

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, September 25, 2007 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor	Mark Chilton
Aldermen	Joal Hall Broun
	Dan Coleman
	Jacquelyn Gist
	John Herrera
	Randee Haven-O'Donnell
	Alex Zaffron
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

### **WATER CONSERVATION**

Mayor Chilton encouraged extreme water conservation due to the current drought.

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### **10<sup>th</sup> ANNUAL CARRBORO MUSIC FESTIVAL**

Mayor Chilton invited citizens to attend the Carrboro Music Festival scheduled for Sunday, September 30<sup>th</sup>.

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### **CONTINUATION OF THE PUBLIC HEARING ON THE CONDITIONAL USE PERMIT REQUEST FOR THE COMMERCIAL DEVELOPMENT PROPOSED FOR 405 JONES FERRY ROAD**

Northwest Property Group is requesting a conditional use permit for a commercial development consisting of three (3) buildings. One building (proposed grocery store) will be 52,250 square feet in size and the second building (labeled as Building A), consisting of eleven (11) individual shops, will be 17,550 square feet in size. The third building (labeled as Building B), consisting of five (5) individual shops, will be 7,900 square feet in size. The Board of Aldermen held a public hearing on September 18 on this matter and continued it to tonight's meeting.

James Thomas, one of the town's Development Review Specialists, presented a revised site plan submitted by the applicant showing a revised Barnes Street entrance/exit to the project. This entrance/exit was moved approximately 160 feet closer to Jones Ferry Road. He stated that the town staff had contacted NCDOT regarding a proposal by the neighborhood to move this entrance/exit closer to Jones Ferry Road. NCDOT responded that they most likely would issue a driveway permit for that entrance/exit location. He stated that the applicant had submitted responses to the advisory board recommendations.

George Retschle with Ballentine Associates answered a question about property that had just recently been purchased by the Wilkerson's.

Elizabeth Carter was sworn in. She stated that there are currently no sidewalks or place for children to play, children wait for the bus at Prince and King Streets, that this project will have a negative impact on her neighborhood, that she feels this neighborhood has been neglected by the town, and that the intersection of Jones Ferry and Barnes St. is very unsafe when cars are turning left onto Barnes St.

Ben Davis, a resident of 115 Barnes St., was sworn. He read a letter from James and Penny Weaver, residents of Prince Street. Their letter expressed concern about the safety of getting into and out of their neighborhood. Mr. Davis stated that there was a way to have two entrances on Jones Ferry Road, and asked for sidewalks and a traffic signal at the Barnes/Jones Ferry Road intersection.

Lindsay Griffin presented a petition from residents of Lincoln Park and other Carrboro residents urging the Board not to approve this conditional use permit unless the following conditions were met:

1. No vehicular access to the Shoppes at Jones Ferry from Barnes Street;
2. 100% of stormwater created from this should be treated onsite; and
3. The town agrees to address wider safety issues surrounding the project.

In addition, the petition stated that they endorse the numerous recommendations resulting from the Joint Advisory Board meetings on September 6, 2007, including the addition of several bike racks, the provision of pedestrian access points to adjoining apartment complexes, and the redesign of the building exteriors to reflect a Carrboro aesthetic.

James Carnahan, Chair of the Planning Board, was sworn in. He suggested that the Planning Board's recommendation that the applicant make façade treatment and signage of storefronts along Jones Ferry Road and Barnes Street to reflect Carrboro's historic vernacular as found along the 100 block of East Main Street and in the historic Carr Mill building would be very easy to accomplish. He stated that the Planning Board had also recommended that the developer provide some of the shops along Jones Ferry and Barnes Street with ceilings high enough to enable construction of mezzanine areas with eight-foot ceilings such as are found at Cameron's and Kitchen Works in University Mall.

Ester McCauley, a resident of 207 Barnes St, was sworn in. She suggested that the developer should have worked with the neighborhood in preparing their development plan. She also suggested that the town should have done traffic and pedestrian counts in Lincoln Park.

Robert Dow stated that the cost of this development is too high and it is too much to ask the Lincoln Park neighborhood to accept. He urged rejection of this application.

Marty Roupe, the town's Zoning Administrator, was sworn in. He stated that NCDOT's initial response was that this project did not meet the warrants for a traffic signal at the Jones Ferry/Barnes Street intersection, but they expressed a willingness to further discuss this matter.

Lyle Overcash was sworn in. He stated that his firm had prepared the traffic impact analysis for the proposed development. He stated that, based on the traffic problems in the TIA, it does not meet signal warrants. He stated that the developer is willing to install a traffic signal at the Barnes/Jones Ferry Road intersection if NCDOT will give their permission.

Diane Robertson was sworn in. She spoke against the proposed development and stated that she felt this development would undermine the vernacular of Carrboro.

Robert Kirschner stated that he supports a traffic light in the vicinity of this development as well as commercial development on this property. He noted that Carrboro does need the development and spoke in favor of a pedestrian entrance at the back of the development.

Elizabeth Carter stated that she supports growth, but does not support being insensitive to current residents, and asked that residents be informed on upcoming developments.

Mr. Stewart stated that the developer held a neighborhood meeting in April 2007.

