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Title: Request for Minor Modification to Conditional Use Permit for 300 E. Main Related to Wall/Sidewalk in Front of the New Fleet Feet Building/Phase A

PURPOSE: The purpose of this item is for the Board to consider adopting a resolution approving changes to the sidewalk area in front of the Fleet Feet building/Phase A of the 300 East Main project.

Indexes:

Code sections:

Attachments: 1. Attachment A - Resolution, 2. Attachment B - Statement from Applicant, 3. Attachment C - Fleet Feet Plaza & Sidewalk Design Option - Final

Date	Ver.	Action By	Action	Result
3/3/2015	1	Board of Aldermen	approved	Pass

TITLE:

Request for Minor Modification to Conditional Use Permit for 300 E. Main Related to Wall/Sidewalk in Front of the New Fleet Feet Building/Phase A

PURPOSE: The purpose of this item is for the Board to consider adopting a resolution approving changes to the sidewalk area in front of the Fleet Feet building/Phase A of the 300 East Main project.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, 918-7333

INFORMATION: Main Street Partners has submitted a CUP Minor Modification application related to plaza design in front of the Fleet Feet building at 300 East Main Street. The Board is asked to review and consider the information, deliberate, and make a decision regarding the request. A resolution is included as Attachment A providing for approval of the modification, with an opportunity to choose a design from the options presented and / or add conditions about the design.

In June 2007 the Board of Aldermen approved a Conditional Use Permit (CUP) for Phase A of 300 East Main Street. The project involved a five-story building adjacent to the railroad tracks. As a related matter, the Board approved a subsequent CUP application in August 2008 for the remainder of the project commonly called 300 East Main. The August 2008 approval superseded the June 2007 CUP, so the entire site is now regulated under a single CUP.

The plans for all portions and phases of the site indicate that a ten foot wide sidewalk and / or plaza area will be installed along all of the Main Street frontage, understanding that accommodations do have to be made where existing utility infrastructure, trees, and similar obstructions are in the way. Additionally, at the request of the

applicant, the exact configuration of the sidewalk and plaza related to where the right-of-way ends and the private realm begins, will result in brick-bordered sidewalks less than ten-feet in width with the brick border marking the end of the right of way, and with the edges continuing at the same grade wherever possible, effectively resulting in at least 10-feet of sidewalk and plaza area. This design was approved by the Board of Aldermen as a way of demonstrating compliance with the 10-foot sidewalk width established by the LUO, while not requiring additional dedication of right-of-way along Main Street. Reasons noted during the public hearing for requesting this design configuration in lieu of dedicating additional right of way included the ability to maximize outdoor dining opportunities and maintain trespass rights.

The plans for Phase A, now known as the Fleet Feet building, were modified in June 2013 to change the five-story building to three-stories. The plans still showed a sidewalk and plaza, including a possible Chapel Hill Transit bus pull-off area along its portion of the Main Street frontage. During construction plan review, Chapel Hill Transit asked for the pull-off area to be removed from the plans because of concerns with potential difficulties navigating back into the travel lane after each stop. The construction plans for the Fleet Feet building, approved in November 2013, show the plaza transitioning to the sidewalk at grade with no wall or physical barrier between the sidewalk and plaza. It became evident to the project engineer as construction was getting underway, however, that some engineering issues needed to be addressed. These changes involved raising the finished floor elevation of the building more than anticipated, which increased the difference in grade change between the building and where it meets the sidewalk. This change, combined with the now removed opportunity to break grade at the edge of the bus pull-off area, meant that the project engineer had to propose a solution since the original design could not be built. The design change request adding the wall was submitted along with a stormwater related change request rather than as a formal CUP modification request. Less than ideal subsequent communication between staff and the applicant regarding the wall led to the contractor building the wall without a change to the plan being approved.

Upon learning about the wall being built, staff and the applicant met on multiple occasions to talk through the issues and possible changes to the design, which led to tonight's application. In this application, the applicant asks the Board to consider approving the design as it has been constructed, which includes a commitment to maintain at least five-feet of open area on the inside of the wall. Alternatively, the applicant proposes to remove the wall and add an additional five-feet of sidewalk, which would abut a newly-constructed similar wall at the edge of the sidewalk. A statement from the applicant further explaining the request is included as Attachment B. A plan showing the newly-proposed design is also included as Attachment C.

Public Hearing:

As with any Minor Modification request, the Board has the option of calling a public hearing before making a decision about the request.

FISCAL & STAFF IMPACT: No fiscal impact is associated with the potential approval of this modification. Staff impact involves review time.

RECOMMENDATION: The Board is asked to review and consider the information, deliberate, and make a decision regarding the request. A resolution is attached providing for approval of the modification, with an opportunity to choose a design from the options presented and / or add conditions about the design.