



# B O A R D O F A D J U S T M E N T

## M I N U T E S

Town of Carrboro

301 West Main Street Carrboro, North Carolina 27510

### April 16, 2003

MEMBERS PRESENT		TOWN ATTORNEY	STAFF
Richard Ellington	Shirley Marshall	Bob Hornik	Marty Roupe
Mark Chilton	James Dingfelder		Stephanie Bray
Mary Kruter			Jane Tuohey
John Ring			
Paul Israelson			
<b>EXCUSED: 0</b>			

#### **I. OATH OF OFFICE**

Richard Ellington was administered the Oath of Office to the Board of Adjustment. He was seated as a Board Member

#### **II. ELECTION OF OFFICERS**

Nominations were made for Chair and Vice Chair. Mark Chilton nominated Richard Ellington to become Chair. John Ring seconded this nomination and Richard Ellington accepted.

John Ring nominated Mark Chilton to become Vice Chair. Shirley Marshall seconded this nomination and Mark Chilton accepted.

MOTION MADE FOR RICHARD ELLINGTON TO BECOME CHAIR. VOTE: AYES 6 (Mark Chilton, Mary Kruter, John Ring, Paul Israelson, Shirley Marshall, James Dingfelder); NOES 0; ABSENT/EXCUSED 0.

MOTION MADE FOR MARK CHILTON TO BECOME VICE CHAIR. VOTE: AYES 6 (Richard Ellington, Mary Kruter, John Ring, Paul Israelson, Shirley Marshall, James Dingfelder); NOES 0; ABSENT/EXCUSED 0.

#### **III. MINUTES APPROVAL**

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JOHN RING TO APPROVE THE NOVEMBER 20, 2002 MINUTES. VOTE: AYES 7 (Richard

Ellington, Mark Chilton, Mary Kruter, John Ring, Paul Israelson, Shirley Marshall, James Dingfelder); NOES 0; ABSENT/EXCUSED 0.

#### **IV. PUBLIC HEARING: SPECIAL USE PERMIT FOR 605 W. MAIN STREET**

Stephanie Bray, Planner/Zoning Development Specialist, made the staff presentation. The Boulevard Company has submitted an application for a SUP to allow for the construction of a three-story mixed-use office and residential building to be located at 605 W. Main Street. Stephanie Bray asked that this be approved subject to the following conditions:

1. That the applicant present a plan for routing bicycle, pedestrian and automobile traffic during construction of the project that is consistent with the NCDOT Manual of Uniform Traffic Control Devices prior to construction plan approval.
2. All off-site easements proposed in association with this project must be obtained, reviewed and approved by the Town Attorney and recorded prior to construction plan approval.
3. That the applicant shall provide to the Zoning Division, prior to being issued a certificate of occupancy, Mylar and digital as-builts for the project. Digital as-builts should be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files should include all layers or tables containing storm drainage features. Storm drainage should be clearly delineated in a data table. The data should be tied to horizontal controls.
4. That the applicant pay to the Town an open space payment-in-lieu fee in the amount of \$76,866.11, and a recreational facilities payment-in-lieu fee in the amount of \$6,656.42 prior to receiving a certificate of occupancy for the building.
5. That property owner's association documents be submitted and reviewed and approved by the Town Attorney prior to construction plan approval.

Stephanie Bray entertained questions from the Board. Richard Ellington was concerned about the trenching around the pipe area and if this would damage the existing trees. Martin Roupe advised the Board that the neighboring property owner has signed off to say that they recognize there may be damage or death to the trees, but all effort is being made to try to save the trees.

John Ring was concerned about the traffic flow and what type of traffic is anticipated. Stephanie Bray said that low volume traffic would flow through the parking area, and any high vehicles would simply turn around and exit back through the roadway, which led to the concern of a possible hazard with an incoming vehicle coming in at the same time on the same roadway as the exiting vehicle. The possibility of a mirror or signage was mentioned to compensate for the blind corner.

Shirley Marshall was very concerned about the 5' sidewalk. Ms. Marshall explained that a lot of parents wait in that area for their children to cross W. Main Street after school. It was felt that a 10' sidewalk was more preferable for a portion of the area.

