

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT PROJECT 403 W.  
WEAVER STREET ALLOWING FOR EXPANSION OF USES WITHIN THE  
EXISTING BUILDING  
Resolution No. 38/2011-12**

WHEREAS, the Town of Carrboro wishes to support business and commercial uses in the downtown; and

WHEREAS, Town Staff has determined that this request requires Conditional Use Permit; and

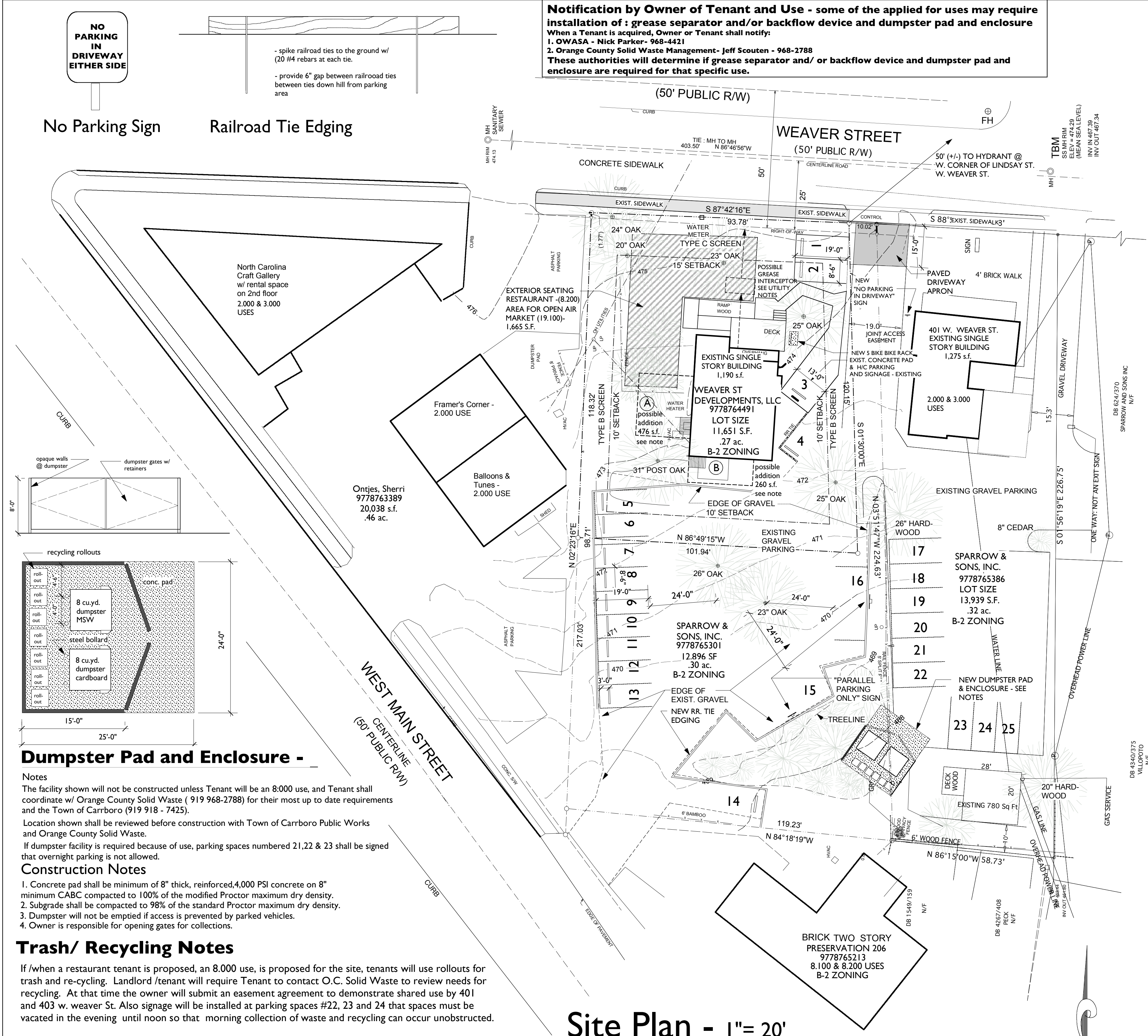
WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Conditional Use Permits.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that 403 W. Weaver Street Conditional Use Permit authorizing the additions of uses 1.110, 1.200, 1.300, 1.400, 1.510, 2.110, 2.120, 2.130, 3.110, 3.120, 3.130, 3.105, 5.200, 5.310, 5.320, 5.400, 6.140, 8.100, 8.200, 19.100, 19.200, 19.300, 22.100 and 27.000 the existing building and site subject to the following conditions:

1. The evidence of the complete Joint Access easement and/or agreement is presented and approved prior to the CUP plans being stamped approved.

If the Board finds the applicant's justifications for the non-conforming-situations-to-remain and the parking deviation, acceptable, then the following additional conditions are recommended.

2. That the Board hereby grants a deviation from the presumptive parking requirements of Section 15-291 based upon the availability of satellite parking on adjacent lots and the availability of public parking spaces on the public parking lot located 225' to the east of the subject property.
3. That, due to the justification provided by the applicant regarding the site's limitations, the two parking spaces located in front of the building along Weaver Street be allowed to remain even though the property is located in the B-2 district which strives to locate parking areas behind buildings so they are not readily visible from the street.
4. That the 10' sidewalk width requirement of section 15-221(f) be waived based on the applicant's justification that the non-conformity of the existing sidewalk should be allowed to remain.
5. That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 as they are applied to eastern property line are waived based upon the applicant's screening justification letter.



