

# BOARD OF ALDERMEN

ITEM NO.: (1)

## AGENDA ITEM ABSTRACT

MEETING DATE: SEPTEMBER 30, 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

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> YES <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>ATTACHMENTS:</b> A. ADDITIONAL PERSPECTIVE DRAWINGS FROM EAST B. ADDITIONAL LIGHTING PLAN & FIXTURE DETAILS C. ADDITIONAL PERSPECTIVE DRAWINGS ADDRESSING CANYON EFFECT, SHADOWS, ETC D. APPLICANT'S SUMMARY OF PROJECT TIMELINE E. STAFF & ADVISORY BOARDS SUMMARY SHEET OF RECOMMENDATIONS F. CUP WORKSHEET FOR TALLER BUILDINGS	<b>FOR INFORMATION CONTACT:</b> MARTY ROUPE, 918-7333

### PURPOSE

Main Street Partners, LLC has submitted an application for a Major Modification of the Phase A of 300 East Main Street Conditional Use Permit (CUP) to allow for construction of multiple commercial buildings on an assemblage of land on and near 300 East Main Street. The Board of Aldermen began a public hearing on August 26, 2008, continued the hearing until September 16, 2008, and then continued the hearing until September 30, 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.

### 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) *Re-worded:* That the applicant must present for approval the final architectural details, for buildings D, E, and F, to both the Appearance Commission and the Board of Aldermen. If a building meets the design standards of LUO Section 15-178, then the Appearance Commission shall offer comments and the Board of Aldermen shall review the final design before issuance of a building permit. If a building does not meet the design standards of Section 15-178, then the applicant must receive from the Appearance Commission certification of an alternative design, per LUO Section 15-178(b). Upon receiving certification of an alternative design, the applicant shall present the design to the Board of Aldermen before issuance of a 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.

*New, since 9/16/08 meeting at Board of Aldermen's request:*

- 29) That the hotel shall include the following water conservation measures: the use of Sloan Flushmate IV high efficiency toilets 1.0gal / 3.8 Liter per flush (or equivalent device) in all guest rooms and public restrooms; use of low consumption urinals in public restrooms; 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; use of low consumption shower heads in all guest rooms; and use of circulation pumps in main hot water line to make hot water available quickly at all faucets. The building permit application for the hotel building must include evidence sufficient to show that the building design adheres to this CUP condition.
- 30) That the applicant agrees to include on the construction plans a vegetative and / or fence screen in the southeast corner of the site (adjacent to the residences on Boyd Street) sufficient to meet the LUO's Type A description.
- 31) That the applicant must regularly water Boyd Street during construction, using OWASA reclaimed water, to reduce dust, erosion, etc potentially caused by heavy vehicles.
- 32) That the applicant agrees to place bollards at all entrances to the pedestrian plaza where vehicles travel adjacent to the area so as to create a physical barrier between the plaza and

- vehicle travel lanes. A detail drawing and spacing for the bollards shall be shown on the construction plans.
- 33) That the applicant must fulfill their agreements, as listed in correspondence for the September 16, 2008 Board of Aldermen meeting, as related to advisory board recommendations.
  - 34) That prior to construction plan approval, the applicant, Town staff, and NCDOT will agree to a traffic management plan to include adequate signage to address pedestrian and bicycle flow along Main Street as well as vehicular traffic.
  - 35) That during construction the applicant shall keep posted, on site in conspicuous location, contact information including a phone number that citizens may call at any time with concerns about construction of the project.
  - 36) That the applicant agrees to identify on the construction plans an at-grade pedestrian connection to the south that is handicap accessible.
  - 37) That the applicant is encouraged to lease to locally-owned businesses and businesses receiving funds from the Town's revolving loan fund.
  - 38) That if the applicant is able to secure satellite parking spaces (up to 43 spaces) within 1,320-feet of their property as a way to address any parking shortage situation that may arise, then provision of such satellite parking spaces may substitute for providing valet service on site.
  - 39) That the applicant must maintain, at a minimum, an amount of vegetation on site consistent with the planting plan on Sheet L100 of the CUP plans. It is recognized that the species and types of plantings may change over time due to availability, but at no time may the amount of plantings fall below what is represented in the planting table.

