

Rev #	Revision	Date
1	PER TOWN COMMENTS	2.12.08
2	PER TOWN COMMENTS	2.28.08
3	PER TOWN COMMENTS	5.08.08

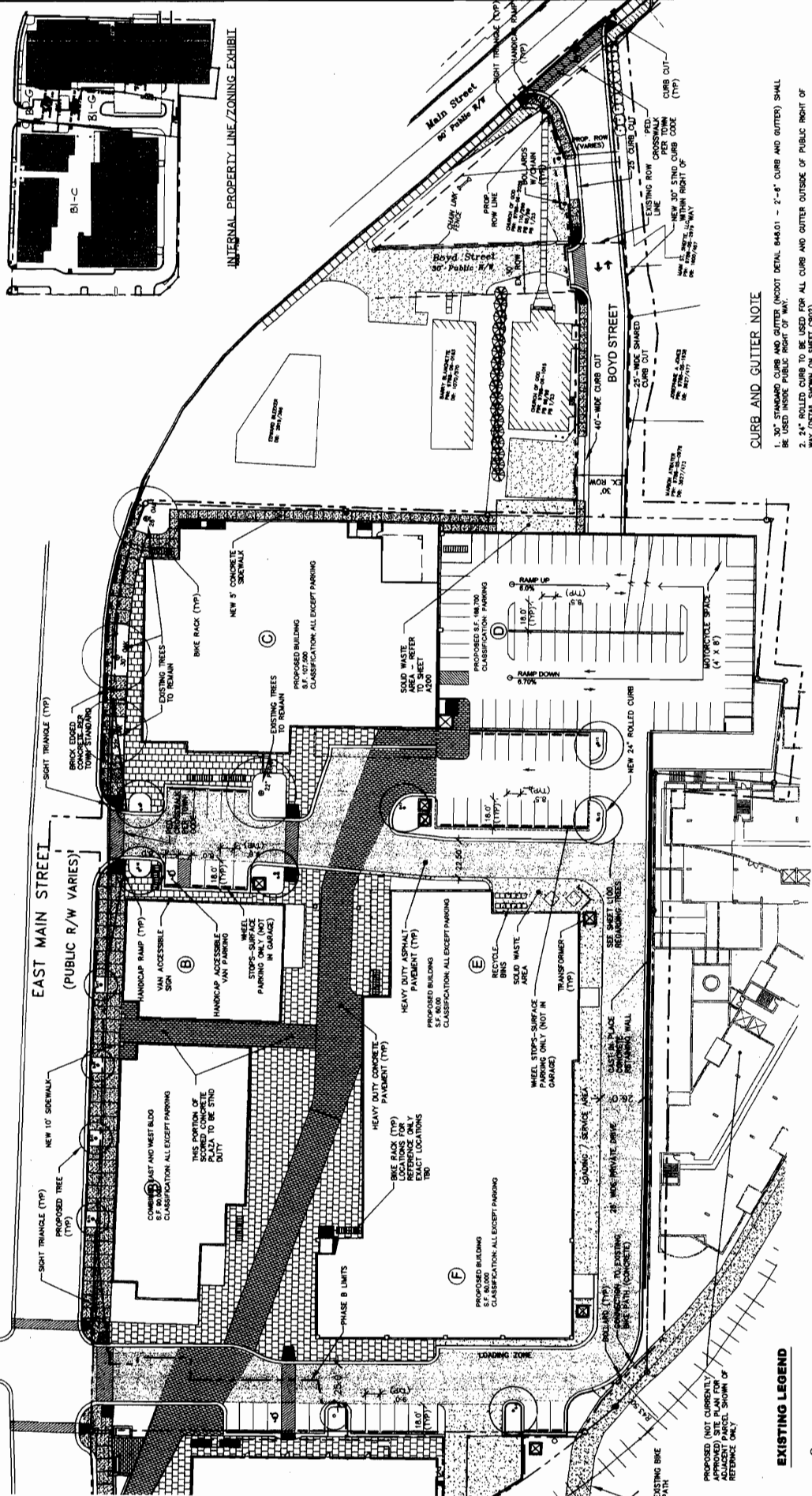
MAIN STREET PROPERTIES OF
CHAPEL HILL, LLC
P.O. BOX 2152
CHAPEL HILL, NC 27515
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CUP SUBMITTAL
CARRBORO, NC
PHASE B
300 EAST MAIN



ATTACHMENT A

PRELIMINARY
FOR C
Project No.
Drawn By
Checked By
Issue Date



- SITE NOTES**
- HOLD PRE-CONSTRUCTION CONFERENCE WITH ORANGE COUNTY SOLID WASTE STAFF. THIS MEETING MUST BE HELD CONCURRENTLY WITH OTHER PRE-CONSTRUCTION MEETINGS.
 - ALL UTILITIES MUST BE LOCATED AND DEPTH DETERMINED PRIOR TO CONSTRUCTION.
 - AN ALL-WEATHER TRAVEL SURFACE MUST BE IN PLACE ON THE ROADWAY PRIOR TO CONSTRUCTION.
 - RECEIVING FINAL PLAT APPROVAL AND/OR BUILDING PERMITS.
 - AS-BUILT DRAWINGS MUST BE SUBMITTED TO THE TOWN FOR ANY UTILITIES INSTALLED BY THE DEVELOPER WITHIN THE PUBLIC ROW.
 - THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL EXISTING AND PROPOSED TRAFFIC SIGNAL LOOPS.
 - TO THE EXTENT OF A C.O. PER CHAPTER 12 OF THE CARRBORO TOWN CODE.
 - A "HARD SURFACE" IS REQUIRED PRIOR TO BUILDING CONSTRUCTION.
 - THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL EXISTING AND PROPOSED TRAFFIC SIGNAL LOOPS.
 - THE PROJECT MEETS ALL BUILDING SETBACK REQUIREMENTS.
 - MULTI-USE PLAZA: THE OUTDOOR PUBLIC SPACE IS INTENDED FOR A VARIETY OF USES, INCLUDING BUT NOT LIMITED TO: WALKING, BIKING, PLAY, AND SEATING.
 - ALL WORK MUST BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
 - CONTROL PLAN FOR APPROVAL BY TOWN PRIOR TO WORK WITHIN RIGHT OF WAY.
 - SEPARATE WORK AREAS MUST BE ESTABLISHED FOR CONSTRUCTION OF TRAFFIC SIGNAL LOOPS.
 - ON WORKING AREAS, MARKERS SHALL BE PLACED AT 10' INTERVALS.
 - OUTDOOR DISPLAY AREAS SHALL MEET SECTION 15-180 OF THE TOWN CODE.
 - ALL WORK SHALL COMPLY WITH SECTION 15-317 APPENDIX C-2 OF THE TOWN CODE.
 - DEVELOPER SHALL CONDUCT ASPHALT MILLING MIN. 2" DEPTH BY 12' WIDTH BY LENGTH OF IMPROVEMENTS. MILLING SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION.
 - UPON COMPLETION OF IMPROVEMENTS ADJACENT EAST MAIN STREET, MILLING AND ASPHALT PAVING SHALL BE COMPLETED WITHIN 90 DAYS OF THE COMPLETION OF CONSTRUCTION.
 - ALL WORK SHALL BE FULLY RESTORED WITH THERMOPLASTIC PAVEMENT MARKINGS CONFORMING TO TOWN SPECIFICATIONS.

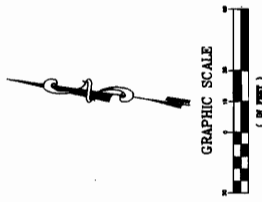
- EXISTING LEGEND**
- Water Voids
 - Curb Inlet/Catch Basin
 - Sanitary Sewer Mainline
 - Fire Hydrant
 - Water Mainline
 - Utility Pole
 - Plowed For Section
 - Existing Iron Pipe
 - Existing PK Nail
 - Concrete Monument
 - Fence
 - Gas Line
 - Water Line
 - Overhead Electric
 - Existing Asphalt Drive

PROPOSED LEGEND

- Town of Carrboro Sidewalk
- Scored Concrete Plaza Walkway
- Scored Concrete Plaza Walkway
- Heavy Duty Asphalt Paving
- Heavy Duty Concrete Paving
- Existing Tree to Remain
- Proposed Tree
- Transformer

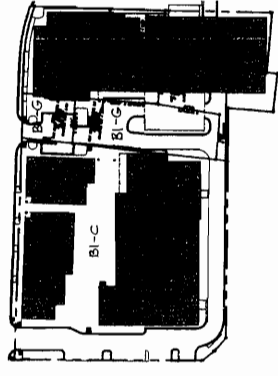
CURB AND GUTTER NOTE

- 30" STANDARD CURB AND GUTTER (WOOD DETAIL 848.01 - 2'-6" CURB AND GUTTER) SHALL BE USED INSIDE PUBLIC RIGHT OF WAY.
- 24" ROLLED CURB TO BE USED FOR ALL CURB AND GUTTER OUTSIDE OF PUBLIC RIGHT OF WAY (DETAIL SHOWN ON SHEET C2002).
- TRANSITION FROM 30" STANDARD CURB AND GUTTER TO 24" ROLLED CURB SHALL TAKE PLACE OUTSIDE OF PUBLIC RIGHT OF WAY.