Bruce Ballentine stated that he felt that a traffic signal would be installed if the town requests it. He stated that the applicant would agree to install the traffic signal.

George Seiz, the town's Public Works Director, was sworn in. He stated that there were 67 locations identified as part of the sidewalk bond program and Barnes, King, and Prince Streets were included in the 67. He stated that these streets are not currently ranked.

Lindsay Griffin stated that the Lincoln Park neighborhood needs sidewalks regardless of whether this development is built and expressed concern about any commercial access off Barnes Street.

Betty James, a Whispering Hills property owner, was sworn in. She expressed concern about residents of Lincoln Park cutting through her neighborhood to access South Greensboro Street or Smith Level Road.

Bruce Ballentine stated that the applicant has a purchase option that will expire very shortly. He stated that the contract with the current property owner expires on October 1<sup>st</sup> and asked that the Board act on this application before that date.

**MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY ALEX ZAFFRON TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL**

Adena Messinger, the town's Transportation Planner, stated that the NCDOT Policy on Street and Driveway Access to North Carolina Highways states that: "On state-maintained roads, the minimum distance between the centerlines of full movement driveways into developments that generate high traffic volumes should be at least 600 feet."

**MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY DAN COLEMAN TO RE-OPEN THE PUBLIC HEARING. AFFIRMATIVE FOUR, NEGATIVE THREE (ZAFFRON, HERRERA, BROUN)**

Robert Dow stated that ingress only off Barnes Street was denied by Harris Teeter with no strong indication from NCDOT that they will agree to installation of a traffic signal. He stated that he did not feel the neighbors would have a problem with an emergency access off Barnes Street.

Joe Farrar was sworn in. He stated that he did not feel the developer would walk away from this project and asked if three driveways could be put on Jones Ferry Road.

Marty Roupe stated that NCDOT would not even approve a second driveway.

**MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY JOAL HALL BROUN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL**

**MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL**

**MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL**

**MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT IF THE APPLICATION IS GRANTED, THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the applicant must obtain a driveway permit from Town of Carrboro and NCDOT prior to Construction Plan approval.
4. That the applicant shall provide to the Zoning Division, prior to the release of the Certificate of Occupancy or before the release of a bond if some features are not yet in place at the time of wishing to obtain the Certificate of Occupancy, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be 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.
5. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
6. That an engineer must verify compliance with LUO Section 15-243(d)'s light pollution limits of 0.2 foot candles across property lines by sealing a plan for all proposed lighting prior to Construction Plan approval.
7. That the Appearance Commission review the proposed outdoor seating area and fountain at the corner of Barnes Street and Jones Ferry Road as a courtesy review prior to installation.
8. That additional right-of-way at the corner of Barnes Street and Jones Ferry Road be dedicated to the Town of Carrboro and NCDOT for the possible future installation of a round about at this intersection prior to the Certificate of Occupancy being issued for the proposed buildings. Amount right of way dedication shall be sufficient to construct 120 foot diameter roundabout.
9. That all temporary and/or permanent construction and drainage easements be obtained prior to Construction Plan approval. The storm water easement on University Lake Apartments shall be reviewed and approved by the Town Attorney and must include language specifically disclosing that the property owner has received and acknowledged the complete stormwater report (stormwater plans, calculations, etc) for the project.
10. That the proposed sidewalk along Barnes Street be constructed as proposed in the original application and that additional street right-of-way be dedicated to the town, if necessary, prior to construction plan approval to construct the sidewalk.
11. That per Section 15-291 of the LUO, the Board of Aldermen hereby finds that 348 parking spaces is sufficient to serve the proposed development, based on information submitted by the applicant regarding proximity to both nearby residential neighborhoods and bus lines.
12. That curb stops be added to parking areas adjacent to landscaping and sidewalks per Sections 15-295(b) and 15-317(d) of the LUO prior to Construction Plan approval.

