

BOARD OF ALDERMEN

ITEM NO.: D(1)

AGENDA ITEM ABSTRACT MEETING DATE: SEPTEMBER 16, 2008

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

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> No ___
ATTACHMENTS: A. EXAMPLES OF EXISTING HILTON GARDEN INNS B. LIGHTING PLAN & FIXTURE DETAILS C. LETTER FROM PLANNING DIRECTOR REGARDING TAX VALUE OF PROJECT D. STAFF & ADVISORY BOARDS SUMMARY SHEET OF RECOMMENDATIONS E. CUP WORKSHEET FOR TALLER BUILDINGS	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333

PURPOSE

Main Street Partners, LLC has submitted an application for a Major Modification of the Phase A of 300 East Main Street Conditional Use Permit (CUP) to allow for construction of multiple commercial buildings on an assemblage of land on and near 300 East Main Street. The Board of Aldermen began a public hearing on August 26, 2008 and continued the hearing until September 16, 2008. Town staff requests that the Board of Aldermen continue the public hearing, deliberate the application, and consider making a decision on the CUP application.

INFORMATION

**Note that project materials from the August 26, 2008 meeting (including staff report and all attachments) are available on the Town's website at the following location:*

http://www.townofcarrboro.org/BoA/Agendas/2008/08_26_2008_B3.pdf

and

http://www.townofcarrboro.org/BoA/Agendas/2008/08_26_2008_B3A.pdf

Also, a complete set of project plans is available on the website at the following location:

<http://www.townofcarrboro.org/pzi/bulletinboard/PDFs/300A&BCombined-PDFPlanSet.pdf>

Lastly, a complete set of the display materials currently located in the main hallway of Town Hall are available on the website at the following location:

<http://www.townofcarrboro.org/pzi/bulletinboard/PDFs/PostAugustPublicHearingSupplementalMaterials.pdf>

If Board members desire to have an additional paper copy of any pertinent information, please inform staff.

In continuing the public hearing to September 16, 2008, the Board requested additional information on several topics. The table below identifies each topic and includes a response from the applicant about the matter:

****Responses from applicant dated September 10 and are in Bold Italic Dark Red.***

Matters discussed during 8/26 meeting:	Applicant's response:	Contact person from applicant's team for further discussion:
1. List of water conservation tools / practices that will be in place at this Hilton	<p><i>Atma Hotel Group has provided the following response. Please see the Attached cut sheets for additional information.</i></p> <p><i>1. Hotel water conservation:</i></p> <p><i>Use of Sloan Flushmate IV high efficiency toilets 1.0gal / 3.8 Liter per flush in all guest rooms and public restrooms</i></p> <p><i>Use of low consumption Urinals in public restrooms</i></p> <p><i>Use of low consumption faucets in all guest rooms and public restrooms delivering 0.5 gallons per minute as opposed to 2.5 gallons per minute</i></p> <p><i>Use of low consumption shower heads in all guest rooms</i></p> <p><i>Use of circulation pumps in main hot water line to make hot water available quickly at all faucets</i></p>	Atma Hotel Group
2. Pictures of other "Hilton Garden" hotels in historic downtown areas	<p><i>See attached pictures from Hilton Garden Inn's website for your use. (Attachment A)</i></p> <p>Staff is placing a color version of this attachment on the PZI Bulletin Board (see: http://www.townofcarrboro.org/pzi/bulletinboard/) for individuals wanting to see the full-color version.</p>	Atma Hotel Group
3. Look into left turns off of Boyd	<p><i>Andrew Topp of Martin, Alexiou, Bryson responds:</i></p> <p><i>The traffic impact study did not project many left-turns out of the Boyd Street driveway. Vehicles exiting the site towards Main Street (to the west) would logically turn left at the signalized main entrance. This is a considerably shorter distance, would be faster, would allow a left-turn from a preferred signalized location, and would travel through few overall signals and potential stops. For similar</i></p>	Andrew Topp of Martin, Alexiou, Bryson