CITE DI A N

INTERNAL PROPERTY LINE ZONING EXHIBIT



STAFF REPORT

TO:	Board of Aldermen
DATE:	August 20, 2008
PROJECT:	Major Modification of 300 East Main Phase A Conditional Use Permit to incorporate Phase B of the project.
APPLICANT / OWNER:	Main Street Partners of Chapel Hill, LLC (MSP) PO Box 2152 Chapel Hill, NC 27515
PURPOSE:	MSP has submitted an application for a Major Modification of the Phase A of 300 East Main Conditional Use Permit (CUP) to allow for construction of multiple five-story commercial buildings and associated infrastructure at and around 300 East Main Street. Prior to reaching a decision on a request for a CUP Major Modification, the Board must hold a public hearing to receive input.
EXISTING ZONING:	B-1(c), Business-1(central) and B-1(g), Business-1(general)
TAX MAP NUMBERS:	7.92.A.1, 7.92.A.5, 7.92.A.5A, 7.92.A.11, 7.92.A.12, 7.92.A.8, 7.92.A.9, 7.92.D.19
LOCATION:	200, 208, 300, 300-G, 304, 400, and 404 East Main Street & 104 Boyd Street
TRACT SIZE:	5.24 acres total (228,452 square feet)
EXISTING LAND USE:	Building site – Multiple commercial spaces, restaurants, nightclubs, etc; Satellite Parking Lot – Parking Lot
PROPOSED LAND USE:	Building Site – Retail uses: 2.110, 2.111, 2.120, 2.150 (in B-1c portion only); Office, Service, and similar uses: 3.110, 3.120, 3.130, 3.150, 3.250; Educational, Cultural, Religious, etc: 5.110, 5.120, 5.130, 5.200, 5.310, 5.320, 5.400; Recreation, Amusement, Entertainment: 6.110, 6.121, 6.122, 6.130, 6.140, 6.221, 6.222; Restaurants, Bars, Nightclubs: 8.100, 8.200, 8.500, 8.600; Emergency Services: 13.100; Public & Semi-Public Facilities: 15.100, 15.700; Towers & Related Structures: 18.100; Open Air Markets & Horticultural Sales: 19.100; Temporary structure or parking lot used in connection with construction project or other non-recurring purpose: 23.000; Combination Use: 27.000; Satellite Parking Lot – No change (10.100).
SURROUNDING LAND USES:	North: Road – East Main Street

South: B-1(g) & R-7.5, Health Clinic (Use 3.000), Butler Garage property (Use 9.000), and Brewer Lane Mixed Use project (Use 27.000)
 East: B-1(g), Nice Price Books (Use 2.000), Church of God (Use 5.000), Boyd Street
 West: Railroad corridor

ZONING HISTORY: B-1(c) & 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

In June 2007, the Board of Aldermen granted a CUP for Phase A of 300 East Main to Main Street Partners (MSP). Since that time, MSP has continued the review process for the remainder of their desired project, herein referred to as Phase B. At this time, MSP is asking for a Major Modification of the Phase A permit to incorporate Phase B and bring the entire project together under a single CUP. For clarity regarding this matter during the multiple construction plan phases, staff recommends the following condition:

- CUP Condition: 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;

If approved, the 300 E Main CUP will allow for construction of five (5) buildings, most and possibly all of which will rise to 5-stories, along with a 5-story parking deck, and associated infrastructure including a central axis courtyard. The construction will take place on an assemblage of land at and near the existing shopping center at 300 East Main, which also contains the Arts Center property and Cat's Cradle. Multiple uses are proposed including office, retail, restaurant, etc (complete listing above).

As discussed in June 2007, the applicant has filed a binding 'Brownfields Agreement' for the Phase A portion of the site (because of prior use as an oil distribution site) with the North Carolina Department of Environment & Natural Resources, which specifies requirements and procedures for disposing of potential contaminated soils in advance of new construction.

Of note, the existing parking lot at 200 East Main Street is included as a part of the CUP to act as a satellite parking lot. In short, the applicant is requesting to leave the site as is, but utilize it as a private parking lot rather than its recent use as public parking.

Also of note, the Arts Center maintains ownership of a single parcel of land essentially surrounded by the proposed development. They have been involved throughout the review and basically will be a part of the development, though they likely will retain ownership of their land.

Precisely what the Arts Center will do, in terms of property improvements, is largely unknown at this time. This matter is further discussed under the architecture portion of the report (below).

The applicant also has tentatively agreed to improvements on the neighboring Church of God property. As these improvements are not a part of the present CUP application, they will be processed via a separate land use permit application.

Proposed Uses

Currently proposed are a mix of uses including but not limited to: office, service, retail, restaurant, educational / school facilities / cultural, recreation, independent parking lot (for satellite parking lot), government offices, utility services, etc. A complete listing is included on the first page of this report. The applicant's general idea is to include virtually all allowable uses in the B-1(c) and B-1(g) districts to allow various tenants to move in and out over time without the potential requirement of a formal review process each time. Staff generally supports this idea and recognizes that flexible use of the property may create a business-friendly atmosphere that does not unduly burden potential tenants, property owners, or staff.

Of note, the applicant has requested flexible use of both indoor and outdoor spaces. Indoors, the applicant has included an 'average' square footage for the key, primary expected uses including retail, office, and restaurants. Outdoors, the applicant requests that the Town allow flexible use of the multiple decks and patios included in their design with respect to outdoor dining and outdoor sales (associated with an indoor establishment). In other words, the location of and number of outdoor tables, seats, etc associated with one or more restaurants or other uses may change over time. So long as sufficient parking is provided (see applicable section below for detailed parking information) and the impacts of the proposed uses are well understood, no particular reason is evident for not allowing a flexible permit. Flexible use is further described under the 'parking' information below. Two particular uses worth noting, separate of the range of expected retail, office, restaurants, etc, include a hotel and parking deck. The parking deck will serve the entire development including the hotel.

A few particular uses were discussed and ultimately approved in the Phase A application. These uses are again proposed at this time and include: 19.100, Open Air Markets and 23.000, Temporary structure or parking lots used in conjunction with construction of a permanent building.

One other use, 18.100, Towers and Antennas fifty-feet tall or less, ultimately was removed by the Board of Aldermen from the list of approved uses. Removing it from the list did not necessarily amount to the applicant not being able to erect such a tower or antenna. Rather, it means that the applicant must come back before the Town, present the details of the request for any specific antenna(s), and seek permission from the Town before erecting them on the site. In any event, the applicant is requesting again the ability and right to erect such towers on the site without revisiting the land use permit before doing so. Given that the Board of Aldermen removed the use during the Phase A review, it is worth considering whether it should or should not be allowed at this time. Based on the Board's decision during the Phase A review, staff recommends the following condition:

- CUP Condition: That Use Classification 18.100 be removed from the list of permissible uses.

Conclusion:

The proposed project complies with the requirements of the LUO pertaining to proposed uses. Staff is recommending that Use 18.100 be removed from the list of permissible uses, as described above.

Access, Traffic and Transportation Issues, and Parking

Access and Circulation

Currently, the site is accessed via existing curb cuts on East Main Street between the railroad corridor and the eastern end of the property, with two primary entrances into the main shopping center. This project will close the curb cuts in front of the 208 East Main Street property in favor of an improved, shared two-way entrance at the Lloyd / Main intersection. A second entrance will be constructed east of the Lloyd / Main intersection near the existing entrance beside Crawdaddy's Restaurant (see **Attachment A**). The assemblage also has frontage on the western end of the Boyd Street right-of-way, where the applicant proposes to reconfigure the public street and utilize as a third entrance to the site. The Boyd Street entrance goes directly into the project's parking deck (more information below regarding Boyd Street).

The resulting traffic pattern involves two separate north-south entrances that extend and connect along the southern edge of the property. Thus, a car can enter at either point and drive through and around the site. The portion of the drive along the southern property line provides access to a large loading / unloading zone and service area. An additional loading zone is provided alongside the building on the western drive and the primary refuse and recycling area for the site is provided alongside the building beside the eastern drive (see **Attachment A**).

An access point off of the middle entranceway (i.e.: approximate location of Padgett Lane) provides a second way in and out of the parking deck. Of note, the applicant presents in the plans two possible scenarios for the orientation of the parking deck as it relates to the eastern driveway. Both are accessed off of Boyd Street and the easternmost drive, but one includes a traffic circle / drop-off point near the proposed hotel. Reconfiguring the site in this area may result in an increased number of parking spaces in the deck, but the ability to do so is contingent on cooperation with the neighboring property owner; hence the applicant presents both options. Staff discussed the matter and found that the two options differ very little with respect to the site plan and general site circulation. If the Board of Aldermen agree and wish to offer the applicant an either / or option, then the following condition should be included on the CUP:

- CUP Condition: 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).

Realigning Boyd Street is viewed as a relatively important improvement to aid circulation to and from the site. Since multiple property owners are either directly involved or at least impacted though, the Town is carefully analyzing the proposal and cautiously moving forward. The basic idea is to create a straight street from the property line to Main Street instead of the current configuration wherein it turns at a right angle halfway to Main Street. Successfully completing this alignment involves the Church of God deeding land to the developer who in turn will dedicate the land to the Town of Carrboro upon completion of the street. Many discussions have

taken place with the developer, NCDOT, the owner of Nice Price Books, etc regarding the implications of such a change. Whether to close the existing Boyd Street curb cut or leave it open have been discussed among other topics. Town staff generally supports the idea of straightening the road and agrees with the applicant that it should provide an improved access point for their project compared to what is there now. Still, the Board of Aldermen likely will want to carefully weigh concerns of all potentially impacted nearby properties. To address the sequencing and process involved in realizing this change to Boyd Street, the following CUP condition is recommended:

- CUP Condition: 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.

Based on comments and discussions to date, staff expects that a one-way south-bound traffic pattern will be implemented along the existing north-south leg of Boyd Street crossing in front of Nice Price Books. Further, if there is sufficient room available, then on-street parking may also be included in the final design alongside the existing north-south stretch.

An extension of Roberson Street across the railroad tracks and into the site was contemplated earlier during the review. For various reasons, this idea is no longer an option and has been removed from the site plan. The TIA has been revised to reflect this change. It should be noted that the site is still designed to accommodate such an extension at some point in the future, if deemed necessary (i.e.: buildings, parking spaces, etc are not located where the road / driveway would enter the site).

Note that NCDOT will need to issue a driveway permit for all proposed entrances. NCDOT also may require some dedication of right-of-way to serve currently proposed or future improvements to Main Street. The applicant should be prepared during the public meetings to illustrate the conceptual improvements they and staff have discussed with NCDOT. A CUP condition regarding the receipt of the necessary driveway permit(s) from NCDOT is detailed below under the Traffic & Transportation section.

As approved during Phase A, the applicant proposes to simply leave the existing parking lot west of the railroad corridor in place, but convert its use from public to private. They also will attempt to build a wider sidewalk along Main Street, though no particular further study has been done regarding the matter, to staff's knowledge, since approval of Phase A. As a reminder, the applicant provided evidence that the lot does contain enough trees to shade 20% of the vehicle accommodation area (VAA) as required by the LUO. Further, the LUO does allow such parking lots to remain as a gravel surface when located in the B-1(c) zoning district.