### **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](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](http://www.townofcarrboro.org/BoA/Agendas/2008/08_26_2008_B3A.pdf)

*The project materials from the September 16, 2008 meeting are available on the Town's website at the following location:*

[http://www.townofcarrboro.org/BoA/Agendas/2008/09\\_16\\_2008\\_D1.pdf](http://www.townofcarrboro.org/BoA/Agendas/2008/09_16_2008_D1.pdf)  
and  
[http://www.townofcarrboro.org/BoA/Agendas/2008/09\\_16\\_2008\\_D1A.pdf](http://www.townofcarrboro.org/BoA/Agendas/2008/09_16_2008_D1A.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 30, 2008, the Board requested additional information on several topics. The table below identifies each topic and includes a response from staff, the applicant, or both:

\*Responses from staff are presented in black text, with proposed CUP condition language identified *in italics*.

**\*\*Responses from applicant dated September 25 and are in Bold, Italic.**

Matters discussed during 9/16 meeting:	Staff's and / or Applicant's Response:	Contact person for further discussion :
1. Provide CUP condition language for water conservation measures for hotel	Draft language: <i>That the hotel shall include the following water conservation measures: the use of Sloan Flushmate IV high efficiency toilets 1.0gal / 3.8 Liter per flush (or equivalent device) in all guest rooms and public restrooms; use of low consumption urinals in public restrooms; 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; use of low consumption shower heads in all guest rooms; and use of circulation pumps in main hot water line to make hot water available quickly at all faucets. The building permit application for the hotel building must include evidence sufficient to show that the building design adheres to this CUP condition.</i> (see new CUP condition #29)	Marty / Brough
2. Provide CUP condition language regarding protection measures at SE edge of site	Draft language: <i>That the applicant agrees to include on the construction plans a vegetative and / or fence screen in the southeast corner of the site (adjacent to the residences on Boyd Street) sufficient to meet the LUO's Type A description.</i> (see new CUP condition #30) Draft language: <i>That the applicant must regularly water Boyd Street during construction, using OWASA reclaimed water, to reduce dust, erosion, etc potentially caused by heavy vehicles.</i>	Marty / Brough

	(see new CUP condition #31)	
3. Provide CUP condition language regarding bollards at pedestrian plaza	<p>Draft language: <i>That the applicant agrees to place bollards at all entrances to the pedestrian plaza where vehicles travel adjacent to the area so as to create a physical barrier between the plaza and vehicle travel lanes. A detail drawing and spacing for the bollards shall be shown on the construction plans.</i></p> <p>(see new CUP condition #32)</p>	Marty / Adena / Brough
4. Provide CUP condition language for advisory board matters	<p>Below please find draft language for a CUP condition, which requires that the applicant follow through on the particular advisory board recommendations agreed upon in their correspondence for the September 16, 2008 meeting. Draft language: <i>That the applicant must fulfill their agreements, as listed in correspondence for the September 16, 2008 Board of Aldermen meeting, as related to advisory board recommendations.</i></p> <p>(see new CUP condition #33)</p> <p>Staff will review the construction plans for the project in accordance with the advisory boards recommendations and the agreements made by the applicant. Further and where applicable, staff will require that notes be included on the construction plans indicating these agreements. Note that several agreements from the applicant are straightforward and unqualified, but they only have committed to ‘striving to do’ or ‘continuing to explore’ some of the items.</p> <p>The September 16 response from the applicant is repeated below. Staff comments are included parenthetically below each item to explain the topic. The responses also may be read in conjunction with the advisory board recommendations section of the summary sheet (Attachment E):</p> <p><b><i>Applicant’s response from September 16:</i></b>  <b><i>Appearance Commission: All OK.</i></b>          (AC summary: 1—Alternative design approval; 2—Courtesy level review of final architectural details; 3—Further comments delayed.)  <b><i>EAB: 1&amp;2 – Will strive to reduce heat-island</i></b></p>	Marty / Brough

*effects, but haven't yet designed materials to the level of detail necessary to include as a CUP condition.*

(EAB summary: 1—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 (solar reflectance index of greater than 29. In addition, provide shading devices to reduce heat on building surfaces and pavements. Use roofing materials with a solar reflectance index of greater than 78.)

