (approximately 2.7 units achieves 15%, so the applicant potentially could pay-in-lieu for 0.7 units and still comply with the Town's desire of 15% affordable units, except that the applicant must build a third unit to ensure the right to build a third market-rate match unit. All said, staff recommends the following CUP conditions:

- CUP Condition: That the continued affordability of three dwelling units must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with LUO Section 15-182.4.

- CUP Condition: That certificates of occupancy for the last three market-rate dwelling units not be issued until all three affordable dwelling units are offered for sale or rent.

- CUP Condition: That if the Land Trust is unable to sell any affordable unit within one year of the date it receives a certificate of occupancy, Darcon of NC, or its successors or assigns, will be released from its obligation to sell that unit to the Land Trust and may instead provide to the Town of Carrboro a payment-in-lieu of providing an affordable unit, consistent with the applicable, related LUO language. If a payment-in-lieu is not an available option under the LUO at that time, then the developer must provide alternative means for ensuring that the affordable units comply with Section 15-182.4 of the LUO.

- CUP Condition: That prior to construction plan approval, the applicant must prepare and the Town Manager accept a three-party agreement between the future owner's association, Orange Community Housing & Land Trust, and the Town of Carrboro. The agreement must: 1) stipulate that either the Land Trust or the Town must verify compliance with the applicable provisions of the CUP and LUO prior to the sale / resale of any affordable unit, 2) establish and implement a one-percent transfer fee program wherein market-rate units will subsidize affordable units within the development, and 3) stipulate that the owner's association covenants must include language regarding the affordable units and properly disclose related information to purchasers of market-rate units information regarding the one-percent transfer fee program. Details regarding this condition must be presented to and approved by the Town Attorney and Town Manager prior to construction plan approval. Monies collected in the affordable housing transfer fee program, associated with the sale / resale of properties, are to be placed into a fund for the specific purpose of paying condominium and townhome Owner's Association dues for persons who acquire affordable housing.

Note that the Board of Aldermen is considering, as of this public hearing, a possible LUO Text Amendment that would allow payments-in-lieu for affordable units while at the same time allowing for construction of the market-rate match units. If this change is adopted, then the applicant has expressed interest in possibly submitting a payment-in-lieu of some or all of the affordable units (as referenced in an above CUP condition). As the ordinance reads absent this change, it is not possible to pay-in-lieu of providing the affordable unit(s) and still build the market-rate match units. Therefore, the applicant is inclined to build all units. In short, if the text amendment is adopted, then the applicant may choose to discuss this matter further with the Board. Finally, note that the decision on whether to allow such a payment remains with the Board even if the text amendment is adopted, and the applicant is committed to building all 18 units, including the 3 affordable units, if that is in fact the Board's desire after any such discussions.

<u>Size-limited units:</u>

Since the project proposes more than 85% of the affordable units available, size-limited units are not required. Specifically, the applicant proposes to construct all three of the possible bonus units (100%).

Downtown Livability / Urban Livability / Recreation Facilities

The applicant submitted a plan sheet (**Attachment A, Sheet ASP2**) showing information relating to the recently-adopted downtown livability, urban livability requirements. For downtown livability, the information shows an open space 'save' area along the western perimeter of the site and also in an internal courtyard area. Also of note are two areas identified for outdoor dining (one in the internal courtyard and the other under a covered area near Roberson Street). It also shows, for urban amenities, construction costs to build a courtyard area over the underground parking deck (associated costs = $168,800.00) far exceeding the 7% assessed value costs (equaling $21,634.00) requirement imposed by the LUO. The information does show compliance with the related provisions of the ordinance.

As for recreation facilities, the applicant includes a clubhouse facility within the building, which qualifies for 170 recreation points, thereby exceeding the required number of recreation points for the project. One point related to recreation facilities is that the applicant suggests that the 4,400 square foot courtyard area be utilized as a play area for children under 12 years of age (i.e.: to satisfy the provision of children's facilities). LUO Section 15-196(f) states that projects *should* include children's facilities. In this case, the presumptive language suggests the project should include 17 square feet area with a child-oriented play structure on it. Ultimately, no clear *requirement* is in place requiring certain, specific facilities to serve children. Consistent with the Board's treatment of a recently-approved project, staff supports the children's facilities being satisfied as described (i.e.: via the courtyard as a play area).

Access, Traffic and Transportation Issues, and Parking

The applicant proposes one vehicular ingress/egress point off Maple Avenue Extension to access the underground parking level where all off-street parking is proposed. The access point is 26-feet wide and is located near the southeast corner of the building **(Attachment A)**.

Sidewalks are proposed on all sides of the building, albeit at different widths (10-feet on both South Greensboro and Roberson streets, 5-feet on Carr Street, and vary 4- to 8-feet on Maple Avenue Extension). The LUO typically required 10-foot wide sidewalk in this zoning district but the lesser widths along both Carr Street and Maple Avenue Extension are acceptable since the locations are not identified as requiring a sidewalk per the Town's Sidewalk Master Plan. With sidewalks on all sides, pedestrians may circulate around and access the building from any side. Of particular note, the internal courtyard area is accessed from the south side (Carr Street) of the building. After required rights-

of-way dedications (relating to building height), all sidewalks, except for a portion of the South Greensboro Street sidewalk, are located within public rights-of-way. It is possible that the South Greensboro Street ultimately will be contained entirely within public right-of-way as well as a result of conditions imposed by NCDOT if a driveway permit is required for the project. It is also common for downtown sidewalks to be brick-edged. In this case, the applicant has included a detail drawing for such sidewalks indicating that they will be built accordingly.

The design also includes a dedicated loading area on the eastern side of the building between the building itself and Maple Avenue Extension. The applicant is interested in a secondary loading zone along Roberson Street where on-street parking is proposed effectively making "double-use" of the area at least during certain defined time periods. Staff generally supports this idea during certain not-yet-defined hours. So long as it does not unduly disrupt the typical use of the on-street spaces, it may benefit multiple nearby businesses, many of which currently unload simply by parking a truck within the street itself. Note that the subject area will be contained entirely within public right-of-way. As such, the Town must amend the Town Code accordingly to allow for such use of the area. While the applicant is welcome to suggest that specific hours be designated as loading / unloading times, staff suggests that it is appropriate for the Town ultimately to decide appropriate hours if and when the matter of amending the Town Code is brought before the Board of Aldermen. Staff anticipates observing the area after construction is complete to determine whether any such designation is appropriate.

Transportation Impact

The applicant submitted a Transportation Impact Assessment (TIA) that identifies only one specific improvement associated with the project – a left turn lane exiting Roberson Street onto South Greensboro Street. Of note, the TIA's recommendation assumed approximately 450,000 square feet of redevelopment on the 300 East Main Street site, while that project's proposed square footage has since been substantially reduced. That in mind NCDOT and the Town both reviewed the TIA and generally agree with its findings, but do not feel that a left-turn lane is appropriate at this time. Since the necessary pavement and right-of-way width is provided at build-out of this project, staff suggests that the matter be deferred to some later date if found necessary at that time. How such a change would be implemented, if and when necessary, is further described below.

In order to implement the turn-lane with respect to this project's design, it would be necessary to forego on-street parking on Roberson Street for the length of this property. As further explanation, the necessary lane and pavement widths appear possible (and relatively easy to accomplish) by simply converting the on-street parking into a travel lane and the existing east-bound lane into a left-turn lane. The net loss in completing such a change would be on-street parking spaces on the south side of Roberson Street.

One additional note regarding traffic is that the applicant has included high visibility crosswalks at several intersections (**Attachment A, Sheet SP-1**).

Parking

As shown in the attached / revised parking table (**Attachment D, Page 1**), the proposed mix of uses presumptively requires 104 parking spaces. This number is determined based on the mix of retail, restaurants, office, and residential after combining and accounting for LUO-authorized reduction factors based on the complementary nature of several of the uses and the inclusion of a bicycle rack and motorcycle pads. The applicant proposes 65 spaces to serve the building and notes on the plans and in their parking justification statement several reasons why this number should be sufficient to serve the project (**Attachment D**).

Staff worked closely with the applicant on parking to try and reach consensus on an appropriate mix of uses and how to calculate square footage in the building relative to the number of parking spaces provided. To that end staff agreed it is acceptable in this situation to remove from the parking calculations common hallways and other non-leaseable spaces. Removal of such areas did provide a noticeable difference in the presumptive parking requirements, as further described in the attached / revised parking table (**Attachment D**). As the numbers show, the applicant is not providing all spaces presumptively required and therefore is seeking approval of a parking reduction by the Board of Aldermen. Specifically, the applicant requests a reduction of 39 spaces, thereby allowing 65 spaces rather than 104.

While the Town on some occasions has approved similar reductions for downtown projects, staff notes that recent amendments to the LUO, wherein 'Smart Code' parking standards were added, were intended to forecast a reasonable reduction in parking demand for a project such as this. Therefore, staff suggests that the Board cautiously consider the request for further reductions beyond what the LUO now provides as a presumptive requirement. It is clear that the applicant will desire to discuss parking with the Board of Aldermen at some length. In part the applicant likely will cite (as mentioned in the justification letter) proximity to the CBD and free bus lines, as well as nearby on-street parking spaces as particular reasons why a further reduction is acceptable. Staff generally agrees that some credit for such features probably is legitimate but we are erring on the side of caution with respect to our recommendation to the Board of Aldermen. In summary, staff is recommending a condition that effectively requires that the applicant provide the presumptive number of required spaces for the project, as described below.

Ultimately, the decision as to how many spaces are necessary to serve the project is up to the Board of Aldermen. Staff suggests that the Board consider the following condition and possibly adjust the number of required spaces if persuaded to do so by the applicant during the public hearing:

- CUP Condition: That the applicant provides written evidence that they have secured an additional 39 parking spaces within 400-feet of the site to serve the project prior to receiving a Certificate of Occupancy. Such written evidence must be reviewed and approved by the Town Attorney. The provision of these

additional parking spaces shall be a continuing, and legally binding part of the terms of the CUP.

It is not yet clear whether the applicant will willingly accept the above-stated condition.

Another possible way to extend the degree of flexibility offered to the applicant is to extend the distance wherein satellite parking spaces may be obtained. The '400-feet' language comes directly from the applicable section of the LUO, but staff notes that for the Phase A of 300 East Main Street project, the Board authorized the ability to secure satellite spaces within a distance of 1320-feet (or ¼ mile) from the site.

One additional request from the applicant involves parking flexibility related to home occupations. Specifically, the applicant requests that home occupations be allowed within the building without the provision of additional parking (**Attachment D, Page 4**). In other words, if and when home occupations occur within residential units, the associated parking demand simply will be absorbed within the parking already provided for the building. It is difficult to gauge how many if any of the residential units may contain a home occupation at any given time. Therefore, it is difficult to determine the potential impact of this request, but note that the presumptive parking requirements related to home occupations are as follows: four spaces for offices of physicians or dentists, two spaces for attorneys, one space for all others.

The parking plan includes covered bike parking for 12 bikes (in the underground parking area) and parking for an additional seven (7) bikes outside the building along Maple Avenue Extension. Staff requested additional public bike parking in more visible and easily accessible locations such as somewhere along Roberson Street and / or South Greensboro Street. To summarize the bike parking situation, staff remains interested in additional bike parking, particularly located in areas convenient to the more visible and accessible sides of the building in order to foster bike trips to and from the building. The applicant verbally has agreed to this request but the additional locations are not yet shown on the plans.

Also of note is that additional on-street parking along Carr Street was contemplated before the formal review began. In fact the applicant participated in a policy level discussion with the Board of Aldermen to discuss the matter and the general sense at the time was that the project should not include on-street parking along Carr Street.

Lastly, both at and subsequent to the advisory boards' meetings the idea of payment-in-lieu of providing parking spaces has been discussed. The Town may have the authority to receive such funds and the LUO already does contain related language, but at this time an adopted plan is not in place explaining how and when such funds will be spent. The Town Attorney will speak further to this matter during the public hearing if necessary. Note that staff briefly discussed the idea with the applicant, who did not indicate an interest in paying such fees.

Other Transportation Issues

Roberson Street right-of-way plan:
The applicant's design exhibits compliance with the adopted Roberson Street right-of-way plan. That said staff reminds the Board of the matter relating to whether a left-turn lane is necessary. If the turn-lane is installed in the future, it effectively would depart slightly from the adopted plan inasmuch as the plan does not contemplate the issue.

Driveway Permits:
Typically, driveway permits for projects of this nature are not issued until and unless a land use permit is issued. Therefore, staff recommends the following condition:

- CUP Condition: That the applicant must receive a Town of Carrboro driveway permit for Maple Avenue Extension, and a NCDOT driveway permit if determined to be necessary, prior to construction plan approval.

Chapel Hill Transit:
Staff did not receive any comments on the project from Chapel Hill Transit regarding the possible provision of bus stop facilities or any other issue.

Conclusion:
The project complies with all LUO provisions relating to parking, traffic, and transportation, subject to the CUP conditions described above. The Board must make a finding regarding an acceptable number of parking spaces for the project.

Tree Protection and Screening

Tree Protection
Section 15-316 of the LUO specifies that all trees greater than 18" in diameter and all rare tree species must be preserved, to the extent practicable. An evaluation of the building site reveals that there are currently no specimen or rare trees in the area of the site that would be disturbed. However, a few smaller trees are proposed to be removed, located in the northwest corner of the property.

Screening
An examination of the screening requirements of Section 15-308 of the LUO reveals the type of screening required for this project. Specifically, a 'Type C' screen is presumptively required on all sides based on proposed land use categories related to existing adjacent land uses (all streets). With the exception of the Maple Avenue Extension side, the requirements are satisfied with a combination of proposed trees as identified on **Attachment A, Sheet L1**. Additional supplementary shrubs and vegetation also are proposed to enhance the streetscape and soften the site's appearance.

Along the Maple Avenue Extension, the applicant found it not possible to include a number of street trees sufficient to satisfy a Type C screen because of the building's proximity to the sidewalk and loading zone. Therefore, the applicant requests a

relaxation of the screening requirement as noted in the attached justification statement (i.e.: 'screening relaxation justification statement' – **Attachment E**). Specifically, the applicant requests that no screening be required adjacent to Maple Avenue Extension in part due to the applicant's voluntarily including a sidewalk along this frontage. LUO Section 15-309 allows such flexibility when the Board adopts a finding specifically allowing a reduction in the screening requirements otherwise required. If the Board agrees it is appropriate for this project, then staff suggests that the following CUP condition be included:

- CUP Condition: That the Board of Aldermen finds that no screening is required along Maple Avenue Extension (eastern side of the property) as a sidewalk in this location is more beneficial to public safety than providing street trees in the area.

If the Board receives comment and input during the public hearing process suggesting this finding is inappropriate, then the Board may wish to revisit this issue and discuss further with the applicant.

Conclusion:
The proposed project complies with the requirements of the LUO pertaining to tree protection and screening, subject to the CUP condition related to relaxation of the screening requirements.

Drainage, Grading, and Erosion Control

Note that this project was submitted prior to the recent adoption by the Town of new stormwater requirements and standards. Accordingly the project was reviewed under the previous regulations and technically is not subject to the recently-adopted related changes to the LUO.

Because the construction of the project will result in a decrease in the amount of impervious surface on the site, the total amount of stormwater runoff associated with the project should improve after the redevelopment is complete. Since the applicant has designed the site in this manner, the applicant does not have to strictly adhere to the 'water quality provisions' of Section 15-263 of the LUO. That in mind the applicant has designed the site such that stormwater from the building will tie in to the existing stormwater system adjacent to the site. This idea generally is acceptable and the Town Engineer and Project Engineer will resolve final details, relating to the capacity of existing pipes and system near the site, during the construction plan stage. It is expected that the applicant will direct some amount of water away from the existing system on the east side of South Greensboro Street to an upgraded system on the west side of South Greensboro Street. The applicant's engineer will continue working on details and must satisfactorily resolve all such issues with the Town Engineer and NCDOT prior to construction plan approval.

While the existing site is relatively level, some grading is necessary to tie grades into the proposed footprint of the building. In all, this grading still is relatively minimal but is noted as a slight change to the existing topography. Town staff and the Town Engineer have reviewed the proposed grading plan and find that it meets the requirements of the LUO.

Ren Ivins, of Orange County Erosion Control (OCEC), has indicated to the Zoning Division that the project has received preliminary Erosion Control approval. OCEC also will further examine the project at the construction plan stage.

Conclusion:
All of the Land Use Ordinance requirements pertaining to drainage, grading, and erosion control have been met by the applicant. Note that final details regarding the stormwater drainage plan are to be addressed during the construction plan review.

Utilities

OWASA:
The proposed building will receive water and sewer service from OWASA by connecting to existing OWASA water and sewer lines. OWASA has granted preliminary approval but must review in more detail during the construction plan stage before granting permission to construct the project. All necessary OWASA easements are shown on the plans. Note that, as usual, fire flow calculations must be approved prior to construction plan approval.

Electric Service:
Duke Power Company will provide electrical service to the proposed building and all new equipment associated with the project will be placed underground in accordance with LUO requirements.

Town & County Services:
As for Town and County services, please note that the Fire Department is satisfied with the location of an existing nearby fire hydrant. Dumpster and recycling facilities will be located within the building along the Maple Avenue Extension side of the building and will be accessed by a rising door near the southeast corner of the building (near the entrance to the parking level). The applicant has stated that they intend to contract with private companies to handle refuse and recycling. Still, both the Town of Carrboro Public Works Department and Orange County Solid Waste Department reviewed the plan and both indicate that they are satisfied with the location of such facilities. All such facilities are screened by the building itself when the access door is closed.