**Notification by Owner of Tenant and Use - some of the applied for uses may require installation of : grease separator and/or backflow device and dumpster pad and enclosure**  
 When a Tenant is acquired, Owner or Tenant shall notify:  
 1. OWASA - Nick Parker- 968-4421  
 2. Orange County Solid Waste Management- Jeff Scouten - 968-2788  
**These authorities will determine if grease separator and/ or backflow device and dumpster pad and enclosure are required for that specific use.**

**Project Summary**

Owner - Weaver St. Development LLC, c/o Sparrow and Sons Plumbing; 305 W. Weaver St., Carrboro NC 27510  
 Jerry Sparrow - tel. (919) 880-6634  
 Applicant - Jack Haggerty, Architect  
 Permit Sought - Conditional Use Permit (addition of uses - no changes proposed to building)  
 PIN: 9778764491  
 Address: 403 W. Weaver St., Carrboro, NC 27510  
 Tract Size: 11,651 s.f.  
 Zoning District: B-2  
 Overlay Zoning Districts: None  
 Existing Permitted Use Categories: 2.000 & 3.000  
 Existing Uses: vacant  
 Proposed Uses: 1.110; 1.200; 1.300; 1.400; 1.510; 2.110; 2.120; 2.130; 3.110, 3.120; 3.130; 3.150; 5.200; 5.310; 5.320, 5.400, 6.140; 8.100; 8.200; 19,100; 19,200; 19,300; 22,000; 27,000

Maximum Building Height Permitted: 2 stories  
 Building Height: 1 story - **no change proposed to building footprint**  
 Building Size - 1,190 s.f. - **no change proposed to building footprint**  
 Impervious Surface- no new impervious surface is proposed - exist.: drives, sidewalk and parking - 3,838 s.f.; building and wood walks 1,671 s.f. total = 5509 s.f.

**Parking Summary**

**Total Building Square Footage - 1,190 s.f. of building:**  
 Highest Requirement - 8.100 - 1 space/ 100 s.f. = 12 spaces required plus 10 spaces for 8.200 ( allows for 40 outside seats) = 22 total spaces required.  
 Lowest Requirement - 3.120 - 1 space/ 400 s.f. - 3 spaces required  
 On Site Parking - standard spaces - 6 (1 accessible) - spaces 1-6  
 Off-Site Parking #1\* - 9 spaces - spaces 7-14 (on adjacent lot- south)  
 Off-Site Parking #2\* - 9 spaces ( accessible) (on adjacent lot- east)  
**Total - 24 spaces**

Proposed Uses / Parking Req'd

1.110 - Single Family Residence	2 spaces
1.200 - Two Family Residence	4 spaces
1.300 - Multi-Family Residence	
2.112 - High Volume Specialty Realty	1 space / 200 s.f.
2.120 - Low Volume Retail	1 space / 400 s.f.
3.110 - Office, high volume clients	1 space/ 200 s.f.
3.120 - Office, low volume clients	1 space/ 400 s.f.
3.130 - Office, physician/dentist office	1 space/ 150 s.f.
3.150 - Copy Shop	1 space/ 200 s.f.
5.200 - Church	1 space per 4 seats
5.300 - Gallery/Museum/Library	1 space/ 300 s.f.
5.400 - Social Club	1 space/ 300 s.f.
6.140 - Community Center	1 space/ 200 s.f.
8.100 - Restaurant	1 space/ 100 s.f.
8.200 - Restaurant - outside service	1 space for every 4 seats*
19.000 - Open Air Market / Horticultural Sales	1 space/ 1000 s.f. of use
22.100 - Child Day Care Home	1 space per employee + 1 space/250 s.f.
27.000 - Combination Use	

Parking - the use on the subject lot with the greatest parking requirement requires 22 spaces. The maximum parking for 401 Weaver St., where there is a satellite agreement, is 3 spaces. Total parking on all three lots (2 are by satellite agreements) is 25. There is a public lot 225' (+/-) from the subject property that has 33 spaces, two of which are accessible.

Parking at Proposed Additions would require approximately 7 spaces. Currently there is an overage of two spaces with the proposed uses. Any additional required spaces could be met by resort to the Town Lot on Weaver St.

**Utility Notes**

No changes are proposed to the utilities. General Contractor shall have all utilities located prior to starting any construction.

If/when a restaurant tenant is proposed, Building Owner or prospective restaurant tenant will submit drawings for properly sized grease interceptor to OWASA for review prior to beginning any occupancy or construction. See drawing for approximate location of grease interceptor.

