



TOWN OF CHAPEL HILL

Town Hall
405 Martin Luther King Jr.
Boulevard
Chapel Hill, NC 27514

Legislation Details (With Text)

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On agenda: 11/7/2018 **Final action:** 11/7/2018

Title: Call for a Public Hearing for December 5, 2018 to Consider a Request to Close a Portion of the Public Right-of-Way on Aberdeen Drive for the Expansion of the Lumina Theater.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Closure Request Letter from Dixon Pitt, Bryan Properties, 2. Plan for Requested Right-of-Way Closure, 3. Approved Southern Village Special Use Permit, 4. NC Statute 160A-299, 5. Council Questions with Staff Response, 6. Abandonment Letter - Parking Places on Market Street, 7. DR and Ruffin Memorandum, 8. A RESOLUTION TO CALL FOR A PUBLIC HEARING FOR DECEMBER 5, 2018 TO CONSIDER A REQUEST TO CLOSE A PORTION OF THE PUBLIC RIGHT-OF-WAY ON ABERDEEN DRIVE FOR THE EXPANSION OF THE LUMINA THEATER (2018-11-07/R-3)

Date	Ver.	Action By	Action	Result
11/7/2018	1	Town Council	adopted	Pass

Call for a Public Hearing for December 5, 2018 to Consider a Request to Close a Portion of the Public Right-of-Way on Aberdeen Drive for the Expansion of the Lumina Theater.

Staff:

Lance Norris, Director
Chris Roberts, Manager of Engineering and Infrastructure

Department:

Public Works

Overview: Bryan Properties (Manager of Market Street Association and assisting in the Lumina Theater expansion project) along with the owner of the Lumina Theater have requested closure of a small area of sidewalk on Aberdeen Drive in front of the theater to allow for the theater expansion. The Lumina Theater is located at the intersection of Market Street and Aberdeen Drive in Southern Village, and the requested sidewalk closure is within the public right-of-way on Aberdeen Drive.

North Carolina General Statute Sec. 160A-299 "Procedures for Permanently Closing Streets and Alleys" sets the process for closing public rights-of-way (see copy attached). The steps outlined in this report and the attached resolution follow the statutory requirements.

☆ **Recommendation(s):**

That the Council adopt the resolution to call a Public Hearing for December 5, 2018 to consider closing a portion of the public right-of-way on Aberdeen Drive for the expansion of the Lumina Theater.

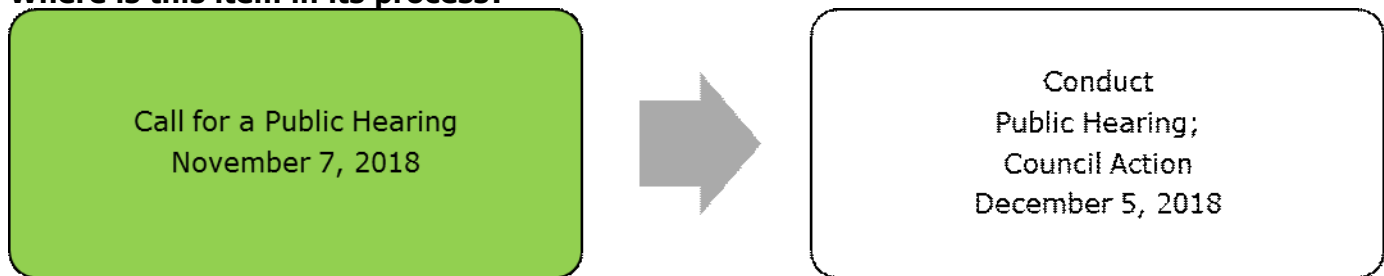
Key Issues:

- This right-of-way closure will require converting two on-street parking spaces on Aberdeen Drive into a sidewalk to continue to meet the sidewalk width requirement outlined in the Southern Village Special Use Permit.
- The overall project expansion will require closing an additional two parking spaces on Market







- Street.
- Bryan Properties polled the area tenants and reported that they have no concern with this right-of-way closure. Market Street Association (the Southern Village business association) and the Town of Chapel Hill Police Department have also reviewed this plan and have no concerns.
 - The theater expansion project request is also moving through the planning approval process. An application for a zoning compliance permit was submitted for the expansion.

Fiscal Impact/Resources: Impacts to future investments are unknown. Priority attention to this item utilizes staff resources.

Where is this item in its process?



Council Goals:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input type="checkbox"/>		Support Community Prosperity	<input type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration



Attachments:

- Resolution
- Closure Request Letter from Dixon Pitt, Bryan Properties
- Plan for Requested Right-of-Way Closure
- Approved Southern Village Special Use Permit
- NC Statute 160A-299

A RESOLUTION TO CALL FOR A PUBLIC HEARING FOR DECEMBER 5, 2018 TO CONSIDER A REQUEST TO CLOSE A PORTION OF THE PUBLIC RIGHT-OF-WAY ON ABERDEEN DRIVE FOR THE EXPANSION OF THE LUMINA THEATER (2018-11-07/R-3)

WHEREAS, the Town of Chapel Hill has received a request to close a portion of the public right-of-way on Aberdeen Drive to accommodate an expansion of the Lumina Theater; and

WHEREAS, Market Street Association and the Town of Chapel Hill Police Department have reviewed this plan and have no concerns; and

WHEREAS, this right-of-way closure will result in two on-street parking spaces on Aberdeen Drive being converted into sidewalk areas to meet the sidewalk width requirement set forth in the Southern Village Special Use Permit.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council hereby declares its intent to consider closing the subject portion of the Aberdeen Drive public right-of-way.

BE IT FURTHER RESOLVED that the Council calls a Public Hearing at 7:00 pm on Wednesday, December 5, 2018 in the Council Chamber at Town Hall, 405 Martin Luther King Junior Boulevard, Chapel Hill, North Carolina to receive public comment on the proposed closure of said right-of-way and hereby authorizes the Town Manager to arrange publication, posting and mailing of notices of the Public Hearing as required by law.

This the 7th day of November, 2018.

The Agenda will reflect the text below and/or the motion text will be used during the meeting.

By adopting the resolution, the Council calls a Public Hearing at 7:00 p.m. on Wednesday, December 5, 2018 in the Council Chamber at Town Hall, 405 Martin Luther

King Junior Boulevard, Chapel Hill, North Carolina to receive public comment on the proposed closing of a portion of right-of-way on Aberdeen Drive and hereby authorizes the Town Manager to arrange publication, posting and mailing of notices of the Public Hearing as required by law.