Exterior Lighting:
Section 15-242 and Section 15-243 of the LUO govern exterior lighting requirements. In this case, the applicant is choosing to not propose any new lights on the building or around the site at this time (because of difficulties meeting the existing LUO provisions).

Proposed lighting fixture types are identified on **Attachment A, Sheet SL1**, but no locations for the lights are shown. If and when the related LUO provisions change in the future, the applicant likely will approach staff regarding the provision of site lighting. At that time, staff must determine per LUO Section 15-64 what type of permit modification the lights entail. Unless proposed lighting is very minimal, staff likely will judge such a change as a Minor Modification to the CUP. To hopefully add clarity to this issue in the future, staff recommends the following condition:

- CUP Condition: That if the applicant desires to install site and/or exterior building lighting in the future, then upon reviewing associated information staff must determine what type of permit modification is involved, per LUO Section 15-64, and process the request accordingly.

Conclusion:
Letters from necessary utility companies have been received, and the project complies with the requirements of the LUO pertaining to utilities.

Architecture – Exterior Design & Downtown Neighborhood Protection

Height, Square Footage, and Placement:
The proposed building would contain 91,575 square feet in five (5) stories of usable space. As mentioned earlier, the first floor consists retail and restaurant space, the second floor contains office / service space, and the top three floors contain residential units.

The building would reach approximately 69 1/2-feet at its peak (**Attachment A, Page A2.1**). A base allowable height of three-stories is allowed on the site based on existing adjacent rights-of-way. However, the applicant has indicated on **Attachment A, Sheet ASP1** that they will dedicate additional right-of-way as necessary for a fourth-story to become permissible at the property line (i.e.: not requiring a setback or stepback from the third floor). As required by the LUO, the fifth-story is in fact stepped back 10-feet from the fourth-floor. For this design to be acceptable, the applicant must dedicate all necessary right-of-way prior to issuance of a building permit for the project, according to the LUO. Therefore, staff recommends the following condition:

- CUP Condition: That prior to issuance of a building permit for the project, the applicant must record a plat that dedicates sufficient right-of-way along all sides of the property such that every adjacent right-of-way exceeds fifty-feet in width.

Downtown Neighborhood Protection Overlay (DNP):
The subject property is subject to the LUO provisions related to downtown neighborhood protection, which among other things effectively limit the height and horizontal span of the building(s). In this case, the applicant designed a building at only two stories along Carr Street, with a third-story included after a 10-foot stepback. In accordance with the LUO, the fourth and fifth stories are located entirely outside of the DNP zone

(**Attachment A, Sheet A2.4**). The horizontal span of the building also "breaks" at the substantial entranceway to the building internal courtyard space, in accordance with the DNP regulations related to horizontal span. In short, the project does meet the LUO provisions relating to the DNP overlay zone.

Building Materials & Design:
The majority of the façade is surfaced in brick, with cornice lines along each story and soldier-course brick accents along the windows, porches, and arches. Multiple sides of the building include sizeable archways. See **Attachment A, Sheets A2.1-2.5** for views of the facades.

Canopies in Rights-of-Way:
At the Advisory Board's meeting, the architect presented the idea of installing canopies off the main entryways to the building along Roberson and Carr Streets. The canopies would be an arched design and extend approximately six-feet into the right-of-way. Section 15-280 of the LUO allows for such right-of-way encroachments, in certain situations, as supporting structure for signage. Accordingly, the applicant indicated a possible interest in installing signs on the canopies, but is also interested in the possibility of installing them, without signage, as a complementary architectural detail. If no signs are included, then it likely will be possible to approve such a right-of-way encroachment under Town Code Section 7-2, which reads in part... "trellis, fence or other obstruction may overhang a public sidewalk as long as it is 7 feet or more above the sidewalk."

Downtown Architectural Standards:
The applicant received certification from the Appearance Commission for an alternative design not meeting the letter of the architectural standards contained in the LUO. A copy of the certification statement is included as **Attachment F**.

Conclusion:
The project complies with the design-related aspects of the LUO inasmuch as the Appearance Commission certified the alternative architectural design, per LUO Section 15-178.

Miscellaneous Issues

Neighborhood Information Meeting:
A 'neighborhood informational meeting' for all property owners and renters within 1,000 feet of the proposed project site was held. Attendees asked about site design- and architectural-related questions, but the project generally was well received.

Downtown Construction Mitigation:
Note that various street closures likely will be necessary for varying amounts of time for construction of the project. Staff has clearly indicated that this is an important aspect of the project to properly think through and be prepared to discuss during the public meetings. As a result, the applicant submitted a construction mitigation letter (**Attachment G**).

Burden of Proof – LUO Section 15-55.1:
Note that this project is taller than two stories and located in the B-1(g) zoning district. As such, the 'burden of proof' related to impacts resulting from the development is shifted to the applicant. That is to say the applicant bears the burden of showing the permit-issuing authority that the project will not negatively impact surrounding properties. To that end the applicant submitted a letter from a general real estate appraiser essentially proclaiming that the project will increase property values and enhance the area (**Attachment H**).

Town Adopted Plans & Policies for Downtown:
Staff discussed with the applicant Town of Carrboro adopted plans and policies, including the Town of Carrboro Downtown Design Guidelines, Vision 2020, and Downtown Carrboro: New Vision. In response to a request from staff, the applicant submitted comments outlining the ways in which the proposed project conforms to or supports adopted Town plans and policies, a 'statement of worthiness,' and a 'green features (sustainable design)' document **(Attachment I)**.

Condominium Owner's Association (COA):
The Town Attorney has received a draft version of the COA documents and did not raise any particular issues. Still it will be necessary for him to conduct a final review before construction plans are approved. To that end, staff recommends the following condition:

- CUP Condition: That the applicant must submit the final version of the condominium owner's association documents for review and approval by the Town Attorney prior to construction plan approval.

Condition Regarding Easements:
Staff does not know of any specific necessary permanent easements the applicant must obtain to realize the project, but temporary easements may be necessary especially related to constructing portions of the stormwater system off-site. That in mind staff offers the following condition:

- CUP Condition: That the applicant must obtain all necessary temporary and permanent easements prior to construction plan approval.

Name of Project / Orange County Emergency Services:
The project has maintained a 'working name' of Roberson Square throughout the review process for continuity of files and paperwork, but it was noted early during the review that the name is too similar to the names of existing projects. Therefore, a new name acceptable to the Town's GIS Administrator (acting on behalf of Orange County Emergency Services) must be chosen prior to construction plan approval. A condition written accordingly follows:

- CUP Condition: That a new name for the project must chosen and found acceptable to the Town's GIS Administrator (acting on behalf of Orange County Emergency Services) prior to construction plan approval.

Schools Adequate Public Facilities Ordinance:
The project is subject to SAPFO and as such must receive approval from Chapel Hill—Carrboro City Schools prior to construction plan approval. Therefore, staff recommends the following condition:

- CUP Condition: That the applicant receive(s) CAPS from the Chapel Hill —Carrboro City Schools district pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.

RECOMMENDATION

Town staff recommends that the Board of Aldermen approve the Conditional Use Permit to allow the construction of a five-story mixed use building (Use 27.000, consisting of Uses 1.331, 1.340, 2.111, 2.120, 2.130, 2.210, 2.220, 2.230, 3.110, 3.120, 3.130, 3.150, 3.250, 8.100, and 8.200 at 203 South Greensboro Street, subject to the following conditions:

1. That the continued affordability of three dwelling units must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with LUO Section 15-182.4.
2. That certificates of occupancy for the last three market-rate dwelling units not be issued until all three affordable dwelling units are offered for sale or rent.
3. That if the Land Trust is unable to sell any affordable unit within one year of the date it receives a certificate of occupancy, Darcon of NC, or its successors or assigns, will be released from its obligation to sell that unit to the Land Trust and may instead provide to the Town of Carrboro a payment-in-lieu of providing an affordable unit, consistent with the applicable, related LUO language. If a payment-in-lieu is not an available option under the LUO at that time, then the developer must provide alternative means for ensuring that the affordable units comply with Section 15-182.4 of the LUO.
4. That prior to construction plan approval, the applicant must prepare and the Town Manager accept a three-party agreement between the future owner's association, Orange Community Housing & Land Trust, and the Town of Carrboro. The agreement must: 1) stipulate that either the Land Trust or the Town must verify compliance with the applicable provisions of the CUP and LUO prior to the sale / resale of any affordable unit, 2) establish and implement a one-percent transfer fee program wherein market-rate units will subsidize affordable units within the development, and 3) stipulate that the owner's association covenants must include language regarding the affordable units and properly disclose related information to purchasers of market-rate units information regarding the one-percent transfer fee program. Details regarding this condition must be presented

to and approved by the Town Attorney and Town Manager prior to construction plan approval. Monies collected in the affordable housing transfer fee program, associated with the sale / resale of properties, are to be placed into a fund for the specific purpose of paying condominium and townhome Owner's Association dues for persons who acquire affordable housing.

5. That the applicant provides written evidence that they have secured an additional 39 parking spaces within 400-feet of the site to serve the project prior to receiving a Certificate of Occupancy. Such written evidence must be reviewed and approved by the Town Attorney. The provision of these additional parking spaces shall be a continuing, and legally binding part of the terms of the CUP.
6. That the applicant must receive a Town of Carrboro driveway permit for Maple Avenue Extension, and a NCDOT driveway permit if determined to be necessary, prior to construction plan approval.
7. That the Board of Aldermen finds that no screening is required along Maple Avenue Extension (eastern side of the property) as a sidewalk in this location is more beneficial to public safety than providing street trees in the area.
8. That if the applicant desires to install site and/or exterior building lighting in the future, then upon reviewing associated information staff must determine what type of permit modification is involved, per LUO Section 15-64, and process the request accordingly.
9. That prior to issuance of a building permit for the project, the applicant must record a plat that dedicates sufficient right-of-way along all sides of the property such that every adjacent right-of-way exceeds fifty-feed in width.
10. That the applicant must submit the final version of the condominium owner's association documents for review and approval by the Town Attorney prior to construction plan approval.
11. That the applicant must obtain all necessary temporary and permanent easements prior to construction plan approval.
12. That a new name for the project must chosen and found acceptable to the Town's GIS Administrator (acting on behalf of Orange County Emergency Services) prior to construction plan approval.
13. That the applicant receive(s) CAPS from the Chapel Hill—Carrboro City Schools district pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.

$36 X 18 UNITS = 648
33,542 X .06 = 2012.52
$3860.52

TOWN OF CARRBORO

LAND USE PERMIT APPLICATION

ATTACHMENT "C"

DATE: 10/27/2006 **FEE:** $3860.52

APPLICANT: DARCON OF N.C., INC.	**OWNER:** ALAN FAKHOURY ET AL & MAHMOUD FAKHOURY
ADDRESS 1000 HARPS MILL RD, SUITE 201	**ADDRESS:** 1517 LIATRIS LANE
CITY/STATE/ZIP RALEIGH, NC 27615	**CITY/STATE/ZIP** RALEIGH, NC 27613
TELEPHONE/FAX: PHONE: (919) 868-9179 FAX: (919) 845-4761	**TELEPHONE/FAX:** PHONE: 870-5036 FAX:

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: (SAME)	**TAX MAP(S), BLOCK(S), LOT(S):** 7.99.D.1
PROPERTY ADDRESS: 100 ROBERSON STREET	**PPROPSOED LAND USE & USE CLASSIFICATION:** MIXED USE: 1.3, 2.1, 3.1
PRESENT LAND USE & USE CLASSIFICATION: HARDWARE STORE	**LOT AREA:** 0.883 Acres 38,463.48 Square Feet
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): B1G, 2.220	

# OF BUILDINGS TO REMAIN Ø	**GROSS FLOOR AREA** NA square feet
# OF BUILDINGS PROPOSED 1	**GROSS FLOOR AREA (of proposed building or proposed addition)** 93,962 (INCLUDING PARKING LEVEL) square feet

NAME OF PROJECT/DEVELOPMENT: ROBERSON SQUARE

	TYPE OF REQUEST	**INFORMATION REQUESTED (Refer to Attached Key)
	SUBDIV. FINAL PLAT / EXEMPT PLAT	1, 18, 19, 21, 23, 31, 33, 34, 36
	CONDITIONAL USE PERMIT (CUP)	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27 28, 29, 30, 32, 34, 35, 36
	CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
	SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27 28, 29, 30, 32, 34, 35, 36
	SUP MODIFICATION	SAME AS SPECIAL USE PERMIT (SUP)
	ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36
	ZONING PERMIT (Building) ***Residential Infill & Additions***	9, 10, 22, 24, 34, 36 (also see "Building Permit Review – Residences Only" checklist)
	SIGN PERMIT	1, 10, 13, 14, 17, 20, 36
	VARIANCE	4, 5, 10, 20, 29, 34, 36 Attachment A
	APPEAL	4, 5, 36, Attachment B
	SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment C

APPLICANT: for Alan Fakhoury **DATE:** 10/27/2006

OWNER: Alan Fakhoury et Al **DATE:** 10/27/2006

ATTACHMENT "D"

David N. Ripperton Architect Inc.
200 N. Greensboro St., Suite B-13b Carrboro, NC 27510 919-942-9999 Fax 919-942-8989

Roberson Square
Parking Reduction Justification Letter
4-9-07, Revised 7-30-07, Revised 1-18-08

It is our basic position that people who live and work in an urban environment where there is easy access to free bus service, a grocery store, and other urban amenities do not require the daily use of an automobile to conduct their normal activities. The *Downtown Carrboro New Vision* document states "Mixed-use buildings combine a number of uses including retail, office, residential, and even parking. Encouraging affordable housing as a component of mixed-use in-fill building brings a number of benefits. Allowing more people to live downtown will increase the amount of shopping done there. Allowing employees and business owners to live downtown eliminates the need for commuting, thereby, easing traffic and parking needs. Finally, mixed-use housing allows people to occupy the downtown twenty-four hours a day-not just during business hours. Safety is enhanced because of more "eyes" on the street and opportunities for social interaction are multiplied. Therefore, in-fill development represents a great opportunity to develop the cohesiveness and critical mass, which will bring prosperity to downtown Carrboro."

The Roberson Square project, with (2) restaurants on the 1st Floor level, would require 104 parking spaces. We are proposing 65 garage car spaces within a secure, enclosed garage. In addition, we are proposing an additional motorcycle parking space, 21 additional individual bike rack spaces, 8 on-street spaces, and are negotiating for an on-site Zip-car. Although we do not meet the town's official requirement for parking spaces, the ordinance states that this number is presumptive. We believe that these credited and non-credited "spaces" are sufficient for the success of the development. Reasons that support this conclusion include the following:

1. Proximity to the free local bus lines.
2. Proximity to Harris-Teeter Grocery Store and CVS Pharmacy.
3. Combination of Office-Residential-Retail space where it is possible to live and work in the same building.
4. New pedestrian friendly new sidewalks along each street as well as within the interior of the development.
5. Reduction in the amount of automobile traffic and carbon emissions from what would be required under the required number of parking spaces vs. the number of spaces provided.
6. Enhanced mobility and benefits for non-drivers due to the location of the parking underground in an enclosed parking structure with an open courtyard above at ground level.

7. An additional parking reduction factor should be considered for the 1st floor. If the designated restaurant spaces on the 1st floor are considered as retail space and the restaurants become accessory uses, the parking total is reduced from 104 to 75 spaces. One proposed restaurant will be a Mediterranean Deli with peak usage from 11 A.M. to 1 P.M. The other will be a sandwich-coffee shop with similar peak hour usage. There will be no cooking, other than warming up pre-prepared items. The restaurant designation seems burdensome given the type of service that will be provided. The owners believe that the restaurants are vital for the success of the other retail spaces, and are requesting consideration to allow the Retail classification for parking calculation purposes.

Table 1 with Retail Use entrire 1st Floor

Applying both joint use ratios by splitting the office in half.

Use	Formula	Gross SF	Required Spaces	Net SF	Required Spaces	LUO reference
Residential			29		29	15-291(g): Part II
1/2 Office (3.120)	1/400 ft^2	9,483	24	7,728	19	15-291(g): Part II
[illegible]		allow for reduction by [illegible]	[illegible]		[illegible]	[illegible]
Retail (2.120; 2.13)	1/300 ft^2	12,801	43	10,925	36	15-291(g): Part II
1/2 Office (3.120)	1/400 ft^2	9,483	23	7,728	19	15-291(g): Part II
[illegible]		allow for reduction by [illegible]	[illegible]		[illegible]	[illegible]
Subtotal			93		80	
Bike rack reduction			reduce by 1		reduce by 1	15-291(d)(1)
Motorcycle reduction			reduce by 5		reduce by 4	15-291(d)(2)
Total			87		75	

Table 2 with Restaurant Use included on 1st Floor

Applying both joint use ratios by splitting the office in half.