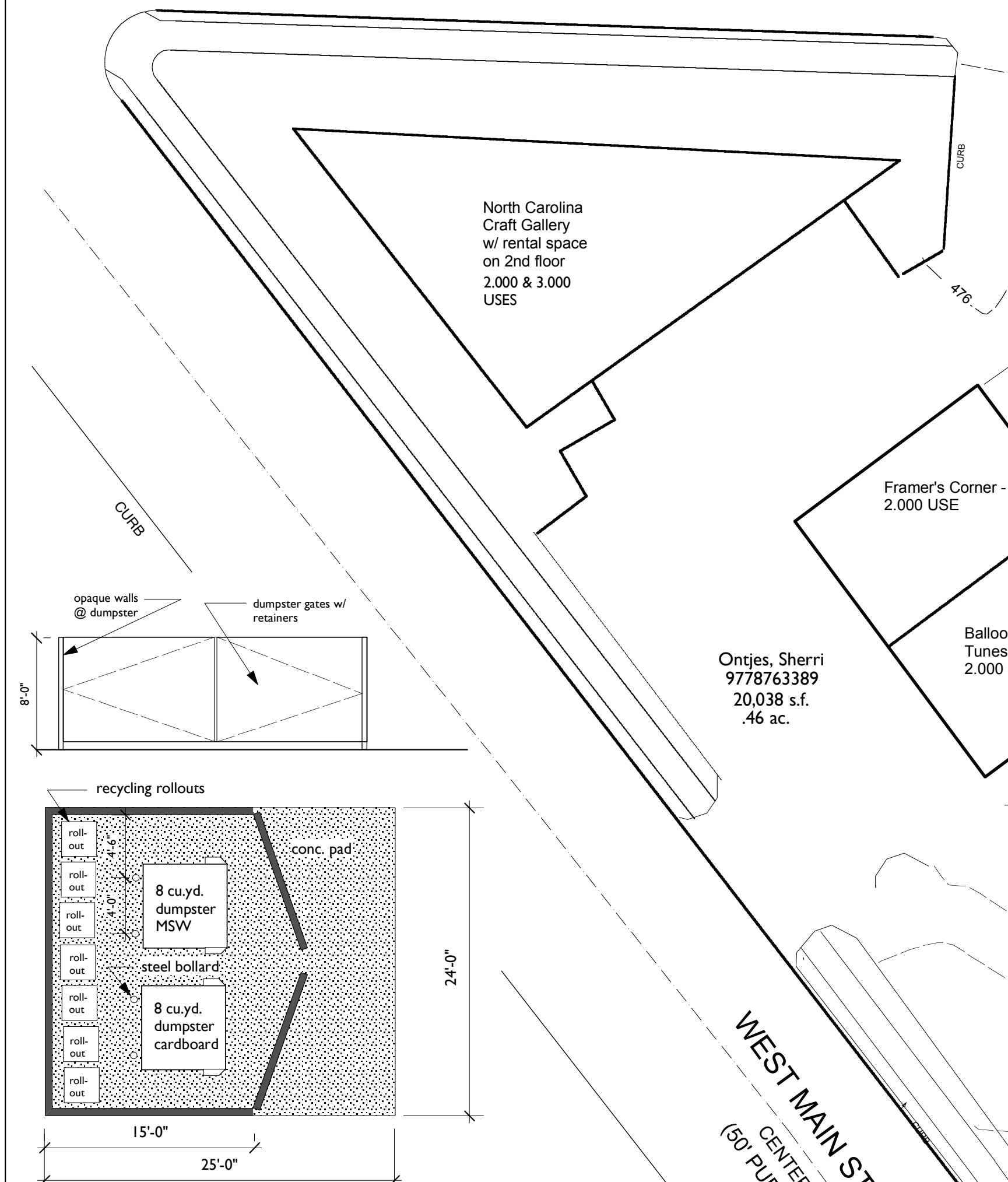
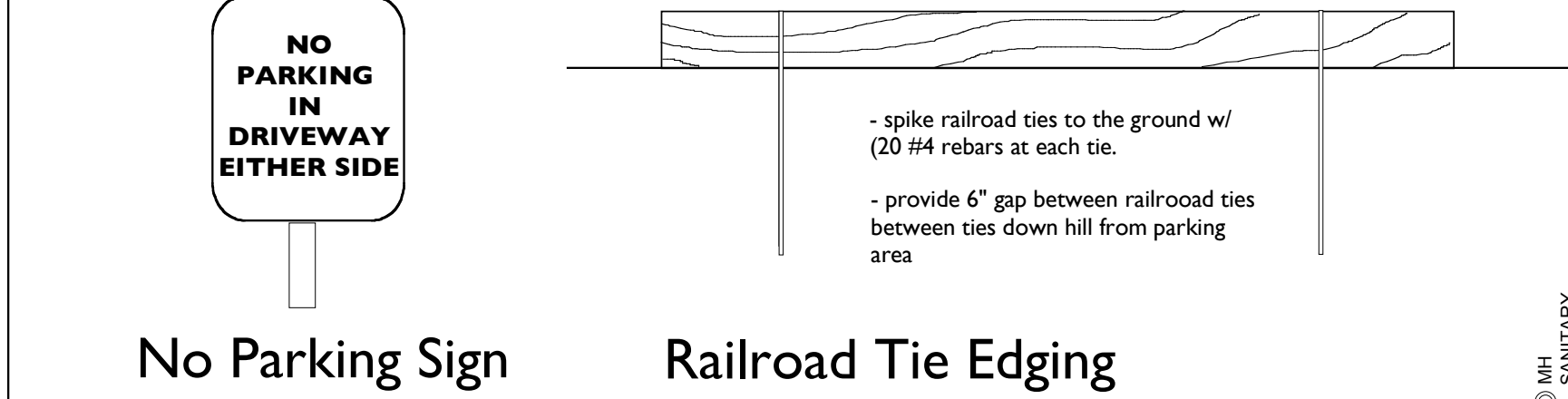
Prior to turning over property to a tenant, Owner shall contact OWASA to determine if backflow prevention device is required, and Owner will have OWASA-approved device installed prior to beginning of tenant occupancy.

