

STAFF REPORT

TO: Board of Aldermen

DATE: April 28, 2015

PROJECT: South Green CUP

APPLICANT
And OWNERS: Woodhill NC LLC
PO Box 4022
Chapel Hill, NC

PURPOSE: To acquire a Conditional Use Permit allowing a commercial project, consisting of three to four buildings at 501 South Greensboro Street.

EXISTING ZONING: M-1. (Proposed Zoning: M-3-Conditional Use (CU))

PIN NUMBER: 9778930728

LOCATION: 501 South Greensboro Street.

TRACT SIZE: 5.97 acres (approximately 260,053 sf)

EXISTING LAND USE: Vacant, except for two unused buildings.

PROPOSED LAND USE: Multiple Commercial Uses, see staff report below.

SURROUNDING
LAND USES: North: R 7.5, R-3, Single Family Residential;
South: M-1, Village Self-Storage, Sheryl Mar office building;
East: Chapel Hill jurisdiction, CHCCS's Lincoln Center facility,
West: S. Greensboro St. R/W, R 7.5, Rocky Brook trailer park.

ZONING HISTORY: M-1, Since 1980

ANALYSIS

Background, Rezoning, Uses Sought, Concept Plan

Background

Woodhill NC, LLC as represented by Ballentine and Associates, P.A, has submitted an application for the construction of a commercial development located at 501 S. Greensboro Street (Attachment C). This parcel is identified by Orange County PIN 9778930728 and is about 6 acres in size. The existing zoning of the subject property is Manufacturing-1 (M-1) and a rezoning is being sought. Please see Attachment A for the vicinity map attached to the plans. The project plans can also be viewed at the following link:

<https://www.dropbox.com/sh/8jsckuwjsyp5izu/AAA3L2UIVktS4yCup2x9VIOHa?dl=0>

The Conditional Use Permit, if approved, would allow two building options (A & B); Option A shows four buildings with a total of about 43,557 sf commercial space while Option B shows three buildings with about 44,511 sf of commercial space. The road and parking lot layout for each plan are predominately similar while the building options allow the developer to broaden their market offerings to prospective clients. The parent parcel is proposed to be divided broadly into three lots to provide development flexibility.

M-3-CU Rezoning District, Text Amendments

Applications for both text amendments and a rezoning are being reviewed concurrently with this CUP application. These are necessary to allow the desired uses and the proposed site layout for the project. The text amendments to the LUO will create the new Manufacturing-3-Conditional Use (M-3-CU) zoning district while adding new provisions pertaining to street section requirements. The rezoning process will formally establish the new M-3-CU zoning on the parcel. Both of these processes must precede the approval of this CUP application. This staff report assumes that these text amendments and the rezoning have been adopted and approved.

Uses sought

The applicant is seeking approval for all of the following land uses even though the anticipated use mix is for retail, office and restaurant. Please read the preceding list carefully as all would be authorized by this permit, if approved.

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**, **2.210-Sales & Rental/no outside storage/high volume**, **2.220-Sales & Rental/no outside storage/low volume**, **2.230-Wholesale sales/no outside storage** **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 Operations**, **3.210-Office-outside allowed, Office-Serving Clients on the Premises** **3.220- Office-outside allowed, Minimal Customer/Client Traffic**, **3.250-ATM free standing**, **4.100-Manufacturing, Indoor**, **5.120-Trade School**, **5.130-Colleges with associated facilities**, **5.200-Churches with associated activities**, **5.300-Library, Museum, Art Gallery**, **5.400-Social, Fraternal clubs and organizations**, **6.110-Indoor recreational**

activities **6.121**-Movie Theaters <300 seats, **6.140**-Town sponsored Community Center, **8.100**-Restaurant, Bars, Nightclubs (no outside service, drive-through windows, drive-in, carry-out, food delivery, or mobile food vendors allowed), **8.200**-Restaurant-same as 8.100 but allowing outside service and consumption, **8.500**-Restaurants, Carry out Service, **8.600**-Restaurants, Food Delivery, **8.700**-Food Trucks, **12.100**-Veterinarian, **13.100**-Police Station, **15.100**-Post Office, **16.200**-Dry Cleaner without drive thru window, **19.200**-Horticultural Sales with outdoor display, **27.000**-Combination Use.

Please note that the above list of uses above supersedes those shown on the coversheet of the CUP plans. The following uses have since been removed from the application: **9.100** Motor vehicle sales, **9.400** Auto repair/body shop, **12.200** Kennel, **19.300** Seasonal Christmas or Pumpkin Sales.