Pedestrian circulation on the site includes a sidewalk and plaza surrounding the north and east sides of the building in Phase A and a central axis courtyard running approximately through the

middle of the remainder of the site (see **Attachment A**). The courtyard / plaza surface is scheduled to be at least two (2) different scored concrete materials but the applicant has not yet decided on specific details for the surfaces. One of the scored concrete materials, running west to east, is intended to create and identify the central plaza axis continuing across the entire site. A 10-foot wide sidewalk including brick-edged borders and expansion joints (as is common downtown) is proposed along all the East Main Street frontage. The following CUP condition remains from the Phase A approval:

- CUP Condition: 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).

The requested handicap-accessible feature is noted as more desirable in the ‘walkable intersections’ section of the Downtown Traffic Study document.

As with Phase A, another sidewalk-related item is notable. The applicant verbally agrees to a future 10-foot DOT right-of-way expansion along East Main Street but has not clearly indicated *when* they would be willing to dedicate the additional right-of-way. Further, the applicant indicated that they are not necessarily interested in additional dedication. Ideally and commonly, the public right-of-way extends at least to the back-edge of downtown sidewalks. Along the entire Main Street frontage, the existing right-of-way extends varying distances into the proposed new sidewalk. Ideally, the applicant will dedicate right-of-way sufficient to contain the entirety of the new sidewalk within the right-of-way, but staff understands that the applicant may wish to retain a portion of the sidewalk under private ownership in order to accommodate uses not typically allowed in the public right-of-way, such as outdoor dining areas. Ultimately, NCDOT will or will not require a dedication in granting driveway permits for the project, but the Town may choose to include related CUP conditions. In any event, staff suggests similar to Phase A that the brick-edged sidewalk standard should extend to the back edge of public right-of-way to clearly distinguish between the public and private realm. The related LUO language reads as follows... Section 15-221(e) states that “*whenever possible, such sidewalk shall be constructed within the public right-of-way.*” Per this language, the Town cannot necessarily compel the applicant to dedicate right-of-way. In summary, the LUO requires a 10-foot sidewalk, but does not necessarily require that the sidewalk be in public right-of-way.

A minor issue along Main Street involves the location of tree-containing metal grates and tree species. Specifically, Public Works notes possible conflicts with underground utility lines in the areas where the grates are currently shown. They also have concerns over the tree species currently identified along Main Street. As a result, staff recommends the following condition:

- CUP Condition: 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.

Staff also recommends the following condition to ensure that the appropriate detail drawings for brick-edged sidewalks are included on the construction plans:

- CUP Condition: 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.

One other note relating to pedestrian flow relates to the neighboring property, at 120 Brewer Lane, also under consideration for a land use permit. Both applicants have stated throughout the review that they intend and hope to make their projects flow together with respect to pedestrians (and likely bicycle traffic as well), but neither applicant has committed to a particular plan of action in this regard. Staff expects that both projects ultimately will tie together as mutual benefits seem to exist for doing so, but it should be understood that no formalized and definite connections are set at this time. Staff discussed the matter but stopped short of recommending a formal CUP condition related to the matter, as the LUO does not explicitly require such a connection. Still, it is clear to staff from earlier meetings for both projects that much concern exists regarding this topic. That in mind staff specifically requested that the two applicants work together prior to the August 26, 2008 public hearing to create a plan that works well for both projects. Staff further requested that visual representations should be available during the public hearing so that it is easier to understand the interface between the two projects.

Traffic and Transportation

The applicant conducted a 'Traffic Impact Analysis' (TIA) for the entirety of their development (i.e.: Phase A and Phase B), then asked the traffic consultant to issue a 'Memorandum' updating the TIA for the Phase A CUP application. In summary, the Phase A TIA Memorandum recommends two improvements for Phase A, noted below with commentary:

1. *At the Main Street at Weaver Street/Roberson Street intersection, restripe the northbound approach to provide an exclusive right-turn lane with at least 75-feet of storage. Re-stripe crosswalks and upgrade pedestrian signal control.*

Commentary: As noted in the Phase A staff report, the applicant was willing to discuss this recommendation with the Board of Aldermen but had not yet committed to the improvements as a part of the Phase A application. This recommendation remains open for discussion between the applicant and the Board of Alderman for the Phase B CUP application. It is not yet clear whether NCDOT sees these improvements as necessary for Phase A or buildout (Phase B).

2. *At the Main Street at Lloyd Street / Site Access 2 intersection, provide two egress lanes out of the site with a through-right and exclusive left-turn lane with at least 100-feet of storage. Re-stripe crosswalks and install pedestrian signal control.*

Commentary: The applicant generally has agreed to the recommendations included in #2. As described above, the Phase A plans show the recommended changes to the neighboring entranceway and also show a re-stripped crosswalk along the south side of East Main Street. The plans do not yet make it perfectly clear that the applicant is willing to re-stripe the crosswalks crossing East Main Street on either side of the Lloyd Street intersection, nor do the plans currently show pedestrian signal control improvements, but the applicant has verbally and conceptually agreed to do so.

On December 5, 2007 the traffic consultant issued a second Memorandum to the original TIA to identify recommendations for the buildout of the project (Phase A plus Phase B).

The 12/5/07 TIA memorandum made the following recommendations:

3. *At the Main Street/Weaver Street/ Roberson street intersection: Consider restriping the Weaver Street approach to provide dual southbound through lanes along Weaver. Consider installing a sign restricting left turns from Weaver to Car Mill Mall.*

Commentary: These improvements were deemed to not be feasible in the revised TIA and therefore the applicant is not proposing any improvements to this intersection due to limited right-of-way available and a concern for pedestrian safety.

4. *At the Main Street Site Access #3: Convert the driveway to right-in right-out access. Provide appropriate channelization, pavement markings and signing to effectively prohibit left turn movements.*

Commentary: The applicant has agreed to this recommendation verbally, though the pavement markings are not noted on the plans.

5. *At Main Street/Boyd Site Access #4: Realign Boyd Street to intersect Main Street at approximately 200 feet south of its current location. Provide a single egress lane and single ingress lane on the Boyd Street approach.*

Commentary: Please refer to the Access and Circulation section of the staff report for the status of this recommendation.

Ultimately, NCDOT has the authority to accept, reject, or require different improvements for East Main Street as a part of issuing a driveway permit for the project. The applicant, staff, and NCDOT met during project review and generally agreed on the nature of improvements at the Lloyd Street intersection and along Main Street, and NCDOT provided a letter describing what they expect to require of the developer (see **Attachment C**). NCDOT has not yet, however, decided exactly what improvements will be required before they will issue a driveway permit. Consistent with the approval of the Phase A project, staff recommends that the following condition be included to address the granting of a driveway permit from NCDOT:

- CUP Condition: 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.

It is also necessary for the Town's Public Works Department and NCDOT to approve a traffic control plan before construction plan approval. Because of this, the following CUP condition is recommended:

- CUP Condition: That the applicant must obtain approval for a traffic control plan from both Public Works and NCDOT prior to construction plan approval.

Parking

Parking for the project is multi-layered and somewhat complicated. In short, the existing public lot at 200 East Main Street will be converted to private to serve the project, a number of surface

spaces are proposed on the main site, and a parking deck is proposed. In total, 843 parking spaces are proposed compared with a presumptive required number of 1,195 spaces. It is staff's understanding that the presumptive number of required parking spaces is based on gross square footage, even though staff offered the possibility of utilizing net square footages. In any event, the applicant submitted 'parking analysis and justification information' to explain how parking is expected to work during construction and post build-out (see **Attachment A, Page 1.0**). Staff has discussed the information at length with the applicant and generally agrees with the applicant regarding how parking should work on the site.

The analysis breaks the parking demand counts into groups of hours throughout the day and night wherein vehicular demands are expected to rise and fall. Predictably, demand in the middle of the night is very low and the development will greatly exceed its parking needs. During the day and evening hours, parking demands are higher but still manageable at virtually all times. The only time period where a deficit is shown is 6 PM to 9 PM on weekend nights. The deficit identified is up to 43 spaces. Because of the deficit, the applicant presented to staff a conceptual drawing showing that space in the deck could be better utilized by a valet parking service such that an additional 47 cars could be parked when necessary. A note is included on the plans stating that the applicant is willing to accept a CUP condition requiring that such service be provided when and if parking capacity is reached (i.e.: at build out and full occupancy). Such an approach has never been proposed in Carrboro before, but staff notes that the concept appears to be acceptable per the flexibility in parking provisions of the LUO, assuming the Board of Aldermen finds such an approach acceptable. To that end the CUP condition below contains provisions related to valet parking.

Of note as it relates to the parking information, the applicant requests flexible use of both indoor building and outdoor / courtyard / plaza spaces on the site. As briefly explained under 'proposed uses' above, the applicant included an 'average,' expected square footage for the key, primary uses including retail, office, and restaurants when determining the required parking for the site. Many of the other proposed uses for the site have the same or similar parking demands per the LUO's presumptive requirements, so, generally speaking, this is a legitimate request. The expected number of trips should be approximately the same as predicted, so long as the uses are approximately the same as what is shown as an 'average' for any particular use. This grants the owner good flexibility with respect to bringing new tenants into the building without having to conduct a formal review process with the Town each and every time. By including 'average' square footages on the plans, the Town may have some recourse if over time the building became occupied in a way that was very skewed from the approved averages. By way of illustration, if the building were 90% occupied by restaurants (example w/ high parking demand chosen), whereas the approved 'average' was approximately 27% (as for Phase A), then the Town legitimately could make issue of the building's occupancy type. It is not expected, however, that the town would make an issue over the building being occupied by say 35% restaurants.

To approve the project, the Board of Aldermen ultimately must find the provision of some number of parking spaces acceptable (perhaps in conjunction with other, related CUP conditions such as the valet parking). Staff's recommendation regarding this matter is found below:

- CUP Condition: 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 conditions.

Additionally, the applicant notes that if necessary they are willing and do intend to more closely monitor individuals utilizing their parking areas. In other words, if the parking situation becomes problematic, then the property owner will ensure that their parking areas are limited to individuals in fact visiting their site for legitimate purposes.

It is also necessary to consider the amount of parking provided at any given time with respect to the phased construction plan presented in the CUP plans. The applicant intends to build portions of the ultimate build-out parking package concurrent with construction of each building. This means the parking deck will be constructed in phases with the precise number of parking spaces provided during each phase not yet known and subject to the amount of construction planned at any given time. The applicant has written a brief narrative explaining the situation (see **Attachment J**) and will be available to discuss further during the public hearing. Staff has written a condition that addresses the situation by requiring evidence that sufficient parking will be provided for each building prior to issuance of a building permit. The condition reads as follows:

- CUP Condition: 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 or the Board of Aldermen agrees to modify this condition based on future conditions.