**Shading Notes**

Area on subject lot (parking and driveway) and on lot directly to the south (lparking location) - 12,451 s.f.

12,451 x .2 = 2490.2 - area to be shaded  
 Area Shaded - three mature trees within parking area - 3 x 707 s.f. = 2,121 s.f.  
 two mature trees @ perimeter of parking area - 3 x 707 s.f. = 707 s.f.

Total Shading Provided \* - 2,828 s.f.



**Dumpster Pad and Enclosure -**

**Notes**  
 The facility shown will not be constructed unless Tenant will be an 8,000 use, and Tenant shall coordinate w/ Orange County Solid Waste ( 919 968-2788) for their most up to date requirements and the Town of Carrboro (919 918 - 7425).  
 Location shown shall be reviewed before construction with Town of Carrboro Public Works and Orange County Solid Waste.  
 If dumpster facility is required because of use, parking spaces numbered 21,22 & 23 shall be signed that overnight parking is not allowed.  
**Construction Notes**  
 1. Concrete pad shall be minimum of 8" thick, reinforced, 4,000 PSI concrete on 8" minimum CABC compacted to 100% of the modified Proctor maximum dry density.  
 2. Subgrade shall be compacted to 98% of the standard Proctor maximum dry density.  
 3. Dumpster will not be emptied if access is prevented by parked vehicles.  
 4. Owner is responsible for opening gates for collections.

**Trash/ Recycling Notes**

If/when a restaurant tenant is proposed, an 8,000 use, is proposed for the site, tenants will use rollouts for trash and re-cycling. Landlord/tenant will require Tenant to contact O.C. Solid Waste to review needs for recycling. At that time the owner will submit an easement agreement to demonstrate shared use by 401 and 403 w. weaver St. Also signage will be installed at parking spaces #22, 23 and 24 that spaces must be vacated in the evening until noon so that morning collection of waste and recycling can occur unobstructed.

**Tree Removal Note**

There is no proposal to remove trees from either the subject lot not the lot directly to the south.

**Miscellaneous Project Notes**

Owner will maintain property in accordance with Carrboro Land Use Ordinance Section 15-67 so that all facilities described in this document can be used or will perform in manner intended.  
 Developer/Owner/Contractor is required to schedule and coordinate an on-site Pre-Construction Meeting prior to site disturbance w/ representatives of all approving applicable agencies.  
 Developer/Owner/Contractor is required to provide appropriate and sufficient controls to alleviate depositing mud, stone and other construction related materials on public roadway surfaces. Any materials deposited on the roadway shall be reomoved promptly either manually, mechanically and/or street washing.  
 All construction vehicles, equipment and related materials cannot be placed, stored and/or kept within any portion of the public right of way at any time. All on-site materials shall be secured and confined to the lot under construction.

**Site Plan - 1"= 20'**

**Possible Addition Notes**

(A) & (B) represent areas where future additions may occur (both or independently) depending on the future tenant and their needs. Any addition constructed will be consistent with the existing structure in salient architectural details - siding, gable or shed roof, size of overhangs and style of window. The proposed addition, wherever its final location is, will be reviewed by the Appearance Commission.

**Survey Notes**

Building size and location, property boundaries, utility information and grade materials and their locations are taken from a survey by

**Outdoor Lighting Note**

No exterior lighting is proposed. if lighting is added at a later date, the lighting will comply w/ Town of Carrboro "dark sky" and other applicable ordinances.

Jack Haggerty, Architect Inc.  
 205 W. Main St., Ste 213, Carrboro, NC 27510  
 919 967-5191 jack@jackhaggertyarchitect.com



403 W. Weaver St.  
 Carrboro, NC

**Conditional Use Permit Application**

July 19, 2011	1 of 1
August 25, 2011	
September 15, 2011	
October 20, 2011	

**STAFF REPORT**

**TO:** Board of Aldermen

**DATE:** October 25<sup>th</sup>, 2011

**PROJECT:** 403 W. Weaver Street CUP

**APPLICANT:** Jack Haggerty  
205 West Main Street  
Carrboro, NC 27510

**OWNER:** Weaver Street Developments  
701 Homeplace Drive  
Chapel Hill, NC 27517

**PURPOSE:** Requesting a Conditional Use Permit for 403 W. Weaver Street allowing additional permitted uses and authorizing future building expansion areas.

**EXISTING ZONING:** B-2, Fringe Commercial

**PIN NUMBER:** 9778764491

**LOCATION:** 403 W. Weaver Street

**TRACT SIZE:** 11,651sf (.26 ac)

**EXISTING LAND USE:** Offices

**PROPOSED LAND USES:** Uses: 1.110, 1.200, 1.300, 1.400, 1.510, 2.110, 2.120, 2.130, 3.110, 3.120, 3.130, 3.105, 5.200, 5.310, 5.320, 5.400, 6.140, 8.100, 8.200, 19.100, 19.200, 19.300, 22.100 and 27.000

**SURROUNDING LAND USES:** North: B-2. Weaver St. R/W, Country Junction Restaurant, Office.  
South: B-2; Vacant/Satellite Parking.  
East: B-2; Great Clips hair salon  
West: B-2; Balloons and Tunes, Retail, Office

**ZONING HISTORY:** B-2 since February 1986

**RELEVANT ORDINANCE SECTIONS:** Section 15-54- Special Use Permits and Conditional Use Permits.

## Background

Jack Haggerty, consultant is requesting a Conditional Use Permit for the property located at 403 W. Weaver Street further identified by Orange County PIN 977876449. The existing building has a floor area of 1190 sf and the Conditional Use Permit, if granted, will authorize additional uses for the property. This application does not propose any changes to the existing building at this time; however, the permit will also authorize two expansion areas for possible building additions should a prospective client need additional space. The only changes proposed to the site are the addition of parking stops and timbers to this *and* the satellite parking lot located south of this parcel.

