

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF
THE CARRBORO LAND USE ORDINANCE
Resolution No. 98/2009-10

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE PROVISIONS OF THE CARRBORO LAND USE ORDINANCE RELATING TO THE ALTERNATIVE DESIGN REVIEW PROCESS FOR DOWNTOWN DEVELOPMENTS

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with enabling authority as specified in 2.0.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks preservation of the Town's character and recognition of the interests of all members of the community, including property owners, neighbors, and other interested citizens when making development decisions.

Section 3. This resolution becomes effective upon adoption.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF
THE CARRBORO LAND USE ORDINANCE

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE PROVISIONS OF THE CARRBORO LAND USE ORDINANCE RELATING TO THE ALTERNATIVE DESIGN REVIEW PROCESS FOR DOWNTOWN DEVELOPMENTS

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town policies and regulations.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

AN ORDINANCE AMENDING THE PROVISIONS OF THE CARRBORO LAND USE
ORDINANCE RELATING TO THE ALTERNATIVE DESIGN REVIEW PROCESS FOR
DOWNTOWN DEVELOPMENTS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-178(b) of the Carrboro Land use Ordinance is rewritten to read as follows:

(b) Notwithstanding the foregoing, applicants for projects that do not comply with the standards specified above may voluntarily participate in an alternative design review process that involves input from or a decision by the Appearance Commission as follows:

- (1) If the project requires the issuance of a zoning permit and the Appearance Commission certifies to the zoning administrator that the alternative design substantially achieves the purpose (as spelled out in subsection (a) of this section) of the architectural standards for downtown development, then the development shall not be required to comply with the standards set forth in subsection (a).
- (2) If the project requires a special use or conditional use permit, then the Appearance Commission shall review the alternative design and make a recommendation to the permit issuing authority as to whether that design substantially achieves the purpose (as spelled out in subsection (a) of this section) of the architectural standards for downtown development. If the permit issuing authority concludes that the alternative design substantially achieves the purpose of these architectural standards, then the development shall not be required to comply with the standards set forth in subsection (a).

Section 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

Excerpt from Carrboro Land use Ordinance

Section 15-178 Architectural Standards for Downtown Development. (AMENDED 6/20/06)

(a) The Board has established a policy that encourages the evolution of a downtown district that embodies the Town's character and includes medium-rise buildings that are appropriately sited with adequate public access in keeping with downtown design guidelines. High-quality building design and construction are considered primary elements of the built environment in downtown Carrboro. Creativity is encouraged to the extent that new architectural design is harmonious and complementary with existing buildings and with the community as a whole. Standards have been developed to add consistency and predictability to the permit review process. The following provisions shall apply to new construction within the B-1(c), B-1(g), CT, M-1, and B-2 zoning districts. All projects must conform with the following requirements to the extent practicable, except as otherwise provided in subsection (b):

(1) A primary entrance shall be oriented toward the right of way and shall be articulated either by a recess or by a detachable awning.

(2) With respect to any side of a building that faces the street adjacent to the lot where the building is located and is visible from such street right-of-way, a minimum of 40 percent of the elevation of such side shall consist of a glass surface, and a minimum of 60 percent of the elevation of the ground level of such façade shall consist of a glass surface.

(3) Buildings taller than 40 feet shall maintain a 20-percent shade free area within the public right of way between two lines extended north from the easternmost and westernmost points of the building at the street right of way as measured at noon on September 21.

(4) Parking or utility areas shall be substantially shielded from the view of adjoining streets by habitable space. For the purposes of this subsection, the term habitable shall mean partially or fully enclosed space within a building that is actively used or occupied by the residents of the building. The active use of these spaces is characterized by the routine and regular presence of the building's residents rather than the routine and regular presence of stored goods, equipment, or other materials.