Use	Formula	Gross SF	Required Spaces	Net SF	Required Spaces	LUO reference
Residential			29		29	15-291(g): Part II
1/2 Office (3.120)	1/400 ft^2	9,483	24	7,728	19	15-291(g): Part II
[illegible]		allow for reduction by [illegible]	[illegible]		[illegible]	[illegible]
Retail (2.120; 2.13)	1/300 ft^2	8,914	30	8,714	29	15-291(g): Part II
1/2 Office (3.120)	1/400 ft^2	9,483	24	7,728	19	15-291(g): Part II
[illegible]		allow for reduction by [illegible]	[illegible]		[illegible]	[illegible]
Subtotal			83		74	
Restaurant (8.1, 8.2)	1/100 ft2	3,887	39	3,687	37	15-291(g): Part I
Total			122		111	
Bike rack reduction			reduce by 1		reduce by 1	15-291(d)(1)
Motorcycle reduction			reduce by 6		reduce by 6	15-291(d)(2)
Total			115		104	

Attachment D-4

David N. Ripperton Architect Inc.
200 N. Greensboro St., Suite B-13b Carrboro, NC 27510 919-942-9999 Fax 919-942-8989

Roberson Square
Relaxation of Use 1.900 (Home Occupation) Parking Requirement
11-16-07

Dear Marty,
We would like to include Use 1.900, Home Occupation, as part of our proposed uses for the Roberson Square development...
Given the fact that many residents work from their homes on computers, we feel the parking requirement should be relaxed to allow Home Occupations within the residential units, without adding additional parking.

David Ripperton

Attachment E

David N. Ripperton Architect Inc.
200 N. Greensboro St., Suite B-13b Carrboro, NC 27510 919-942-9999 Fax 919-942-8989

Roberson Square
Relaxation of Landscaping Requirements Justification Letter
7-30-07

It is our basic position that the relocation of required plantings form Maple Avenue to parts of Carr Street, as well as the interior courtyard, would be beneficial to the project. The dumpster area, the entry to the parking garage, and the loading space are all located along Maple Avenue. In addition we are proposing an 8' sidewalk for most of the length of this road. For these reasons it is more difficult to put in the 6 small trees required. We respectfully request that 5 of the 6 be move to the courtyard area. One will remain along Maple Street.

Attachment F

Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510

THURSDAY, November 1st, 2007

Certification of Alternative to Architectural Standards for The Roberson Square Development at 201 South Greensboro Street

The Appearance Commission hereby certifies that the project's design meets the intent of Section 15-178 of the Land Use Ordinance. By way of this certification, the Appearance Commission recommends that the Board of Aldermen approve the design as presented.

VOTING:
AYES: (Wenck, Morton, Markiewicz, Gist)
NOES: 0

_____
Appearance Commission Chair

_____
Date

CONSTRUCTION MITIGATION PLAN

Construction in an urban environment presents challenges that require a well thought construction period mitigation plan. Roberson Square Developer will develop a proactive plan of construction mitigation that optimizes the competing concerns of the impact of construction on the daily workings of the surrounding community with an efficient and cost effective approach to the construction project.
Some of the areas touched on in the construction mitigation management efforts include:

- *Parking Control*
- *Trash and Recycling*
- *Trucking & Pedestrian Routes Planning*
- *Communication Management*
- *Noise & Vibration Management*
- *Site Logistics Planning*
- *Complaint Management*
- *Lighting & Dust Control*

Developer is committed to conducting construction operations in a manner that will minimize the disturbance to the public in areas adjacent to the work. Key elements of this objective are:

- Designation of a superintendent responsible for construction mitigation who coordinates all project activities and creation of a comprehensive communication strategy that includes a construction mitigation hotline to address issues that may arise.
- Develop transportation plans for truck routes and queuing. The truck routes will be designed to prevent truck traffic and to eliminate back up alarms to the extent possible.
- Implement a comprehensive communications strategy
- Create construction surveys and monitoring plans to control dust, vibrations, and noise as well as issues such as parking on residential streets.
- Implement the procedure to address complaints in a timely and effective manner.
- Coordination will also take the form of ensuring passable pedestrian pathways.

CONTRACTOR:
Accord Contractors and Developers Inc
PO Box 31431
Raleigh, NC 27622

1. Hours of Operation are 7:00 a.m. to 9:00 p.m. Monday through Saturday and 12:00 p.m. to 6:00 p.m. on Sundays.
2. Contractor Parking will not block reasonable public and safety vehicle access, will remain on same side of street. Coordinate parking spaces with Public Works Department.

3. Deliveries will be during hours of operation only. Before sunset on any day or after 7:00 a.m. on any day except Sunday and after 12:00 noon on Sunday.
4. Stockpiling & staging will be on site and within the approved limits of the security fence.
5. Trash Management & Recycling - Construction site will provide adequate storage and program for trash removal and will keep site clean.
6. Adequate traffic control, flag men and signage indicating closures and alternate routes shall be provided during construction.
7. Precautions shall be used to ensure that excavations do not damage underground utilities, including communication cables.
8. Control of dust & mud will be controlled daily. Gravel will be placed in the egress and ingress areas to prevent mud and dirt from being tracked on streets. Water will be on site to prevent dust.
9. Noise ordinance will be respected and will not be generated outside the hours of operation.
10. Grading & Excavation will be during hours of operation and trucking route will be coordinated to prevent adverse impacts.
11. Temporary Lighting, if used, will be approved by the Planning Department.
12. Construction sign will be posted on site and in a location that is readable from the street. The sign will meet the Town ordinances.
13. Erosion Control, Storm Water Management Plan will be included with the approved construction drawings.

Trash Removal

Contractor will secure the services of an approved waste hauler to remove all construction related debris and recyclables.
Hauler will obtain necessary permits to for the parking of Dumpsters on Maple Street.
Hauling time will be coordinated by Superintendent.

Road Closure

Contractor will request the Town to issue an encroachment permit for the placement of a field office on Maple Street during the construction underground parking. Once that is complete the office will be moved onto the property.
Contractor will request street closure encroachment permit covering the concrete pour for the underground garage slab, columns and foundations.
Contractor will request street closure encroachment permit for the pouring of the underground storm water tank.
Contractor will request Maple street closure for use as laydown area for steel structure, forms, stone, roofing, bricks, sand, insulation, drywall, tile, flooring, cabinets, appliances, landscaping, etc..
Washout station for the concrete trucks will be provided along Maple Street.

Cranes

Mobile cranes, lifts will be utilized for the steel erection, daily unloading and hauling of materials, concrete forms and pre-cast elements. The lifts will be located within the property lines, however contractor may request street closure encroachment permit covering some activities as needed.

Dewatering

During the construction of the underground parking ground water may be encountered. A contractor will be hired to make sure that water will be disposed of into the proper drainage pipes, catch basins and channels in the south west corner of the property.

Extended Working Hours

No extended hours are planned. For any reason should there be need for construction beyond normal working hours Contractor will obtain an extended working hours permit prior to any extended hours work to be done.

Security Measures

Contractor will erect a chain link construction fencing with locks to surround the project and Maple Street. Additional deterrents to passersby will be employed. During excavation and shoring operations, contractor will erect orange safety fencing with caution tape to alert people to open excavations or fall hazards.

In Closing

The Contractor understands that the above items carry a great level of importance to the Town of Carrboro. Every construction project is unique and every community in which the project takes place is unique so there is no one size fits all approach to construction mitigation.
Additional reference materials necessary to ensure the properly coordinated logistics will be added to this document and the weekly subcontractor meetings.

This construction period mitigation letter was completed and respectfully submitted by:

Elias Schtakleff
Vice President
Darcon of NC, Inc
7000 Harps Mill Rd. Suite 201
Raleigh, NC 27615

Attachment G-4

Martin Roupe

From: Elias Schtakleff [redacted]
Sent: Wednesday, July 18, 2007 8:52 PM
To: Ripperton, David
Subject: Construction Fence
Attachments: IM000669.jpg

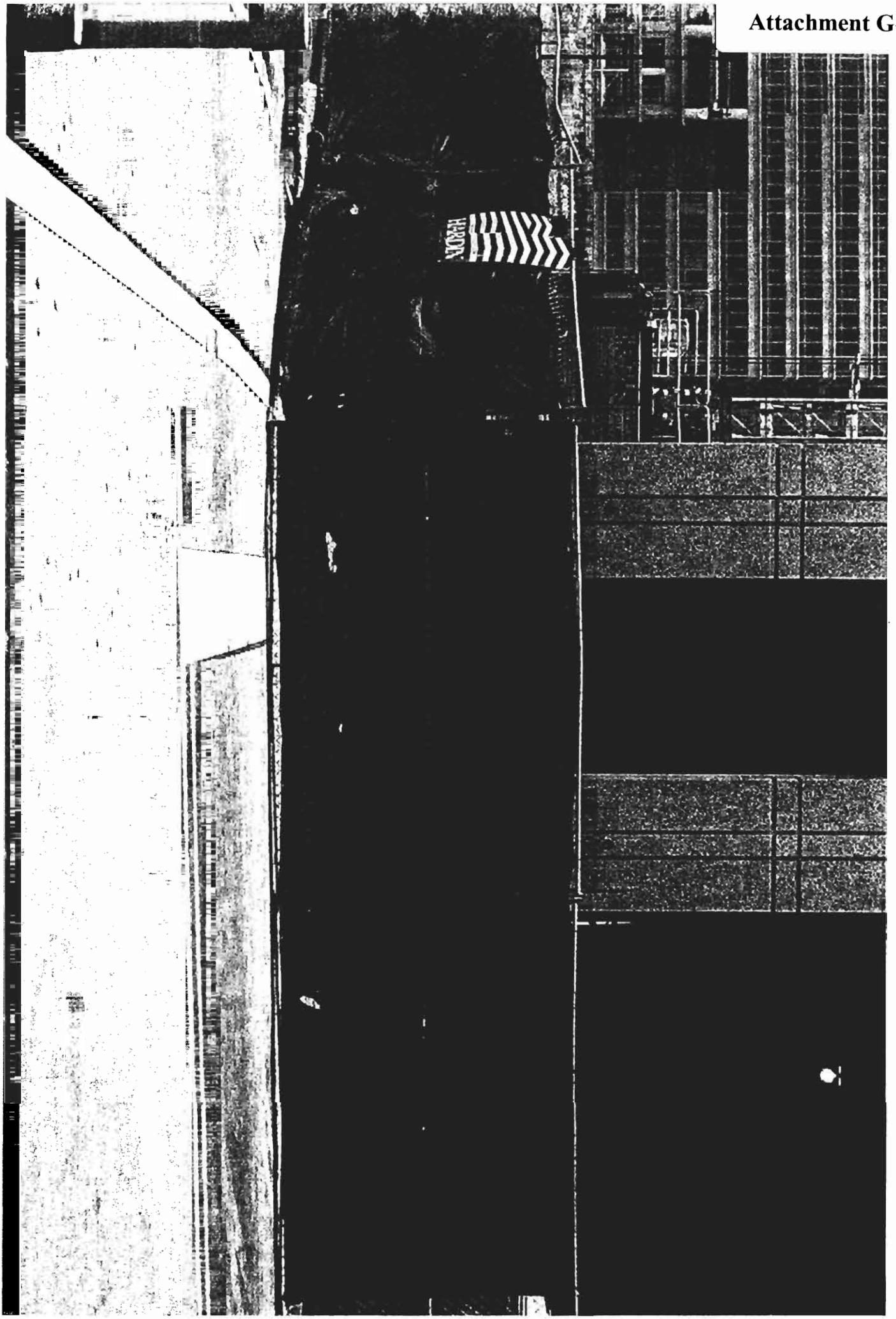
David,

Attached please find a typical construction site fence that I saw on a construction site in downtown Raleigh.

Thanks

Elias

Attachment G-5



Attachment H

Analytical Consultants
The Commercial Real Estate Professionals

125 Kingston Drive
Suite 206
Chapel Hill, NC 27514
Tel: 919-929-9539
Fax: 919-929-9543

August 6, 2007

David Ripperton
200 N. Greensboro Street, Suite B-13b
Carrboro, NC 27510

Re: The potential impact to surrounding real estate property values resulting from the proposed development of Roberson Square, a mixed-use project located on Roberson Street in Carrboro, North Carolina 27510.

Dear Mr. Ripperton:

Per your request, I have analyzed the potential for a negative impact to property values resulting from the proposed development of Roberson Square mixed-use development. Although I have not completed a formal study at this time, the following factors are considered pertinent.

Contribution of Existing Improvements to Neighborhood Character
The site was until recently improved with an aging metal structure that was in use for a hardware/building supplies store. These improvements were not of high enough quality to be rehabbed and were not considered to add value to the character of the downtown area. The current site is mostly cleared and could be used for parking. Although parking lots are typical in downtown areas they are not the most attractive part of the downtown streetscape and surface parking is often replaced with parking located behind or under structures. As the parking is not public, replacing this area of surface parking will not take legal parking from the existing businesses in Downtown Carrboro. Overall, changing the past or existing improvements does not diminish neighborhood character.

Development Patterns in Downtown Carrboro
The subject will be located on a commercially developed street in the center of downtown Carrboro where high density development is already prevalent. The trend in Carrboro at this time is towards higher density "walkable" projects in the downtown area that will help preserve the pedestrian friendly aspects of the community. The Town of Carrboro reinforced this trend when they increased the building height limit to five stories in the B-1G, General Business, zoning designation if stipulated provisions are met (the proposed project is in a B-1G zone). Thus far, no high density projects have been approved since the adopted amendment to the Town of Carrboro's zoning ordinance that allows a maximum building height of five stories, but there are projects moving through the approval process. The B-1G zoning does require open space, which would effectively stop most planned high density projects in Carrboro. However, a text amendment has recently

been adopted, the "Downtown Livability Area and Urban Amenities Provisions", that allows developers to add "lifestyle friendly" amenities such as courtyards, covered bike racks, green roofs and meditation gardens in lieu of meeting the common area requirement.

Some of the high density projects that are currently in the planning phase are detailed below.

The 5.5-acre site that currently houses the Carrboro Arts Center and the Cat's Cradle music/concert venue is the planned site of a significant redevelopment that would include eight buildings with around 400,000 square feet of offices, residential condominiums, retail space and a 110-unit hotel. As of Spring 2007 the 1st phase plans were being submitted to the Planning Department for review.

There is a 0.97-acre tract located on Padgette Lane behind the Arts Center Project that is the site of a proposed 57-unit residential project that will also include over 20,000 square feet of office area and underground parking. This project has a planned height of four stories.

The Alberta, a proposed project one block east of the subject, will comprise 24 residential units and nearly 7,000 square feet of commercial area fronting Roberson Street in a four-story building totaling 46,340 square feet. The design elements will include commercial style construction with brick exteriors featuring different colors of brick accented with glass block and ceramic tile. The area facing Roberson Street will have glass and aluminum storefronts. There will be precast concrete cornices over these storefront areas and at the roof line.

Roberson Square, as it is currently proposed, is consistent with the site's zoning and with proposed land uses in the subject neighborhood. We note that in many respects the subject's brick construction will be consistent with the nearby Alberta project.

Proposed Project Characteristics

Building: Based on preliminary designs that I have reviewed, the proposed project will comprise 18 residential units and nearly 32,000 square feet of commercial area in a five-story building totaling 91,575 square feet (including 25,563 square feet of basement parking area). The design elements will include commercial style construction with brick exteriors. The ground level, including those units facing the courtyard, will have glass and aluminum storefronts. There will be corbeled cornices defining the roof line. A large courtyard area will be located at the building's center. The design characteristics of the buildings will be consistent with the neighborhood and are considered appropriate. The construction quality appears to be good to very good. The subject will be consistent with other proposed developments in this area.

Site: This property fronts South Greensboro Street, Roberson Street, Maple Avenue and East Carr Street. Pedestrian access to this project is provided from all sides while vehicular traffic will enter the below ground parking area from Maple Avenue. Additional parking will be located on Roberson Street. Roberson Street already carries a fair amount of traffic and, within reason, further traffic will not negatively impact values there. Furthermore, there are no single-family uses that would be impacted by an increase in traffic. Maple Avenue to the south of the project is a residential area that is not impacted by traffic, but there is no egress to the south of Carr Street from Maple Avenue and car traffic from the project would not move through those areas as currently deisgned. Overall,

the access to the project is good and there is little chance of overburdening nearby residential streets with traffic.

Parking at the subject is limited to 65 spaces, which is short of the Town's normal parking requirement, which would require 104 spaces. There are additional bike rack areas, motorcycle spaces and some limited on-street parking. Although having less parking can make the project less easily marketed to certain buyers, it does encourage occupancy by less car-dependent residents and companies, which reduces noise and pollution caused by more vehicular traffic.

The site is adjacent to commercial uses to the north, east and west. The proposed project will have its commercial uses fronting an interior courtyard and there will be no parking along Carr Street to the south. Loading and unloading for the businesses will occur early in the morning and the parking spaces along Roberson Street can double as loading zones. Additionally there is a loading area at the northeast corner of the property on Maple Avenue. Thus the noise and activity will be minimized at the south side of the property.

Pricing/use: The developer has proposed selling the 18 condominium units to individual owners for over $250 per square foot per unit. Generally speaking, this kind of owner-occupied development, especially high-end development, does not negatively impact property values. The retail and office use would be similarly high-end and we are assuming that a neighborhood friendly tenant mix will be chosen.

Conclusion

Although I have not performed a detailed study, based on the above analysis and my experience with property damage cases and impact studies, I do not feel that the proposed Roberson Square mixed-use project will have a negative impact to the values of surrounding properties.

Please contact us if you have unanswered questions or if I can be of further assistance in the interpretation of the findings and opinions.