The property is located in the B-2 Zoning District which is defined as follows:

**B-2 FRINGE COMMERCIAL.** This district is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes and proximity to other nonresidential districts. At the same time, continued residential use of existing and nearby structures, and preservation of the existing character and appearance of this area is encouraged. Accordingly, however, whenever the use of the land in this district is changed to commercial, it is intended and desired that existing residential structures be converted and adapted to commercial use rather than new buildings constructed, and to encourage this, the regulations for this district allow development at a lower density than is permitted in the B-1 districts and permit uses that tend to generate minimal traffic. In this way, the B-2 district should provide a smoother transition from the more intensively developed B-1 areas to residential areas. Any development within the B-2 district shall comply with the following requirements: **(AMENDED 09/06/88; 06/20/06).**

- a) To the extent practicable, development shall otherwise retain, preserve and be compatible with the residential character of the older homes within and immediately adjacent to this district;
- b) To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets;

### Uses sought

The following uses are being sought:

**1.110**-Single Family Residential, **1.200**-Two-Family Residential, **1.300**-Multi-Family Residential, **1.400**-Group Homes, **1.510** Tourist Homes and other Temporary residences, **2.110**-Specialty Retail-High Volume Traffic Generation (excludes pawn shops and firearm sales), **2.120**-Retail/Commercial-Low Volume Traffic Generation, **2.130**-Wholesale Sales, **3.110**-Office-Serving Clients on the Premises, **3.120**-Office-Minimal Customer/Client Traffic, **3.130**-Office-Physicians/Dentists not more than 10,000 sf gross floor area, **3.150**-Copy Center/Printing Operation, **5.200**-Churches, **5.310**-Library, Museum, Gallery-Located within previous residential building, **5.320**-Library, Museum,

Gallery-Located within any permissible structure, **5.400**-Social, fraternal clubs and lodges, **6.140**-Town sponsored community center, **8.100**-Restaurant (no outside service, drive through windows, drive-in, carry-out, food delivery, mobile food vendors allowed), **8.200**-Restaurant-same as **8.100** but allowing outside service and consumption, **19.100**-Open Air Market, **19.200**-Open Air Market-Horticultural Sales, **19.300**- Open Air Market-Seasonal Christmas or Pumpkin sales, **22.100**-Child Day Care Home, and **27.000**-Combination Use.

### **Traffic, Parking and Sidewalk**

#### **Traffic:**

The property is presently being directly served by one driveway cut (entry/exit) off of W. Weaver Street. A secondary driveway from the adjacent property to the south also provides access to the property from W. Main Street.

The applicant has not conducted a full traffic study for the new uses, but has submitted a transportation impact statement (Attachment D). For clarification, one of the uses, 2.110-Specialty Retail-High Volume Traffic Generation, does not allow the building to be larger than 3000 sf.

#### **Parking:**

The main access to parking includes a paved driveway apron that extends into the property 15' prior to transitioning to gravel whereupon it acts as shared access to the subject property and the property to the east. The details of this access meet with the requirements of the Land Use Ordinance and can support two-way traffic. The plans show a joint access easement in place but it is drawn incompletely and for this reason the following condition is recommended.

- The evidence of the complete Joint Access easement and/or agreement is presented and approved prior to the CUP plans being stamped approved.

Per Section 15-291(g) of the LUO, the most parking intensive proposed use for the parcel is restaurant use with combined outdoor seating (uses 8.100 & 8.200). For the 1190 sf building and with outdoor seating sufficient for 40 people this amounts to a parking total of 22 spaces. If the future additions are realized (736 sf total) the parking requirement will be increased to 29 spaces.

On the parcel, 6 spaces (1 hc accessible) are provided. For overflow parking satellite parking located directly behind the building and the parcel to the east will be used. Both of these lots are gravel and each has 9 spaces (18 total) available for joint use. The applicant has secured permission for use of these satellite parking spaces. In addition, the Town's Public Parking area is located 225' from the subject property and contains 33 spaces. These off-site parking spaces satisfy the provisions in Section 15-298 pertaining to Satellite parking.

Because there is insufficient parking on the property, the applicant is seeking flexibility in the parking requirements per the provisions of Section 15-292 of the LUO. This section allows the Board to find that the parking arrangements as provided won't lead to

unintended nuisances (such as unauthorized parking in nearby private lots or traffic congestion). If the Board makes this finding the following condition is recommended:

- That the Board hereby grants a deviation from the presumptive parking requirements of Section 15-291 based upon the availability of satellite parking on adjacent lots and the availability of public parking spaces on the public parking lot located 225' to the east of the subject property.

Because only six spaces are provided on the site, the applicant is not required to pave the lot. In addition, the B-2 Zoning District definition requires, to the extent practicable, that parking be located behind the building. The existing site layout features two parking spaces in the front northeast corner of the property. The applicant believes these spaces should be allowed to remain due to the limitations of the site and their relatively minor impact to the surrounding area (read justification on Attachment E). If the Board agrees with this assessment the following condition is recommended.

