

# BOARD OF ALDERMEN

ITEM NO.: B(3)

## AGENDA ITEM ABSTRACT

MEETING DATE: AUGUST 26, 2008

**TITLE:** PUBLIC HEARING FOR A MAJOR MODIFICATION OF PHASE A OF 300 EAST MAIN STREET CONDITIONAL USE PERMIT TO INCORPORATE PHASE B OF THE PROJECT

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> YES <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>ATTACHMENTS:</b> A. PROJECT PLANS B. STAFF REPORT C. LETTER FROM NCDOT D. TREE REMOVAL JUSTIFICATION LETTER E. SCREENING RELAXATION JUSTIFICATION LETTER F. LETTER FROM REAL ESTATE APPRAISER G. CONSTRUCTION MITIGATION LETTER H. PROJECT SUMMARY NARRATIVE I. PHASE A OF 300 E MAIN CUP DOCUMENT FROM JUNE 2007 J. INFORMATION FROM APPLICANT REGARDING PHASING OF PARKING DECK & INTENT REGARDING EXISTING TENANTS K. STAFF & ADVISORY BOARDS SUMMARY SHEET OF RECOMMENDATIONS L. CUP WORKSHEET FOR TALLER BUILDINGS	<b>FOR INFORMATION CONTACT:</b> MARTY ROUPE, 918-7333

### PURPOSE

Main Street Partners, LLC has submitted an application for a Major Modification of the Phase A of 300 East Main Street Conditional Use Permit (CUP) to allow for construction of multiple commercial buildings on an assemblage of land on and near 300 East Main Street. Prior to reaching a decision on a request for a CUP, the Board must hold a public hearing to receive input. Town staff requests that the Board of Aldermen hold a public hearing but withhold a decision on the project until additional information regarding stormwater and lighting is submitted.

### INFORMATION

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

### RECOMMENDATION

Upon receipt of additional, necessary information related to the LUO's stormwater and lighting provisions, Town Staff expects to recommend approval of the project to the Board of Aldermen, subject to the following conditions:

*\*Note that conditions marked with an asterick (\*) are repeated from the June 2007 Phase A of 300 E Main CUP Document.*

- 1) That both Phase A and Phase B construction plans must include a note referencing that the entire project is now regulated under one Conditional Use Permit;
- 2) \*That Use Classification 18.100 be removed from the list of permissible uses.
- 3) That the Board of Aldermen finds it acceptable to orient the parking deck either east-west or in the alternate north-south direction, along with related changes to the drive aisle area (i.e.: inclusion of a small traffic circle and drop-off area in front of the hotel).
- 4) That the applicant agrees to extend the east-west leg of Boyd Street to a new entrance / exit on Main Street, as shown on the CUP plans. In doing so, the applicant must coordinate filing a plat offering the necessary additional right-of-way to the Town of Carrboro, prior to construction plan approval. Final design details for both the existing leg and newly-proposed leg of Boyd Street are subject to approval by the Public Works Department during the construction plan review and shall incorporate necessary elements from Town plans and specifications. If the applicant is unable to coordinate the filing of a plat dedicating the necessary right-of-way to the Town prior to construction plan approval, then the applicant agrees to subject the project to an additional public hearing via the CUP Major Modification process, so that further consideration may be given to the associated changes to traffic patterns.
- 5) \*Prior to construction plan approval, the applicant shall replace the currently-shown handicap accessible ramp detail with a detail conforming to NCDOT roadway standard specifications for handicap ramp curb cut / sidewalk connections w/in public right-of-way (i.e.: two ramps per radius, 90-degrees from one another, instead of one ramp per radius).
- 6) That the applicant must obtain approval from Public Works for the final location for tree-containing grates and the tree species proposed along Main Street, prior to construction plan approval.
- 7) That the applicant must obtain approval from Public Works for the final details for brick-edged sidewalks to be included along both Main Street and Boyd Street, in accordance with Town specifications.
- 8) That the applicant must obtain a driveway permit from both Public Works (for Boyd Street) and NCDOT prior to construction plan approval. In granting the driveway permit, the Town encourages NCDOT to require the improvements mentioned in 'TIA recommendation #2,' consider requiring the improvements mentioned in 'TIA recommendation #1' (both reiterated in the '12/05/07 TIA Memorandum'), and to discuss their final list of requirements with the Town of Carrboro Transportation Planner to ensure compatibility with the Carrboro Downtown Traffic Circulation Study.
- 9) That the applicant must obtain approval for a traffic control plan from both Public Works and NCDOT prior to construction plan approval.
- 10) That the Board of Aldermen finds that 843 parking spaces is sufficient to serve the development. This finding is based on information provided by the applicant regarding the proposed mix of uses and expected shared use of spaces, which should result in the development having sufficient parking at all times except 6-9 PM Friday and Saturday evenings when a majority of the property is leased. This finding of a sufficient number of spaces also is subject to and dependent on the applicant's willingness to retain and utilize a valet parking company during times when a parking shortage exists. The valet parking

company is expected to utilize space within the parking deck in such a manner that an additional 47 parking spaces may be realized, as per the information submitted by the applicant stating that it is possible to gain this number of spaces. The obligation to utilize a valet parking company, in accordance with the terms explained herein, shall be a continuing, binding part of the CUP unless the Board of Aldermen agrees to modify this condition based on future circumstances.