Respectfully submitted,

Paul L. Snow
Certified General Appraiser NC #A4499

Attachment I

David N. Ripperton Architect Inc.
200 N. Greensboro St., Suite B-13b Carrboro, NC 27510 919-942-9999 Fax 919-942-8989

Roberson Square Narrative
11-17-06

Roberson Square is designed to be as a 5-story, mixed-use building compatible with the general character of the buildings within downtown Carrboro. Four major considerations were established to guide the design: 1) the creation of a pedestrian friendly space, 2) use of brick, 3) use of arches, and 4) asymmetrical shapes.

1. Pedestrian Friendly Space

The building encloses an open courtyard in which the occupants and townspeople can gather much like the open space along side the Weaver Street Market. Sidewalks are designated for all sides of the building, as well as within the courtyard. New landscaping will be installed to enhance the views of the building, and the courtyard.

2. Use of Brick

Brick was chosen as the main exterior material to make the project more compatible with the existing buildings in Carrboro. The small individual units comprising a brick wall create a more appealing human scale to buildings which they enclose.

3. Use of Arches

The arches of Carr Mill Mall complex add a wonderful sense of freedom and creativity to the spaces which they frame. Arches were added to Roberson Square in hopes of capturing this same freedom and sensuality.

4. Asymmetry

As you drive from Chapel Hill to Carrboro, and approach the intersection of Weaver and Main Streets, the roads diverge into a place of special uniqueness and vitality where things seem somewhat asymmetrical and skewed. The exterior elevations of Roberson Square have a consistent rhythm, but they also are intended to create a sense of asymmetry and vitality that is at the heart of character of Carrboro.

After reading the *Downtown Carrboro New Vision, Carrboro 2020 Vision, Downtown Traffic Circulation Study, and Downtown Design Guidelines,* I believe Roberson Square contains or addresses many of the issues detailed within these documents. I have listed these items below.

Downtown Carrboro New Vision

1. "Building heights were a top priority for participants, with 45 votes for some 4-5 story buildings and 33 votes for a variety of heights." *Roberson Square is 5 stories.*
2. Provide "a friendly place that is green, walkable, safe, and beautiful." *Refer to Item 1 above.*
3. Buildings with similar designs a trait to all successful urban districts. *Refer to Items 1,2,3 & 4 above.*

a. Use of brick *Refer to item 2 above.*
b. Consistent rhythm of openings. *Refer to Item 4 above.*
c. Pedestrian amenities. *Refer to Item 1 above.*
d. Compatible with character of the district. *Refer to Items 1, 2, 3 & 4 above.*
e. Architectural features that are compatible with the general aesthetic character of the area. *Refer to Items 1, 2, 3 & 4 above.*
f. Locate the front of the building adjacent to the sidewalk. *The Roberson Street, Greensboro & Carr Street elevations are all treated as front elevations.*
g. Place parking behind the building. *It is located along Maple Ave., underground.*
h. Locate services on alley or back parking lot. *Dumpster, parking access, utilities are accessed from Maple Ave.*

4. Encourage affordable housing. *3 Affordable apartment units are included in the design.*
5. Preserve the best of the past. *Refer to Items 1, 2, 3 & 4 from above.*
6. Sidewalks buffered from motorized traffic by planter strips. *Refer to plans along Roberson Street.*
7. Connections between residences and the downtown. *All sides of the building have access to the central courtyard. The courtyard looks out onto Carr Street through a 30' opening.*
8. Lighting of trees, consistent lighting within downtown. *The Century Center has Duke Power Acorn fixtures. Most of our lighting is intended to be wall mounted so as not to cast too much spill over like the Century Center lights do. Trees within the courtyard will have lights around them to create a more festive ambiance.*
9. Provide space dedicated to events and community. *Refer to Item 1 above.*
10. Provide on street parking. *Parallel parking is provided along Roberson St.*
11. Underground utilities, sidewalk improvements. *Most utilities will be underground where possible. Sidewalks are added to all surrounding streets.*
12. Landscaping: shade trees. *Smaller trees are designated for Roberson and Carr due to the narrowness of the planting areas and the site distance triangles, and in the case of the courtyard, due to the parking level below. Larger trees are designated for Greensboro.*
13. Business diversity: *The first level is designated for retail, while the second level is office.*

Carrboro Vision 2020

1. A public place where citizens can meet and mingle. *Refer to Item 1 above.*
2. Open space. *Refer to Items 1 above.*
3. Create a sense of place. *Refer to Items 1, 2, 3 & 4 above.*
4. Preserve the town's character. *Refer to Items 1, 2, 3 & 4 above.*
5. Native species of trees. *A meeting was held with Wendy Wenck, during which we agreed on the types of trees and shrubs to be used.*
6. Underground utilities. *This will be done wherever possible.*
7. Increase the amount of commercial space downtown. *The project will increase commercial space by 33,542 SF.*
8. Include public spaces as well as mix of business types. *Refer to Items 1 above.*
9. Build up, not out. *The project will be 5 stories with underground parking. The amount of impervious surface has been decreased.*
10. More office space. *The project will increase office space by 19,233 SF.*
11. Encourage walkablity. *Refer to Items 1 above.*
12. Develop underutilized property. *The Andrews-Riggsbee Hardware store has been closed for several years. The project will bring much needed revitalization to the area.*
13. Install sidewalks. *Sidewalks have been added to all four sides of the project as well as the entire interior of the courtyard space.*
14. Upgrade connector and arterial facilities. *Roberson Street will be widened, and Maple will be rebuilt.*
15. Re-use grey water. *Runoff from the roof will be stored underground, and reused for landscape watering.*
16. Reduce amount of impervious surfaces, minimize impact of waterways. *The overall amount of impervious surface on the site has been reduced.*
17. "Green" building where possible. *The parking garage has a "green roof" over it. Tenants will be encouraged to have trees in planters outside on the deck areas.*
18. Affordable housing. *3 Affordable units are included within the project.*

Downtown Traffic Circulation Study

1. Crosswalk and signal improvements. *Crosswalk will be added wherever necessary.*
2. Pedestrian & bicycle improvements. *Sidewalks surround the site and courtyard.*
3. Redesign of Roberson. *This will be done to adhere to the town's new ROW plan.*
4. ADA ramps at corners. *This is part of the improvements plan at all corners.*
5. Landscaping to enhance views along sidewalks. *Refer to Landscape Plan.*
6. Aesthetic lights for safety, security. *Refer to Site Lighting Plan.*
7. Shade trees for pedestrians. *Refer to Landscape Plan.*
8. Roberson-Greensboro intersection to remain stop-controlled because of proximity to Greensboro & Main. Turn lane possible. Restripe Roberson across Greensboro. *A left turn lane from Roberson onto Greensboro is recommended by our Traffic Engineer. This may involve some dedication of the ROW from the Open Eye Café side of Roberson. A cross-walk from Roberson to the west side of Greensboro will be added if requested.*

Downtown Design Guidelines

1. DNP Buffer area requirements. *The current design conforms to the stepback requirements, 30' building separation, and building height limitations required by the DNP guidelines.*

David N. Ripperton Architect Inc.
200 N. Greensboro St., Suite B-13b Carrboro, NC 27510 919-942-9999 Fax 919-942-8989

Roberson Square-Statement of Worthiness
4-9-07

Like many environmentally conscious communities Carrboro has embraced design which seeks to maximize development within its town core to better utilize and upgrade existing infrastructure, reduce energy costs, and minimize urban sprawl. The town's 2020 Vision document serves as an important guideline for architects and planners who seek to incorporate these design concepts.

The Roberson Square mixed use project reinforces many of the concepts contained with the town of Carrboro's 2020 Vision document, and therefore should be considered a "worthy" addition to the future of downtown Carrboro that our children will inherit.

The preservation of Carrboro's informal character was one of the most important ingredients in the design concept. The intent was to create a bridge from the past to the present through the use of similar design elements in the façade of the building as well as the site. These included the use of brick as the main building material, segmental arches, pedestrian friendly walking spaces, abundant landscaping, and a certain asymmetry in the vertical "tower" shapes of the walls.

The desire was to build up, not out, while still conforming to the height restrictions in the town's newly adopted Downtown Neighborhood Protection Zone. The increase in height allowed the creation of increased commercial square footage, as well as increased density of overall commercial property. The increase in commercial property hopefully will reduce the tax burden on the single family home owners, who now contribute the largest share of taxes in Carrboro.

It is hoped that the mix of commercial and residential uses within the building and courtyard will create a greater variety of businesses, as well as new venues for socializing and gathering.

The four roads surrounding will site will upgraded. All be widened to some degree, and sidewalks and new landscaping will be placed on all sides. The new sidewalks will help to contribute to the pedestrian friendly atmosphere that already exists, and will help to discourage the reliance on motorized vehicles.

Eight new on-street parking spaces will be added along Roberson Street for those citizens who wish to come and shop in downtown Carrboro. Some 19

Roberson Square-Statement of Worthiness, p.2
4-9-07

new bicycle spaces will be added to encourage those who are physically able to bike rather than to drive a car.
Three affordable units are planned for the development.
Runoff water from the roofs will be collected in a cistern, and used to water the new landscaping and grass.
The roof over the underground parking will become a "green roof" with grass over it, and will become a courtyard where residents, shoppers, and business people can gather and socialize.
Every effort was made to reuse existing material during the demolition of the existing Andrews-Riggsbee Hardware Store building. No materials were wasted, and the building will be reconstructed on another site outside of Carrboro.

David N. Ripperton Architect Inc.
200 N. Greensboro St., Suite B-13b Carrboro, NC 27510 919-942-9999 Fax 919-942-8989

Roberson Square
Green Features (Sustainable Design)
11-19-07

Roberson Square development was based on a desire to improve the social, economic, and ecological quality of life in Carrboro, and the greater community as a whole.

Social
The building's physical shape was taken from elements that exist within Carrboro such as brick exterior, segmental arches, asymmetrical vertical façade elements, and open public spaces. It is hoped that the familiar elements within the building's design will make the building blend into the existing ambiance of the community, and create a psychological sense of belonging and well being.
Economic
The building will add much needed retail and business space, along with 18 apartments within walking distance of the center of town. The opportunity will exist for owners to work within the same building that they live. The apartments will add exciting new living spaces with wonderful vistas of downtown Carrboro and Chapel Hill. In addition, the building will add almost 100,000 square feet of taxable property for the town.
Ecological
The development will include several unique features listed below:

Sustainable Site
- Maximization of open space with a green roof over the below grade parking that will serve as an open courtyard.
- Cistern to collect rainwater for irrigation purposes.
- Tree planters on rooftops to serve as shading devices.
- 25 bicycle racks to encourage non-motorized travel.
- Reduction in impervious surface from pre-development to post-development.
- East access to public transportation via the free bus routes.

Materials & Resources
- Storage & collection of recyclables.
- Use of recycled products where possible.

Indoor Environmental Quality
- Use of low-emitting VOC materials (Adhesives, Sealants, Paints, Coating, Carpet, Composite Wood) where possible.
- Views to the exterior for all spaces.

Construction Period:
- Refer to the attached Construction Mitigation Letter

ATTACHMENT J-1

SUMMARY SHEET OF STAFF AND ADVISORY BOARD RECOMMENDATIONS

CONDITIONAL USE PERMIT— ROBERSON SQUARE MIXED USE BUILDING CONDITIONAL USE PERMIT

Recommended by	Recommendations ***Explanation: Staff recommendations, primarily related to LUO compliance, are represented by #s 1-13 below. If an advisory board voted to 'support' the staff recommendation, then such board is listed after staff in the left-hand column.***
Staff, PB	1. That the continued affordability of three dwelling units must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with LUO Section 15-182.4.
Staff, PB	2. That certificates of occupancy for the last three market-rate dwelling units not be issued until all three affordable dwelling units are offered for sale or rent.
Staff, PB	3. That if the Land Trust is unable to sell any affordable unit within one year of the date it receives a certificate of occupancy, Darcon of NC, or its successors or assigns, will be released from its obligation to sell that unit to the Land Trust and may instead provide to the Town of Carrboro a payment-in-lieu of providing an affordable unit, consistent with the applicable, related LUO language. If a payment-in-lieu is not an available option under the LUO at that time, then the developer must provide alternative means for ensuring that the affordable units comply with Section 15-182.4 of the LUO.

Staff, PB	4. That prior to construction plan approval, the applicant must prepare and the Town Manager accept a three-party agreement between the future homeowner's association, Orange Community Housing & Land Trust, and the Town of Carrboro. The agreement must: 1) stipulate that either the Land Trust or the Town must verify compliance with the applicable provisions of the CUP and LUO prior to the sale / resale of any affordable unit, 2) establish and implement a one-percent transfer fee program wherein market-rate units will subsidize affordable units within the development, and 3) stipulate that the owner's association covenants must include language regarding the affordable units and properly disclose related information to purchasers of market-rate units information regarding the one-percent transfer fee program. Details regarding this condition must be presented to and approved by the Town Attorney and Town Manager prior to construction plan approval. Monies collected in the affordable housing transfer fee program, associated with the sale / resale of properties, are to be placed into a fund for the specific purpose of paying condominium and townhome Owner's Association dues for persons who acquire affordable housing.
Staff, PB	5. That the applicant secure an additional 39 parking spaces within 400-feet of the site to serve the project prior to receiving a Certificate of Occupancy. The provision of these additional parking spaces shall be a continuing, and legally binding part of the terms of the CUP.
Staff, PB	6. That the applicant must receive a Town of Carrboro driveway permit for Maple Avenue Extension, and a NCDOT driveway permit if determined to be necessary, prior to construction plan approval.
Staff, PB	7. That the Board of Aldermen finds that no screening is required along Maple Avenue Extension (eastern side of the property) as a sidewalk in this location is more beneficial to public safety than providing street trees in the area.
Staff, PB	8. That if the applicant desires to install site and/or exterior building lighting in the future, then upon reviewing associated information staff must determine what type of permit modification is involved, per LUO Section 15-64, and process the request accordingly.
Staff, PB	9. That prior to issuance of a building permit for the project, the applicant must record a plat that dedicates sufficient right-of-way along all sides of the property such that every adjacent right-of-way exceeds fifty-feed in width.
Staff, PB	10. That the applicant must submit the final version of the condominium owner's association documents for review and approval by the Town Attorney prior to construction plan approval.
Staff, PB	11. That the applicant must obtain all necessary temporary and permanent easements prior to construction plan approval.

Staff, PB	12. That a new name for the project must chosen and found acceptable to the Town's GIS Administrator (acting on behalf of Orange County Emergency Services) prior to construction plan approval.
Staff, PB	13. That the applicant receive(s) CAPS from the Chapel Hill—Carrboro City Schools district pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.
Additional Advisory Board Comments & Recommendations:	***Explanation: Comments and recommendations solely from advisory boards follow. If a comment involves LUO interpretation, then the applicable LUO section(s) are noted parenthetically. Otherwise, the Board may wish to consider comments in the context of public health, safety, or welfare findings. Staff generally does not endorse nor refute comments from advisory boards.***
EAB	1. That awnings that minimize summer solar gain and allow winter solar gain be required on all windows receiving significant direct solar exposure.
	2. That in consideration of the attached EAB resolution and proposed future changes to the Carrboro LUO requiring implementation of green building techniques, the applicant prepare a sustainability and energy efficiency plan that considers energy saving techniques including renewable energy sources such as active and passive solar practices, improved insulation standards, water reuse, sustainable building materials, and waste reduction during construction, etc., and receive EAB review of the plan.
TAB	1. That, based on the uses indicated at the January 17th TAB meeting, the applicant provides a total of 80 automobile parking spaces, for which the on-street parking can count towards the total. The applicant must find a means of providing any deficit unless the Town provides a plan for the applicant to pay in lieu. (*LUO Section 15-292*)
	2. In light of this and other future developments that are in the pipeline, that the Town either commission a study or develop a plan to deal with the traffic flow issues on Roberson and Carr Streets, specifically looking into a one-way pattern for Roberson and Carr Streets and the associated diagonal parking opportunities.
	3. That the applicant provide at a minimum 24 bicycle parking spaces; that at least 19 are covered and all bicycle parking be shown on the plan before approval; that all bicycle parking areas are illuminated for safety at night; and that the applicant use the TAB's proposed guidelines for bicycle parking.
	4. That the applicant provides a covered area where EZ Rider and paratransit users can be picked up and dropped off, either making the entry in to the parking lot tall enough accommodate an EZ Rider van or a covered area in front of the building.

	5. That, as recommended in March of 2006, provides a meeting room in the building that has a kitchen that can be used or rented by a tenant needing a larger space for entertaining.
	6. That the applicant install a wheel chair on the west side of Greensboro street (near the corner of Greensboro and Carr), which would receive the existing crosswalk, as would be allowed via a three-party encroachment agreement approved by NCDOT.
PB	1. The Planning Board thinks this is an excellent attractive project that meets many of the Town's goals for the downtown. It is in many ways what Carrboro is looking for in the downtown area with the exception of the deficiency of parking.
	2. In order to deal with the parking shortage, utilize any or all of the following strategies: increase parking underground; provide parking along Carr Street frontage; obtain employee parking offsite; retain the Roberson Street parking unconditionally; limit residential parking to 18 (1 per residential unit); eliminate higher traffic generating uses; maximize the public access for clients and visitors to the remaining underground spaces.
	3. The PB supports the acceptance of payment in lieu for affordable housing.
	4. The Planning Board supports fabric entry canopies and window awnings projecting into the public right of way so long as they meet windload requirements of NC Building Code.
	5. The Planning Board supports the use of stucco on the fifth floor
	6. The Planning Board supports all twelve (12) of the staff recommendations.
	7. The Planning Board recommends the developer provide dedicated child friendly space in the courtyard in addition to provision of family friendly club house space indoors.
ESC	1. The ESC recommends approval of the Roberson Square project and acknowledges the deficiency in the parking that will be available on site.