- That, due to the justification provided by the applicant regarding the site's limitations, the two parking spaces located in front of the building along Weaver Street be allowed to remain even though the property is located in the B-2 district which strives to locate parking areas behind buildings so they are not readily visible from the street.

#### Sidewalks:

Section 15-221(f) of the LUO requires a 10' sidewalk be provided in the B-2 zoning district. This requirement would be applicable to the property frontage along Weaver Street. The existing sidewalk is 5'. The owners find this requirement unreasonable and have provided a written justification explaining their reasons (Attachment E). Section 15-126(c-2) grants the Board permission to allow the non-conformity of the existing sidewalk to remain provided that the applicant provides reasonable justification. If the Board finds the justification acceptable the following condition is recommended.

- That the 10' sidewalk width requirement of section 15-221(f) be waived based on the applicant's justification that the non-conformity of the existing sidewalk should be allowed to remain.

#### Conclusion:

The proposed CUP complies with all provisions of the LUO related to traffic and parking subject to the Board accepting the applicant's justification for non-conformities.

### **Tree Protection, Screening and Shading**

#### Tree Protection

No grading is proposed and thus tree protection is not needed. The only site work will involve defining parking spaces with parking stops and timbers on the satellite parking area to the south.

Screening

The presumptive screening requirements of Section 15-308 of the LUO requires a Type B screen to the west (satisfied by existing vegetation), a Type C screen to the north (satisfied by existing vegetation), no screen to the south and a Type B screen to the east. Along the eastern property line, due to the shared driveway the applicant has provided written justification that this standard cannot be reasonably satisfied (Attachment E).

- That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 as they are applied to eastern property line are waived based upon the applicant's screening justification letter.

Shading

Section 15-317 of the LUO requires that 20% of all vehicle accommodation areas be shaded with shade trees complying with the recommendation of Appendix E-10. The applicant has analyzed the existing situation and finds it compliant with this section of the ordinance.

Conclusions:

The proposed CUP complies with all provisions of the LUO related to tree protection, screening and shading subject to the Board accepting the applicant's justification for non-conformities.

**Drainage/Impervious Surface, Grading, and Erosion Control**

Drainage/Impervious Surface:

There will be no changes in the proposed drainage or impervious surface of this lot and thus stormwater and drainage mitigation is not required. The proposed addition areas do not create sufficient impervious surface addition to activate the water quality provisions of the LUO.

Erosion Control:

No erosion controls are necessary as there will be no significant site disturbance. Any future land disturbance as a result of building additions will be managed as part of the building permit process.

Conclusions:

The proposed CUP complies with all provisions of the LUO related to drainage and erosion control.

**Utilities**

OWASA:

The existing vacant building is presently served by OWASA water and sewer. The applicant will continue to use the water and service for the existing building. The plans have been reviewed by OWASA and appropriate notes regarding backflow preventers and grease traps have been added to the plans.

Electric Services:

The existing overhead electrical service will be retained.

Exterior Lighting:

No changes to the lighting are proposed. Per notes on the plans, any future lighting will be required to comply with the LUO.

Refuse:

For the restaurant use, a dumpster and accessory roll out containers will be necessary. The plans show a potential dumpster pad location acceptable to all the property owners so impacted. This location is also acceptable to Orange County Solid Waste though the Town's Solid Waste department would like to further review the arrangement at the time such a use is pursued. Because of this, the plan includes a note activating this re-review in the event that a restaurant is pursued.

Fire Safety

Occupants of the new space will be responsible for bringing it into compliance with all applicable fire codes.

Conclusions:

The proposed CUP complies with all provisions of the LUO related to utilities and exterior lighting subject to the proposed conditions.

**Section 15-178 Architectural Standards for Downtown Development**

Any subsequent application for a building permit to expand the building will require zoning review. At this time, the changes will be reviewed for compliance with the Architectural Standards for Downtown Development by staff and the Appearance Commission.

**Miscellaneous**

A Neighborhood Information Meeting was held on August 15<sup>th</sup>. Five neighbors attended the meeting. Concerns voiced: The social club use and possible late night noise; Community center use and possible parking problems, existing joint use of satellite parking with other business owners (Chapel Hill Tire, Sparrow Plumbing). Five citizens signed in at this meeting.

The applicant also included the following two requests (Attachment F). The first relates to the proposed building expansion areas and the second to the permit expiration period.

1. We have shown possible additions. We are unable to be more specific. Prospective tenants have looked at the property, and when told that the town approval of the addition(s) could take 6 months, they have walked away from the property. In this application we request approval of two additions (the total of which are approximately 60% of the size of the existing structure,) located on the west side of the building and/or the rear. This addition would be reviewed by Town Staff and the Appearance Commission. There is a note on the application



- drawing that the proposed addition will be consistent in appearance with the existing structure. There is also a note stating that additional parking requirements can be met with the current satellite agreements and by use of the Weaver St. town lot. The requested flexibility is a result of trying to anticipate future needs of yet undetermined Tenants.
2. Our understanding is that the permit is valid for 2 years upon issuance. The current street work at the location had dampened tenants enthusiasm for the space. We would like the permit life, if issued, to be extended to three years.