**3 – OK**

(EAB summary: Include LEED professional)

*4 -- Will include showers in office buildings for office tenant use. No public shower facilities planned.*

(EAB summary: Provide showers to serve all tenants)

**5 – OK**

(EAB summary: Include passive solar space heating and cooling principals)

*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.*

(EAB summary: Plant trees / vegetation in ground)

*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.*

(EAB summary: Incorporate minimum 5% solar electric

**TAB: 1 – OK with us if town and DOT sign off.**

(TAB summary: Place some bike racks on sidewalk along East Main Street and phase in installation of bike racks as construction progresses)

**2 – OK**

(TAB summary: Pedestrian plaza closed to non-



	<p>emergency vehicles)</p> <p><b>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.</b></p> <p>(TAB summary: Applicant to clarify phasing plan)</p> <p><b>Planning Board: 1 – 4 and 6 OK. 5 – will accept condition to provide whatever screening would normally be required adjacent to Harmon/Palau property.</b></p> <p>(PB summary: 1—Use distinctive paving materials; 2—Use distinctive crosswalks; 3—Provide at-grade, handicap accessible pedestrian connection to the south; 4—Utilize LEED checklist; 5—Screening to adjacent residential properties; 6—Pedestrian plaza closed to vehicles)</p>	
5. Provide further response to treatment of 1 <sup>st</sup> floor roof at hotel	<p><b>Applicant's response: Hotel first-floor roof. It's in the hotel's interest to offer guests of rooms overlooking this roof an interesting view, but it's difficult to specify what that might be until the location of mechanical equipment, etc. is determined. The rooftop will be almost invisible to the public due to its location behind buildings and trees.</b></p>	Atma Hotel Group & Main Street Partners
6. Provide CUP condition language relating to signage during construction	<p>Draft language: <i>That prior to construction plan approval, the applicant, Town staff, and NCDOT will agree to a traffic management plan to include adequate signage to address pedestrian and bicycle flow along Main Street as well as vehicular traffic.</i></p> <p>(see new CUP condition #34)</p>	Marty / Brough
7. Provide CUP condition language regarding provision of 24/7 contact person	<p>Draft language: <i>That during construction the applicant shall keep posted, on site in a conspicuous location, contact information including one or more phone numbers for representatives of the property owners and / or contractors that citizens may call at any time with concerns about construction of the project.</i></p> <p>(see new CUP condition #35)</p>	Marty / Brough
8. Provide CUP condition language regarding connectivity with Butler property	<p>Draft language: <i>That the applicant agrees to identify on the construction plans an at-grade pedestrian connection to the south that is handicap accessible.</i></p> <p>(see new CUP condition #36)</p>	Marty / Brough

<p>9. Provide additional perspective drawings showing project approaching from east</p>	<p><b><i>Applicant's response: Please see attached drawings- The hotel architects have added two storefront openings at the northeast corner of the building to open this side more to pedestrians. The rest of the lower east façade will have some service doors and some recesses as shown on the attached drawings.</i></b></p> <p><b><i>The other eastern elevations display this side a little more bare than is probably realistic given the number of evergreen trees on this side (see Summer photo for reference). We plan to emphasize the vehicular entry connection with a welcoming brick vertical bay at the parking deck entry.</i></b></p> <p><b>(see Attachment A)</b></p>	<p>Applicant to provide to Marty</p>
<p>10. Provide additional lighting details</p>	<p><b><i>Applicant's response: Site lighting plans and details are attached. The lighting for the site is proposed as simple, durable fixtures which are dark sky friendly.</i></b></p> <p><b>(see Attachment B)</b></p>	<p>Applicant to provide to Marty</p>
<p>11. Provide reworded CUP condition language for condition #20</p>	<p>Draft Re-worded CUP condition #20: <i>That the applicant must present for approval the final architectural details, for buildings D, E, and F, to both the Appearance Commission and the Board of Aldermen. If a building meets the design standards of LUO Section 15-178, then the Appearance Commission shall offer comments and the Board of Aldermen shall review the final design before issuance of a building permit. If a building does not meet the design standards of Section 15-178, then the applicant must receive from the Appearance Commission certification of an alternative design, per LUO Section 15-178(b). Upon receiving certification of an alternative design, the applicant shall present the design to the Board of Aldermen before issuance of a building permit.</i></p> <p><b>(see re-worded CUP condition #20)</b></p>	<p>Marty / Brough</p>
<p>12. Provide additional perspective drawings addressing concerns about canyon effect, shadows, etc</p>	<p><b><i>Applicant's response: Please see attached images of the plaza at various times of year and from different angles.</i></b></p> <p><b>(see Attachment C)</b></p>	<p>Applicant to provide to Marty</p>