ATTACHMENT "J"5

Town of Carrboro
Environmental Advisory Board

RECOMMENDATION
January 17, 2008

Request from the Environmental Advisory Board that the Board of Aldermen approve the CUP for Roberson Square subject to the conditions in the staff recommendations, and subject to the following additional conditions:

1. That awnings that minimize summer solar gain and allow winter solar gain be required on all windows receiving significant direct solar exposure.
2. That in consideration of the attached EAB resolution and proposed future changes to the Carrboro LUO requiring implementation of green building techniques, the applicant prepare a sustainability and energy efficiency plan that considers energy saving techniques including renewable energy sources such as active and passive solar practices, improved insulation standards, water reuse, sustainable building materials, and waste reduction during construction, etc., and receive EAB review of the plan.

Please note that no participating advisory board members have any direct, substantial financial interest in the approval of this application.

VOTE: AYES (4) Tom Cors; Bob Taylor; Carolyn Buckner; Ryan Elting; NOES (0); ABSENT (3) Jennifer Everett; Andreas Hay; Mary Rabinowitz

Tom Cors, Chair

Attached: EAB Resolution Dated January 17,2008

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

January 17, 2008

SUBJECT: Roberson Square Mixed Use Development CUP Application

The Transportation Advisory Board (TAB) recommends that the Board of Aldermen approve the CUP application per the following motions:

A. That, based on the uses indicated at the January 17th TAB meeting, the applicant provides a total of 80 automobile parking spaces, for which the on-street parking can count towards the total. The applicant must find a means of providing any deficit unless the Town provides a plan for the applicant to pay in lieu.
Moved: **Charlie Hileman**
Second: **Heidi Perry**
VOTE: **Ayes (7), Nays (0)**

B. In light of this and other future developments that are in the pipeline, that the Town either commission a study or develop a plan to deal with the traffic flow issues on Roberson and Carr Streets, specifically looking into a one-way pattern for Roberson and Carr Streets and the associated diagonal parking opportunities.
Moved: **Tom High**
Second: **Katie Schwing**
VOTE: **Ayes (7), Nays (0)**

C. That the applicant provide at a minimum 24 bicycle parking spaces; that at least 19 are covered and all bicycle parking be shown on the plan before approval; that all bicycle parking areas are illuminated for safety at night; and that the applicant use the TAB's proposed guidelines for bicycle parking.
That the applicant provides a covered area where EZ Rider and paratransit users can be picked up and dropped off, either making the entry in to the parking lot tall enough accommodate an EZ Rider van or a covered area in front of the building.
That, as recommended in March of 2006, provides a meeting room in the building that has a kitchen that can be used or rented by a tenant needing a larger space for entertaining.
Moved: **Tom High**
Second: **John O'Leary**
VOTE: **Ayes (7), Nays (0)**

D. That the applicant install a wheel chair on the west side of Greensboro street (near the corner of Greensboro and Carr), which would receive the existing crosswalk, as would be allowed via a three-party encroachment agreement approved by NCDOT.
Moved: **Daniel Amoni**
Second: **John O'Leary**
VOTE: **Ayes (7), Nays (0)**

_____ _____/_____/**08**
TAB Chair DATE

Att. J-7

TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

JANUARY 3,2008

Conditional Use Permit Application – 203 S. Greensboro Street

Motion by Poulton and seconded by Barton that the Planning Board thinks this is an excellent attractive project that meets many of the Town's goals for the downtown. It is in many ways what Carrboro is looking for in the downtown area with the exception of the deficiency of parking.

VOTE: AYES: (7) Barton, Bell, Carnahan, Clinton, Fritz, Paulsen, and Poulton; NOES: (0); ABSENTIEXCUSED: (2) Chadbourne and Cook; ABSTENTIONS: (0).

Motion made by Bell and seconded by Clinton: In order to deal with the parking shortage, utilize any or all of the following strategies: increase parking underground; provide parking along Carr Street frontage; obtain employee parking offsite; retain the Roberson Street parking unconditionally; limit residential parking to 18 (1 per residential unit); eliminate higher traffic generating uses; maximize the public access for clients and visitors to the remaining underground spaces.

VOTE: AYES: (7) Barton, Bell, Carnahan, Clinton, Fritz, Paulsen, and Poulton; NOES: (0); ABSENTIEXCUSED: (2) Chadbourne and Cook; ABSTENTIONS: (0).

Motion by Fritz and seconded by Poulton that the Planning Board supports the acceptance of payment in lieu for affordable housing.

VOTE: AYES: (7) Barton, Bell, Carnahan, Clinton, Fritz, Paulsen, and Poulton; NOES: (0); ABSENTEXCUSED: (2) Chadbourne and Cook; ABSTENTIONS: (0).

Moved by Poulton, seconded by Paulsen: The Planning Board supports fabric entry canopies and window awnings projecting into the public right of way so long as they meet windload requirements of NC Building Code.

VOTE: AYES: (7) Barton, Bell, Carnahan, Clinton, Fritz, Paulsen, and Poulton; NOES: (0); ABSENTIEXCUSED: (2) Chadbourne and Cook; ABSTENTIONS: (0).

Motion by Clinton and seconded by Poulton that the Planning Board supports the use of stucco on the fifth floor

VOTE: AYES: (7) Barton, Bell, Carnahan, Clinton, Fritz, Paulsen, and Poulton; NOES: (0); ABSENTEXCUSED: (2) Chadbourne and Cook; ABSTENTIONS: (0).

Motion by Barton and seconded by Paulsen that the Planning Board supports all twelve (12) of the staff recommendations.

VOTE: AYES: (7) Barton, Bell, Carnahan, Clinton, Fritz, Paulsen, and Poulton; NOES: (0); ABSENTIEXCUSED: (2) Chadbourne and Cook; ABSTENTIONS: (0).

Motion by Bell and seconded by Clinton that the Planning Board recommends the developer provide dedicated child friendly space in the courtyard in addition to provision of family friendly club house space indoors.

VOTE: AYES: (7) Barton, Bell, Carnahan, Clinton, Fritz, Paulsen, and Poulton; NOES: (0); ABSENTEXCUSED: (2) Chadbourne and Cook; ABSTENTIONS: (0).

signed, as amended above) James Carnahan January 18,2008

James Carnahan, Chair (date)

Memo

To: Mayor and Board of Aldermen

From: Peter Lee, ESC Chair

Date: 01/16/2008

Re: Roberson Square Project

David Ripperton, an architect for the Roberson Square Project gave a presentation of the project. The project is a mixed use project which includes residential, retail, and restaurant uses. The project will be approximately 91,575 square feet within five (5) stories. The building would be 69.5 feet in height at its peak. This project complies with the design related aspects of the land use ordinance in so much as the Appearance Committee certified the alternative design, per LUO Section 15-178.

The developer held numerous meetings with the neighbors and other interested persons to get input on the project design. There were many questions that were received by the developer and considered in a redesign of the project.

The project provides for access from Roberson, South Greensboro and Carr Streets. There is no on street parking proposed for Carr Street, so as not to infringe on the neighborhood to the South of the project. There are 8 on street spaces proposed for the Roberson Street side of the building. While the spaces can not be counted officially in the parking count for the project the developer is providing it and customers of the building can use the spaces. The developer has dedicated 14% of the property to right-of-way for this project.

Recommendations:

The ESC recommends approval of the Roberson Square project and acknowledges the deficiency in the parking that will be available on site.
Vote: ayes 5
Abstain 2
No 1

Attachment "K"

Martin Roupe

From: Martin Roupe
Sent: Thursday, February 21, 2008 1:44 PM
To: Martin Roupe
Subject: FW: Follow-up for Roberson Square
Attachments: 627614013-Carr Street Parallel Parking Plan 2-8-08.pdf

Edited, below, by me for readability.

Marty

From: David Ripperton [mailto:david@dnra.net]
Sent: Friday, February 08, 2008 8:10 PM
To: Martin Roupe
Subject: Re: Follow-up for Roberson Square

Marty,
Please see my responses in *italics* below.
David

Martin Roupe <mroupe@ci.carrboro.nc.us> wrote:

David,
As we discussed, please prepare a letter and other information as necessary to address the following questions from the Board of Aldermen:

1) How will EZ-Rider access the building for pick-up and drop-off?

Either at the onstreet parking along Roberson St. in front of the main entry, or in the loading zone along Maple Ave., whichever the town's Public Works Dept. prefers.

2) Please prepare a plan showing the maximum on-street parking possible along Carr Street. As we also discussed, you may want to address the history of the topic (i.e.: asking the question early on and the response at that time). Lastly, please include or address the ability to include / not include a sidewalk and planting strip alongside on-street parking spaces on Carr Street.

See the attached plan.

3) Please address the parking numbers clearly. As we discussed, Adena will review revised information you submit. The general idea, as you know, is to make it clear how we arrived at a presumptive number of spaces for the project ("x" spaces for use 1, "y" spaces for use 2, etc).

See the attached information.

4) Please address the disposition of the parking (i.e.: open to the public, assigned, pay-for or validation system, etc).

Those spaces designated for the condos will be reserved for the condo owners use. The others will be open to the public, provided they have a parking ticket stamped in one of the commerical establishments on the first or second floors.

Attachment "K" 2

5) Please feel free to submit any additional information or evidence you'd like to support the parking plan for the project.

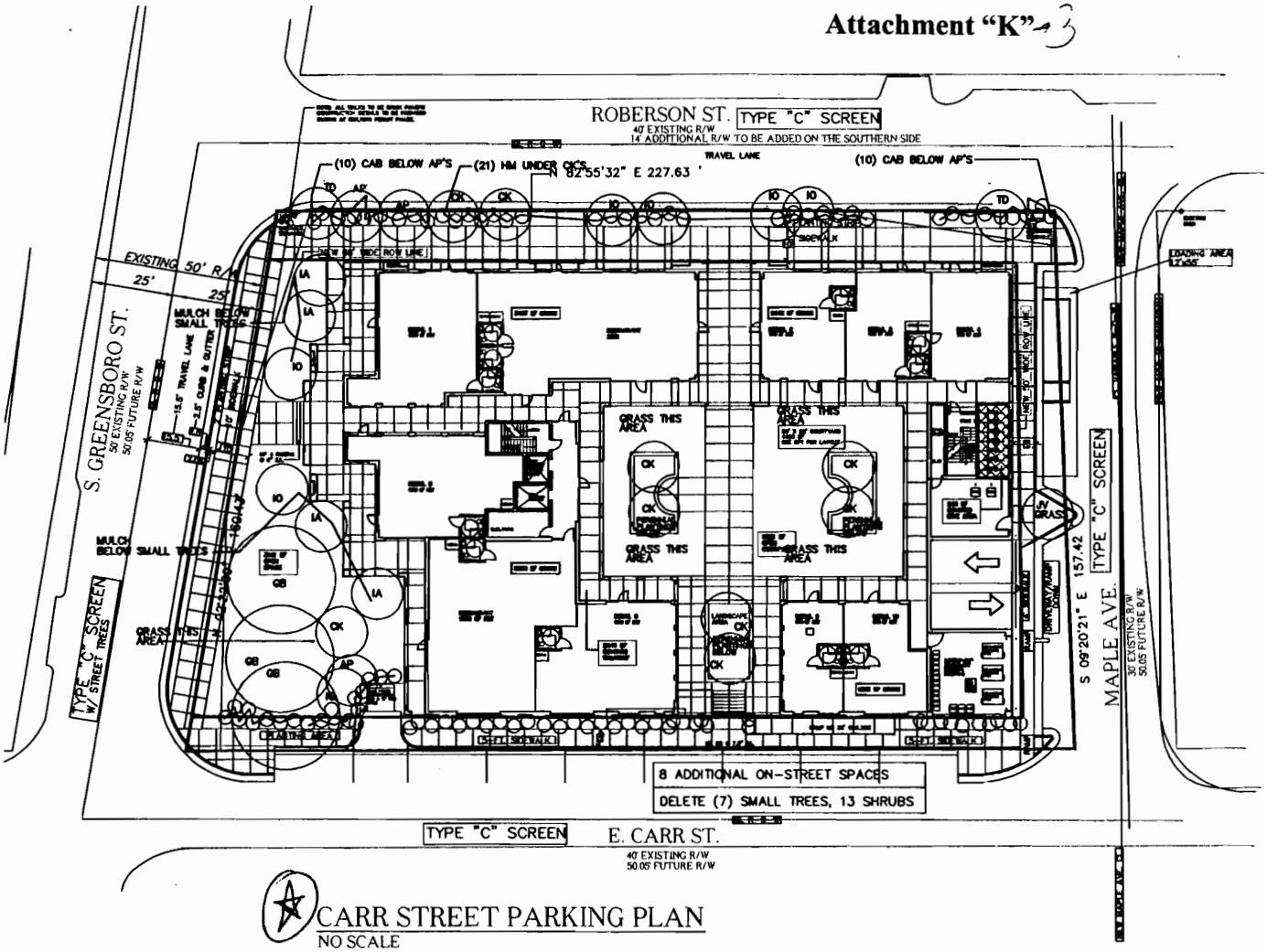
Thanks. I will submit the parking information I showed you today, and a few other bits of information. My presentation to the Board will be brief.

Adena and I are happy to help w/ any additional questions you may have.

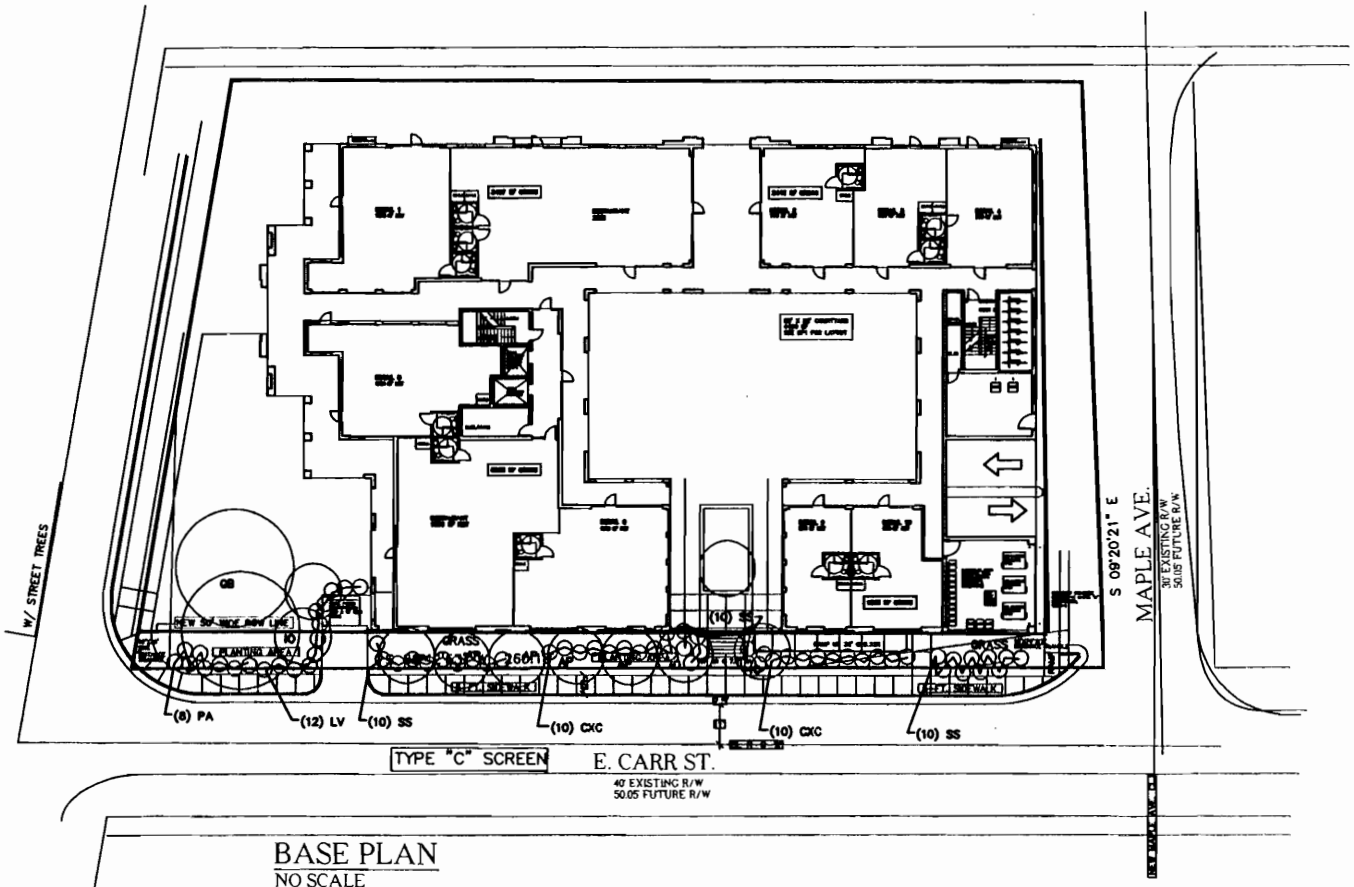
Thanks,
Marty

Marty Roupe, Development Review Administrator
Town of Carrboro Planning Department
301 West Main Street
Carrboro, NC 27510
(919) 918-7333 – phone
(919) 942-1720 – fax
mroupe@townofcarrboro.org – email
www.townofcarrboro.org – Town of Carrboro Homepage
www.townofcarrboro.org/pzi/zoning.htm -- Zoning Division Homepage