### **Joint Review**

The project was reviewed at Joint Review on October 6<sup>th</sup>, 2011. The Appearance Commission and the Environmental Advisory Board have no comments. The Planning Board concurs with the findings and conditions proposed by staff with no additional recommendations (Attachment G-1). The Transportation Advisory Board has the following recommendations which were made without a quorum (Attachment G-2):

- That bike parking be increased to a minimum of 10 spaces
- That nothing be done to the site to preclude the sidewalk from being widened to 10 ft. in the future

### **Recommendations**

Staff recommends that the Board of Aldermen adopt the attached resolution (Attachment A) approving 403 W. Weaver Street Conditional Use Permit authorizing the addition of the following uses to the property: **1.110**-Single Family Residential, **1.200**-Two-Family Residential, **1.300**-Multi-Family Residential, **1.400**-Group Homes, **1.510** Tourist Homes and other Temporary residences, **2.110**-Specialty Retail-High Volume Traffic Generation (excludes pawn shops and firearm sales), **2.120**-Retail/Commercial-Low Volume Traffic Generation, **2.130**-Wholesale Sales, **3.110**-Office-Serving Clients on the Premises, **3.120**-Office-Minimal Customer/Client Traffic, **3.130**-Office-Physicians/Dentists not more than 10,000 sf gross floor area, **3.150**-Copy Center/Printing Operation, **5.200**-Churches, **5.310**-Library, Museum, Gallery-Located within previous residential building, **5.320**-Library, Museum, Gallery-Located within any permissible structure, **5.400**-Social, fraternal clubs and lodges, **6.140**-Town sponsored community center, **8.100**-Restaurant (no outside service, drive through windows, drive-in, carry-out, food delivery, mobile food vendors allowed), **8.200**-Restaurant-same as **8.100** but allowing outside service and consumption, **19.100**-Open Air Market, **19.200**-Open Air Market-Horticultural Sales, **19.300**- Open Air Market-Seasonal Christmas or Pumpkin sales, **22.100**-Child Day Care Home, and **27.000**-Combination Use. Furthermore staff recommends that this permit be subject to the following conditions:

1. The evidence of the complete Joint Access easement and/or agreement is presented and approved prior to the CUP plans being stamped approved.

If the Board finds the applicant's justifications for the non-conforming-situations-to-remain and the parking deviation, acceptable, then the following additional conditions are recommended.

2. That the Board hereby grants a deviation from the presumptive parking requirements of Section 15-291 based upon the availability of satellite parking on adjacent lots and the availability of public parking spaces on the public parking lot located 225' to the east of the subject property.
3. That, due to the justification provided by the applicant regarding the site's limitations, the two parking spaces located in front of the building along Weaver Street be allowed to remain even though the property is located in the B-2 district which strives to locate parking areas behind buildings so they are not readily visible from the street.
4. That the 10' sidewalk width requirement of section 15-221(f) be waived based on the applicant's justification that the non-conformity of the existing sidewalk should be allowed to remain.
5. That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 as they are applied to eastern property line are waived based upon the applicant's screening justification letter.

Transportation Impact Letter  
403 W. Weaver St.  
CUP

The town-provided trip generation sheet gives trip generation rates based on 1,000 s.f. The building on the site is 1,190 s.f., and the numbers below have been adjusted.

The highest use would be Restaurant "High Turnover"	- 195.16 trip a day (adjusted)
I would think the number used should be the restaurant number suggested for "Quality"	- 89.25 trips a day (adjusted)
The lowest use would be Office	- 21 trips a day (adjusted)

Justification Letter  
403 W. Weaver St.  
CUP

1. The Owner does not wish to dedicate property to allow for a widening of the sidewalk to 10'. There is room within the current right of way for some sidewalk widening. 10' seems a rather large sidewalk. I have noticed that the current Weaver St. work has included water meter re-working. It does not appear to me that the meters were set with an eye toward a future 10' sidewalk. I notice also that the sidewalk was not widened when the Town did work on the lot that is currently a town sponsored public lot. Also, I note that the town located a Town of Carrboro utility vault in what would be in a widened sidewalk (307 W. Weaver St.) I think a 10' sidewalk is too much, and there seems to be little planning for such a widening. A more modest request might yield better results.
2. Some of the uses applied have a presumptive requirement for more parking than can be contained on the lot. The lot to the south is vacant and the Owners of the subject lot have arranged for satellite parking on the lot to the south and the lot to the east (401 W. Weaver St.)
3. Parking spaces between the front of building facade and street: These spaces have been in this location for quite some time, and the Owner wants to retain them. There were comments by the neighbors about the sufficiency of the parking for some of the uses, so we assume they would prefer the spaces remain. If the spaces are eliminated and the lot behind the subject lot was sold, the subject lot would have only three parking spaces.
4. Because of the driveway and shared easement, screening between 403 W. Weaver St. and 401 W. Weaver St. is not possible.

Condition Request  
403 W. Weaver St.  
CUP

As part of this application, we make two requests:

1. We have shown possible additions. We are unable to be more specific. Prospective tenants have looked at the property, and when told that the town approval of the addition(s) could take 6 months, they have walked away from the property. In this application we request approval of two additions ( the total of which are approximately 60% of the size of the existing structure,) located on the west side of the building and/or the rear. This addition would be reviewed by Town Staff and the Appearance Commission. There is a note on the application drawing that the proposed addition will be consistent in appearance with the existing structure There is also a note stating that additional parking requirements can be met with the current satellite agreements and by use of the Weaver St. town lot. The requested flexibility is a result of trying to anticipate future needs of yet undetermined Tenants.
2. Our understanding is that the permit is valid for 2 years upon issuance. The current street work at the location had dampened tenants enthusiasm for the space. We would like the permit life, if issued, to be extended to three years.