Of note, if the Board of Aldermen finds the above condition acceptable, then it essentially will replace parking related conditions in the Phase A CUP from June 2007. If for some reason the Board does not find the above condition acceptable, then it may be necessary to further consider replacing the parking related conditions from the Phase A CUP.

As for bicycles, multiple bike racks are proposed around the site. The applicant indicated willingness to place at least one rack under a covered area (i.e.: under the colonnade area on the east side of the Phase A building) and submitted in writing during the Phase B review a statement that they will have bicycle parking for at least 80 bicycle parking spaces and that they will locate them such that at least 50% of those spaces are covered. The plans do not yet clearly reflect this statement by the applicant, so staff is recommending the following CUP condition:

- CUP Condition: 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.

Conclusion:

The proposed CUP application complies with all LUO provisions relating to parking (subject to the Board's acceptance of the applicant's justification for a deviation in the number of parking spaces presumptively required), traffic, and transportation, subject to the CUP conditions identified above.

Tree Protection, Screening and Shading

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 it is necessary to remove seven (7) large trees from around the site to realize the project. Several smaller trees also must be removed, but the applicant is making a substantial effort to save existing trees where possible (see **Attachment D**). Also of note it is possible that a few trees immediately off site may suffer some damage from construction of the project. However, the trees in question are to be removed, anyway, if and when The Butler is developed at 120 Brewer Lane. Staff has discussed this matter with the applicant and expects that reasonable precautions will be put in place to protect any and all trees possible, both on-site and off-site where applicable. Tree protection fencing is shown around other trees near the construction limits.

Screening

An examination of the screening requirements of Section 15-308 of the LUO reveals the type of screening required for this project, including 'Type C' between the buildings and street, 'Type B' between the parking lot and the street, and 'Type A' between the building and the neighboring properties to the south and east. The applicant satisfies the Type C requirement along the street through the provision of street trees, but requests flexible administration regarding the southern and eastern property lines. LUO Section 15-309 allows flexible administration when the permit-issuing authority (Board of Aldermen, in this case) finds it is acceptable. Specifically, the applicant requests that no particular screening requirements be applied to their project on any side of their lot. As explained in **Attachment E**, the applicant is suggesting that the same logic applied during Phase A be extended to the entire project, including among other reasons that screening will detract from the pedestrian-friendly environment they strive to create.

Staff generally agrees with the statements offered by the applicant, but is interested in hearing during the advisory boards meeting what the public, most especially the immediate neighbors, may think of the request before forming a final recommendation for the Board of Aldermen's consideration. Assuming that the Board of Aldermen ultimately finds the request acceptable, then it will be necessary to include the following condition:

- CUP Condition: 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 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.

Of note, during the Advisory Boards' review a neighbor on the southeast side of the property spoke to the possibility of screening in the southeast corner near the back edge of the parking deck.

Note that the applicant has proposed various plantings and two new trees as a part of the application (see L100 of **Attachment A**), but requests that all such plantings not be considered a required part of the plans (subject to the Board approving the screening relaxation request). The LUO does not contain landscaping requirements per se (outside of screening and vehicle accommodation area shading requirements) but some discussion has taken place regarding the possibility that the applicant provide one or more trees, in wells placed in metal grates, in the plaza area to mitigate heat effect.

Shading

Section 15-317 of the LUO requires that 20% of all vehicle accommodation areas (VAA) be shaded with shade trees complying with the recommendations of Appendix E-10. In this case, the applicant has satisfied this standard by providing certain trees identified in a table on **Attachment A, Sheet ADD-1**. This sheet contains calculations exhibiting compliance with both proposed site plan configurations.

The applicant also submitted a diagram showing that the parking lot at 200 East Main Street contains a sufficient number of existing trees so that twenty percent (20%) of the lot already is shaded.

Repeated from the June 2007 Phase A CUP is the following condition related to the Town possibly recommending additions to the shading plan:

- CUP Condition: 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.

Conclusion:

The proposed project complies with the requirements of the LUO pertaining to tree protection, screening and shading, subject to the Board of Aldermen finding 'no screening requirements' acceptable.

Drainage, Grading, and Erosion Control

Because the construction of the proposed buildings will result in an increase in the amount of impervious surface on the site, stormwater resulting from the development is subject to stormwater quality treatment per the LUO. To treat the water, the applicant proposes to install multiple stormwater treatment devices including RainTank® and sand filter systems, virtually all of which will be installed sub-surface beneath paved surfaces. Essentially, these systems store and treat water before releasing it via a primary outlet point near the southeastern side of the property. The application predates adoption of the current stormwater regulations and is therefore held to the previous standards. However, the applicant voluntarily is treating more

impervious surface than technically required (still not all, but more than necessary to meet the LUO).

The town's and applicant's engineers are still working through details related to the stormwater plan, including but not limited to a backwater flow question near the parking deck and sizing of the contributing drainage area. It is hoped that all such details will be addressed prior to the public hearing, but as of this writing some issues remain unresolved. Therefore, as noted in the recommendation statement below, staff cannot yet conclude that the project fully complies with the LUO. Unless the matters are satisfactorily resolved before the public hearing, staff expects to recommend that the Board of Aldermen withhold a decision until a subsequent meeting.

Repeated from the June 2007 Phase A CUP are the following conditions addressing details to be resolved during construction plan review:

- CUP Condition: 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.
- CUP Condition: 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 to percentage of TSS removal associated with the stormwater device.

Additionally, the following conditions are included to ensure that necessary details are submitted at the appropriate time:

- CUP Condition: That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat 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 final plat, 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.
- CUP Condition: 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.

Since the site is relatively flat, only fairly minimal grading is necessary to level certain areas and create a stable building pad. Primary areas to be graded include the drive areas and Boyd Street with very minimal, incidental grading around other portions of the site.

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:

Staff is awaiting additional information relating to stormwater before concluding that the project meets all of the Land Use Ordinance requirements pertaining to drainage. Additionally, CUP conditions are included above. All LUO requirements related to grading and erosion control have been met by the applicant.

Utilities

OWASA:

The proposed buildings will receive water and sewer service from OWASA by connecting to existing OWASA water and sewer lines. Water and sewer lines both exist in the Main Street right-of-way and simple connections are possible generally speaking. The applicant has discussed at length alternatives for how the lines will run internal to the site and matters seem to be drawing to a satisfactory conclusion. Staff has been informed verbally that all questions between OWASA and the applicant have been resolved, but we have not yet received confirmation in writing. With this in mind, staff includes the following CUP condition:

- CUP Condition: 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.

Electric Service:

Duke Power Company is expected to provide electrical service to the proposed buildings. Because of the location of the buildings, minor changes to the locations of some existing power poles on the site may be necessary. The applicant has included notes on the plans regarding placing electrical service underground.

Town & County Services:

Refuse and recycling facilities are sited on the eastern side of the building located near the rear of the site. Essentially, service vehicles will utilize the development's driveway, pick up refuse, and continue around the service drive, exiting the other side. Both Public Works and Orange County Solid Waste have reviewed the plans and find them serviceable.

The Town of Carrboro Fire Department also has indicated that they are satisfied with the plans at this stage, but the following condition is recommended to ensure that necessary information is submitted at the appropriate time:

- CUP Condition: 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.

Exterior Lighting:

Section 15-242 and Section 15-243 of the LUO govern exterior lighting requirements. For this project, several different types of lights are proposed. All lights are at least minimally identified on the plans (see **Attachment A, Sheet A300**) and a note is included stating that the lighting plan will comply with the applicable LUO sections. However, the Town requires additional details before concluding that the project complies with the LUO. Specifically, lighting details and specifications must be included showing the appearance and height of each proposed light and concentric footcandles (or similar) must be shown based on the specifications to visually show compliance with the applicable sections (i.e.: show that the light intensity lessens sufficiently prior to reaching property lines).

Of note the applicant recently received approval by the Board of Aldermen for allowance of increased lighting intensity in certain situations in the downtown zoning districts. That in mind, staff does not expect any particular problem with complying with the LUO but cannot yet conclude that the project meets the related LUO requirements. A lighting engineer is working on a plan currently and has already offered multiple iterations to the applicant. The applicant is not yet satisfied with the information but does expect to submit a complying lighting plan, hopefully prior to the public hearing. Given this situation and as noted in the recommendation statement below, staff cannot yet conclude that the project fully complies with the LUO. Unless the matters are satisfactorily resolved before the public hearing, staff expects to recommend that the Board of Aldermen withhold a decision until a subsequent meeting.

Conclusion:

The plans comply with the utilities section of the Town's LUO, subject to the receipt of additional lighting information and the possible CUP conditions noted above.

Architecture – Exterior Design

The applicant is preparing an extensive modeling program for the public meetings, which should act as evidence to the buildings' design and placement on the site. That in mind the related sections of the staff report, below, are relatively brief and concise.

Height, Square Footage, and Placement:

The proposed buildings would contain a total of 338,800 square feet (sf), or 507,500 sf with the parking deck included. Excluding the parking deck, the square footage will be spread among five (5) different buildings at up to 5 stories each. Multiple decks and patio spaces are located around the exteriors of the buildings and a central axis courtyard area runs approximately through the middle of the site. Many of the deck spaces and portions of the courtyard will be used as outdoor dining and retail spaces, as described under 'proposed uses' near the beginning of this report. The buildings reach up to 75-feet and include multiple building materials throughout and around the building (**Attachment A, Page A100**).

No setback requirements exist in the B-1(c) zoning district. With this in mind, the applicant chose to locate the buildings in close proximity property lines.

Building Materials & Design:

The applicant included various design shots of the building with colors and materials indicated in a fairly general, non-specific way. It is evident that much of the façade will be brick, likely of different colors, but no final decisions have been made about exact materials, colors, or design. It is clear that the applicant desires to retain some degree of flexibility regarding aspects of the

final design for each building. The applicant's architect will be prepared to discuss this topic further during the meeting. Carrboro's process typically involves such details being formally presented at this stage and becoming an official part of the record of what is to be built, but it is possible that the Board of Aldermen may choose to grant the applicant some degree of flexibility.