Attachment "K" 3



CARR STREET PARKING PLAN
NO SCALE



BASE PLAN
NO SCALE

Attachment K-4

Martin Roupe

From: James R. Harris
Sent: Friday, February 22, 2008 11:01 AM
To: Martin Roupe
Subject: FW: Parking Study

From: David Ripperton [mailto:david@dnra.net]
Sent: Friday, February 22, 2008 11:00 AM
To: Adena Messinger
Cc: James R. Harris
Subject: Parking Study

Adena,
I made a few revisions to the e-mail that I sent to you earlier. Please substitute this for the early version. I am not resending the attachment.
David

Adena,
Attached is parking information I gathered from Jan. 30 to Feb. 16, 2008 for your review, along with an aerial view of the lots I looked at. Below is a legend of the lots with the number of available spaces in each.
T-L-20 Town Lot, Laurel Ave., 20 spaces
T-WS-33 Town Lot, Weaver St., 33 spaces
T-CC-40 Town Lot, Community Center, 40 spaces
OEG-9 Open Eye, Greensboro St., 9 spaces
OER-10 Open Eye, Roberson St., 10 spaces
RS-R-8 Roberson Square, Roberson St., 8 spaces
RS-M-8 Roberson Street-Maple Ave.Lot, 8 spaces
MLOT-20, Maple Ave. Lot, 20 spaces
BANK-29, Bank Lot, Roberson St., 28 spaces
T-R-26, Town Lot, Roberson St., 26 spaces
ACME-14, Acme Lot, Roberson St., 14 spaces
LOT-37, Seafood Building Lot, Roberson St., 37 spaces
ARMA-9, Armadillo Grill Lot, Roberson St., 9 spaces
T-R-M-35, Town Lot, Roberson & Main St., 35 spaces
The parking information shows the total number of cars in each lot at 4 different time periods: 6-9 AM, 11-3 PM, 3-6 PM & 7-10 PM, the average number of cars in each lot, and the percentage of usage based on the total number of spaces available.
Based on this information, the highest usage seems to occur in the 7-10 PM period.
The 4 unregulated parking areas around the Open Eye Cafe receive the highest usage.
The town lots on Weaver Street & Laurel Ave. are under-utilized.
From these numbers I conclude that the parking demand has not outstripped the demand. However, I believe regulation by the town and local business owners would be appropriate to avoid bottlenecks in areas such as the Open Eye Cafe.
Most towns and cities have parking management plans and methods of enforcement. I believe this

Attachment K-5

would be appropriate for Carrboro, given the growth that will occur in the next few years.
I understand that the town will be conducting a parking study of its own. I would be glad to participate in the study because I think it will benefit not only new development, but also existing businesses that are striving to become part of the growth that will occur soon.
David

David N. Ripperton
David N. Ripperton Architect Inc.
200 N. Greensboro St., Ste. B-13b
Carrboro, NC 27510
919-942-9999
919-942-8989 Fax
david@dnra.net

Attachment "K"-6

Attachment "K"-7

NAME	OEG-9	OER-10	RSR-8	RSM-8	MLOT-20	BANK29	T-R-26	ACME-14	LOT-37	ARMA-9	T-R-M-35	T-CC-40	T-WS-33	T-L-20	TOTAL
DAY TIME															
2008 6-9 AM															
30-Jan	3	3	3	0	2	2	1	2	3	2					21
31-Jan	4	7	4	0	2	2	6	1	5	1					32
1-Feb	6	9	6	0	2	3	2	6	3	1					38
2-Feb	2	5	6	4	2	1	7	3	6	1					37
3-Feb	1	3	0	0	2	2	2	3	1	1					15
4-Feb	3	5	2	0	2	0	1	0	3	1	2				19
5-Feb	5	5	4	0	2	2	6	0	5	1	2				32
6-Feb	8	10	5	1	2	4	6	1	6	1	4				48
7-Feb	6	9	7	2	2	5	10	5	15	2	5				68
8-Feb	10	10	7	4	2	11	19	6	16	2	5	15	7	12	126
9-Feb	7	4	5	0	2	3	8	3	10	3	4	8	0	2	59
10-Feb	2	5	0	0	2	2	3	3	3	2	2	1	0	2	27
11-Feb	1	4	1	0	2	1	1	1	1	1	1	1	1	2	18
12-Feb	5	6	5	0	2	1	9	0	4	1	3	7	2	6	51
13-Feb	5	5	2	0	2	0	4	0	3	1	3	5	0	3	33
14-Feb	4	2	2	0	1	0	0	0	3	1	1	1	0	1	16
15-Feb	6	7	6	0	2	10	9	1	9	1	4	15	7	7	84
16-Feb	7	5	4	2	2	6	4	8	9	13	3	8	2	1	74
TOTAL	**85**	**104**	**69**	**13**	**35**	**55**	**98**	**43**	**105**	**36**	**39**	**61**	**19**	**36**	**798**
6-9 AM AVE	**4.722**	**5.778**	**3.833**	**0.722**	**1.944**	**3.056**	**5.444**	**2.389**	**5.833**	**2**	**3**	**6.778**	**2.111**	**4**	
% LOT SPACE	**52.22**	**58**	**47.5**	**9**	**9.5**	**10.34**	**20.77**	**17.14**	**15.68**	**22.22**	**8.571**	**17**	**6.364**	**20**	

NAME	OEG-9	OER-10	RSR-8	RSM-8	MLOT-20	BANK29	T-R-26	ACME-14	LOT-37	ARMA-9	T-R-M-35	T-CC-40	T-WS-33	T-L-20	TOTAL
DAY TIME															
2008 11-3PM															
30-Jan	8	7	7	5	2	13	19	9	16	13					99
31-Jan	9	9	7	2	2	16	21	12	10	5					93
1-Feb	8	11	10	5	4	17	20	12	16	7					110
2-Feb	5	8	7	8	2	18	18	13	13	6					98
3-Feb	8	10	6	8	2	14	19	12	12	6					97
4-Feb	6	6	5	1	2	13	12	6	14	15	9				89
5-Feb	8	10	7	4	2	10	18	4	16	6	22				107
6-Feb	8	10	6	4	2	14	16	9	17	4	27				117
7-Feb	7	9	7	4	2	10	20	6	22	4	20				111
8-Feb	9	9	6	6	2	18	20	11	22	3	25	34	10	12	187
9-Feb	8	7	7	6	2	11	25	14	24	8	34	23	2	3	174
10-Feb	8	9	8	5	2	11	19	12	13	5	11	18	1	2	124
11-Feb	7	8	7	6	2	10	16	8	20	5	18	17	14	6	144
12-Feb	8	7	7	6	2	14	16	12	21	4	16	25	17	8	163
13-Feb	7	8	7	3	2	12	17	11	13	5	16	17	8	7	133
14-Feb	6	9	4	5	2	10	16	9	24	6	15	20	8	10	144
15-Feb	11	7	7	6	2	15	22	11	20	5	25	20	22	7	180
16-Feb	6	8	7	2	2	13	20	10	20	8	34	31	3	0	164
TOTAL	**137**	**152**	**122**	**86**	**38**	**239**	**334**	**181**	**313**	**115**	**272**	**205**	**85**	**55**	**2334**
11-3 PM AVE	**7.611**	**8.444**	**6.778**	**4.778**	**2.111**	**13.28**	**18.56**	**10.06**	**17.39**	**6.389**	**20.92**	**22.78**	**9.444**	**6.111**	
% LOT SPACE	**84.44**	**84**	**85**	**60**	**10.5**	**45.86**	**73.08**	**71.43**	**46.76**	**71.11**	**60**	**57**	**28.48**	**30.5**	

Attachment "K"-8

NAME	OEG-9	OER-10	RSR-8	RSM-8	MLOT-20	BANK29	T-R-26	ACME-14	LOT-37	ARMA-9	T-R-M-35	T-CC-40	T-WS-33	T-L-20	TOTAL
DAY TIME															
2008 3-6 PM															
30-Jan	7	7	7	3	3	16	18	9	13	8					91
31-Jan	9	10	9	6	2	14	20	11	20	5					106
1-Feb	7	9	7	5	2	22	22	11	28	9					122
2-Feb	8	9	9	5	2	14	21	6	9	4					87
3-Feb															0
4-Feb	7	10	4	3	2	17	20	9	11	8	16				107
5-Feb	6	8	6	4	2	14	20	10	9	6	12				97
6-Feb	8	8	6	5	2	18	21	11	13	7	19				118
7-Feb	6	7	8	4	2	16	19	9	18	3	22	16			130
8-Feb	7	8	7	7	2	17	19	9	28	8	25	18	8	7	170
9-Feb	8	8	8	3	2	12	16	9	10	8	18	19	0	2	123
10-Feb	6	7	9	5	2	23	18	7	10	6	23	32	1	2	151
11-Feb	5	8	6	4	2	18	13	9	15	5	13	23	12	5	138
12-Feb	6	10	16	7	9	7	4	2	13	18	9	15	7	11	134
13-Feb	7	9	7	3	2	14	16	12	20	5	10	17	6	2	130
14-Feb	6	7	6	1	2	16	22	14	22	8	19	14	9	1	147
15-Feb	7	8	5	5	2	19	22	12	21	5	21	9	6	4	146
16-Feb	8	9	8	6	2	14	19	8	13	5	18	17	1	0	128
TOTAL	**118**	**142**	**128**	**76**	**42**	**271**	**310**	**158**	**273**	**118**	**225**	**180**	**50**	**34**	**2125**
3-6 PM AVE	**6.941**	**8.353**	**7.529**	**4.471**	**2.471**	**15.94**	**18.24**	**9.294**	**16.06**	**6.941**	**17.31**	**18**	**5.556**	**3.778**	
% LOT SPACE	**76.67**	**84**	**93.75**	**56.25**	**12.5**	**55.17**	**70**	**66.43**	**43.51**	**77.78**	**49.43**	**45**	**16.97**	**19**	

NAME	OEG-9	OER-10	RSR-8	RSM-8	MLOT-20	BANK29	T-R-26	ACME-14	LOT-37	ARMA-9	T-R-M-35	T-CC-40	T-WS-33	T-L-20	TOTAL
DAY TIME															
2008 7-10PM															
30-Jan	7	8	7	3	2	23	20	13	11	7					101
31-Jan															0
1-Feb															0
2-Feb	8	8	7	6	2	13	23	19	4	7					97
3-Feb	7	9	4	2	2	6	12	1	6	4					53
4-Feb	8	10	7	4	2	16	17	10	6	9	24				113
5-Feb															0
6-Feb															0
7-Feb	8	10	9	4	2	15	15	5	4	3	12	6	0	2	95
8-Feb	9	10	12	6	2	28	26	14	37	9	35	34	6	3	231
9-Feb															0
10-Feb															0
11-Feb															0
12-Feb															0
13-Feb	8	9	8	6	2	18	18	8	3	5	8	8	0	1	102
14-Feb	6	8	9	5	2	22	17	14	18	7	29	18	4	0	159
15-Feb	8	8	7	11	2	34	20	14	22	8	35	30	0	0	199
16-Feb	8	10	13	7	2	28	19	12	19	8	34	38	1	0	199
TOTAL	**77**	**90**	**83**	**54**	**20**	**203**	**187**	**110**	**130**	**67**	**177**	**134**	**11**	**6**	**1349**
7-10 PM AVE	**7.7**	**9**	**8.3**	**5.4**	**2**	**20.3**	**18.7**	**11**	**13**	**6.7**	**25.29**	**22.33**	**1.833**	**1**	
% LOT SPACE	**85.56**	**89**	**103.8**	**67.5**	**10**	**70**	**71.92**	**78.57**	**35.14**	**74.44**	**72.29**	**55.75**	**5.455**	**5**	

Attachment K-9

David N. Ripperton Architect Inc.
200 N. Greensboro St., Suite B-13b Carrboro, NC 27510 919-942-9999 Fax 919-942-8989

Roberson Square Parking Requirment
2-17-08

Provided with covered garage **65**
21 for Apartments
44 Other

Non-credited spaces **13**
8 on-street
1 additional motorcycle
4 bike racks (equivalent to 20 individual)

Required by LUO with Restaurant Use **104**

Presumptive Requirement based on the following:

- Near the bus lines
- Within walking distance of Harris-Teeter & CVS Pharmacy
- Combination of Office-Retail-Residential use where live-work in same place
- Addition of sidewalks all sides of building & along the interior
- Reduction in auto traffic & carbon emission from number spaces required versus number provided.
- Pedestrian courtyard for enjoyment of all with parking out of sight below grade.
- Restaurant peak hrs. 11-1, Both "restaurants" will actually be Deli, Subs, doughnuts or coffee, no cooking involved, only plate preparation, all ingredients will be delivered cooked and baked from outside. Owner will agree to add this as a condition of the permit.
- Owner requests "unbundling" of parking to ease potential financial burden on condo owners.

Condition of Approval

Owner agrees to secure the additional parking spaces that the BOA stipulates as a condition of approval at the time of the C.O.

The owner reserves the right to reappear before the Board at a later date to request a minor modification in the parking requirements if 1 or no restaurants are built.

David N. Ripperton Architect Inc.
200 N. Greensboro St., Suite B-13b Carrboro, NC 27510 919-942-9999 Fax 919-942-8989

ROBERSON SQUARE
2-17-08
Required Parking with Restaurant Use included on 1st Floor

Use	Formula	Net SF	Required Spaces	LUO reference
Residential			29	15-291(g): Part II
1/2 Office (3.120)	1/400 ft^2	7,728	19	15-291(g): Part II
Joint Use Application			48/1.4 = 34	15-297(c)
Retail (2.120; 2.13)	1/300 ft^2	8,714	29	15-291(g): Part II
1/2 Office (3.120)	1/400 ft^2	7,728	19	15-291(g): Part II
Joint Use Application			48/1.2 = 40	15-297(c)
Subtotal			74	
Restaurant (8.1, 8.2)	1/100 ft2	3,687	37	15-291(g): Part I
Total			111	
Bike rack reduction			Reduce by 1	15-291(d)(1)
Motorcycle reduction			Reduce by 6	15-291(d)(2)
Total			104	

Attachment "L"

Martin Roupe

From: Michael Brough [brough@broughlawfirm.com]
Sent: Friday, February 15, 2008 2:22 PM
To: Robert E. Hornik, Jr.; Martin Roupe; Drew Cummings; Adena Messinger; Patricia J. McGuire
Cc: m1brough@earthlink.net; Sarah Williamson
Subject: RE: getting materials together 2/26 public hearing on Roberson Square

I agree with Bob on both points.

Mike

From: Robert E. Hornik, Jr.
Sent: Thursday, February 14, 2008 4:48 PM
To: Martin Roupe; Drew Cummings; Adena Messinger; Patricia J. McGuire
Cc: Michael Brough; m1brough@earthlink.net; Sarah Williamson
Subject: RE: getting materials together 2/26 public hearing on Roberson Square

Regarding the Town Attorney's follow up items (nos. 2 and 10, if I read the table correctly), I say as follows (and Mike may follow up on these as the 26th approaches):

Item 2 - Legality of proposed Roberson Place property owners transfer fee - As I recall the question raised was whether the fee amounted to an illegal tax imposed by the Town. In my opinion, because the transfer fee was, or has been, voluntarily proposed by the applicant as a mechanism by which the owners of units in the building would help fund the affordable housing components of the project, and since the transfer fee would be imposed by the covenants to be recorded and which become part of the "contract" by which unit owners agree to when the purchase units, it is not a tax. Anybody who does not want to participate is free to do so - they can decline the opportunity to purchase units in the building.

Item 10 - How long can the CUP process remain open before the BOA needs to make a decision? - The LUO does not provide or fix a specific timeline for decisions on CUP applications in Article IV. As a very general rule, the decision should be made within a reasonable time (whatever that is...) after the hearing is closed. What is reasonable depends on the circumstances. If the applicant and the Board and staff are working together toward a resolution of an issue that has arisen with the application, then you obviously have more time than in a circumstance where, for example, the hearing is complete, all the evidence has been submitted, and the applicant is just waiting for a decision. Eventually, the Board would have to make a decision, or wouild be forced to do so, under the latter circumstance. In my experience, a court would frown on an attempt to delay a decision on a pending CUP application while the Board changes the rules of the game by which the application is to be judged in a way that prejudices the applicant, so if that were the reason for the delay it would likely be demed unreasonable.

I hope this response is helpful, and if you need a more formal reply let me know.

Bob Hornik
THE BROUGH LAW FIRM
(919)929-3905

From: Martin Roupe [mailto:mroupe@ci.carrboro.nc.us]
Sent: Thursday, February 14, 2008 10:50 AM
To: Drew Cummings; Adena Messinger; Robert E. Hornik, Jr.; Patricia J. McGuire
Subject: RE: getting materials together 2/26 public hearing on Roberson Square

Article II

MISCELLANEOUS OFFENSES

Section 5-11 Noise Generally

No person may authorize or cause the emission from any property or source under his control any noise that is both:

(1) Sufficiently loud to frighten or pose a danger to the health of or seriously disturb any person who:

a. if the noise emanates from a source located on private premises, is located on other premises (including other dwelling units or rented premises located on the same tract of land), or (Amend. 4/27/82)

b. if the noise emanates from a street or other public property, is located on private property or the street or other public property, and

(2) Louder, or of greater duration, or otherwise more disturbing than is reasonably necessary for the performance of some lawful public or private function, enterprise, operation, or activity.