(5) A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade achieved through the following techniques:

- (a) Divisions or breaks in materials
- (b) Window bays
- (c) Separate entrances and entry treatments
- (d) Variation in roof line
- (e) Building setbacks

(6) The following exterior materials are prohibited: metal siding with exposed fasteners, vinyl siding, and processed wood panel products (e.g. hardboard).

(b) Notwithstanding the foregoing, applicants for projects that do not comply with the standards specified above may voluntarily participate in an alternative design review process with the

Appearance Commission. If the Appearance Commission certifies to the permit-issuing authority that the alternative design substantially achieves the purpose, as spelled out in subsection (a) of this section, of the architectural standards for downtown development, then the development shall not be required to comply with the standards set forth in subsection (a).

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

Main Street Partners, LLC has submitted an application for a Major Modification of the Phase A of 300 East Main Street Conditional Use Permit 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 requested that the Board of Aldermen continue the public hearing, deliberate the application, and consider granting the CUP.

Marty Roupe, the town's Zoning Administrator, presented an update on the project.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY RANDEE HAVEN-O'DONNELL TO EXCUSE ALDERMAN HERRERA DUE TO ILLNESS. VOTE: AFFIRMATIVE ALL

Jim Spencer reviewed the site plan of the project, stated that they will be using 48-inch pots for the trees in the plaza, that the plaza will be for pedestrians only, explained the open space within the project, and showed the rendering of the façade of the building.

Dave Boyette, the developer's engineer, was sworn in answered the Board's questions about stormwater runoff.

Laura van Sant explained the goals for this development and asked for the Board's decision on this project tonight.

James Morgan was sworn in. He spoke in favor of the project and stated that Carrboro needs space to grow.

John Alderson was sworn in. He asked if Carrboro needs a hotel of the proposed scale, whether there are plans to deal with the traffic during construction, and express his desire to see more green space in the development.

James Carnahan was sworn in. He spoke in support of the project and explained the history leading up to this development proposal. He stated that he likes the hotel and the fact that it will provide conference space which will bring people to Carrboro. He stated that he does not feel that all the parking proposed will be needed.

Jack Haggerty was sworn in. He stated that he feels the application is incomplete, and expressed concern about the placeholder buildings and the project effect on Main Street. He stated that the project design changed after advisory board review, that the cut through from Roberson Street was not included, and asked that tonight's public hearing be continued.

Aggie Crews, a resident of 421 Ray Road, was sworn in. She expressed concern about the sequence of construction and how buildings will evolve over time, that she does not like the look of the parking deck, expressed concern over traffic congestion caused by construction downtown, stated that she does not want to see a chain hotel in Carrboro, and asked for a custom design of the hotel to make it more unique to Carrboro.

Christine Ellestad, a resident of 101 Buck Taylor Trail, was sworn in. Expressed concern about the buildings being located so close to the street, stated that she was disappointed over the lack of green space in the project, feels the plaza is overdone, appreciates the tax money this project will offer, and stated that she feels Carrboro does need a hotel downtown that fits into Carrboro.

Mitch Virchick was sworn in. He expressed concern about traffic congestion in the downtown, and stated that the Roberson Street connection should be addressed.

Ellie Kinnaird affirmed. She spoke in support of the project, gave a history of the town, urged the Board not to delay this project, and encouraged approval of the proposal.

ATTACHMENT D -2

Ginny McMillan, a resident of Oak Avenue was sworn in. She stated that she is uncomfortable with the placeholder buildings, asked how the ArtsCenter will remain in operation during construction of this project, asked that the developer provide a complete application, expressed concern with building design for the hotel, and expressed concern that the sales tax revenue will not be as high as projected.

Buz Gaver, was sworn in. He expressed concern about Building A being located so close to Main Street.

Sherman Richardson affirmed and stated that Main Street Partners is committed to doing the best job that it can with this project, that this project has to be fluid, that he feels this idea will work, and asked for a decision from the Board.

Andrew Topp, the applicant's traffic consultant, was sworn and explained that the Boyd Street access would be full access.

Marty Roupe stated that the developer has left a stub out that could connect to Roberson Street in the future.