TOWN OF CARRBORO  
**PLANNING BOARD**

*301 West Main Street, Carrboro, North Carolina 27510*

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

**THURSDAY, OCTOBER 20, 2011**

**Conditional Use Permit – 403 W. Weaver Street**

Motion was made by Poulton and seconded by Killeen that the Planning Board concurs with the findings and conditions proposed by staff in the October 6, 2011, staff report. The Planning Board takes no exception to the provision for possible additions to the building noted on the site plan dated October 20, 2011.

AYES: (8) Barton, Chaney, Clinton, Hunt, Jaimeyfield, Killeen, Poulton, Seils

NOES: (0)

ABSENT/EXCUSED: (1) Williams

ABSTENTIONS: (0)

  
Damon Seils, Chair 10/21/11

**TRANSPORTATION ADVISORY BOARD  
MINUTES  
October 6, 2011**

**\* Committee of the whole – No quorum \***

**BOARD MEMBERS PRESENT**

Heidi Perry  
Anthony Pergolotti  
Terra Curtis  
Sammy Slade, Board of Aldermen Liaison

**STAFF PRESENT**

Jeff Brubaker

**BOARD MEMBERS ABSENT**

Seth LaJeunesse, Chair  
Kurt Štolka, Vice-chair

**GUESTS**

Janet Whitesides

\* Two new Board members were appointed at the Oct. 4 Board of Aldermen meeting: Carly Sieff and Linda Haac.

**I. Call to order**

The meeting was called to order by consensus of members present at 9:33 PM, after the joint advisory board review meeting.

**II. Discussion of joint review items**

The TAB had no comments on 1002 Brace Ln. or 901 W. Main St. development.

**A. 403 W. Weaver St. Conditional Use Permit**

Jeff Brubaker described Land Use Ordinance provisions regarding satellite parking arrangements. The TAB discussed bicycle parking on the site. Heidi Perry suggested doubling the amount of bicycle parking.

**III. Open Streets Day: Viewing of Enrique Peñalosa recorded talk**

The TAB and Janet Whitesides discussed arrangements for the viewing. A question was raised as to whether a quorum was present at the meeting, given the fact that the Board of Aldermen had appointed two members on Oct. 4, but the members had not yet been sworn in. Brubaker recommended that the TAB proceed with the meeting assuming a quorum was present and stated that he would clarify the question for the next meeting.

MOTION (Perry, Curtis second): The TAB recommends that up to \$100 be spent from the TAB budget for the Enrique Peñalosa recorded talk event. Ayes (3): Perry, Pergolotti, Curtis. Nays (0). Abstain (0). Absent (2): LaJeunesse, Štolka.

**IV. Discussion of joint review items (continued)**

**A. 403 W. Weaver St. Conditional Use Permit (continued)**

The TAB discussed the Land Use Ordinance's 10-ft. sidewalk requirement in relation to the development proposal and the proposed retention of the two front-yard parking spaces. Terra Curtis said there may be pedestrian issues with cars backing out of those spaces. Perry said she had never seen any problems with those spaces.

MOTION (Perry, Pergolotti second): The TAB recommends that bike parking be increased to a minimum of 10 spaces and that nothing be done to the site to preclude the sidewalk from being widened to 10 feet in the future. Ayes (3): Perry, Pergolotti, Curtis. Nays (0). Abstain (0). Absent (2): LaJeunesse, Štolka.

**B. 100 Alabama Ave. (Family Dollar)**

Perry suggested that Jones Ferry Rd. be put on a road diet and asked how that would affect development. She suggested a recommendation that the applicant provide a traffic impact analysis. Curtis asked if including the Neville Rd. intersection in at TIA would be a reasonable concern. She said the TIA should not just focus on the Jones Ferry-Alabama intersection. Perry said the building is way too close to the neighbors. Anthony Pergolotti said that the main access was next to the dumpster. Perry suggested that the site be reconfigured to be closer to Jones Ferry Rd. Sammy Slade asked if there could be an access easement through the gas station to Davie Rd.

MOTION (Perry, Pergolotti second): The TAB recommends that the potential applicant:

- consider a different configuration of the plan
- approach the gas station owner about possible use of an easement to access the dumpsters, so they can be moved away from the residences
- keep more natural screening
- conduct a traffic impact analysis including the following intersections:
  - Jones Ferry Rd. and Alabama Ave.
  - Alabama Ave. and Neville Dr.
  - Davie Rd. and Fidelity St.

Ayes (3): Perry, Pergolotti, Curtis. Nays (0). Abstain (0). Absent (2): LaJeunesse, Štolka.

**V. Greenways Commission representative**

Perry stated that she would like to serve as the representative on the Greenways Commission.



**VI. Other business**

Perry suggested that the TAB discuss at the next meeting including the Campus-to-Campus Bicycle Connector in the Bike Plan. Slade suggested that a multi-use path at the end of Pleasant Dr. be discussed at the next meeting.

Other items on the agenda were delayed until the next meeting.

**VII. Staff report**

Brubaker stated that another item for the next meeting will be an introduction to the 2016-2020 STP-DA Call for Projects.

**VIII. Adjournment**

The meeting was adjourned at 10:22 PM.