Barring a CUP condition giving specific guidance, staff will judge any requests for changes in accordance with LUO Section 15-64, which allows for staff-level changes (i.e.: Insignificant Deviations), Minor Modifications, and Major Modifications, with the latter two requiring Board of Aldermen approval. Staff mentioned to the applicant that it may be helpful in how we judge such matters at a later date to know that possible changes were openly discussed during the public meetings for the project.

Arts Center

Note that the Arts Center building has not yet been designed. It is not yet known exactly what size building they may build, but the project's parking standards assume a five-story building similar to others proposed. If a new building ultimately is constructed, the general design is expected to be in accordance with all other buildings currently proposed. Note that it also is possible the Arts Center will choose to simply refurbish their existing building (they retain fee simple ownership in a landlocked parcel, completely surrounded by the remainder of the project). In any event, staff recommends the following condition pertaining to the Arts Center retaining their current rights for use of the Main Street Partners' property:

- CUP Condition: That prior to construction plan approval, the applicant must provide to the Town evidence that the Arts Center retains perpetual access rights, parking rights, solid waste facilities rights, etc 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.

Architectural Standards for Downtown Development

On June, 20, 2006, the Board of Aldermen adopted design standards for buildings in multiple downtown zoning districts, including the B-1(c). Six standards are dictated in LUO Section 15-178, with an alternative review option for situations where an applicant chooses not to comply. In this case, the applicant recognizes that they do not adhere to all six design standards and therefore have engaged in the alternative review option with the Appearance Commission. The designs for all buildings have been well received by the Appearance Commission, generally speaking, but after multiple attempts it has been difficult to gather enough voting members to have a quorum present to cast an official vote. A quorum was present on August 21, 2008 and the Commission did in fact certify the alternative design for buildings B and C, along with a request to do a courtesy-level review of the final architectural details. Still, additional buildings will either need to be certified by the Appearance Commission at a later date or designed such that they meet all the standards. The following CUP conditions reflect the status of design and how the project may move forward with respect to final architectural details:

- CUP Condition: 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.
- CUP Condition: That 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 and approved by the Board of Aldermen prior to issuance of its building permit.

Conclusion:

The project must receive certification of an alternative design from the Appearance Commission for each building or be designed such that it meets all applicable design standards, in accordance with LUO Section 15-178. The related CUP conditions, outlined above, are offered as a result.

Miscellaneous Issues

Neighborhood Information Meeting:

Multiple public meetings have taken place over the course of 2-3 years. Some meetings focused on the entire project, known as 300 East Main Street, and at least one meeting focused solely on the proposed Phase A building. Property owners and renters within 1000-feet were formally invited to at least one such meeting. While many questions were posed during the meetings, the project generally has been well received.

Environmental Issues:

The property at 208 East Main Street formerly housed a wholesale oil distribution facility. As a result, it has been identified as a brownfield property. The property owner is well aware of the situation and proactively has done what is necessary to create and file with NCDENR a remediation plan that will be followed during redevelopment of the site. The town has received a copy of the basic information and the property owner is obligated to follow the plan. Additional information regarding this issue can be provided upon request.

Burden of Proof – LUO Section 15-55.1:

Note that this project is taller than two stories and located in the B-1(c) and B-1(g) zoning districts. 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 F**).

Proactive Strategies for Minimizing Disruption Downtown During Construction:

After the June 12, 2007 Board meeting where such topic was discussed, staff began requesting that applicants proactively address certain aspects of their construction sequencing and potential impacts to the downtown area related to building the project. The applicant’s response is included as **Attachment G**.

Also on the topic of minimizing disruption, staff discussed with the applicant their intent regarding whether existing businesses will have to leave the site during construction. As described in **Attachment J**, the applicant hopes and intends to allow for businesses to remain open during all phases of construction, but they were not willing to offer a voluntary CUP condition requiring as much.

Easements

It is necessary for the applicant to receive both temporary and permanent easements to realize the project. Because of this, the following CUP condition is recommended:

- CUP Condition: That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.

NCDENR Requirement

In 2005, NCDENR informed the Town of a new 'transportation facility permit' required for construction of a parking deck containing more than 750 spaces. Since the project's deck exceeds this number, the following condition is included:

- CUP Condition: That prior to construction plan approval, the applicant must receive a 'transportation facility' permit from NCDENR.

Project Summary / Town Policies

The applicant provided a narrative describing their project and how in their opinion it conforms to several adopted Town policies (**Attachment H**).

Phase A CUP Document from June 2007:

The June 2007 CUP document is included (**Attachment I**) for reference. The following conditions are repeated from the permit to ensure that they are captured within the new CUP:

- CUP Condition: That the construction plans show a catch basin including the phrase 'dump no waste, drains to Jordan Lake.'
- CUP Condition: That a covered bus shelter be required with a custom design.
- CUP Condition: 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.
- CUP Condition: The Board asked that the developer provide an 8-foot wide sidewalk between the railroad right-of-way and Roberson Street if possible.

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 conditions.
 - 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 or the Board of Aldermen agrees to modify this condition based on future conditions.

*(*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 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 to percentage of TSS removal associated with the stormwater device.
- 17) That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat 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 final plat, 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.
- 21) That 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 and approved by the Board of Aldermen prior to issuance of its building permit.
- 22) 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.
 - 23) That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.
 - 24) That prior to construction plan approval, the applicant must receive a 'transportation facility' permit from NCDENR.
 - 25) That prior to construction plan approval, the applicant must provide to the Town evidence that the Arts Center retains perpetual access rights, parking rights, solid waste facilities rights, etc 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.
 - 26) *That the construction plans show a catch basin including the phrase 'dump no waste, drains to Jordan Lake.'
 - 27) *That a covered bus shelter be required with a custom design.
 - 28) *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.
 - 29) *The Board asked that the developer provide an 8-foot wide sidewalk between the railroad right-of-way and Roberson Street if possible.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

January 5, 2008

ORANGE COUNTY

Andrew Topp, PE
Martin, Alexiou, Bryson
4000 West Chase Blvd
Suite 530
Raleigh, NC 27607

Subject: Proposed 300 East Main Street Development located on SR 1010
(East Main Street) in Carrboro- Review of Traffic Impact Analysis
(Revised Phasing Analysis)

Dear Mr. Topp,

As you are aware, this office previously reviewed a site plan and TIA in February 2007 and provided comments to you. Since then, the development has been modified and will be developed in phases. This office has previously reviewed the traffic analysis and preliminary site plan for the proposed Phase I and has approved the recommended roadway improvements and access locations.

Roadway Improvements

Per your request this office has reviewed the revised phasing analysis sealed and dated December 5, 2007 and concurs with your findings and recommendations regarding necessary traffic impact mitigation.

As your narrative indicated, the proposed additional lane on Weaver Street (non-system) may improve intersection efficiency but also impacts existing parking and other non-vehicular uses. Additional comment from the Town of Carrboro is recommended prior to pursuing this change.

Right of Way Dedication

While no significant improvements are required of the Developer along the East Main Street corridor, it is anticipated that traffic growth beyond the scope of this TIA may warrant additional street improvements in the future. It is imperative that sufficient right of way and building

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setbacks be provided now to ensure that future improvements can be accommodated when needed. Therefore, the Developer should provide a right of way at least 40' from the existing centerline of East Main Street along the entire road frontage and locate the proposed buildings accordingly.

General Information

The pavement design for road improvements within the right of way shall be 5" of Asphalt Base Course Type B25.0 B, 4" of Asphalt Intermediate Course Type I-19.0B and 3" of Asphalt Surface Course Type S 9.5A in two 1.5" lifts. The final lift shall be a full width overly in areas within the construction limits.

All pavement markings shall be thermoplastic. Pavement markers shall be installed if they previously existed on the roadway.

The Developer shall be responsible for the installation of any additional highway signs that may be necessary due to these improvements and shall comply with the requirements of the MUTCD.

The developer shall dedicate additional right of way in order to accommodate the road improvements.

It is necessary to obtain an approved driveway permit and/or encroachment agreement prior to performing work on the NCDOT right of way. An approved permit will be issued upon receipt of approved construction plans, traffic signal plans, inspection fee, and any necessary performance and indemnity bonds. The plans shall include a traffic control plan and a pedestrian/bicycle management plan for use during construction.

The Town of Carrboro may require additional infrastructure improvements. All work performed within the NCDOT right of way shall adhere to NCDOT standards.

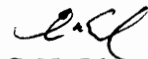
The Developer is expected to cooperate fully with state forces as well as others performing while working within the right of way.

Feel free to contact me if you have any questions.

Please share this information with your client.

Cc: J. M. Mills, PE
Marty Roupe, Town of Carrboro

Sincerely,



C. N. Edwards Jr., PE
District Engineer



JIM SPENCER ARCHITECTS

**300 East Main
Conditional Use Permit Application- Phase B
Jim Spencer Architects
Main Street Properties, LLC**

Item 21: Tree Removal Justification Letter

We request removal of a number of site trees on the project. Please see landscape and site plans for details. However, in the redesign of the site over the last couple of years, we have also designed around several mature site trees. Three of the large oaks on the Main Street corridor at the east of the site will now remain. The large 22" pecan tree is also proposed to remain in front of the hotel building.

We propose replacing the other street trees along Main Street with more columnar trees in street grates that would allow better pedestrian movement.

The existing Crape Myrtles and oaks at the interior of the site will be removed due to conflict with buildings or egress systems. We propose replacement of these trees with the plantings shown on the Landscape Plan. See L100 and L900 for placement and species details.

We feel that the many of the existing trees on the site reflect landscaping designed around the surface parking on the site and suburban models. The trees are largely in islands and beds fit around parking spaces. Few provide useful shade or add significant pedestrian scale to the site. We propose replacement of the current tree layout with a landscape plan which reinforces the street edge, strengthens the pedestrian experience in the plaza with shade and color, and creates outdoor rooms with soft edges. All of these design ideas were mentioned as desirable to the Town in the Visioning documents.

March 7, 2008

Mr. Marty Roupe
Town of Carrboro Zoning Division
301 West Main Street
Carrboro, North Carolina 27510

Re: 300 East Main Redevelopment Phase B

Dear Town of Carrboro Staff:

As we did in Phase A of the 300 East Main Street project, we would like to ask for flexibility in Town of Carrboro screening requirements. For safety and pedestrian access reasons, we propose not screening on the southern property lines and on both the east and west sides of the parking structure. We are happy to discuss this issue with the staff in DRM or with the joint boards.