Alderman Coleman asked that the staff prepare a condition indicating a percentage of landscaping for the plaza area.

Alderman Haven-O'Donnell asked that a certain percentage of the trees within the plaza area be rooted.

Alderman Coleman asked that the developer consider improving the architectural presentation on the northeast side of the parking deck and hotel.

Alderman Coleman asked for a clarification of Condition #20 regarding the design of buildings and expressed a desire for the Board of Aldermen to consider revising the land use ordinance whereby the Board of Aldermen would ultimately approve the design of buildings.

The Board asked that conditions be prepared for the following items:

1. List of water conservation tools/practices that will be in place at the Hilton
2. Protections of Mr. Palau's house located near the parking deck
3. Traffic calming for the drive that crosses the pedestrian walkway
4. Items applicant verbally agreed to
5. Signage for traffic control during construction
6. Posting of a contact number for after hours
7. Connection to The Butler development

Alderman Haven-O'Donnell asked that the developer try to make the plaza greener, and that the developer be encouraged to commit to local entrepreneurs.

Mike Brough stated that a condition could be added to the permit to encourage locally owned businesses.

Alderman Lavelle asked for staff clarification of Condition #20 regarding design of buildings, and that the hotel attempt to improve the appearance of the roof from the rooms.

Alderman Gist expressed concern about the lack of parking and the valet arrangement and asked staff to address this more completely.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONTINUE THIS PUBLIC HEARING ON SEPTEMBER 30TH AND THAT COMMENT BE LIMITED TO RESPONSES TO THE CONDITIONS. VOTE: AFFIRMATIVE SIX, ABSENT ONE (HERRERA) . . .

ATTACHMENT D-3

Condition 20 to the conditional use permit modification for the 300 E. Main Street project states as follows:

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.



301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, FEBRUARY 18, 2010

**LAND USE ORDINANCE TEXT AMENDMENTS TO THE ALTERNATIVE DESIGN REVIEW
PROCESS FOR DOWNTOWN DEVELOPMENTS**

Motion was made by Barton and seconded by Fritz that the Planning Board recommends that the Board of Aldermen adopt the draft ordinance.

VOTE: AYES: (5) Barton, Clinton, Fritz, Poulton, Williams

ABSENT/EXCUSED: (5) Oxley, Seils, Shoup, Wagner, Warner

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, the Planning Board of the Town of Carrboro finds that the proposed text amendment is consistent with Carrboro Vision 2020 policies specified in 2.0 related to preservation of the Town's character and recognition of the interests of all members of the community, including property owners, neighbors, and other interested citizens when making development decisions.

VOTE: AYES: (5) Barton, Clinton, Fritz, Poulton, Williams

ABSENT/EXCUSED: (5) Oxley, Seils, Shoup, Wagner, Warner

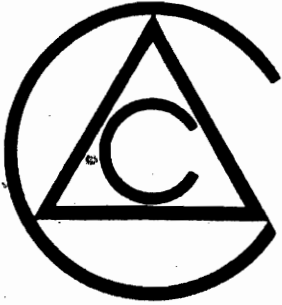
NOES: (0)

ABSTENTIONS: (0)

(Chair)

2/19/2010

(Date)



THURSDAY, February 18th, 2010

**PROPOSED AMENDMENT TO SECTION 15-178 ARCHITECTURAL STANDARDS
FOR DOWNTOWN DEVELOPMENT**

The Appearance Commission Advisory Board hereby **does not** recommend the proposed amendment to Section 15-178 of the Land Use Ordinance that establishes a two-tiered approach to alternative architectural design review for downtown developments for projects needing a zoning permit, special use permit and conditional use permit.

VOTING:

AYES: (Wenck, Morton, Wiltberger, Markiewicz, Gelinne, Scarborough, Branford, Andrews, Goldsmith)

NOES: 0

James Hoopes (for chair)
Appearance Commission Chair

2-19-10
Date