13. Provide additional information regarding project amenities	<i><b>Applicant's response: Project amenities. The plaza is designed to be an attractive, welcoming place, containing greenery, seating, public art and water feature(s). We won't decide where to put many of these features until we're closer to actually building the plaza, so I don't know what type of condition would be appropriate. We don't want to commit to specific designs or locations for these features when we're still years away from building the plaza and don't know yet who will occupy the spaces next to it.</b></i>	Applicant to provide to Marty
14. Provide CUP condition language encouraging local businesses	Draft language: <i>That the applicant is encouraged to lease to locally-owned businesses and businesses receiving funds from the Town's revolving loan fund.</i> (see new CUP condition #37)	Marty / Brough
15. Provide additional information regarding valet parking condition and its long-term applicability	<p>Staff discussed this item and determined that the following additional draft CUP condition language should provide more security related to parking and an optional way of accomplishing the same desired outcome: <i>That if the applicant is able to secure satellite parking spaces (up to 43 spaces) within 1,320-feet of their property as a way to address any parking shortage situation that may arise, then provision of such satellite parking spaces may substitute for providing valet service on site.</i> (see new CUP condition #38)</p> <p>Note that the 1,320-foot distance is consistent with approval of the Phase A of 300 East Main Street approval. Neither staff nor the applicant anticipates any difficulties with the provision of valet service, but there certainly is nothing wrong with having additional language in case of an unforeseen, future circumstance. It also is worth noting that each CUP condition, assuming approval, becomes a binding obligation for the permit-recipient. That in mind the applicant may not simply forgo their obligation to provide valet parking if and when it becomes necessary for them to provide it. If they did so, the Town could enforce the terms of the CUP up to and including seeking injunctive relief in a court of law.</p> <p>Staff has accepted the applicant's time-of-day</p>	Applicant & Marty / Adena / Brough

estimation of demand as it takes into account the proposed mix of uses on the site, which lend themselves to having different peak hours of parking demand (for example, office and retail which will have mid-day peaks versus dining and entertainment which will have evening peaks). When applied to the build out of the site, the results indicate that the parking demand generated by the site will fall short of the supply being provided on site by 43 spaces on the weekend in the evening. The time-of-day estimates are based on the Town's presumptive parking calculations.

*Applicant's response: Valet parking. The idea of valet parking is to make up for parking shortages that occur only a few hours a week, not to make up for a permanent parking shortage. At build-out, we anticipate having plenty of parking except for 6-9 p.m. on weekend nights, so it made sense to make up that relatively small deficit with valet parking during those hours.*

*As build-out of the project (buildings and parking deck) progresses, we must provide sufficient parking to attract tenants and lenders to the project. Valet parking would only be used to cover small parking deficits during limited hours of the week. We have agreed to submit on an annual basis (or any other schedule the town desires) an update of our parking spreadsheet showing actual square footage on the ground, its actual uses and the actual number of parking places. If that spreadsheet (with its time-of-use estimates) shows significant deficits, we expect that the town would not allow us to proceed with additional construction until we add more parking.*