Section 5-12 Particular Noise (Amend. 11/16/93)

The following are declared to be illustrations of noises prohibited under the foregoing section, and are hereby declared to be unlawful, but this list shall not be exhaustive:

(1) The playing of any radio, television, tape recorder, phonograph, or similar electronic device or any musical instrument so as to disturb the comfort, quiet or repose of persons in any place of residence or so as to interfere substantially with the operations of any church, school, theater, library or other similar place of assembly.

(2) The use of any drum, loudspeaker, or other amplification instrument or device for the purpose of attracting attention by the creation of noise to any performance, show, ale, display, advertisement of merchandise, or other commercial venture.

(3) Any party or assembly of persons in a dwelling unit or on residential premises producing loud and raucous noise after 11:00 p.m. that tend to disturb the comfort, quiet, or repose of persons in other dwelling units or on other residential premise. The person in possession of the premises where such a part or assembly of persons takes place shall be deemed responsible for the emission of loud and raucous noises under this subdivision. (Amend. 4/27/82)

(4) The operation or use of any of the following tools, machinery, or equipment, when such operation or use takes place (i) outside of a fully enclosed structure; and (ii) within 300 feet of a residentially occupied structure that is not in the possession of

the party responsible for the noise at issue; and (iii) after sunset on any day or before 7:00 a.m. on any day except Sunday and before 12:00 noon on Sunday. However, this prohibition shall not apply when work must take place on an emergency basis for health or safety reasons, or when work is undertaken within a public street right-of-way by (i) a utility pursuant to an encroachment agreement, (ii) the town, or (iii) the North Carolina Department of Transportation. (Amend. 1/16/2001)

(a) Earth moving or clearing power equipment.

(a) Chain saws, brush cutters, wood chippers, or similar power equipment.

(a) Power saws

(a) Power driven hammers or jackhammers.

(5) The barking, howling, whining, crying, crowing, or other noise making of any animal that occurs essentially unabated for a period of at least five minutes on at least three occasions during the hours between 11:00 p.m. and 7:00 a.m. (Amend. 9/24/02)

Section 5-12.1 Motor Vehicle Noises (Amend. 11/16/93)

The following are illustrations of noises, produced in connection with the operation or use of motor vehicles, that are prohibited under Section 5-11 and are hereby declared to be unlawful, but this list shall not be exhaustive:

(1) The blowing of a horn on any motor vehicle except when the horn is used as a warning device.

(2) The operation of any motor vehicle without a muffler or with a muffler that is so defective or so designed that the vehicle emits an unusually loud noise.

(3) The operation of any motor vehicle so as to create unnecessary and unusual noise through the screeching of tires or racing of engines.

(4) The operation or use of a motor vehicle with amplified sound produced by a radio, tape player, compact disc player or other soundmaking deveice or instrument within the motor vehicle such that the sound is plainly audible at a distance of 100 feet or more from the motor vehicle.

Section 5-13 Discharge of Firearms and Air Rifles

(a) Subject to subsection (b), no person may discharge any pistol, rifle, shotgun, or other gun or any air pistol, slingshot or any like instrument used to eject a pellet or projectile within the town limits.

(b) Subjection (a) shall not apply to private citizens acting in justifiable defense of persons or property or pursuant to the lawful directions of a police officer nor to police officers acting in the lawful performance of their duties.

(c) No parent of a child or any person who stands in the relationship of a parent to a child may knowingly permit such child to violate subsection (a).

Section 5-14 Operation of Public Enterprise Without Franchise

Except as otherwise provided by law, no person may operate within the town any public enterprise, as defined in G.S. 160A-311, without first obtaining a franchise from the town, nor may any person continue to operate such public enterprise after the expiration of such franchise.

Section 5-15 Curfew for Minors **(Repealed 9/18/2007)**

Section 5-16 Public Urination and Defecation Prohibited (Amend. 10/12/93)

Except in designated water closets or toilet facilities, it shall be unlawful for any person to urinate or defecate on any public place, sidewalk, street, alleyway or right-of-way, or in any public building, or on private property. Having the permission of the owner or person in lawful possession shall constitute an affirmative defense to the charge of urinating or defecating on private property.

Section 5-17 Begging or Soliciting Alms by Intimidation (Amend. 10/12/93, 3/7/95)

(a) Except when performed in the manner set forth in subsection (b), it shall not be unlawful to beg or solicit alms or contributions.

(b) It shall be unlawful for any person to ask, beg or solicit alms or contributions, or exhibit oneself for the purpose of begging or soliciting alms or contributions with the intent to intimidate another person into giving money or goods.

(c) For purposes of this section, "ask, beg or solicit" shall include, without limitation, the spoken, written or printed word or such other acts as are conducted in furtherance of the purpose of obtaining alms or contributions.

(d) For purposes of this section, "intimidate" shall be defined as conduct which would cause a reasonable person to fear imminent bodily harm and cause such person to do something he or she would not otherwise have done.

Section 5-18 Consumption of Malt Beverages or Unfortified Wine on Public Property and Possession of Open Containers of Malt Beverages or Unfortified Wines on Public Property Prohibited (Amend. 10-24-95)

(a) No person may consume malt beverages or unfortified wines or possess open containers of malt beverages or unfortified wines on any property owned or occupied by the Town, except that this prohibition does not apply to:

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(1) Social or other events at the Town Hall of Century Center that are sponsored by the Town or authorized by the Town pursuant to applicable policies for the reservation and use of such facilities; or

(2) The sampling of malt beverages or unfortified wines at the Town Commons during the regular operating hours of the Farmers' Market, so long as (1) the samples offered do not exceed one ounce, (2) the samples are offered by a market vendor that either produced the malt beverages or wine or grew the grapes that made the wine, (3) the samples are offered in connection with the sale of such malt beverages or wine by the bottle, (4) malt beverages or unfortified wines are not sold by the glass for consumption on site, and (5) the vendor has all appropriate ABC licenses or permits authorizing this activity. (Amend. 2/13/01, 6/5/07)

(b) ~~No person may possess open containers of malt beverages or unfortified wines on any property owned or occupied by the Town, except that this prohibition does not apply to social or other events at the Town Hall or Century Center that are sponsored by the Town or authorized by the Town pursuant to applicable policies for the reservation and use of such facilities. (Amend. 2/13/01)~~ Repealed 6/5/07)

(b) For purposes of this section, the following terms shall have the meaning indicated:

Malt Beverage: Beer, lager, malt liquor, ale, porter, or any other brewed or fermented beverage--containing at least one-half of one percent (0.5%), and not more than six percent (6%), alcohol by volume.

Unfortified Wine: Wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar, and that has an alcoholic content of not more than seventeen percent (17%) alcohol by volume.

Open Container: A container whose seal has been broken or a container other than the manufacturer's unopened original container.

Property owned or occupied by the town: This includes all public streets, sidewalks, bikeways, and other public rights-of-way, as well as the Town Hall property, public works facility, all town parks, and all other properties owned or occupied by the Town of Carrboro.

Section 5-19 Fences Required Around Outdoor Pools (Amend. 7/1/97)

(a) The provisions of Appendix D of Volume 7 of the North Carolina State Building Code, entitled "Swimming Pools, Spas and Hot Tubs," as the same exist on July 1, 1997 or are thereafter amended, are incorporated herein by reference and hereby adopted.

(b) The provisions referenced in subsection (a) shall apply to all outdoor swimming pools, spas, and hot tubs (as those terms are defined in the referenced regulations) located within the corporate limits of the town, regardless of whether such pools, spas, and hot tubs are located on single-family, two-family, multi-family, or non-residential property and regardless of whether the same are existing on or constructed after the effective date of this ordinance.

M-5

(c) The building inspector may approve barriers that exist on the effective date of this ordinance to the extent that such barriers substantially comply with the specifications set forth in Appendix D or provide substantially equivalent protection to such specifications.

Sections 5-20 ~~Reserved~~ Limitation on Use of Designated Right-of-Way (Amend. 11/20/07)

(a) Findings.

1. The provisions of this section are intended to respond to the issues raised at a community meeting attended by approximately 30 residents and 9 Carrboro staff on July 26, 2007. This meeting was requested by neighbors to discuss issues associated with the daily gathering of significant numbers of individuals at or near the intersection of Davie Road and Jones Ferry Road. Additional input was received by the Board of Aldermen at a public hearing held on October 23, 2007.

2. A substantial number of day laborers assemble within the area described in subsection (d) in the morning hours seeking work or waiting to be picked up for work. The problems described in subsection (a)(3) of this section do not typically occur during the morning hours. Rather, these problems tend to occur after 11:00 a.m. when individuals who are not looking for work gather in this area.

3. The following problems are directly associated with the congregation of individuals in the area described in subsection (d) between the hours of 11:00 a.m. and 5:00 a.m. and would be greatly reduced or eliminated if compliance with the provisions of this section is achieved:

    a. The accumulation of litter and trash, which then is blown into the streets and neighboring properties;

    b. Public consumption of alcohol;

    c. Public urination and defecation;

    d. Trespassing on neighboring properties;

    e. Verbal harassment or intimidation of females in the area;

    f. Diversion of police resources (police responded to roughly 60 complaints in the area of the intersection of Davie Road and Jones Ferry Road between May 1 and September 18, 2007).

4. The problems identified in subsection (a)(3) cannot practically be resolved by enforcement of existing statutes or ordinances.

(b) Purpose and Intent. The purpose of this section is (i) to ensure that the right-of-way area specified in subsection (d) remains open and unobstructed so that it can serve its principal function, i.e. to allow for the safe and convenient passage of

motor vehicle, pedestrian, and bicycle traffic, and (ii) to eliminate the threats to the public health, safety, and welfare that have occurred as described in subsection (a) of this section arising out of the use of this area by persons for purposes unrelated to its principal function.

(c) Except as provided herein, no person may stand, sit, recline, linger, or otherwise remain within the area designated in subsection (d) between the hours of 11:00 a.m. and 5:00 a.m. This prohibition shall not apply to persons occupying motor vehicles, riding on bicycles, walking, or otherwise moving through such area, while such persons are actually engaged in the process of moving from a point outside such area, through such area, to another point outside such area.

(d) The area covered by this section shall be (i) that area within the public street right-of-way of Davie Road beginning at the intersection of the right-of-way of Jones Ferry Road and running in a northerly direction down Davie Road a distance of 200 feet; and (ii) that area within the northern half of the Jones Ferry Road right-of-way (i.e. north of the centerline of Jones Ferry Road) that begins at a point 200 feet east of the point where the centerline of Davie Road meets the right-of-way of Jones Ferry Road and that extends to a point that is 200 feet west of the point where the centerline of Davie Road meets the right-of-way of Jones Ferry Road.

(e) To the extent practicable, signs shall be posted along the areas covered under this section that provide notice of the provisions of this section.

Section 5-21 Penalties and Remedies.

(a) A violation of any of the provisions of this chapter, other than those set forth in Article III, shall constitute a misdemeanor, punishable as provided in G.S. 14-4.

(b) A violation of any of the provisions of this chapter shall subject the offender to a civil penalty of twenty-five dollars for the first offense, fifty dollars for the second offense within a thirty-day period, and one hundred dollars for the third or any additional offense that occurs within any thirty-day period. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.

(c) The town may seek to enforce this chapter through any appropriate equitable action.

(d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.

(e) The town may seek to enforce this chapter by using any one or a combination of the foregoing remedies.

From Chapel Hill Code of Ordinances: Sec. 21-27.2.2. Special parking permits.
The manager is authorized to issue annually special parking permits to residents of the streets listed below to park on said streets where parking is otherwise prohibited. Such parking shall be permitted only in areas displaying signs designating zones for parking by residential permit.
[list of street names]
The number of special parking permits issued for a given residence shall not exceed the number of licensed vehicles registered to the residence address. The manager is further authorized to issue a maximum of two (2) additional guest parking permits per residence address. All permits shall be renewable annually, with current proof of residence and vehicle license required at the time of permit issuance and/or renewal.

WHEREAS, these positions have been advertised and Joyce Beekman has submitted an application; and

WHEREAS, the Chair of the Human Services Commission is recommending that Ms. Beekman be appointed to one of the vacant seats on the Human Services Commission.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen hereby appoints Joyce Beekman to the Human Services Commission. Ms. Beekman's term shall expire in February 2007.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 18th day of April, 2006:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Jacquelyn Gist, John Herrera, Randee Haven-O'Donnell, Alex Zaffron

Noes: None

Absent or Excused: None

****

COURTESY REVIEW OF POTENTIAL DEVELOPMENT APPLICATION FOR 100 ROBERSON STREET

Mr. David Ripperton is interested in discussing certain policy issues with the Board of Aldermen prior to possibly submitting a development application for 100 Roberson Street. To that end, Mr. Ripperton requested that the Board of Aldermen conduct a courtesy review of conceptual information related to a potential application. Conceptual design materials related to the policy issues are attached. Town staff requested that the Board of Aldermen review the information and discuss the potential project with Mr. Ripperton.

Mr. Ripperton made a presentation.

Mike Brough stated that the Town Code does not address buildings encroaching on the right-of-way and if the Board allowed this, it would create a precedent.

Marty Roupe stated that the ordinance addresses signs in the right-of-way.

Alderman Gist spoke against allowing parking on Carr Street and against the building encroaching in the right-of-way.

Alderman Zaffron expressed concern about allowing the building to encroach into the right-of-way. He also expressed concern about the appearance of the façade. Reversal of the sidewalk and landscape would not meet the streetscape designs.

Marty Roupe stated that awnings are treated as signs.

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Town of Carrboro-
Parking Policies and or Recommendations
Downtown New Vision, Vision 2020, Market Analysis, RTS Report and Parking Task Force Report

Vision 2020-*(2000)*

- Provide multimodal access to the downtown and as traffic increases consider perimeter parking lots with shuttles to bring people downtown.
- Develop a plan to improve infrastructure(parking, sidewalks lighting & shading) develop transit and traffic initiatives.

Downtown Carrboro New Vision-*(2001)*

- Investigate ways to convert the patchwork hodge-podge of small parking lots into larger communal parking areas which permit removal of property line barriers and other obstacles.
- Develop a consensus among businesses and property owners in regard to parking.
- Acquire or lease lots and dedicated them to public parking as an alternative of building large centralized expensive facilities such as parking garages
- Recommend parking time zones and investigate methods for a self-funded program that includes a code enforcement officer.
- The number of driveways into existing lots could be consolidated, reducing congestion on the streets, adding on-street parking in some areas, and improving walkability through driveway reduction.
- Clear and distinctive signage needs to be designed and installed to alert motorists of the existence and whereabouts of ample off-street parking.
- Managing curbside and off-street parking by establishing parking zones ranging from 30 minutes to all day would help keep the most convenient spaces open without using meters.

Downtown Carrboro Market Analysis-*(2002)*

- Build a parking structure or encourage the creation of a private parking structure
  - Despite the desire to create a pedestrian village, Carrboro is now (and will be for the foreseeable future) dependent upon the automobile to support businesses
  - Survey indicates that most people are willing to pay some for parking, but it is very difficult for a parking deck to break even.
- Develop methods of reducing traffic impacts
  - Even though retail businesses gravitate toward high traffic areas, the amount of congestion in the downtown area is already excessive. Some better method of handling traffic should be developed.
  - Even though it is not an economic development method per se, infrastructure maintenance and enhancement are critical for further expansion of the local economy.
- Recommend shared or reciprocal parking agreements for all developments downtown.
- Reduce the land area required for parking to maintain density of downtown.

Parking Task Force Report-*(2002)*

- **Revise Parking Ordinance**

  1. Abandon use-based calculation of parking load.
  2. Provide payment-in-lieu option based on cost of town supplying parking not provided by developer.
  3. Simplify dimensional standards for parking bays and aisles shown on development plans.
  4. Give consideration to establishing maximum lot area devoted to parking
  5. Remove requirement to pave lots.

Town of Carrboro-
Parking Policies and or Recommendations
Downtown New Vision, Vision 2020, Market Analysis, RTS Report and Parking Task Force Report

- **On-street Parking** Charge staff to identify and to create fifty new on-street parking spaces in the downtown area by the end of FY 2003, and a total of at least two hundred on-street parking spaces by the end of FY 2008.
- **Walkability and Transportation** Develop a walkability program that includes enhanced traffic calming, crosswalks and sidewalks in the downtown. Aggressively pursue the development of bike- and pedestrian-friendly roads throughout the community.
- **Consolidations and Sharing** Survey downtown business owners to investigate opportunities for town-facilitated parking consolidation & sharing and develop standards, protocols and incentives for such facilitation. A suggested survey is attached.
- **Enforcement & Fees** Establish an enforcement program for existing short-term parking. Develop parking usage fee strategies to pay for enforcement and management and to contribute to Parking Development Trust Fund. Establish a monitored trial of multi-bay metering in the public lot at East Main and Roberson streets.
- **Parking Development Trust Fund** Establish a capital fund for land acquisition and development for parking and related purposes. The Fund is to be supported by payment-in-lieu fees, by any operational surplus of parking usage fees, and by a Town of Carrboro budget line item of at least $50,000 annually. In addition to strategic land acquisition, acceptable uses for the fund would include street modifications to accommodate on-street parking, provision of bike and public transportation support facilities that directly impact parking demand, and the layout, landscaping & paving of surface lots and construction of parking decks.
- **Structured Parking** Charge staff to identify strategic locations for major parking structures as a guide to land acquisition in accordance with long-term vehicle management policy.
- **Reporting**

  Report to the Board annually on the progress on the recommendations with the understanding most of the items are contingent upon funding from town sources or some other resource and with out such funding the projects can not be completed.