Hours of Operation

Because the aforementioned uses could allow activities with hours of operation and noise that might cause unreasonable disruptions to the peace and quiet of the nearby residential areas the Board may wish to discuss whether a condition regulating hours of operation is necessary for the permit. Such considerations are already integral in the B-1(g) and EAT zoning districts.

- Staff and the applicant are discussing the matter. No specific condition has been written yet.

CONCLUSION – The proposed project uses and specifications are dependent upon approval of related text amendments and the M-3-CU rezoning of the property.

Roundabout, New Streets, Traffic Analysis, Sidewalks, Transit, Parking, Bicycle Parking, Loading Areas

Roundabout

The traffic counts anticipated between the proposed project and S. Greensboro Street were insufficient to meet the NCDOT warrants for the installation of a traffic light at this intersection. This left the option of providing either a turn lane or a roundabout to manage ingress and egress to the property. The applicant has chosen the roundabout option. This arrangement has been reviewed by NCDOT and the Town Transportation planner and is found to be satisfactory.

The large footprint of the roundabout will require construction easements and possibly property acquisitions from the private parcels in the northwest and southwest quadrants of the roundabout. The owners of these parcels have been contacted. Arrangements for the property to the southwest has been formalized while those for the other property have not been secured. At current, this property owner is not interested in selling the needed property (See Attachment Q).

If the applicant is unable to purchase this portion of the property, it is technically feasible for the roundabout to be shifted slightly to the south and east and thereby eliminate this need. Because of this, the following condition is recommended.

- That prior to approval of construction plans, if all necessary additional street right-of-way needed for the construction of the roundabout is not obtained by the developer and recorded in a final plat, that the location of the roundabout be shifted as needed so as to not require this additional property. Should the roundabout location be shifted, the construction plans will be re-reviewed as necessary to assure they remain in compliance with the permit. If the shift causes substantial changes to the plans it will require approval by the Board of Aldermen.

New Streets

The applicant is applying for LUO text amendments to allow the proposed arrangements of public streets as shown on the plans. One of the amendments allows bike lanes to be removed from the Rand Road street section so as to support the proposed bicycle path/greenway that crosses the property. Another of the amendments allows for a narrower width (2' Versus 3') of the proposed planting strips.

Purple Leaf Place has an 18' wide pavement section while the proposed adjoining Rand Road section is 26' in width. The proposed transition between these two roads takes place at the property line where, as the current plan shows, the sidewalk extension on Purple Leaf Place is shown on the west side of the road. In reviewing this arrangement with the project engineer, it appears to be physically possible to arrange this sidewalk onto the east side of the road which will connect to the existing sidewalk on Purple Leaf place. This arrangement will remove two road crosswalks and is therefore considered preferable. This option might necessitate that the applicant obtain a small amount of right of way from the Roberson Place HOA. Because of this the following condition is recommended:

- That prior to construction plan approval, the applicant pursue relocating the Purple Leaf Place sidewalk extension onto the eastern side of the road instead of the western side as shown in the CUP plans and that this revised connection will include the corresponding revisions to the crosswalks and HC ramps on the plans in the vicinity of these changes.

Should this project be approved, the existing Rand Road right-of-way will need to be abandoned and replaced with the new proposed public street sections. Throughout this process, emergency access to Purple Leaf place will be maintained as necessary by agreement with the property owner. If the Board finds this acceptable the following condition is recommended:

- That prior to construction plan approval, all necessary encroachment agreements be obtained to allow work within the existing Rand Road public right-of-way and that prior to the approval of a final plat showing the new Rand Road public right-of-way alignment that the existing Rand Road right-of-way be formally abandoned per Town procedure.
- That, regardless of the status of the right-of-way abandonment or dedication, the applicant will provide emergency access (meeting Town Fire Department standards) through the property to Purple Leaf Place throughout the construction process.

As is customary, to avoid complications after construction is authorized, the following condition is also recommended.

- That prior to construction plan approval, the applicant receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment / maintenance agreements for lighting and sidewalks.

Traffic Analysis

The applicant's traffic engineering consultant, Davenport, submitted a revised traffic impact analysis (TIA) to the Town and NCDOT on August 28, 2014. Subsequent to this they provided updated trip generation figures, separate from a complete new TIA submittal, to reflect slight changes in the site plan arrangements. Please note that Davenport is responsible for the proposed roundabout design as well. Their executive summary of the TIA is attached (Attachment D).