13. That curb stops be added to parking areas adjacent to landscaping and sidewalks per Sections 15-295(b) and 15-317(d) of the LUO prior to Construction Plan approval.
14. That prior to issuance of Construction Plan approval, the applicant must continue to work with the Town and NCDOT on improving the Jones Ferry Road / Barnes Street intersection. The applicant hereby agrees to install a traffic signal prior to receiving a Certificate of Occupancy if permitted by NCDOT and / or other possible improvements to the intersection, as determined necessary in the granting of a driveway permit.
15. That the applicant relocate the Barnes Street entrance/exit closer to Jones Ferry Road as shown in Attachment D of the September 25, 2007 agenda item. Attachment D must be recorded with the CUP as an attached exhibit. The relocated entrance/exit onto Barnes Street will be reviewed and approved by town staff and the town engineer prior to Construction Plan Approval. If changes to the schematic design are necessary, then such changes are subject to LUO Section 15-64, including the possibility of an additional public hearing. This relocated entrance/exit will be restricted to emergency use only and that appropriate bollards or other physical devices shall be erected to prevent the movement of traffic other than emergency vehicles.
16. That the applicant include a more diverse selection of landscaping plantings.
17. That the applicant include more North Carolina native plantings.
18. That the applicant provide more bike racks in high-visibility locations.
19. That the developer provide pedestrian “stub-outs” to facilitate future walking connections with Carolina Apartments and University Lake Apartments.
20. That the developer add two more “tree islands” by eliminating eight (8) parking spaces at the center of the vehicle accommodation area, to be planted with shade tree varieties.
21. That all buildings should utilize Energy Star rated reflective roofs.
22. That the developer provide some of the shops along Jones Ferry and Barnes Street with ceilings high enough to enable construction of mezzanine areas with eight (8) foot ceilings (such as are found at Cameron’s and Kitchen Works in University Mall).
23. That the developer re-design and expand paving areas outside and adjacent to the storefronts along Jones Ferry and Barnes Street so that some merchants will have room for outdoor activities.
24. That the developer provide one additional stair to connect the Jones Ferry sidewalk with the paving along the storefronts.
25. That the developer provide a sheltered waiting area for the bus stop along Jones Ferry Road.
26. That the developer explore with staff ways to maximize safety for pedestrians and cyclists at both ingress/egress locations of the vehicle accommodation area.
27. That the number of covered bike parking spaces in front of the Harris Teeter building is increased to 18 and the other shops will have a minimum three bike racks with a minimum capacity of six bikes such that one of those racks is near the proposed fountain and the other two are in front of the shops and that some of those spaces are covered. The developer should look at the recommendations on file with the town for types of acceptable bicycle racks.

28. That there will be pavement markings and a minimum of two speed humps internal to the site to slow traffic and increase awareness of pedestrian movement.
29. That all crosswalks are designed for maximum visibility using paint and texture.
30. That there be a sheltered waiting area for E-Z Rider patrons.
31. That raised concrete or planted medians are used on Jones Ferry where the current plan show painted striping for the turn lanes.
32. Soon after occupancy and for a period of up to one year the applicant will conduct traffic counts on Jones Ferry Road and Barnes Street to reevaluate the need for a traffic signal.
33. That the applicant refer to Appendix E of the Carrboro Land Use Ordinances which provides a suggested list for native plants for landscaping.
34. That the applicant work with the town staff to provide pedestrian and bicycle connectivity to surrounding neighborhoods in cooperation with neighbors.
35. That the applicant extend pedestrian access to adjacent residential properties.
36. That during the construction process that all contractors and subcontractors be made aware of the town's noise ordinance as it pertains to construction and that the tenants of the development also be made aware of the noise, light and odor ordinances as they pertain to surrounding residential neighborhoods.
37. That all construction traffic be limited to access from Jones Ferry Road and that appropriate signage be installed indicating where construction traffic may and may not go.

VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BROUN)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO GRANT THE APPLICATION SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE SIX, NEGATIVE ONE (BROUN)

Mayor Chilton asked that the town staff schedule an agenda item for the Board to consider a sidewalk for Barnes Street in relation to the sidewalk priority list and stated that he would work with the town to discuss the possibility of installing a traffic signal at the Jones Ferry/Barnes Street intersection. Alderman Zaffron offered his assistance in contacting NCDOT.

Mayor Chilton also asked that the town staff schedule a Board discussion of the zoning for the Barnes Street area.

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**PUBLIC HEARING ON THE CONDITIONAL USE PERMIT REQUEST FOR THE COMMERCIAL DEVELOPMENT AT 609 HIGHWAY 54 WEST**

W3W, LLC is requesting a conditional use permit for two commercial buildings at 609 Hwy. 54 West. The first building is an existing one-story masonry building that is 3,200 square feet in size. The second building will be 3,000 square feet prefab metal-type building. It was necessary for the Board of Aldermen to hold a public hearing prior to taking action on this permit.

James Thomas, one of the town's Zoning Development Specialists, was sworn in and made the presentation.

Robert Kirschner was sworn in. He expressed concern about the appearance of the prefab building but spoke in support of commercial development.

Mike Brough stated that the town staff approached the applicant about voluntary annexation, but the applicant declined.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA THAT IF THE APPLICATION IS GRANTED THE PERMIT SHALL BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.
4. That the applicant shall provide to the town's Zoning Division, prior to the release of a bond if some features are not yet in place at the time of wishing to obtain the certificate of occupancy, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be 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.
5. That prior to construction plan approval, an engineer certify that the impervious surface of the proposed development does not surpass twenty-four percent (24%).
6. That cut-off lighting fixtures shall be used.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO GRANT THE APPLICATION SUBJECT TO THE CONDITIONS AGREED UPON ABOVE. VOTE: AFFIRMATIVE ALL

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**REQUEST FOR LAND USE ORDINANCE TEXT AMENDMENT**

Mayor Chilton stated that he had been approached by the owner of Furniture Follies about relocating his business from the White Cross area to the Cleora Sterling building, which is located in the Carrboro city limits. He stated that the current zone for that property will not allow for his business.

Mike Brough stated that a text amendment application had been filed with the town staff regarding this matter.

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY JOHN HERRERA TO RECESS THIS MEETING TO 6:45 P.M. ON OCTOBER 2, 2007 TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE ALL

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Mayor

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Town Clerk