Should the town agree that screening isn't appropriate for this site, none of the movable planters will function as required screening or shading. They will simply be additional foliage to improve the site's aesthetics and ambiance.

Sincerely,

Laura van Sant
Main Street Properties, LLC

Attachment F

April 17, 2007

To Whom It May Concern:

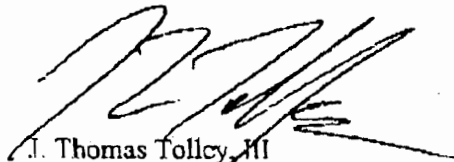
I was approached by representatives of Main Street Partners LLC to address the impact of their proposed project located in the old Art Center in Canboro. The project calls for six structures to replace the Art Center.

Our firm has appraised the Art Center and surrounding properties in the past. Although the structures were in operable condition, each was certainly in far from optimal condition. The structures showed significant age on the interior and exterior. The parking area also needed some attention.

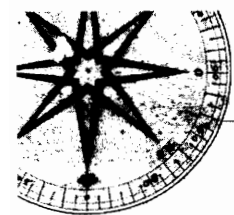
The proposed \$45 million project would bring a greater level of quality construction to the property. The esthetic enhancement to the property would be high. I have no doubt that the project, despite the construction time and inconveniences, will not deflate any values of nearby properties, and more likely enhance them. The impact of greater consumer traffic to the area should not be overlooked.

I would be glad to discuss the contents of this letter with anyone having questions.

Sincerely,



J. Thomas Tolley, III
State Certified General Appraiser



JIM SPENCER ARCHITECTS

May 19, 2008

Mr. Marty Roupe
Town of Carrboro Zoning Division
301 West Main Street
Carrboro, North Carolina 27510

Re: **STAGING AND MITIGATION OF PHASE B CONSTRUCTION**
300 East Main Redevelopment

Dear Town of Carrboro Staff:

Due to the proximity of Phase B to adjacent utilities, roads and other important infrastructure, it is critical to develop a detailed plan for construction staging and for the mitigation of potential negative effects on the surrounding areas. We will provide this detailed plan to the Town of Carrboro for its review prior to applying for a Building Permit. This plan will include the following items:

- 1) We will select a competent general contractor with years of experience working in high-traffic, congested, and constricted urban construction areas.
- 2) A pre-construction meeting will be held on-site to include pertinent Town of Carrboro staff, the general contractor, all primary subcontractors, the architects and engineers and the property owners.
- 3) We propose a temporary 8' high chain link fence with an opaque fabric cover completely surrounding the construction area. Gates will be locked during non-working hours. A neat, orderly and safe construction site will be maintained at all times.
- 4) Silt and runoff will be handled per our erosion control plan in the CUP application (sheet C400 and C900). Our general construction contract will call for regular inspection and maintenance of these devices.
- 5) Construction materials and ~~equipment~~ ~~enclosed~~ will be kept behind the fences when on-site or in fence- ~~enclosed~~ areas on the adjacent property to the west owned by Main Street Properties. These will be located out of public view to the extent possible.
- 6) Under the general construction contract, noisy construction activities will be done only during hours allowed by Town Ordinance.

Attachment ⁶⁹ 1-2

- 7) We do not anticipate the need for any blasting during construction. A soils test has been performed on the site by ECS, Ltd. and no rock was discovered (only partially weathered rock at a depth of 18.5').
- 8) The vehicle entrances to the site will have a heavy riprap apron (see detail C2/C900) to capture mud and dirt from spilling onto the adjacent roads. Trucks carrying dirt and debris or other materials will be covered before entering or leaving the site. Adjacent public roads will be swept or washed as necessary in order to be kept free of dirt and debris caused by construction activities.
- 9) A regularly updated construction schedule will be provided to the Town. All utility and infrastructure shutdowns, if required, will be conducted in order to minimize inconvenience to the general public and will be carefully coordinated with the Town. An on-site meeting with the appropriate Town staff, and other officials with jurisdiction as required, will be held at least 72 hours prior to any such shutdowns.
- 10) Roads will not be shut down in both directions longer than is necessary to temporarily detain traffic to move materials and equipment on and off site. Work within public roadways will be properly marked with signs, polycones and flagmen as necessary or required to allow the controlled safe movement of all vehicular and pedestrian traffic.
- 11) As a condition of approval, we will obtain construction easements from the Department of Transportation, Town Public Works and others as required.

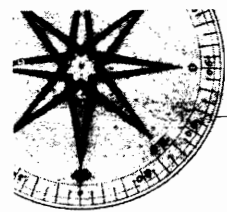
These items will be included and noted in the construction drawings and specifications. Other items may be included upon further review.

Sincerely,



Jim Spencer, AIA
Principal
Jim Spencer Architects

cc: Laura Van Sant
Project File



JIM SPENCER ARCHITECTS

March 7, 2008

Mr. Martin Roupe
Development Review Administrator
Town of Carrboro
301 West Main Street
Carrboro, North Carolina 27510

300 East Main Street Mixed Use Redevelopment Project Summary Narrative – Phase B

The site plan for the redevelopment at 300 East Main has been revised. This resubmission should be considered a response to the Town comments dated July 28, 2007. We are attaching this narrative for the Phase B of the project to clarify the design changes proposed. We are resubmitting these plans and responses as the second of our two CUP applications. This first application contained only Building A and the property identified currently as 7.92.A.1 on the site (former Christian Oil/Honda Specialists site). This phase contains all other parcels on the site. Please find attached responses to the applicable comments for this phase of the project.

General Phase B Information

Phase B comprises parcels 7.92.A.5, 7.92.A.5A, 7.92.A.8, 7.92.A.9, 7.92.A.10, 7.92.A.11, and 7.92.A.12 and totals 4.851 acres and currently contains several buildings. The project proposes phased demolition of the existing building, concrete pads and asphalt drives, and to build several new, mixed-use buildings totaling 338,800 gross square feet (507,500 including parking structure). The building's uses will be retail, restaurant, office, hotel and arts uses. (please see Cover Sheet for full list of uses). Extensive site improvements to include drives, service areas, and a large central pedestrian plaza are also proposed.

A new parking structure in the southeast corner of the site is proposed. Surface parking is proposed in several locations on the site as well. Please see parking summary on Sheet 1.0 for more information.

Attachment H-2

Solid waste for this phase is proposed to be handled by phased additions to the service areas on the site. Please see Solid Waste Sheet A200 for details.

Improvements for drives and bike and pedestrian access to the site are proposed in several locations. Please note that improvements to the drive and traffic signal at Lloyd Street are included in Phase A of the project. Two other vehicular drives are proposed at Boyd Street and near the existing drive beside TJ's store. Please see the accompanying TIA and the site plan for drawings and descriptions of these improvements.

Stormwater on the site will be handled with a combination of underground sand filters and non-mechanical innovative systems. We are proposing pervious concrete for many of the walks throughout the site. We will also install cisterns to collect roofwater for on-site plant irrigation.

Please see the attached comment responses and drawings for additional information. Thank you.

Narrative on Design of buildings for Phase B, Harmony with Surrounding Area, and Carrboro Architectural Standards for Downtown Development

The development has been designed very carefully to ensure its harmony and contextual appropriateness. We have gathered input from the public at multiple meetings, the design community and staff and committees of the Town in order to arrive at a plan that balances the programmatic elements and desired design considerations. Please see also response to ZD comment #21 for further information.

For Phase B, it is important to remember that the buildings will be constructed over a lengthy period. While we want to provide sufficient detail regarding the buildings' designs, it may necessary to come back to the Board of Aldermen and/or town staff for final design of future buildings.

The concept of the site planning from the original design remains in this plan. The buildings on site ring a broad pedestrian-only plaza which meanders from west to east from downtown. There is a large central gathering area and gracious outdoor dining space for the buildings along the plaza. The western end of the

site is occupied by Building A (Phase A) and some future service areas. The eastern end of the site contains the parking structure and the hotel building. These two ends of the site now have a strong visual relationship with each other and the plaza, but they remain very accessible from Main Street for pedestrians and bicyclists. We believe the current design allows for the most open and pedestrian friendly plan- one which will allow long-term success for the cultural and retail destinations on site. We imagine the plaza space to be lively and engaging throughout the day and evening, with large potted plants and trellises on the building facades. The buildings in this area will feature many of the same features as Phase A, with large fenestration and stepping facades.

This project will greatly enhance to downtown business district in many regards. While its economic benefits are most obvious, we believe the project will contribute greatly to the safety, social fabric, and character of Carrboro. It provides jobs and office space which are badly needed downtown. With its natural adjacencies to open space (the railroad corridor and East Main Street), it has little impact on surrounding buildings or spaces with regard to shade or views.

We believe that the revised site plan embodies the Town's character and meets the newly adopted Architectural Standards for Downtown Developments. The buildings and spaces will be open and visually connected to each other and downtown. We intend to mix the material palette throughout the site, but maintain the eclecticism of the downtown. Scale of the buildings will be managed through changes in massing- both vertically and horizontally. Please see the elevations and diagrams in the submission package for more details on compliance with the Architectural Standards for Downtown Development.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Spencer". The signature is fluid and cursive, with the first name "Jim" and last name "Spencer" clearly distinguishable.