The TIA outlines an analysis of various plan components including the traffic impacts at multiple intersections, a roundabout analysis, and the potential impact to Purple Leaf Place, if the existing emergency-only bollards are removed and traffic allowed to circulate. The TIA has been accepted by both NCDOT and the Town Transportation Planner.

The applicant is providing the necessary streets and right-of-way dedications to satisfy the connectivity requirements of Section 15-214 of the LUO. There is an existing, emergency-only, collapsible bollard at the end of Purple Leaf Place where it intersects with the subject property; the plans do not show this bollard being replaced. Note that the Roberson Place CUP was amended in March 2000 formalizing the current configuration (Attachment E). This configuration provides for emergency-only access and the modification anticipates that the road would be reconnected during redevelopment of the Rogers Triem site. The current plan satisfies this objective, consistent with the LUO. The bollards need to be moved in order to construct the proposed plan. The Roberson Place residents have submitted a petition requesting that the connection remain open to emergency vehicles only (Attachment Q).

Greenway, Public Easement

A 10' paved bicycle path/greenway facility is proposed for the project. It's routed to connect S. Greensboro Street with the existing Roberson Place greenway which ties into the Libba Cotton greenway via Wesley Street. The Roberson Place Greenway ties into Purple Leaf Place approximately 190' north of the project's northern property line which creates a disconnect in the system requiring street crossings. The arrangement shown on the plans is informed by limitations in the grading in this area. As mentioned previously, staff is requesting that the applicant pursue a revision to the sidewalk alignment in the vicinity of the greenway terminus along the northern property line, should it be technically feasible.

Because the greenway system is intended to be open to the public, the plans as prepared need to show the facility located within an appropriately sized public easement. Because of this, the following condition is recommended.

- That an appropriately sized public easement be provided for the sections of the proposed 10' bicycle path/greenway facility that are not located within the public street R/W.

The greenway includes bicycle parking, signage and access control bollards. The CUP plans do not show any marking for the greenway and for this reason the following condition is recommended:

- That, in the construction plans the greenway trails be designed to meet or exceed the specifications identified in the AASHTO Guide for the Development of Bicycle Facilities, and that the proposed greenway be constructed to the Type IV AASHTO standard.

Sidewalks

Sidewalks are a required component of the proposed public sub-collector road sections. To this end, five foot wide sidewalks are provided on both sides of the street except for the small section where the greenway path replaces a small segment of sidewalk. The applicant is seeking a text amendment to the LUO that must be approved prior to issuance of the CUP.

Private sidewalks are associated with the proposed buildings and connect to the public sidewalks either directly or via marked crosswalks. ADA ramps are provided throughout.

Transit

Chapel Hill Transit has reviewed the project and doesn't recommend additional transit services to be added as a result of the development.

Parking, both site Options A-B

The presumptive parking requirements of the LUO require 261-260 (Option A, Option B) parking spaces for the proposed mix of anticipated office, retail and restaurant uses. The applicant is proposing 180-179 spaces. The space breakdown for each option is 137-134 standard, 29-31 compact, 6-6 accessible, and 8-8 motorcycle spaces. In Option A, staff suggests that an accessible space and an associated ramp be provided in closer proximity to Building 3. Because of this the following condition is recommended:

- That at least one accessible parking space be provided in close proximity to the main entrance of Building 3 in the Option A site plan proposal.

Parking reduction justification

The applicant believes that the location of the project and its vicinity to bus lines, neighborhoods and, bike and pedestrian routes, provides justification for reduction in the number of presumptively required spaces. They also believe that joint use of parking spaces during differing hours of operation of daytime and nighttime businesses will

further reduce demand. Please see detailed parking justification beginning on page 10 of Attachment F. One of the scenarios in the parking justification includes making accommodations for using the parking area behind Building 2 for outdoor storage of horticultural plant inventory which would result in the loss of up to 19 spaces. This scenario anticipates a specific client that has store hours which would be complementary to supporting sufficient joint use of the project's parking. Because of broad range of potential permitted uses for the property, there is also the possibility of significant changes to the parking allocation onsite.