*As a practical matter, parking will become an issue only if it's a problem. We've done the best we can to anticipate parking needs based on anticipated uses of the space. As buildings are occupied, we'll know rather quickly how accurate we were. We won't be able to make up large parking deficits with valet parking.*

*I know every developer probably says*

	<p><i>this, but this is truly a case where the market will be a stronger factor than any condition the town could impose. This project is not a relatively small building somewhere whose parking deficit could be made up by our tenants and customers infringing on other property owners' parking lots. There is no parking lot or group of lots in Carrboro large enough to accommodate our parking needs, so we'll be forced to rely on our own parking. Tenants won't sign leases and banks won't lend money at a project of this size without enough parking. If we have a deficit that occurs for more than a few hours a week or exceeds a certain number of spaces we will have to build additional parking, change the mix of uses to correct the problem or even scale back the square footage of the ultimate build-out.</i></p>	
<b>Matters requested and arising after 9/16 meeting:</b>	<b>Staff's and / or Applicant's Response:</b>	<b>Contact person for further discussion :</b>
16. Provide brief summary of review timeline for project	<p>Staff has prepared the following brief timeline for the project, representing when plans were submitted for review from the beginning until the recent public meetings:</p> <ul style="list-style-type: none"> <li>-Early 2004: Discussions about the project began with staff</li> <li>-September 2005—1<sup>st</sup> formal submittal</li> <li>-May 2006—2<sup>nd</sup> formal submittal</li> </ul> <p>Phase A split into its own CUP application</p> <ul style="list-style-type: none"> <li>-January 2007—1<sup>st</sup> formal submittal</li> <li>-May 2007—2<sup>nd</sup> formal submittal</li> <li>-June 2007—Public Hearing and approval of Phase A</li> </ul> <p>Phase B review resumes</p> <ul style="list-style-type: none"> <li>-October 2007—3<sup>rd</sup> formal submittal</li> <li>-March 2008—4<sup>th</sup> formal submittal</li> <li>-May 2008—5<sup>th</sup> formal submittal</li> <li>-August 2008—Public Hearing begins</li> </ul>	Marty & Applicant

	<i>Applicant's response: Please see attached project timeline from Main Street Properties, LLC.</i> <b>(see Attachment D)</b>	
17. Provide information addressing Planning Policy documents, especially related to the east side of the garage and hotel	<p><i>Applicant's response: The Vision 2020 document, the Downtown New Vision, the Downtown Design Guidelines, and other planning documents all stress connectivity. We have certainly prioritized the north and west elevations of the project as the most important visual and pedestrian connections to the Town due to the permanent nature of the open rights-of-way. The eastern side of the site was designed to enhance clarity of vehicle access to the Parking Deck and to feature the U-shaped design of the hotel. The slender hotel bays on this side break up the eastern elevation and the building is stepped in around the existing oaks at the northeast corner.</i></p> <p><i>As shown in the attached drawings and photos, if no redevelopment occurs on the adjacent properties along this side, there will remain a significant tree screening between properties. If redevelopment does occur on these adjacent sites, we may consider a joint service alley along the property line so that the Main Street right-of-way could be more open and inviting.</i></p>	Applicant to provide to Marty
18. Provide information about planter sizes and their ability to neutralize heat-island effect	The Board requested that additional information be provided about this topic, which the applicant has done below. Also, the Board requested that a CUP condition be drafted to create minimum requirements related to vegetation in the plaza. To that end staff explored the idea of requiring 20% shading consistent with the Vehicle Accomodation Area shading requirements, but the applicant was not in favor of this approach. Another straightforward option is to require at minimum the number of plants currently identified on the planting plan. The following draft language represents this approach: <i>That the applicant must maintain, at a minimum, an amount of vegetation on site consistent with the planting plan on Sheet L100 of the CUP plans. It is recognized that the species and types of plantings may change over time due to</i>	Marty & Main Street Partners