	<p><i>reasons, site traffic destined to Rosemary Street would likely choose to take an easier right-turn out of either of the two Main Street driveways. Nearly all of the traffic exiting Boyd Street was projected to turn right out to access destinations to the east and south. During the A.M. peak, the average delay for all exiting vehicles was estimated to be an acceptable 15.3 seconds per vehicle (LOS C and less than 1 car queue). During the P.M. peak, the average delay for all exiting vehicles was estimated to be an acceptable 17.2 seconds per vehicle (LOS C and less than 2 car queue). Based on the relatively minor delay and queuing, we would not expect an unsafe movement here. We would estimate more short-term congestion as an event finished. These events would likely occur in the evening during off-peak times when turns onto Main Street would be easier. Also, any queues would be contained within the site on Boyd Street (not disrupting Main Street traffic flow) and should dissipate quickly.</i></p>	
<p>4. Look into protections of Mr. Palau's house near deck</p>	<p><i>Laura van Sant of Main Street Properties responds:</i></p> <p><i>We'll agree to amend the proposed waiver of screening requirements to provide for screening along our property line where it abuts the Palao/Harmon property. In addition, we'll agree to use light fixtures or light shields on that side of the parking deck to ensure light doesn't exceed the 0.2 footcandles at the property line required by the ordinance. And we'll agree to use signage or other means to try to disperse parking deck traffic between both exits.</i></p> <p><i>To mitigate construction impacts on this property, we'll follow the noise regulations in the Town Code, and would agree to a condition requiring regular watering of Boyd Street during dry days when construction traffic is using the road.</i></p>	<p>Laura Van Sant of MSP</p>
<p>5. Look into traffic calming, especially where horseshoe drive crosses pedestrian walkway</p>	<p><i>We have consulted with Transportation Planner Adena Messenger about this and agree with her that placing some low, well-spaced bollards at the drive/pedestrian crossing intersections would be a great idea. We will have drawing at the meeting demonstrating locations. These might also include a small amount of downlighting for safety.</i></p>	<p>Laura Van Sant of MSP or Jim Spencer of JSA</p>

	<p><i>The crossing areas themselves are planned to be brick colored and scored concrete which will be distinct from the drives and general plaza spaces. These crossing will have a slightly raised concrete border which will also notify drivers to use caution. We are fine with adding signage or art stating "Caution-Pedestrian Crossing" or the like.</i></p>	
<p>6. Applicant to look at cost of valet vs. shuttle option</p>	<p><i>The shuttle idea is an interesting one, but lenders have told us they won't finance construction of buildings unless adequate parking is available on site or within a reasonable walking distance. Prospective tenants also desire on-site parking and won't sign leases without it.</i></p>	<p>Laura Van Sant of MSP</p>
<p>7. Ensure all stormwater concerns are addressed</p>	<p><i>Town to provide information. Stewart Engineering has worked with Sungate to address issues. Please let us know if you need anything else.</i></p> <p>Staff notes that the Town Engineer has concluded that the stormwater plan now conforms to applicable LUO requirements. Virtually all of the stormwater infrastructure (sand filters, pipes, etc) is located underground. CUP conditions 15-18, 21, and 22 relate to final details to be worked through during the construction plan stage, but none of the remaining details are expected to cause a change to the site design. Both the Town's and applicant's consulting engineers will be available for questions during the meeting.</p>	<p>David Boyette of Stewart Engineering & Will Hines of Sungate Design Group (Town Engineer)</p>
<p>8. Prepare conditions for items that "applicant verbally agreed to" if possible</p>	<p>Advisory board recommendations.</p> <p>Appearance Commission: All OK.</p> <p>EAB: 1&2 – Will strive to reduce heat-island effects, but haven't yet designed materials to the level of detail necessary to include as a CUP condition.</p> <p>3 – OK</p> <p>4 -- Will include showers in office buildings for office tenant use. No public shower facilities planned.</p> <p>5 -- OK</p> <p>6 -- Large trees will be planted in the ground, but most other vegetation will be in movable planters to increase flexibility of plaza use. We do plan to have lots of greenery on the site, but not sure how to quantify that in a condition.</p>	<p>Laura Van Sant of MSP</p>

	<p>7 -- Preliminary discussions with solar expert recommended by James Carnahan indicate that solar-power generation is impractical without 20,000 square feet of unobstructed roof. None of our buildings will have a roof footprint that large. We will continue to explore solar power, especially for hot water, but don't know enough to accept as a CUP condition.</p> <p>TAB: 1 – OK with us if town and DOT sign off. 2 – OK 3 – Phasing plan included with CUP application. The schedule is subject to change, however, so that order of construction shouldn't be a CUP condition.</p> <p>Planning Board: 1 – 4 and 6 OK. 5 – will accept condition to provide whatever screening would normally be required adjacent to Harmon/Palau property.</p>	
<p>9. Have applicant consider some treatment of the bare 1st floor roof</p>	<p>We believe the perspective views shown will demonstrate the lack of visibility of this area on the eastern approach. The northeast corner of the building will be visible and is shown on their drawing, though the large oak on the corner will remain. Putting plantings on that roof would require an expensive roof system to support the extra weight, and the low visibility of the area doesn't justify the cost. That money is better spent on the new rounded projection on the northwest corner of the building because that area is much more visible and prominent.</p>	<p>Atma Hotel Group</p>
<p>10. Devise condition to make sure we have good signage for traffic, etc, especially during construction</p>	<p>Laura van Sant of Main Street Properties responds:</p> <p>Prior to construction, we'll work with the town and DOT to devise a traffic control plan to help drivers, pedestrians and bicycles navigate through any roadway and/or sidewalk changes. On a more permanent basis, we plan to upgrade the Main/Lloyd light during the first phase, which will give us a chance to familiarize drivers on the new traffic pattern within the property before introducing the new Boyd Street entrance.</p> <p>Andrew Topp of Martin Alexiou Bryson responds:</p> <p>The developer will provide traffic control and pedestrian management plans to be implemented during construction to provide safe movement of vehicular and pedestrian traffic adjacent to the proposed construction work areas.</p>	<p>Laura Van Sant of MSP & Andrew Topp of Martin, Alexiou, and Bryson</p>