If the Board finds acceptable the applicant's parking justification narrative for these reductions, the following conditions are recommended:

- That the applicant must obtain approval from the Town (either at a staff or Board level), if changes to the allocation of uses in the commercial buildings or the hours of operation of the businesses result in parking requirements that exceed the parking amount approved by the permit.
- That the Board of Aldermen hereby finds that parking spaces shown on Option A (180 spaces) and Option B (179 spaces) are sufficient to serve the proposed development based on the applicant's justification statement regarding joint use of the proposed parking spaces and the site's proximity to residential neighborhoods, bus lines, bicycle lanes and existing pedestrian facilities. This justification also includes the accommodation for allowing the parking area behind Building 2 to be used for outdoor inventory storage. Should the use of these spaces for storage contribute to a parking problem for the development, the storage shall be removed sufficiently to restore the needed parking spaces for use.

As an aside, because of the need to install an HC space adjacent to Building 3, there is the potential that a space or two might be lost. Because of this, the following condition is recommended:

- Should the installation of HC spaces to serve Building 3 in the Option A site plan be required, that these parking total numbers be allowed to be reduced by one or two spaces if necessary to allow the installation of the HC spaces.

Bicycle Parking

For the majority of the proposed uses, the parking requirement of Section 15-291(h) requires 1 bike space for every 10 required auto spaces, 50% of which must be covered. To this end, for the maximum 180 parking spaces requested, 18 bike spaces would be required. The applicant has exceeded this amount by providing a total of 34 bike spaces, 10 of which are covered. The inverted "U" racks proposed for the spaces satisfy the LUO. The covered parking is located prominently adjacent to the ATM, easily visible along the main entrance. The remaining bicycle parking is located with high visibility with the exception of the racks proposed next to Building 3 which are next to the greenway alignment.

Loading Areas

Section 15-300 requires of commercial projects that sufficient off-street loading and unloading area(s) are provided to accommodate delivery operations in a safe and convenient manner. Due to the proposed size of the commercial building the presumptive requirement for South Green is for two loading spaces. The applicant is proposing three such spaces to accommodate each building as needed.

The Option A site plan shows loading areas that do not block parking spaces while the Option B site plan for the parking area associated with Building 5, is located in the travel aisle adjacent to six compact parking spaces. Because of this, the burden falls upon the applicant to describe how the site plan presented can “accommodate delivery operations in a safe and convenient manner.” The applicant has provided justification for this arrangement in the attached letter (Attachment F). If these justifications are found acceptable the following condition is recommended.

- That the Board of Aldermen hereby finds that that the loading and unloading areas shown on the plans are sufficient to accommodate delivery operations in a safe and convenient manner based on information provided by the applicant.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Traffic Analysis, Greenway Easements, Sidewalks, Transit, Parking, Bicycle Parking and Loading Areas subject to the previously mentioned conditions.

Grading, Tree Protection, Landscape Plans, Screening, Shade Trees in Parking Areas

Grading

The site will be mass graded with substantial cuts into the existing hillside on the eastern flank of the property. This grading will substantially raise the base elevation of the building platforms by as much as 9 feet in some places (Attachment A). Retaining walls are shown along the northern and eastern slopes where needed to accommodate the building and parking plans. The applicant intends to provide railings at the top of these walls for safety; these will be required to be shown on the construction plans.

Tree Protection

While much of the site is devoid of trees, the proposed grading will necessitate tree removal. Consideration was given to large and rare trees as defined by the LUO (15-316). All such existing trees require removal to accommodate this site plan. Tree protection fencing will be provided for existing stands of trees intended to be preserved. As required, the applicant has provided the attached tree removal justification letter (Attachment F, page 19). The roundabout plans do not currently show tree protection fencing; this information will be needed on the construction plans prior to authorization.

Landscape Plans

The landscape plan(s) proposes, 134-140 trees and about 600 shrubs both evergreen and deciduous. The deciduous trees are mainly of canopy size with a few understory trees (Attachment A). These deciduous and evergreen plants are distributed along the perimeter,

the right-of-way and in the planting islands of the project. The proposed planting islands all meet or exceed the 200 sf minimum size required by the LUO. The landscaping is protected where needed by parking stops and one third of all the proposed trees are evergreen. Vines and perennials are shown in various areas to provide interest. The large graded open slope areas will be planted in decorative grass. None of the proposed plantings are on the Town's List of Invasive Plant Species on Appendix E-17 of the LUO. In reviewing the landscape plan it appears that there is ample opportunity to replant additional trees in the areas of the project to the east.

Screening

Per Section 15-308, screening is required variously between the components in this project and the surrounding street rights-of-way and lots. In areas where the buildings are adjacent to residential properties, an opaque, Type A screen is required. In areas adjacent to public street rights-of-way, a broken, Type C is required. The landscape plan as presented satisfies the Type A requirement with a dense evergreen planting of trees and shrubs. The Type C requirement is satisfied throughout the plan with deciduous street trees. The plans as presented satisfy the screening requirements of the LUO.