	<p>availability, but at no time may the amount of plantings fall below what is represented in the planting table.          (see new CUP condition #39)</p> <p>Trees provided in the planters will supplement the shading of the plaza area and therefore to some degree should mitigate heat island effect, while at the same time allow for portability.</p> <p><i>Applicant's response: Planter sizes. Our landscape architect says that a planter or pot needs to be 48" in diameter and 42" deep to support a tree such as a crape myrtle or flowering cherry at maturity. I would imagine the shade from a tree is the same whether it's in a pot or the ground, so that either would have the same cooling effect. I think folks are having a hard time visualizing how green and shady we're trying to make the plaza despite having few plantings in the ground. We'll bring some photos to the next meeting to try to better illustrate what we envision.</i></p>	
19. Provide specific response to Planning Board Recommendations 2, 3, and 5	<p><i>Applicant's response: Planning Board recommendations. The staff report for the 9/16 meeting indicated that we agreed to 1-4 and 6, and that for no. 5 we would agree to provide whatever the normally required screening is adjacent to the Palao/Harmon property. That property is the same as the Marion Atwater property. The current owners' names are different from the names on the old survey.</i></p>	Applicant to provide to Marty
20. Provide information regarding phasing plan as it relates to build-out of pedestrian plaza	<p><i>Applicant's response: Plaza build-out. The plaza is the centerpiece of 300 East Main and we would like to construct it as soon as possible. But it can't be finished until close to the end for a number of reasons. We can't build the new road behind the buildings until we've relocated the Cat's Cradle, because the existing Cradle sits where the road needs to go. Until that road is in place, we need to use the existing parking lot to get traffic to and from the deck. We'd be crazy to build the plaza before we build the front buildings because we'd have to tear a lot of it up during their construction and then rebuild it.</i></p>	Applicant to provide to Marty

	<i>Once the front buildings are in, I'd anticipate we'd build at least a strip of the plaza closest to those buildings. But we still couldn't complete the plaza until the rear buildings are finished, because it's likely we'll have to close down the rear road during their construction and temporarily re-route traffic back through the existing parking lot. The town won't let us use the plaza for vehicular traffic, so we'll need to leave a strip of asphalt in place until the rear buildings are complete enough that we'll no longer need to use the rear road for construction staging. Only at that point can we finish the plaza. (In the unlikely event the rear buildings go up before the front ones, we'd build the southern strip of the plaza but need to use the northern plaza area for construction staging for the front.)</i>	
21. Provide information regarding whether the Town has imposed conditions on land use permits in the past similar to the pedestrian plaza build-out item mentioned above	Staff is not familiar with any recent projects where the Board has imposed similar conditions.	Marty / Roy / Brough
22. Provide additional information regarding how the project will unfold around the ArtsCenter	<i>Applicant's response: The building directly to the west of the ArtsCenter can't get built without the ArtsCenter's cooperation, because building it will require taking out a portion of the ArtsCenter building that stubs out to the west. We've had preliminary discussions with ArtsCenter board members about the possibility of tearing down the stub-out, erecting a five-story building and then giving back space in the ground floor of the new building. There also would be some possibility of then temporarily leasing the ArtsCenter upper-floor space in the new building that they could use while some of their existing building was out of commission during their own construction. Whether either of these things will happen is still to be determined, but neither of them can happen</i>	Main Street Partners & ArtsCenter



	<p><i>without the ArtsCenter's consent and cooperation. Construction of this building wouldn't close off access to the ArtsCenter.</i></p> <p><i>The plaza will be built toward the end of the 300 East Main project schedule, so by then the ArtsCenter should be set on what they plan to do as far as expansion goes, and their construction and construction of the plaza in front of them could be coordinated. If the ArtsCenter decided to remain in their space and not expand, the plaza would be built to their wall and the existing ArtsCenter entrance would open onto the plaza. The ArtsCenter has two doors facing Main Street, so access to the building needn't be shut off during plaza construction. The entrance might need to be temporarily moved to the second doorway while plaza construction takes place in front of the Main entrance. This is a worst-case scenario because the plan is for the ArtsCenter to expand and for construction schedules to be coordinated.</i></p>	
23. Provide additional information regarding direct and indirect benefits to the ArtsCenter and information about their need to redevelop their space	Information not yet available.	James Harris & Main Street Partners & ArtsCenter (Jon Wilner)
24. Provide additional information regarding impacts of construction on Cat's Cradle, plans for transitioning into a new space, and time frame for meeting needs of this business	Information not yet available.	James Harris & Main Street Partners & Cat's Cradle (Frank Heath)
25. Address concern from Jack Haggerty related to	Chuck Edwards of NCDOT has participated throughout the review of this project and has generally indicated acceptance of the	Adena Messenger &