	<i>All plans will be prepared in close coordination with staff of the Town of Carrboro and staff of NCDOT as necessary.</i>	
11. Investigate crossing-of-Main possibilities near corner / Padgett Station property	<i>Along the 300 block of Main Street, crosswalks exist near both the east and west ends of our project. We would be glad to provide an additional crosswalk if DOT approves one.</i>	Laura Van Sant of MSP & Andrew Topp of Martin, Alexiou, and Bryson
12. Applicant to post telephone number of off hours contact about any construction or site-related concerns	<i>We're fine with this and would accept a condition.</i>	Laura Van Sant of MSP
13. Condition requiring connection to Butler (consistent with condition in Butler CUP)	<i>No problem. We would accept a condition to provide a crosswalk to the property line.</i>	Laura Van Sant of MSP
14. More specific plan of phasing in of businesses into new buildings (especially Cat's Cradle and ArtsCenter)	<p><i>Phasing. Not sure what kind of condition would be appropriate here. But we can make a couple general statements. One, this project in large part grew out of the fact that both the ArtsCenter and Cat's Cradle needed more space. Those two venues pull the people, and other tenants like to be located near them to get business from those people. That is true today and will be true with the redevelopment. In addition, Main Street Properties historically has supported both the ArtsCenter and Cradle with donations, subsidized space and other considerations. If we didn't want them here, we wouldn't have done that.</i></p> <p><i>Second, tenants aren't easy to find. It's in Main Street Properties' interests to maintain as many of them as possible in the new development. As the site plan has evolved over the years one of the main criteria has been maintaining the ability to create new space for tenants before knocking down their old space.</i></p> <p><i>We'd be happy to provide updates to the town about phasing plans, tenant relocation, etc. as the project builds out. Beyond that, we're not sure what type of condition the board is looking for here.</i></p>	Laura Van Sant of MSP

Matters requested and arising after 8/26 meeting:	Person responsible with commentary where necessary:	Staff person receiving:
15. Provide display boards of site plan, facades, etc for display at Town Hall	<p><i>Boards and a narrative have been displayed at Town Hall and .pdf versions given to Town staff for the web site.</i></p> <p>Note that the materials are located at the following url:</p> <p>http://www.townofcarrboro.org/pzi/bulletinboard/PDFs/PostAugustPublicHearingSupplementalMaterials.pdf</p>	Laura Van Sant of MSP or Jim Spencer of JSA
16. Provide 3D model(s) for display at Town Hall	<p><i>As stated to Marty and Steve Stewart, the original site model has been damaged over the years and the buildings are not intact on it anymore. We have displayed a board at Town Hall and on the website that shows the evolution of the site plan over the entire period. We will have detailed 3-D views of the current plan at the meeting and whatever information regarding the old plans we can pull together.</i></p>	Laura Van Sant of MSP or Jim Spencer of JSA
17. Provide materials distributed during September 2004 Neighborhood Information Meeting / Public Information Session	<p><i>The display boards include the 2004 site plan, but we don't have any minutes of that meeting. This was an informal meeting to get feedback on the project, much of which was incorporated into the plan. We also had public meetings (non-Town Hall) in February 2005 at the ArtsCenter and June 2005 (design roundtable at the Century Center). Our Neighborhood Information meeting was March 13, 2006 at the Century Center.</i></p>	Laura Van Sant of MSP
18. Provide additional information about view of project coming from east	<p><i>Hotel architects are producing perspective drawings showing this view for the meeting.</i></p>	Atma Hotel Group & Jim Spencer of JSA
19. Lighting details	<p><i>We have revised the lighting plan to include fixture information and applicable notes. (Attachment B)</i></p>	Jim Spencer of JSA
20. Estimated tax value and associated information	<p><i>Tax revenue information provided to Town Manager Steve Stewart.</i></p> <p>Information regarding this topic is included as Attachment C.</p>	Laura Van Sant of MSP & Roy Williford, AICP, Planning Director

RECOMMENDATION

Town staff recommends that the Board of Aldermen approve the CUP, subject to the following conditions:

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

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

proposed mix of uses and expected shared use of spaces, which should result in the development having sufficient parking at all times except 6-9 PM Friday and Saturday evenings when a majority of the property is leased. This finding of a sufficient number of spaces also is subject to and dependent on the applicant's willingness to retain and utilize a valet parking company during times when a parking shortage exists. The valet parking company is expected to utilize space within the parking deck in such a manner that an additional 47 parking spaces may be realized, as per the information submitted by the applicant stating that it is possible to gain this number of spaces. The obligation to utilize a valet parking company, in accordance with the terms explained herein, shall be a continuing, binding part of the CUP unless the Board of Aldermen agrees to modify this condition based on future circumstances.

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

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