Shade Trees in Parking Areas

Section 15-317(b) of the LUO requires parking lots and aisles to be shaded. The total shading average for the three lots (for both plans) complies with the ordinance by providing 35% to 39% shading.

Tree Canopy coverage 15-319

Section 15-319 requires that projects within the M-1 zoning district (and therefore the M-3-CU) provide 30% tree canopy coverage. For 6 acres (261,360 sf) this amounts to a canopy coverage area of 78,408 sf. The trees provided in the landscape plan, because of their large installation size appears to exceed this requirement. Full calculations will be provided during construction plan review to substantiate compliance per the following condition:

- That the construction plans demonstrate compliance with the tree canopy coverage standards of Section 15-319 prior to construction plan approval.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Tree Protection, Landscape Plans, Screening and Shade Trees in Parking Areas.

Stormwater Management

Stormwater Management

Section 15-263 of the LUO establishes stormwater management criteria that must be met for any project requiring a CUP. In particular the applicant must meet stormwater runoff standards with respect to water quality, quantity and volume. For an in depth description of the system's design performance, please see the engineer's summary (Attachment H).

Section 15-49(c-1) allows projects such as South Green to forego development of complete stormwater plans during the CUP review process provided that the Town Engineer can say that, based on the details provided, it is “reasonably likely” that the stormwater and drainage system will comply with Sections 15-262 and 15-263. However, because of the significant stormwater issues associated with this property, the applicant has more fully developed their plans and will provide a statement addressing the possible offsite impacts of the development (Attachment I).

The proposed stormwater management plan includes pervious pavement, catch basins, yard inlets, pipes and sand filters. The pervious paving is proposed for the entirety of the parking areas. Regarding pipes, the dominant conveyance is the 96” x 60” box culvert that crosses the site and the enlarged 96” NCDOT culvert crossing S. Greensboro St. The NCDOT stormwater study summary for this culvert is attached (Attachment J).

The NCDOT culvert will cross S. Greensboro St. and then continue along the street right-of-way several feet where then it will outlet at the south end of the trailer park where there is an existing box culvert inlet that crosses underneath the NC 54 bypass. Currently the applicant and NCDOT have entered into a signed agreement to partner on the NCDOT improvements as is illustrated in the attached letter (Attachment K). NCDOT has begun the process of mobilizing design and financing resources to achieve the goal beginning construction of this improvement as early as August 2015. Because of the importance of the NCDOT improvement to the performance of the South Green project the following condition is recommended.

- That the proposed NCDOT drainage improvements for S. Greensboro Street be coordinated and installed in advance-of or concurrent-with the installation of the South Green drainage improvements.

Post Development Discharge

The project engineer claims that the proposed design will be less than or equal to the pre-development discharge rates for the 1, 2, 3, 10, and 25 year 24 hour storms thereby satisfying the LUO requirements. This is in large part due to the storage capacity of the permeable pavement and sand filter systems which replace the largely impervious existing conditions

Volume Control

The proposed design reduces stormwater volume by 37% thereby exceeding the LUO requirements.

Nutrient Reduction and Total Suspended Solids (TSS) reduction

The plans predict reductions in offsite runoff of Phosphorus and Nitrogen by 50.3% and 53.6% respectively. These substantial reductions exempt the applicant from having to make offset payments to the N.C. Ecosystem Enhancement Program. Total Suspended Solids removal via the impervious paving and sand filters will meet or exceed the 85% removal minimum.

Relative to the Town satisfying state requirements pertaining to the National Pollutant Discharge Elimination System (NPDES) Phase II permit, the following conditions are required:

- That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat 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 final plat, 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.
- Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, 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.
- That, prior to issuance of a CO, a final plat, or the certification of a stormwater BMP, the Town may require a performance security to be posted for a period of two years per the provisions of Section 15-263(i).

Roberson Place Property Access Permission

In order to realize the proposed stormwater plans, the developer requires access onto the southernmost part of the Roberson Place Subdivision. To this end they have met with the Roberson Place HOA and received the necessary permissions in writing to perform the needed work. However because these arrangements require formalization, the following condition is recommended.

- That all temporary and permanent easements be obtained prior to construction plan approval. Easements shall also be shown on a recorded final plat.

Stream Buffers

The stream that once flowed through the site has long been piped and will continue to be piped. The Army Corp of Engineers have reviewed this proposal in general but final permitting has not been completed. Construction Plans will not be approved until such permits are received if required by the Army Corp.

