

such minor modification. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.”

Attached to this agenda item are plans for each portion of this project along with an extensive narrative prepared by the applicant that explains the process by which they arrived at these plans. Note that this narrative also provides details about the three Neighborhood Information Meetings held in April 2018, including a summary of comments from the participants.

If approved, the minor modification, subject to further construction plan review, will authorize the following items for construction (this listing covers only the major elements of the proposals):

Weaver Street Market Yard Renovation Elements:

- The addition of paving (both pervious and impervious);
- The addition of pervious wooden decking in the root zone of four of the existing large trees;
- The addition of small patch of artificial grass for high-use area;
- Seven (7) or more new canopy trees with a new native planting border;
- Removal of the entry water feature and the relocation of its sculpture;
- The addition of a fence border along Weaver St. (as a safety element for children), and;
- The installation of a sub-surface drainage system;
- Rearrangement of the existing outdoor tables and seats;
- The addition of a stable surface area for bands to set up;
- The addition of incidental lighting within some of the existing trees;
- The net new additional impervious surface is below 5,000 sf;
- The proposal requires the removal of an existing 26” Water Oak in the NW corner of the yard.

Expansion of the Weaver Street Café

- The addition of 915 sf of new interior café square footage accomplished by the enclosing of a portion of the existing covered colonnade (the walkway covered by the green metal roof). This enclosure will be a standard aluminum and glass storefront system similar to the existing storefront;
- The replacement of the shade sails of the of the West Patio with a metal roofing; the plans suggest that this 436 sf area could become part of “future, possible enclosure”;
- The additional square footage would increase the parking requirement by 3-4 parking spaces.

Widening of the Weaver St. sidewalk

- The existing 5’ sidewalk is proposed to be enlarged to 9’ along about 195’ of the northern boundary of the Weaver St. public right-of-way;
- Associated retaining walls where needed to resolve grade conflicts;
- Again, the work is predominately with the public right-of-way.
- Some removal of existing trees (2 maples) along the property line may be required;
- Removal of some streetscape elements (tree planting with steel tree grate) small retaining wall.
- The existing sidewalk includes decorative brick detailing as specified by the Downtown Design Guidelines. The applicant has yet to detail how the widening of the sidewalk will tie into the existing pattern;
- The net new additional impervious surface caused by the sidewalk expansion is about 800 sf.

Drainage and Erosion Control

The construction activities associated with the proposed minor modification will result in about 4,500 sf increase in the total amount of impervious surface area on the property. This figure does not include the proposed sidewalk widening within the Town's right-of-way.

Section 15-263 (a-3) exempts projects in "unsubdivided developments" that add less than 5,000 sf of new impervious surface on any particular property.

While the proposed project stays below 5,000 sf, excluding the sidewalk expansion, the history of the Carr Mill CUP has been one of amendments that have incrementally increased the impervious surface total. This project is consistent with this pattern.

The Town Engineer has reviewed the proposal and had preliminary comments pending the submittal of construction drawings. He has preliminary concerns regarding gutter spread on Weaver St. This would be investigated in further detail during construction plan review.

Existing Non-conformities

The Carr Mill CUP is compliant with the regulations in place at the time of permitting in the 70's. Subsequent amendments are required, to the extent practicable, to bring the project into compliance with the current regulations. To this end, the applicant is requesting relief from the current LUO provisions as described on page 6 of the attached narrative based upon the Board finding that the cost of elimination of the non-conformity is disproportional to the benefit of doing so. The applicant is seeking relief in the area of lighting pole height, the 10' sidewalk requirement (9 is proposed), the VAA shading provision, the tree canopy provision (they will be increasing the existing canopy) and covered bicycle parking.

Miscellaneous

The performance standards outlined for the B-1 (C) Town Center Business zoning district, in Section 15-136 of the LUO, reflect the importance of Carr Mill, the former train station, and other elements of historic Carrboro. Intended to accommodate the pedestrian user, the district is designed to encourage unified shopping and entertainment areas focused around restaurants and specialty shops. The proposed modification plans for the Carr Mill CUP are consistent with these objectives, and reflect Carr Mill Mall's interest to continue to provide a gathering place for local residents.

Carr Mill has had multiple permit modifications that have, since 1976, combined to create the current assemblage of building spaces and uses. For an overview of the existing site arrangements, including a parking breakdown, see the cover sheet of Attachment D.

Public Hearing:

As with any Minor Modification request, the Board may choose to call a public hearing before making a decision.

FISCAL & STAFF IMPACT: No known fiscal impacts are associated with consideration of this request beyond collection of the review fee and staff time to prepare the item and review the permit modification

RECOMMENDATION: Staff recommends that the Board review the information provided and consider approving the resolution allowing for the aforementioned modifications to the Carr Mill Conditional Use Permit. The work is to include also the proposed widening of the Weaver St. sidewalk as described therein.