- 11) Prior to issuance of each building permit, the applicant must present to the Town evidence showing that sufficient parking will be constructed concurrent with the proposed building, in accordance with the parking spreadsheet data included in the CUP plans. The certificate of occupancy for each building will not be issued until such parking is complete unless the applicant demonstrates that the parking deficit can be addressed by a parking valet company in the same manner described in CUP condition #10. In such a situation, the obligation to utilize a valet parking company shall be a continuing, binding part of the CUP until the necessary number of parking spaces are provided unless the Board of Aldermen agrees to modify this condition based on future circumstances.  
*(\*This condition replaces conditions related to parking in the June 2007 Phase A CUP.)*
- 12) That the applicant agrees to include at least 80 bicycle parking spaces. The spaces must be dispersed throughout the project with at least 25% located proximate to the front entrances of buildings, and with at least half of the spaces located in a covered location to shield bicycles from weather elements.
- 13) That the Board of Aldermen finds that no screening requirements are imposed on this project because the Board desires to foster a pedestrian-friendly atmosphere in the downtown area among other factors relative to the property lines and further finds that integration of this project with the neighboring property on the eastern side would be diminished were screening required between the two sites.
- 14) \*That the applicant shall consider suggestions made by the Environmental Planner prior to construction plan approval related to finding possible additional or alternate locations for shade trees.
- 15) \*That prior to construction plan approval the applicant must fully analyze and survey the existing storm drain system all the way to the outlet and modify elements of the underground detention system if necessary based on associated findings.
- 16) \*That the applicant must incorporate an appropriate filter or similar type device into the proposed swirl-type vault system, upon such device being reasonably available, in order to increase the percentage of TSS removal associated with the stormwater device.
- 17) That the applicant shall provide to the Zoning Division, prior to issuance of the first Certificate of Occupancy for the project or before the release of a bond if some features are not yet in place at the time of the recording of the first Certificate of Occupancy for the project, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
- 18) That the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall be subject to approval by the Town Attorney and shall include scheduled maintenance activities for each unit in the development, (including

- cisterns, sand filters, swirl-systems, etc), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall become an ongoing obligation of the property owners.
- 19) That the applicant must obtain approval from OWASA for the final design related to water and sewer easements prior to construction plan approval, particularly related but not limited to including a 20-foot easement around the meter vault in Phase A, as referenced on OWASA's May 16, 2007 letter, plus ensuring that OWASA easements are free from certain unallowable encroachments.
  - 20) That the applicant must receive from the Appearance Commission certification of an alternative design for each building, per LUO Section 15-178(b), for each individual building, prior to issuance of each building permit required and that the design subsequently will be presented to the Board of Aldermen. If upon deciding final architectural details for any building the applicant and staff agree that the building adheres to all architectural details in LUO Section 15-178, then the design shall be presented to the Appearance Commission for a courtesy-level review, then approved by the Board of Aldermen prior to issuance of its building permit.
  - 21) That the applicant must submit fire flow calculations and receive approval of the calculations from the Town Engineer and OWASA prior to construction plan approval.
  - 22) That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.
  - 23) That prior to construction plan approval, the applicant must receive a 'transportation facility' permit from NCDENR.
  - 24) That prior to construction plan approval, the applicant must provide to the Town evidence that the ArtsCenter retains perpetual access rights, parking rights, solid waste facilities rights, consistent with the existing reciprocal operating agreement with Main Street Properties governing access and parking. If, subsequent to the issuance of the CUP, both parties agree to a new reciprocal operating agreement, then such agreement shall supersede the existing agreement with respect to this condition.
  - 25) \*That the construction plans show a catch basin including the phrase 'dump no waste, drains to Jordan Lake.'
  - 26) \*That a covered bus shelter be required with a custom design.
  - 27) \*That lighting be allowed to spill over onto the railroad in order to increase safety in this area to the extent permitted under the Land Use Ordinance.
  - 28) \*The Board asked that the developer provide an 8-foot wide sidewalk between the railroad right-of-way and Roberson Street if possible.