Erosion Control

A simple erosion control plan has been provided which is provisionally satisfactory to Orange County Erosion Control (OCEC). Additional details will be provided as part of the construction plan review process. Construction plans will not be approved until the full requirements of OCEC have been satisfied.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Drainage, Grading and Erosion Control subject to the conditions mentioned above.

Utilities, Lighting, Fire Safety, Refuse Collection

Utilities

The water and sewer plans have been reviewed by OWASA and meet with their general approval. OWASA will review the plans in greater detail during construction plan review. The plans show the applicant is extending public water and sewer facilities via S. Greensboro St. onto the proposed public roads. OWASA water line easements then enter onto the private properties to serve the buildings. Sewer laterals connect privately to the sewer lines within the new streets.

Per Section 15-246 of the LUO, the plans specify that all electric, gas, telephone, and cable television lines are to be located underground in accordance with the specifications and policies of the respective utility companies.

As is customary, the Public Works Department prefers to receive written confirmation from the electrical utility prior to construction plan approval. Because of this, staff recommends the following condition.

- That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.

Lighting

Section 15-242 requires adequate lighting of buildings and facilities to assure public safety. Section 15-243 requires all such lighting to be controlled in height and intensity. Fixtures located out of a public R/W are to be no more than 15' in height and the illumination level must not exceed .2 footcandles at the property line in the areas adjacent to residentially-used or residentially-zoned properties. Those fixtures adjacent to commercial uses are limited to 2 footcandles. The proposed lighting plan for the project includes thirty four (34) full-cutoff LED fixtures mounted on 15' poles. The illumination levels and pole height from these fixtures satisfy these provisions of the LUO.

Two of these fixtures are placed at the new street intersection within the public right-of-way in order to satisfy Public Work's lighting policy. While the locations are fine, the applicant needs to choose alternate poles and LED fixtures offered by Duke Power in order to have them under the purview of a public utility to facilitate predictable maintenance and repair. The applicant must pay any additional costs associated with non-standard fixtures. For this reason the following condition is recommended:

- Prior to construction plan approval, all proposed lighting within public rights-of-way must satisfy the Public Works street lighting policy.

Fire Safety/Emergency Access

The CUP plans have been reviewed and provisionally approved by the Fire Department subject to further review during construction plans. Two fire hydrants are provided within the site and all buildings, which are required to be sprinkled, have FDC connections.

Fire flow calculations and building-sprinkler design must be submitted and approved by the Town Engineer and Fire Department prior to construction plan approval. Secondary emergency access to the site is provided via Purple Leaf Place along the northern property line. Currently access is controlled by collapsible bollards and is restricted to emergency access only. Related recommendations area as follows:

- 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.

Refuse Collection

The project's waste arrangements have been reviewed by both Public Works and Orange County Solid Waste and found to be satisfactory. Multiple roll-out recycling carts and dumpsters are provided for the buildings (for both mixed waste and cardboard). A trash compactor is shown just north of Building-2.

The Town may provide trash collection services while the County may provide recycling collection services for the development. However, the applicant is also considering private waste collection services in order to minimize disturbance to the neighbors by altering hours of operation to be compatible with the residential use. The applicant may agree to a CUP condition related to the matter but the applicant and neighbors are still discussing an agreeable schedule.

Waste management during construction requires from the County an approved Solid Waste Management Plan as well as a permit. The Solid Waste Management Plans have been received and approved and a permit will be obtained prior to construction.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Utilities, Fire Safety, Lighting and Refuse Collection subject to the conditions mentioned above.

Miscellaneous

Town Planning Documents

The applicant has provided a written response to address the various goals and objectives contained in several of the Town's planning documents such as Vision 2020, the Downtown Traffic Circulation Study, and Downtown Carrboro New Vision (please see page 20 of Attachment F).

Master Sign Permit

The applicant has submitted a Master Signage Plan for this development which has been reviewed by the Appearance Commission. If the CUP is granted, this signage plan will also be approved. Please see the architectural elevation sheets of the project plans for a depiction of the signage areas and their approximate locations and sizes (Attachment A). Individual tenants will be required to submit to the town for permits that fit within the spatial limitations of the master permit. These permits would also be reviewed by the Appearance Commission.