Creating Carrboro's Economic Future *RTS –(2006)*

- Create parking table that outlines parking requirements by use rather than by 4-digit number.
- Continue to promote walkability and public transportation.
- Address parking needs through database of existing parking relationships and further study of building a structure.
- Buildings align the street, where practical, as opposed to fronting parking lots.
- Parking is sited to minimize its visibility from a public street or open space.
- The placement of buildings, roads, and parking minimizes impact on the existing topography.

ATTACHMENT "Q"

TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL **PLANNING DEPARTMENT**

DELIVERED VIA: ☐ *HAND* ☐ *MAIL* ☐ *FAX* ☒ *EMAIL*

To: **Marty Roupe, Development Review Administrator**

From: **Patricia J. McGuire, Planning Administrator**

Date: **February 22, 2008**

Subject: **Payments-in-lieu for parking**

In its deliberations on the application for a conditional use permit for the 203 S. Greensboro Street mixed use project, the Board of Aldermen has requested examples of how payments-in-lieu for parking (PLP) are used in other jurisdictions. Dale McKeel, former Transportation Planner, provided a review of parking ordinance revisions recommended by the Parking Task Force to the Board of Aldermen on October 14, 2003.

Mr. McKeel's review included information on PLP as that was one of the task force recommendations, which is excerpted at the end of this transmittal, and reported on the limited experience with these payments in North Carolina at that time. In preparing this memo, staff has not found any additional locations in the state where PLP are in use. Staff has contacted Chapel Hill for an update on receipt of payments to its in-lieu fund and will provide an update when available. Mr. McKeel's report is excerpted below the following table.

Planning staff has researched the use of PLP elsewhere and found the following examples:

Jurisdiction	Area	Option	Payment per space	Timing
Davie, FL	CRA Redevelopment Area	Up to, no more than 25 percent	$3,188	Prior to issuance of building permit
Davis, CA	*	No information	$8,000 for all districts except Central Commercial (CC) and Mixed Use	Prior to issuance of certificate of occupancy (CO)

Jurisdiction	Area	Option	Payment per space	Timing
			(MU), $4,000 in CC and MU	
Seattle, WA	Funds paid to Northgate Parking Commission for construction of a public parking structure within Northgate Core Area	Up to 20 percent of long-term parking,	Based on construction cost of parking space in a structured garage in the Northgate Core Area (staff has requested this information, but not yet received it).	If structure is not constructed within 6 months of issuance of CO, City may use funds to otherwise help reduce vehicle trips.

* Where on-grade, on-site parking is not permitted or where PLP are permitted.

Excerpt of Dale McKeel's staff review of Parking Task Force Recommendations, October 14, 2003

Recommendation # 2: Provide Payment-In-Lieu Option Based On Cost of Town Supplying Parking Not Provided by Developer

Description from Parking Task Force Report: Allow deductions from payment-in-lieu of actual cost of facilities or programs which support bicycle commuting and other personal motor vehicle alternatives – bike racks, employee showers, etc. *Purpose – Allow flexibility to developer and build public fund for parking and related development. Suggested: $6,000 per space not provided, adjusted annually for inflation.*

Discussion

The parking report suggests that a payment-in-lieu option be created to facilitate the provision of parking by the Town of Carrboro. Under this option, a developer could pay a fee instead of providing the parking spaces required by the zoning ordinance.

The payment-in-lieu option is related to the parking requirements listed in recommendation # 1. Most communities set a uniform fee per space that is applied to all projects, though some communities calculate the fee on a case-by-case basis for each project. Communities use a variety of methods to set their in-lieu fees.

In a 1996 survey, the fees charged by different communities ranged from $2000 to $27,520 per space not provided.[1] In Palo Alto, California, based upon the costs of the two public garages under construction, the fee is currently set at $50,993 per parking space that is not provided on site.

Most cities allow the developer to choose whether to pay the fee or provide the parking, but a few cities require the developer to pay the fee rather than provide the parking. The

[1] Shoup, Donald C., "In Lieu of Required Parking," Journal of Planning Education and Research, Vol.18, No. 4 (1999), pp.307-320.

in-lieu fees in most communities do not cover the full cost of providing a public parking space. Cities try to set the fees high enough to pay for some public parking, but yet low enough not to discourage downtown development.

A payment-in-lieu program should be viewed as a complement to other efforts to develop downtown parking. The Town of Carrboro's Charter provides for the establishment of a payment-in-lieu program in Section 6-9, Off-Street Parking Fund (Attachment D).

There is not a lot of experience with the use of in-lieu fees in North Carolina. Town staff has identified one municipality, Chapel Hill, which has created a payment-in-lieu for parking program. Chapel Hill's program, referred to as the Town Center District Off-Street Parking Fund, has been in place for a number of years, but no payments have been made into the fund since it was created.

Implications of Adopting the Amendment

Donald C. Shoup, a professor of planning at UCLA, in the mid-1990s surveyed officials in 46 cities in the U.S., Canada, and abroad on their in-lieu parking program.[2] He developed the following advantages and disadvantages of in-lieu parking programs based on these surveys:

Advantages of In-Lieu Fees

1. A new option. In-lieu fees give developers an alternative to meeting the parking requirements on sites where providing all the required parking would be difficult or extremely expensive.

2. Shared Parking. Public parking spaces allow shared use among different sites where the peak parking demands occur at different times. Shared public parking is more efficient than single-use private parking because fewer spaces are needed to meet the total peak parking demand. Shared parking also allows visitors to leave their cars parked while making multiple trips on foot, and is one of the easiest ways to make better use of scarce urban land.

3. Better Urban Design. Cities can put public parking lots where they have the lowest impact on vehicle and pedestrian circulation. Less on-site parking allows continuous storefronts without "dead" gaps for adjacent surface parking lots. To improve the streetscape, some cities dedicate the first floor of the public parking structures to retail use. Developers can undertake infill projects without assembling large sites to accommodate on-site parking, and architects have greater freedom to design better buildings.

[2] Ibid.

4. Fewer Variances. Developers often request parking variances when providing the required parking would be difficult. These variances create unearned economic windfalls granted to some but denied to others. If developers can pay cash rather than provide the required parking, cities do not have to grant parking variances and can therefore treat all developers consistently.

5. Historic Preservation. In-lieu fees allow adaptive reuse of historic buildings where the new use requires additional parking that is difficult to provide. The in-lieu policy therefore makes it easier to preserve historic buildings and rehabilitate historic areas.

Disadvantages of In-Lieu Fees

1. Lack of On-Site Parking. Parking is a valuable asset for any development. A lack of on-site, owner-controlled parking can reduce a development's attractiveness to tenants and customers. While a lack of on-site parking is a real disadvantage, developers who are concerned about this problem can always provide the parking rather than pay the fee.

2. High Fees. Cities may not construct and operate parking facilities as efficiently as the private sector. For example, cities may pay extra to improve the architectural design of parking lots and structures. The resulting in-lieu fees may be high. Although some cities charge high in-lieu fees, most set their in-lieu fees lower than the cost of providing a public parking space. Because the fixed cost for ramps, elevators, stairwells, and curb cuts can be spread among more spaces in large public parking structures, economies of scale in building these structures can further reduce the in-lieu fees.

3. No guarantees. Cities may intend to use the in-lieu fee revenue to finance public parking, but they do not guarantee when or where the parking spaces will be provided. To address this concern, some cities build public parking structures before receiving the in-lieu fees. The in-lieu fees are then used to retire the debt incurred to finance the structures. Other cities return the in-lieu fees if they do not provide the parking within a certain time. A city can also delay collecting the in-lieu fees until the revenue is needed to construct the public parking.

4. Fewer parking spaces. In-lieu fees will reduce the parking supply if cities provide fewer than one public parking space for each in-lieu fee paid. A smaller parking supply can put an area at a competitive disadvantage. Cities may not provide one public parking space for each in-lieu fee paid, but if a city uses in-lieu fees to build public parking spaces rather than grant variances to reduce parking requirements, the in-lieu policy will increase rather than decrease the parking supply. Even if an in-lieu policy does reduce

the parking supply, shared public parking reduces the parking supply needed to meet the sum of all individual peak parking demands.

Additional Considerations

In reviewing the experience of other communities in developing a payment-in-lieu option, it has been noted that the success of this method is more likely (1) when rapid development is expected in a definable area, and (2) when an off-street parking facility is already available or will be available on a definable schedule and within acceptable proximity.

A significant problem has occurred in communities where there was slow, small, and random development, and money dribbled into the fund and was not sufficient to cost-effectively provide parking in reasonable proximity to each development. A developer who has contributed $50,000 in lieu of ten parking spaces probably does not want the money to sit in the fund for five years waiting for more funds to come in, nor have the funds used for parking spaces several blocks away from her development.[3]

Another consideration is the relationship between a payment-in-lieu option and the flexibility provisions in Carrboro's land use ordinance. For payment-in-lieu to be successful, the Town would likely need to minimize the application of the flexibility provisions in the ordinance.

Complementary Strategies

Town staff has identified the following complementary actions to the creation of an in-lieu fee. Note that the use of some of these options might require a modification of Section 6-9, Off-Street Parking Fund, in the Town Charter:

1. Capital Improvements Planning and Additional Funding Sources. Taking into account the link between in-lieu fees and public parking facilities, the development of an in-lieu fee in Carrboro should be coordinated with the update of the Capital Improvement Program and other planning for the addition of parking spaces in downtown. In other words, in-lieu fees could be used to capitalize the public provision of parking spaces according to a specific parking plan adopted by the Town. And because in-lieu fees are rarely set high enough to cover the full cost of providing public parking, additional sources of funding must be identified. Sources of funding might include the general fund, funds generated through a downtown tax district, project development financing (aka tax-increment financing, if approved by the voters in November 2004), or parking fees. Note that the parking report recommends the use of parking fees but the *Downtown Vision* report recommends that parking remain free of charge.

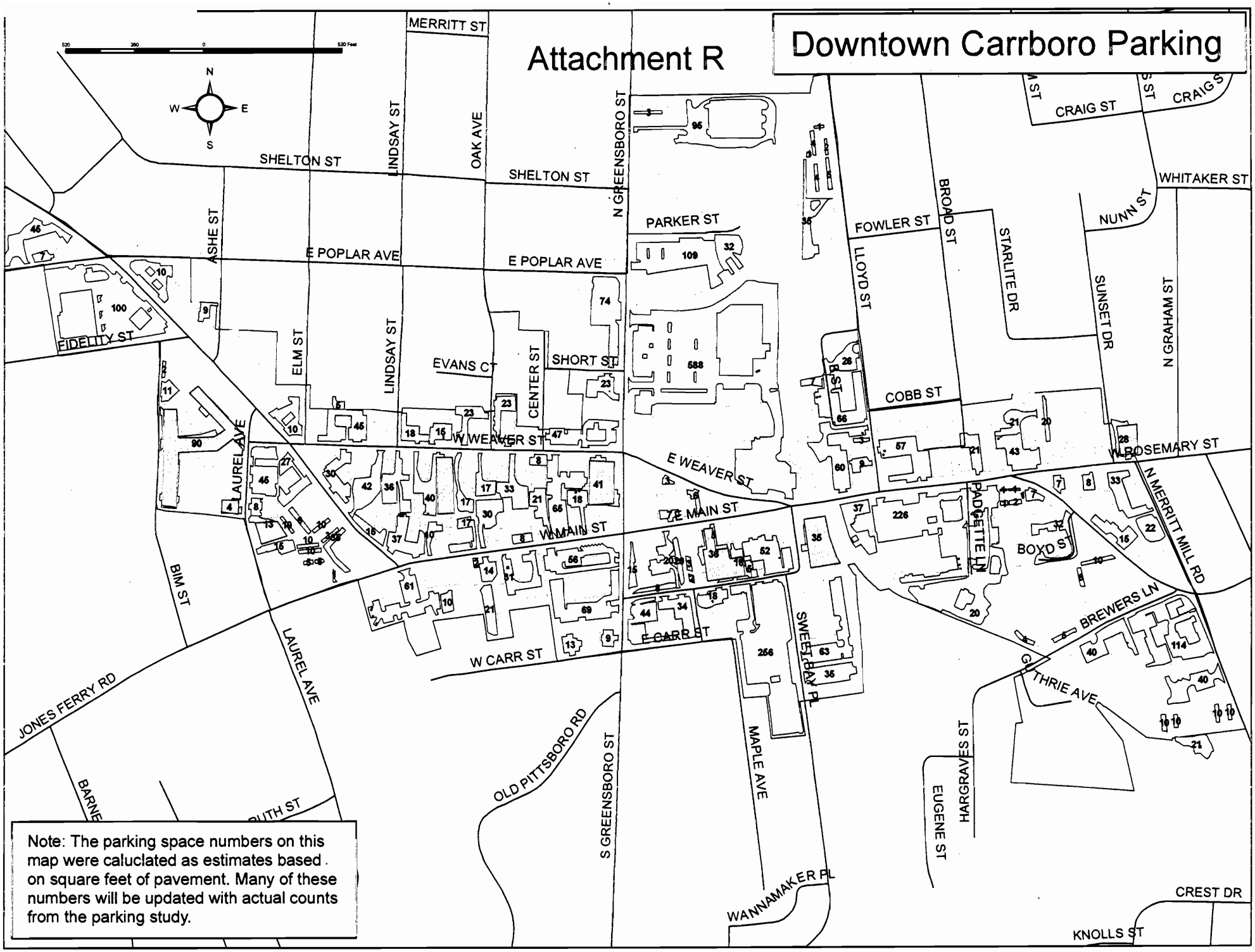
[3] ULI – the Urban Land Institute and NPA – the National Parking Association, *The Dimensions of Parking* (Washington, D.C., ULI, 1993), p. 50.

2. Transportation Demand Management. In addition to efforts to increase the supply of parking in downtown Carrboro, the parking report also recommends strategies to reduce the demand for parking. Transportation Demand Management (TDM) is a general term for various strategies that increase transportation system efficiency. For instance, Carrboro's ordinance already gives developers credit for one parking space if bicycle parking is provided. The parking report suggests that similar credit can be given for providing on-site showers and other incentives to promote transportation alternatives. Ordinance amendments should include a consideration of other TDM measures that can be encouraged as part of downtown development.

3. Purchase of Parking Permits or Transit Payments. Kirkland, Washington has two unusual payment-in-lieu options. Developers can pay $6000 per parking space not provided, and the subsequent owners must purchase one parking permit in a public lot for every three spaces not provided. Alternatively, developers pay no initial in-lieu fee but subsequent owners must purchase a parking permit in a public lot for each space not provided. Since Carrboro currently has free parking in public lots, this option could not be implemented unless parking fees are implemented. As an alternative, developers could make annual payments to the support the transit system instead of providing parking. The option to make annual payments for parking or transit would reduce the capital cost of development and encourage the use of public parking or improvements to the transit system.

Attachment R

Downtown Carrboro Parking



Note: The parking space numbers on this map were caluclated as estimates based on square feet of pavement. Many of these numbers will be updated with actual counts from the parking study.

ATTACHMENT "S"

TOWN OF CARRBORO

CONDITIONAL USE PERMIT WORKSHEET FOR TALLER BUILDINGS IN COMMERCIAL DISTRICTS

I. COMPLETENESS OF APPLICATION

☐ **The application is complete**

☐ **The application is incomplete**

_____

_____

_____

II. COMPLIANCE WITH SPECIFIC ORDINANCE REQUIREMENTS

☐ **The application complies with all applicable specific requirements of the Land Use Ordinance**

☐ **The application is not in compliance with the following specific requirements of the Land Use ordinance for the reasons stated below:**

_____

_____

_____

III. CONSIDERATION OF GENERAL REQUIREMENTS WITH RESPECT TO WHICH THE APPLICANT HAS THE BURDEN OF PROOF

A. ☐ **The Board finds that the proposed use will not substantially injure the value of adjoining or abutting property.**

☐ **The Board cannot find that the proposed use will not substantially injure the value of adjoining or abutting property, or finds that the proposed use will substantially injure the value of adjoining or abutting property, for the following reasons:**

_____

_____

_____

B. ☐ **The Board finds that the proposed use will be in harmony with the area in which it is to be located.**

☐ The Board finds that the proposed use will not be in harmony with the area in which it is to be located, for the following reasons:

_____

_____

_____

C. ☐ The Board finds that the proposed use will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.
☐ The Board finds that the proposed use will not be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board, for the following reasons:

_____

_____

_____

IV. CONSIDERATION OF PROPOSED CONDITIONS

(*Note: Please clarify for staff, where applicable, whether any discussion points are to be included as Permit Conditions. Informal agreements or understandings are not necessarily binding.*)

If the application is granted, the permit shall be issued subject to the following conditions:

1. **The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.**

2. **If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.**

V. GRANTING THE APPLICATION

☐ **The application is granted, subject to the conditions agreed upon under Section IV of this worksheet.**

VI. DENYING THE APPLICATION

☐ **The application is denied because it is incomplete for the reasons set forth above in Section 1.**

☐ **The application is denied because it fails to comply with the specific Ordinance requirements set forth above in Section II.**

☐ **The application is denied because the Board has not made a finding favorable to the applicant on one or more of the general requirements set forth above in Section III.**

☐ **The application is denied because, if completed as proposed, the development more probably than not will materially endanger the public health or safety for the following reasons:**