possible NCDOT-driven design changes to Main Street	improvements identified in the Traffic Impact Assessment. As for future conditions, the potential for NCDOT to require modifications to the street will depend on traffic congestion along the corridor and at nearby intersections and the interests of the Town. NCDOT has not given any indication that they would be pursuing modifications to E. Main Street in the near future. Should a modification to E Main Street become necessary, it is possible that the street could be widened. The extent of any change on sidewalk width in front of the 300 E. Main Street project would be dependent on the overall design of the street.	NCDOT (Chuck Edwards) & Main Street Partners
26. Address concern from Jack Haggerty related to Roberson Street cut-through	<p>Roberson Street extension was shown during the early stages of project review. Later, it was removed concurrent with a reduction in the overall square footage proposed. Accordingly, the Transportation Impact Assessment was updated to reflect the reduction in size and show that the project will work without the Roberson Street extension.</p> <p>Staff does not know exactly what conversations or discussions did or did not take place between Main Street Partners and the neighboring property owner who would need to deed a portion of land to Main Street Partners and ultimately the Town for the extension to be realized.</p> <p>In any event, the current site design does not preclude the possibility of an extension onto the site at some point in the future. Note that UNC-Chapel Hill also would need to approve a railroad crossing in this location. While they have not ruled out the possibility, they have expressed reservations about such a crossing.</p>	Marty Roupe & Main Street Partners
27. Address concern from Jack Haggerty related to design of Boyd Street	The plans do include a design for all aspects of Boyd Street except for the remaining, original North-South leg in front of Nice Price Books and the church. Staff met with the owner of Nice Price Books and all parties agreed with the general concept of making this leg one-way southbound, thereby still providing access to the bookstore's parking lot. When customers exit the parking lot, they would continue southbound and	Marty & Main Street Partners

	<p>exit back onto Main Street via Boyd Street's 'new' connection. Of note, staff also is interested in the possibility of including some number of on-street parking spaces along the subject section of Boyd Street. These details are to be worked out during the construction plan stage, assuming project approval.</p> <p>Also of note, Church of God must deed a portion of land to Main Street Partners and ultimately to the Town of Carrboro for the 'new' leg of Boyd Street to be constructed. See CUP condition #4 for additional details regarding sequencing of events and necessary steps to realize construction of 'new' Boyd Street. Note that the condition recognizes the possibility that the applicant and Church of God may not come to agreeable terms and it spells out what must occur, procedurally, if that is the case.</p> <p>Lastly, CUP condition #4 does mention 'final design details' related to Boyd Street. This phrase's applicability to the North-South leg of Boyd Street is described above. Note that it relates to the east-west leg of Boyd Street only for final engineering aspects of the road. Staff does not anticipate significant changes to the design currently shown in the plans.</p>	
28. Address concern from Jack Haggerty related to whether traffic impacts have been adequately understood	Regarding the depth of understanding of the traffic impacts, several Traffic Impact Assessments (TIA) were conducted by the firm MAB since 2005. Each update that was submitted took into account changes in site design, square footage, and access points to the site. In the final analysis, the TIA recommends minor traffic improvements and reports that most of the intersections will have a PM peak level of service of D or above, except for the Weaver/Greensboro intersection. Improvements to this intersection were deemed infeasible by the study, due to right-of-way limitations.	Adena Messinger
29. Address whether Amante Pizza has concerns about construction and impacts to their	Information not yet available.	James Harris & Main Street

business		Partners & Amante Pizza
30. Address whether VisArt has concerns about construction and impacts to their business	Information not yet available.	James Harris & Main Street Partners & VisArt