Architectural Standards

Per the requirements of Section 15-178, developments in the downtown business districts (including those in the M-1 district) are to demonstrate compliance with the standards presented therein. To this end the applicant's architect has provided written responses to the provisions of this section (Attachment L). Because the design varies from some of the standards, the Appearance Commission is required to review the plans and make findings. The Appearance commission has reviewed the proposal and their comments are attached (Attachment N). Their findings need to be formalized by the Board with the following condition:

- That the Board of Aldermen hereby finds acceptable the deviations from the architectural requirements of Section 15-178 of the LUO per the elevations and information presented at the public hearing.

Architectural Theme

The plan contains predominantly one story buildings some with mezzanines. The graphic representation on the coversheet of the plans however suggests two story construction in one or more places. This graphic is for illustration purposes only. The architectural sheets in the plans should be reviewed for specific details. The applicant will be available to clarify any questions regarding the proposed architecture. Descriptions of materials are included in the architectural sheets. While the applicant does not expect there to be significant changes to the proposed building elevations in terms of their general materials and forms, modifications to accommodate specific tenants are possible. Such changes could include revisions to fenestration or whether or not a mezzanine is constructed. The applicant wishes to have the flexibility to make such minor changes. Note that the original plans for an extensive roof along a portion of Building One have since been replaced with a parapet wall. Mechanical equipment on the roof will be generally shielded from view from the street level by the parapet walls while additional shielding will be provided on the roof top as needed. Any changes proposed to the architecture during building permit review will be considered under Section 15-54, Modification to Permits.

Neighborhood Information Meeting

The applicant conducted a neighborhood information meeting on September 26th, 2012. Attached is the related form as well as the sign-up sheet and a summary from the meeting (Attachment M).

Joint Review Advisory Board Recommendations

The project was presented to the Joint Advisory Boards on April 2nd, 2015. The summary Advisory Board recommendations are attached. These recommendations include those from the Planning Board, Environmental Advisory Board, the Transportation Advisory Board and the Economic Sustainability Commission. (Attachment N).

Good Neighbor Performance Standards

The property and its uses are required to satisfy the Good Neighbor Performance Standards of Article XI of the LUO. These standards regulate noise, fumes, vibration, and other environmental factors for commercial and industrial uses. The applicant has included a note acknowledging that the property is subject to these regulations. Satisfying these standards is a continuing obligation of the permit.

Environmental Sustainability

Please see the applicant's attached letter regarding the environmental measures proposed for the development. These are the performance measures that are listed to qualify for additional uses within the proposed M-3-CU rezoning (Attachment O). Board members must conclude that the applicant has included sufficient number of performance measures to warrant the requested 40% restaurant use.

Environmental Concerns

The EAB requested and the applicant has provided information related to a Phase 1 Environmental Assessment of the site (Attachment P). This pertains to brownfield concerns associated with the former manufacturing use of the site. This study does not reveal any significant cause for remediation.

Construction Management Plan

Per Section 15-49 (c1) projects that would likely have a significant impact on adjoining or nearby streets, sidewalks, or properties during the construction process must provide a construction management plan. The applicant and Town have begun discussions regarding the anticipated impacts of the project's construction. One area of concern regards temporarily re-routing bicycle and pedestrian traffic that currently uses Rand Road to connect through Purple Leaf Place and the Roberson Place greenway trail. The construction management plan will be required to address such concerns including providing advance notification to users of the upcoming temporary change. Of note, the applicant intends to fence the site during construction insofar that it does not preclude emergency access. The LUO requires these things to be addressed per the following condition:

- That prior to construction plan approval, the applicant submit materials to satisfy the Construction Management Plan provisions of Section 15-49(c1).

The applicant expects to provide a copy of the draft Construction Management Plan during the public hearing.

Phasing and Subdivision/Final Plat

The project will be phased on a lot by lot basis until such time that all of improvements on the three lots are completed. Prior to the issuance of a Certificate of Occupancy for a building on a particular lot, it will need to be demonstrated that the lot stands on its own with respect to satisfying the provisions of the LUO. This applies most obviously to stormwater management and parking. If outparcel parking or stormwater improvements are needed to meet the requirements of one of the phases, then they will need to be provided and, if necessary, encumbered by easement.

In accordance with the phasing plan, three separate fee simple lots will result from this project. A final plat will need to be filed to create the lots and establish the new Rand Road right-of-way. The following condition is recommended:

- That prior to issuance of a certificate of occupancy, a final plat will be recorded including the newly established public right-of-way.