Jim Spencer, AIA
Jim Spencer Architects

<p>PREPARED BY AND RETURN TO:</p> <p>TOWN CLERK TOWN OF CARRBORO 301 West Main Street CARRBORO, NORTH CAROLINA 27510</p>
--



ORANGE COUNTY
NORTH CAROLINA

TOWN OF CARRBORO
CONDITIONAL USE PERMIT GRANTED
300 East Main Street, Phase A

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

APPLICANT: Main Street Partners of Chapel Hill, LLC
OWNERS: Main Street Partners of Chapel Hill, LLC
PROPERTY LOCATION (Street Address): 208 East Main Street (building site) and 200 East Main Street (satellite parking lot)
TAX MAP, BLOCK, LOT(S): 7.92.A.1 (building site), 7.99.D.19 (satellite parking lot)
PROPOSED USE OF PROPERTY: Construction of a five-story commercial building at 208 East Main Street along with associated parking at 200 East Main Street.
CARRBORO LAND USE ORDINANCE USE CATEGORY: Building Site: 2.110, 2.111, 2.120, 2.150, 3.110, 3.120, 3.130, 3.150, 3.250, 5.110, 5.120, 5.130, 5.200, 5.310, 5.320, 5.400, 6.110, 6.121, 6.122, 6.130, 6.140, 6.221, 6.222, 8.100, 8.200, 8.500, 8.600, 13.100, 15.100, 15.700, 19.100, 23.000, 27.000, 29.000. Satellite Parking Lot: 10.100
MEETING DATES: June 26, 2007

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and 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.
3. 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).
4. That the applicant be required to show on the construction plans a 7-foot brick-edged sidewalk with the southernmost brick-edge defining the edge of the public right-of-way. Further, the applicant must publicly dedicate right-of-way to the back edge of the 7-foot wide sidewalk prior to receiving a certificate of occupancy.
5. That prior to construction plan approval the applicant must receive a driveway permit from NCDOT. The Town of Carrboro encourages NCDOT to require the improvements mentioned in Condition #4 and to consider requiring the improvements mentioned in Condition #3 both in the '12/22/06 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.
6. That within 24-months of the date the applicant (Main Street Properties of Chapel Hill, LLC) receives its certificate of occupancy for Building A, the applicant shall construct, lease or otherwise provide at least 90 additional parking spaces for use for use by the tenants and customers of Building A and the existing 300 East Main Shopping Center. The additional spaces will either be in the planned parking deck, in surface parking on nearby land owned by the applicant, or at an alternate location within 1320-feet of the Phase A of 300 East Main site. To the extent that part or all of such additional spaces may need to be located on the same land area on which the planned parking deck is later to be constructed, such additional spaces may be removed by the applicant with no requirement of substitution for a time period of eight months as necessary to allow applicant to construct its planned parking deck on that land area.
7. That the Board of Aldermen hereby finds 35 dedicated parking spaces, in conjunction with a shared-parking arrangement with the existing shopping center at 300 East Main Street, is sufficient to serve the project based on information submitted by the applicant describing how the proposed parking arrangement is adequate to handle the project.
8. That before construction plan approval the applicant shall record a shared-parking easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize parking spaces at 300 East Main Street.
9. 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 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.
10. 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.

11. 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.
12. 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 to percentage of TSS removal associated with the stormwater device.
13. That the construction plans show a catch basin including the phrase 'dump no waste, drains to Jordan Lake.'
14. That before construction plan approval, the applicant shall record a stormwater facility and drainage easement agreement or similar legal instrument providing that the new building at 208 East Main Street may direct stormwater into an underground system below property at 300 East Main Street. The easement shall specify a responsible party for maintaining the system in perpetuity and grant access as necessary for maintenance duties and responsibilities.
15. That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.
16. That on the construction plans a 20-foot easement must be shown around the meter vault as referenced on OWASA's May 16, 2007 letter.
17. That prior to construction plan approval the applicant must submit a 'service letter' from Duke Power making it clear that they are willing and able to serve the project as designed.
18. That before construction plan approval, the applicant shall record a shared-use of solid waste facilities easement agreement or similar legal instrument providing that the new building at 208 East Main Street may utilize facilities at 300 East Main Street.
19. That prior to construction plan approval an engineer with expertise in lighting design must seal the lighting plan to certify that the plan does comply with the lighting-related provisions of the LUO (Sections 15-242 and 243).
20. That a covered bus shelter be required with a custom design.
21. 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.
22. That the bike parking be covered and be capable of holding a minimum of 20 bikes.
23. The Board asked that the developer provide an 8-foot wide sidewalk between the railroad right-of-way and Roberson Street if possible.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

THE TOWN OF CARRBORO

ATTEST:

_____(SEAL) BY _____
Town Clerk Town Manager

I, _____, a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Steven E. Stewart, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the ____ day of _____, 20__.

(SEAL)

Notary Public

My Commission Expires: _____

IN TESTIMONY WHEREOF, the undersigned Limited Liability Partnership Grantor has caused this instrument to be executed in the appropriate partnership name by the duly authorized general partner, and has adopted as its seal the word "Seal" appearing beside its name and their signature(s), this sealed instrument being executed and delivered on the date first above written.

MAIN STREET PARTNERS OF CHAPEL HILL,
LLC

(SEAL)

By: _____

Title: _____

_____(STATE)

_____(COUNTY)

I, _____, a Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged that he is _____ of Main Street Partners of Chapel Hill, LLC, and that by authority duly given and as the act of the limited partnership, the foregoing instrument was signed in its name by him as _____ on behalf of the limited partnership as _____ thereof all by authority duly given.

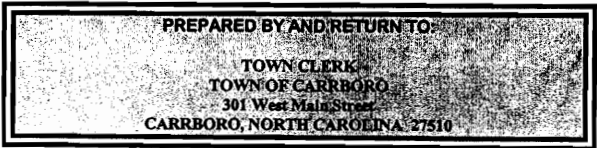
Witness my hand and official seal, this _____ day of _____, 2007.

(SEAL)

Notary Public

My commission expires: _____

(Not valid until fully executed and recorded)



Martin Roupe

From: Laura Van Sant [lauravc@mindspring.com]
Sent: Thursday, August 21, 2008 2:14 PM
To: Martin Roupe
Subject: explanations

Marty--

Here are some narratives relating to parking-deck phasing and looking after tenants:

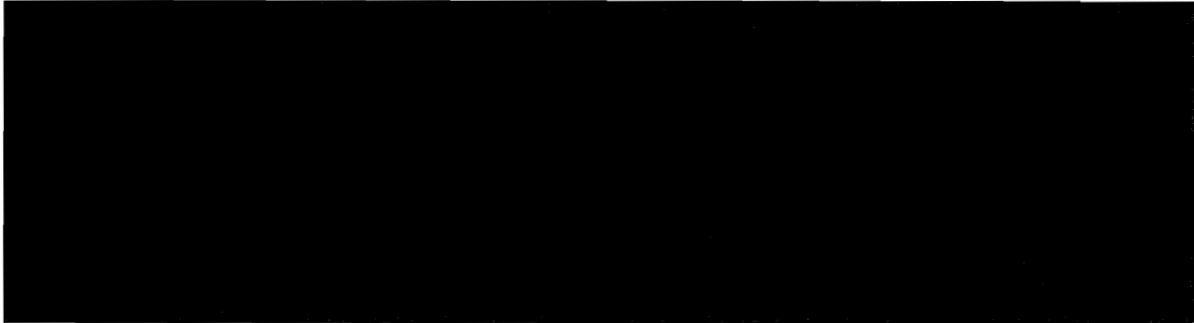
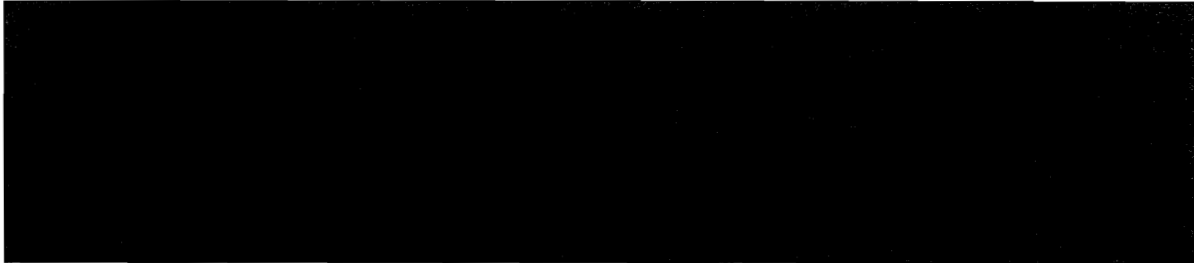
Parking

The parking deck will be built in two or more phases as the spaces are needed for new buildings. We anticipate that the first phase will consist of the northern two deck bays ending short of the eventual eastern edge of the completed deck. The remaining L-shaped deck could be finished in one or two additional phases. It's possible some vertical phasing could take place as well, whereby the upper levels of the deck would be added on at a future time.

The actual phasing plan might vary from what's described above. It's dependent on several factors, including bank financing, revenues from leased parking and the pace of building construction.

Tenants

We have phased 300 East Main in such a way that existing tenants should be able to relocate to new space before their existing space is torn down.



	<i>*Note that conditions marked with an asterisk (*) are repeated from the June 2007 Phase A of 300 E Main CUP Document.</i>	
Staff, TAB, AC, PB, EAB	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;
Staff, TAB, AC, PB, EAB	2)	*That Use Classification 18.100 be removed from the list of permissible uses.
Staff, TAB, AC, PB, EAB	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).
Staff, TAB, AC, PB, EAB	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.

ATTACHMENT K-2

Staff, TAB, AC, PB, EAB	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).
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	9)	That the applicant must obtain approval for a traffic control plan from both Public Works and NCDOT prior to construction plan approval.
Staff, TAB, AC, PB, EAB	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.

Staff, TAB, AC, PB, EAB	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. <i>(*This condition replaces conditions related to parking in the June 2007 Phase A CUP.)</i>
Staff, TAB*, AC, PB, EAB <i>*See TAB recommendation</i>	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.

ATTACHMENT K-4

Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	22)	That the applicant obtains all necessary temporary and permanent easements, encroachment agreements, or similar legal instruments prior to construction plan approval.
Staff, TAB, AC, PB, EAB	23)	That prior to construction plan approval, the applicant must receive a 'transportation facility' permit from NCDENR.

Staff, TAB, AC, PB, EAB	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, [REDACTED] 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.
Staff, TAB, AC, PB, EAB	25)	*That the construction plans show a catch basin including the phrase 'dump no waste, drains to Jordan Lake.'
Staff, TAB, AC, PB, EAB	26)	*That a covered bus shelter be required with a custom design.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	28)	*The Board asked that the developer provide an 8-foot wide sidewalk between the railroad right-of-way and Roberson Street if possible.