The applicant was asked if he wished to make a presentation. Jane Tuohey, a Notary Public swore in John Hart who is the owner of the property and other team members from Ballentine & Associates, OBS Landscape, Davis Kane and Terra Nova Properties. The Board asked questions about the storm water exiting across Basnights Property and they were told that there is no storm drainage in W. Main Street, so it has to be routed through Poplar Avenue.

Rose Crawford who lives on W. Main Street and James Carnahan were sworn in. Rose Crawford expressed her concern regarding this project; she felt that it was too tall. James Carnahan was in support of this project and asked if the lower floor was raised 2', then would it be possible to have some retail take over the parking area at some point in time. Mr. Hart stated that it would not be practical because of limited parking and also the significant cost and changes that would need to be made at this point in time.

MOTION WAS MADE BY MARY KRUTER AND SECONDED BY PAUL ISRAELSON TO CLOSE THE PUBLIC HEARING. VOTE: AYES 7 (Richard Ellington, Mark Chilton, Mary Kruter, John Ring, Paul Israelson, Shirley Marshall, James Dingfelder); NOES 0; ABSENT/EXCUSED 0.

The Board spoke of concerns about the blind corner for traffic entering and exiting the parking area and the sidewalk becoming larger at a certain point for congregating citizens.

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY JAMES DINGFELDER THAT THE APPLICATION IS FOUND TO BE COMPLETE. VOTE: AYES 7 (Richard Ellington, Mark Chilton, Mary Kruter, John Ring, Paul Israelson, Shirley Marshall, James Dingfelder); NOES 0; ABSENT/EXCUSED 0.

MOTION WAS MADE BY MARK CHILTON AND SECONDED BY SHIRLEY MARSHALL THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AYES 7 (Richard Ellington, Mark Chilton, Mary Kruter, John Ring, Paul Israelson, Shirley Marshall, James Dingfelder); NOES 0; ABSENT/EXCUSED 0.

MOTION WAS MADE BY SHIRLEY MARSHALL AND SECONDED BY JAMES DINGFELDER THAT THE APPLICATION, IF GRANTED, BE ISSUED SUBJECT TO THE FOLLOWING CONDITIONS. VOTE: AYES 7 (Richard Ellington, Mark Chilton, Mary Kruter, John Ring, Paul Israelson, Shirley Marshall, James Dingfelder); NOES 0; ABSENT/EXCUSED 0.

This will become #5 because the old #5 will be removed.

5. That the sidewalk transition from 5' to 10' between the building entrance and the SE corner of the property.

6. That the applicant and successive owners provide for and permit connections with future adjacent parking lots upon request by the Town of Carrboro.
7. That the applicant post adequate signage and/or mirrors and/or other traffic safety and control measures to be approved by town staff.
8. That a fencing detail be brought back to the Appearance Commission.
9. That staff notify the nearby Church and school of the new traffic patterns that will occur during construction before they occur.

MOTION WAS MADE BY SHIRLEY MARSHALL AND SECONDED BY JAMES DINGFELDER THAT THE APPLICATION IS GRANTED SUBJECT TO THE CONDITIONS AGREED UPON UNDER SECTION III OF THE WORKSHEET. VOTE: AYES 7 (Richard Ellington, Mark Chilton, Mary Kruter, John Ring, Paul Israelson, Shirley Marshall, James Dingfelder); NOES 0; ABSENT/EXCUSED 0.

**V. OLD/NEW BUSINESS**

Mark Chilton asked if we have received any applications for future Board of Adjustment members. Jane Tuohey stated that Sarah Williamson, Town Clerk for the Town of Carrboro deals with the application forms. It was also mentioned how presently the SUP reviews are made by acreage not square footage, but with multi-story buildings coming in to Carrboro, maybe the Board of Aldermen need to change the review to square footage as opposed to acreage. This way the Board of Aldermen not the Board of Adjustment would review a large square footage building. Richard Ellington stated that he would talk to Mayor Nelson regarding this.

**IV. ADJOURN**

There being no other business, MOTION WAS MADE BY MARK CHILTON AND SECONDED BY SHIRLEY MARSHALL THAT THE MEETING BE ADJOURNED. VOTE: AYES 7 (Richard Ellington, Mark Chilton, Mary Kruter, John Ring, Paul Israelson, Shirley Marshall, James Dingfelder); NOES 0; ABSENT/EXCUSED 0.