Construction Plan Sequence

The applicant has expressed the need to grade the lot so as to compact the building sites with fill, in advance of construction. This has the effect of pre-compacting the subgrades which is necessary for these soil types. This portion of the construction process will precede any actual infrastructure construction and be approved separately from the rest of the construction plans. It will not require offsite easements. An Erosion Control permit will be a necessary part of this work. Emergency access to Roberson Place will be maintained throughout construction.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to categories listed above subject to the aforementioned conditions.

STAFF RECOMMENDATIONS:

Town staff recommends that the Board of Aldermen approved the South Green Conditional Use Permit application subject to the following conditions (see Attachment R for CUP worksheet):

1. That prior to approval of construction plans, if all necessary additional street right-of-way needed for the construction of the roundabout is not obtained by the developer and recorded in a final plat, that the location of the roundabout be shifted as needed so as to not require this additional property. Should the roundabout location be shifted, the construction plans will be re-reviewed as necessary to assure they remain in compliance with the permit. If the shift causes substantial changes to the plans it will require approval by the Board of Aldermen.
2. That prior to construction plan approval, the applicant pursue relocating the Purple Leaf Place sidewalk extension onto the eastern side of the road instead of the western side as shown in the CUP plans and that this revised connection will include the corresponding revisions to the crosswalks and HC ramps on the plans in the vicinity of these changes.

3. That prior to construction plan approval, all necessary encroachment agreements be obtained to allow work within the existing Rand Road public right-of-way and that prior to the approval of a final plat showing the new Rand Road public right-of-way alignment that the existing Rand Road right-of-way be formally abandoned per Town procedure.
4. That, regardless of the status of the right-of-way abandonment or dedication, the applicant will provide emergency access (meeting Town Fire Department standards) through the property to Purple Leaf Place throughout the construction process.
5. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment / maintenance agreements for lighting and sidewalks.
6. That an appropriately sized public easement be provided for the sections of the proposed 10' bicycle path/greenway facility that are not located within the public street R/W.
7. That, in the construction plans the greenway trails be designed to meet or exceed the specifications identified in the AASHTO Guide for the Development of Bicycle Facilities, and that the proposed greenway be constructed to the Type IV AASHTO standard.
8. That at least one accessible parking space be provided in close proximity to the main entrance of Building 3 in the Option A site plan proposal.
9. That the applicant must obtain approval from the Town (either at a staff or Board level), if changes to the allocation of uses in the commercial buildings or the hours of operation of the businesses result in parking requirements that exceed the parking amount approved by the permit.
10. That the Board of Aldermen hereby finds that parking spaces shown on Option A (180 spaces) and Option B (179 spaces) are sufficient to serve the proposed development based on the applicant's justification statement regarding joint use of the proposed parking spaces and the site's proximity to residential neighborhoods, bus lines, bicycle lanes and existing pedestrian facilities. This justification also includes the accommodation for allowing the parking area behind Building 2 to be used for outdoor inventory storage. Should the use of these spaces for storage contribute to a parking problem for the development, the storage shall be removed sufficiently to restore the needed parking spaces for use.
11. Should the installation of HC spaces to serve Building 3 in the Option A site plan be required, that these parking total numbers be allowed to be reduced by one or two spaces if necessary to allow the installation of the HC spaces.
12. That the Board of Aldermen hereby finds that that the loading and unloading areas shown on the plans are sufficient to accommodate delivery operations in a safe and convenient manner based on information provided by the applicant.
13. That the construction plans demonstrate compliance with the tree canopy coverage standards of Section 15-319 prior to construction plan approval.
14. That the proposed NCDOT drainage improvements for S. Greensboro Street be coordinated and installed in advance-of or concurrent-with the installation of the South Green drainage improvements.
15. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat 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 final plat, 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.

16. Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, 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.
17. That, prior to issuance of a CO, a final plat, or the certification of a stormwater BMP, the Town may require a performance security to be posted for a period of two years per the provisions of Section 15-263(i).
18. That all temporary and permanent easements be obtained prior to construction plan approval. Easements shall also be shown on a recorded final plat.
19. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.
20. Prior to construction plan approval, all proposed lighting within public rights-of-way must satisfy the Public Works street lighting policy.
21. 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.
22. That the Board of Aldermen hereby finds acceptable the deviations from the architectural requirements of Section 15-178 of the LUO per the elevations and information presented at the public hearing.
23. That prior to construction plan approval, the applicant submit materials to satisfy the Construction Management Plan provisions of Section 15-49(c1).
24. That prior to issuance of a certificate of occupancy, a final plat will be recorded including the newly established public right-of-way.