[REDACTED]		
AC	1)	The AC approves the variance in glazing subject to the applicant providing the amount of glazing currently shown in the CUP plans (i.e.: Building B = 64% on ground floor and 28.3% for upper floors; Building C = 69% on ground floor and 26.8% for upper floors); further, the Appearance Commission hereby certifies the alternative design for buildings B & C, per the designs and details included in the CUP plans.
	2)	The Appearance Commission wishes to conduct a courtesy-level review of the final architectural details and materials choices for buildings B and C.
	3)	Further comments and discussion regarding other buildings are delayed until a later date when additional information is available.
EAB	1)	In addition to meeting shading requirements for the vehicle accommodation area, please plan to include plantings on a minimum of 10% of the pedestrian plaza area with a minimum of 20% canopy, including shade trees and cool paving materials. (<i>Section 15-317</i>)

ATTACHMENT K-6

	2)	Use high-reflectance paving materials in lieu of dark brick or asphalt (solar reflectance index of greater than 29, per ASTM E 1980). In addition, please provide shading devices to reduce heat on building surfaces and pavements. Use roofing materials with a solar reflectance index of greater than 78, per ASTM E 1980.
	3)	Please involve a LEED accredited professional with the ongoing design of the project. Additionally, we hope the applicant will use as many green building techniques as possible in their plans (for example: low impact design and development, resource efficiency, energy efficiency, water conservation and reuse, indoor environmental quality, homeowner education, etc.).
	4)	To help encourage alternate forms of transportation, please provide shower facilities to serve all tenants.
	5)	Please incorporate passive solar space heating and cooling principals into building design as consistent with the site plan.
	6)	To ensure hydrologic connectivity with the underlying soil and allow roots to penetrate into the native soil, please plant vegetation in the ground and not in disconnected planters.
	7)	Please commit to generation of a minimum of 5% of the base electrical load by onsite solar electric.
TAB	1)	To amend condition #12 to include: That some of the bicycle racks being provided by developer be placed on E. Main Street, even if the racks are placed in the public right-of-way along the sidewalk; and that the installation of the bicycle racks should be phased in as building construction occurs.
	2)	That the applicant agrees that the central pedestrian walkway is closed to non-emergency vehicular traffic at all times, with the exception of deliveries during off-hours.
	3)	That the applicant clarifies for the Board of Aldermen the order of construction of the buildings as well as the conversion of the parking lot in to the pedestrian plaza.
PB	1)	That distinctive paving materials used in pedestrian areas of the 300 E. Main project continue south and lead into The Butler condominium project. (Section 15-221)
	2)	That where pedestrian links from 300 E. Main to The Butler condominiums cross vehicular ways the crosswalks be distinctively marked and raised. (Section 15-221)
	3)	That Main Street Partners work with The Butler condominiums' developer to ensure fully aligned grade-level access from one project to the other. The Planning Board believes that the primary public access to The Butler will be through 300 Main Street into the lawn/courtyard area of the Butler and seeks to ensure that this access fully complies with the Americans with Disabilities Act. (Section 15-221)
	4)	That 300 E. Main utilize the LEED Green and Sustainable Buildings Checklist as a means of quantifying its contribution to sustainability.

	5)	That the applicant provide opaque, evergreen screening of sufficient height and density to reduce heat island effect on the Marion Atwater property at the southeastern corner of the 300 E. Main site.
	6)	That vehicular traffic be restricted from the pedestrian plaza except for delivery vehicles and no deliveries permitted later than 10 am each day.



THURSDAY, AUGUST 21, 2008

PHASE A & B OF 300 EAST MAIN CONDITIONAL USE PERMIT

The Appearance Commission (AC) moves to recommend (Chuck Morton move, David Markowitz 2nds) approval of the 300 E Main Street Phase A & B project, in accordance with and subject to the following statements and recommendations:

- 1) The AC approves the variance in glazing subject to the applicant providing the amount of glazing currently shown in the CUP plans (i.e.: Building B = 64% on ground floor and 28.3% for upper floors; Building C = 69% on ground floor and 26.8% for upper floors); further, the Appearance Commission hereby certifies the alternative design for buildings B & C, per the designs and details included in the CUP plans.
- 2) The Appearance Commission wishes to conduct a courtesy-level review of the final architectural details and materials choices for buildings B and C.
- 3) Further comments and discussion regarding other buildings are delayed until a later date when additional information is available.

VOTING:

AYES: 5 (Chuck Morton, Wendy Wenck, David Markiewicz, Loren Bradford, and Daniel Gelinne)

NOES: 0

Members Present (5): Chuck Morton, Wendy Wenck, David Markiewicz, Loren Bradford, and Daniel Gelinne

Members Absent or Excused (3): Tom Wiltberger and Justin Abbot

Appearance Commission Chair

Date

Town of Carrboro
Planning Department



MEMORANDUM

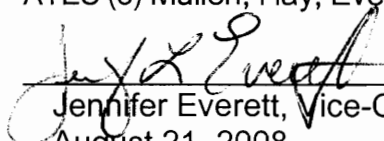
Date: August 21, 2008
To: 300 East Main Street Applicants
From: Environmental Advisory Board (EAB)
Through: Randy Dodd, Environmental Planner
Copy: Marty Roupe, Development Review Administrator
Subject: CUP Plan Review Comments

In June and August, 2008, you presented the 300 East Main Street plan for joint review at Town Hall. Based on your presentation, the EAB recommends the following:

1. In addition to meeting shading requirements for the vehicle accommodation area, please plan to include plantings on a minimum of 10% of the pedestrian plaza area with a minimum of 20% canopy, including shade trees and cool paving materials.
2. Use high-reflectance paving materials in lieu of dark brick or asphalt (solar reflectance index of greater than 29, per ASTM E 1980). In addition, please provide shading devices to reduce heat on building surfaces and pavements. Use roofing materials with a solar reflectance index of greater than 78, per ASTM E 1980.
3. Please involve a LEED accredited professional with the ongoing design of the project. Additionally, we hope the applicant will use as many green building techniques as possible in their plans (for example: low impact design and development, resource efficiency, energy efficiency, water conservation and reuse, indoor environmental quality, homeowner education, etc.).
4. To help encourage alternate forms of transportation, please provide shower facilities to serve all tenants.
5. Please incorporate passive solar space heating and cooling principals into building design as consistent with the site plan.
6. To ensure hydrologic connectivity with the underlying soil and allow roots to penetrate into the native soil, please plant vegetation in the ground and not in disconnected planters.
7. Please commit to generation of a minimum of 5% of the base electrical load by onsite solar electric.

Thank you for your cooperation.

VOTE: AYES (3) Mullen, Hay, Everett; NOES (0); ABSENT (2)



Jennifer Everett, Vice-Chair
August 21, 2008



TOWN OF CARRBORO

NORTH CAROLINA

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Attachment K-10

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

SUBJECT: Major Modification of Phase A of 300 E Main Street Conditional Use Permit to Incorporate Phase B of the Project

Motion #1: The Transportation Advisory Board recommends approval of the project with the conditions placed by the staff, with the addition of the following recommendation:

To amend condition #12 to include: That some of the bicycle racks being provided by developer be placed on E. Main Street, even if the racks are placed in the public right-of-way along the sidewalk; and that the installation of the bicycle racks should be phased in as building construction occurs.

Moved: Heidi Perry

Second: Katie Schwing

VOTE: Ayes (4), Noes (0)

Motion #2: That the applicant agrees that the central pedestrian walkway is closed to non-emergency vehicular traffic at all times, with the exception of deliveries during off-hours.

Moved: Charlie Hileman

Second: Katie Schwing

VOTE: Ayes (3), Noes (1) Heidi Perry held the dissenting vote, as she felt the pedestrian walkway should be available to vehicular traffic during off hours for drop/off and pick up associated with retail.

Motion #3: That the applicant clarifies for the Board of Aldermen the order of construction of the buildings as well as the conversion of the parking lot in to the pedestrian plaza.

Moved: Heidi Perry

Second: Charlie Hileman

VOTE: Ayes (4), Noes (0)



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

AUGUST 21, 2008

300 E. Main Street Phase B/Phase A Conditional Use Permit Major Modification

David Clinton moved and Susan Poulton seconded that the Planning Board recommends that the Board of Aldermen approve the conditional permit use application to incorporate Phase B into the permit for Phase A of 300 E. Main Street, with the following conditions:

- 1) That distinctive paving materials used in pedestrian areas of the 300 E. Main project continue south and lead into The Butler condominium project.
- 2) That where pedestrian links from 300 E. Main to The Butler condominiums cross vehicular ways the crosswalks be distinctively marked and raised.
- 3) That Main Street Partners work with The Butler condominiums' developer to ensure fully aligned grade-level access from one project to the other. The Planning Board believes that the primary public access to The Butler will be through 300 Main Street into the lawn/courtyard area of the Butler and seeks to ensure that this access fully complies with the Americans with Disabilities Act.
- 4) That 300 E. Main utilize the LEED Green and Sustainable Buildings Checklist as a means of quantifying its contribution to sustainability.

VOTE: AYES: (7) Bell, Carnahan, Clinton, Fritz, Poulton, Seils, and Wamer NOES: (0); ABSENTEXCUSED: (4) Barton, Chadboume, Cook, and Paulsen; ABSTENTIONS: (0).

David Clinton motioned and Susan Poulton seconded that the Planning Board recommends that the applicant provide opaque, evergreen screening of sufficient height and density to reduce heat island effect on the Marion Atwater property at the southeastern corner of the 300 E. Main site.

VOTE: AYES: (7) Bell, Carnahan, Clinton, Fritz, Poulton, Seils, and Wamer NOES: (0); ABSENTEXCUSED: (4) Barton, Chadboume, Cook, and Paulsen; ABSTENTIONS: (0)

Damon Seils moved and David Clinton seconded that vehicular traffic be restricted from the pedestrian plaza except for delivery vehicles and no deliveries permitted later than 10 am each day.

VOTE: AYES: (7) Bell, Carnahan, Clinton, Fritz, Poulton, Seils, and Wamer NOES: (0); ABSENTEXCUSED: (4) Barton, Chadboume, Cook, and Paulsen; ABSTENTIONS: (0).

David Clinton moved and Susan Poulton seconded that the Planning Board supports the inclusion of conditions as described and presented by planning staff on August 21, 2008 and attached.

VOTE: AYES: (7) Bell, Carnahan, Clinton, Fritz, Poulton, Seils, and Wamer NOES: (0); ABSENTEXCUSED: (4) Barton, Chadboume, Cook, and Paulsen; ABSTENTIONS: (0).

 8/22/08
James Carnahan, Chair Date

TOWN OF CARRBORO



CONDITIONAL USE PERMIT WORKSHEET FOR TOWN OF CARRBORO, NORTH CAROLINA DISTRICTS 1-4

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:

ATTACHMENT L

- 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 I.
- ☐ 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: