

STAFF REPORT

TO: Board of Aldermen

DATE: February 27<sup>th</sup>, 2018

PROJECT: Conditional Use Permit for Mixed Use Building on  
Commercially Zoned Property within Claremont South PUD

APPLICANT  
and OWNERS: Parker Louis, LLC  
301 Montclair Way  
Chapel Hill, NC 27516

PURPOSE: A request for Conditional Use Permit for Mixed Use Building  
at 1001 Homestead Road.

EXISTING ZONING: R10B3PUD

PIN: 9779-37-0476

LOCATION: 1001 Homestead Road

TRACT SIZE: 1.23 acres (53,418sf)

EXISTING LAND USE: single-family residence (to be moved or torn down)

PROPOSED LAND USE: Mixed Use Building-1<sup>st</sup> floor to be office space (use# 3.120)  
and 2<sup>nd</sup> floor to be four (4) residential units.

SURROUNDING  
LAND USES: North: Homestead Road  
South: R-15, Wexford Subdivision, Phase VI  
West: R-15, vacant  
East: R-20, vacant (Carolina North Property)

ZONING HISTORY: Rezoned to R10B3PUD in 2012

## ANALYSIS

### **Background, Concept Plan Development**

#### Background

Parker Louis, LLC, has submitted an application for a Conditional Use Permit (CUP) for Mixed Use Building within the B-3 zoned portion of the Planned Unit Development for Claremont South Subdivision, Phase 4 located at 1001 Homestead Road.

The original Planned Unit Development (PUD) was approved in April 2012 and condition #9 stated that “that a new CUP application must be reviewed and approved, subsequent to a public hearing, before any use other than the existing single-family home use or a usual and customary sales office (associated with the development only) may take place within the B-3 portion of the site.”

The applicant intends to construct a new two (2) story mixed use building with the first floor containing 6,797sf of office space and the 2<sup>nd</sup> floor containing 4,879sf and a total of four (4) residential units. Each of these residential units will contain two (2) bedrooms.

The subject property is a B3 zoning district containing 1.23 acres (53,418sf) and is listed on the Orange County Parcel Identification Numbers 9779-37-0476.

### **Density, Affordable Units**

#### Density

Section 15-181(a) of the LUO states that residential units within the B3 zoning district require 7,500 sf of land area per dwelling unit- this would require 30,000 sf of land area for the proposed four (4) dwelling units. The proposed density is within the allowable parameters since the lot is 53,418 sf in size.

It should be noted that the applicant (Omar Zinn) went before the Board of Aldermen on December 7<sup>th</sup>, 2010 to request that no affordable units be constructed within this proposed Planned Unit Development. Instead, the applicant has constructed size limited single-family residences per Section 15-188 of the LUO where fifteen (15) percent will not surpass 1,100 square feet in size and ten (10) percent of the single-family residences will not surpass 1,350 square feet in size.

**CONCLUSION** – The project meets all the requirements of the Land Use Ordinance pertaining to density and size-restricted units.

## **Access**

### **Access**

Access to the proposed development will be via the existing entrance off Bellamy Lane. This entrance was originally installed when the residential portion of Claremont South, Phase 4 was constructed with the notion that this property would be developed in the future.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to access.

## **Traffic Analysis, Pedestrian/Bicycle Facilities, Parking**

### **Traffic Analysis**

This project was reviewed by NCDOT and it was noted per their review that the project would generate approximately 75 new trips per day. This volume is considered insignificant and is adequately accommodated by the existing public road network with no additional improvements.

### **Pedestrian/Bicycle Facilities**

There is an existing 5 ft wide sidewalk along Bellamy Lane and this sidewalk will continue along the eastern driveway entrance into the proposed development. This 5 ft sidewalk will continue along the northern front portion of the building and connect to the existing sidewalk along Homestead Road- in essence, creating a loop.

Section 15-291(h) of the LUO requires that the office portion provide a minimum of five (5) bike parking spaces and that the residential portion provide 1.5 bike parking spaces per unit- this requires a total of eleven (11) bike parking spaces where 50 percent are to be covered.

The applicant will be providing a total of twelve (12) bike parking spaces- four (4) outdoor spaces in the western portion of the parking lot and eight (8) covered parking spaces beneath the two stairwell access areas within the building.

### **Parking**

Per section 15-291(g) of the LUO, office space requires one (1) parking space per 400 sq ft of gross floor area- this equates to seventeen (17) parking spaces. The four (4) residential units requires one (1) parking space per bedroom plus one (1) additional space per four (4) units- this equates to nine (9) parking spaces.

A total of twenty-six (26) parking spaces is being provided and of these spaces, three (3) will be compact parking spaces allowable per Section 15-293(b) of the LUO.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to traffic analysis, pedestrian/bicycle facilities and parking.

### **Tree Protection, Screening, Parking Lot Shading and Tree Canopy**

#### **Tree Protection**

Section 15-317(c) of the LUO states that no excavation or other subsurface disturbance may be undertaken with the Tree Protection Perimeter around any tree to be retained.

It should be noted that the a portion of the parking lot will encroach into the drip line of the existing 52 inch diameter oak tree located on this property.

The applicant has provided a letter (see attachment D) from a certified arborist that the installation of the parking lot will encroach approximately 25 percent into the tree protection zone and that this amount of disturbance is acceptable under current professional arborist guidelines.

There are no other trees on this lot.

#### **Screening**

Section 15-307 requires a Type C screen along the southern and eastern side property lines- this screening requirement will be met by the installation of varying hardwood trees. A Type A screen is required along the northern property line- this screening will be met by the installation varying hardwood trees and shrubbery. It should be noted that the screening will not encroach into the dripline of the existing 52 inch oak tree.

#### **Parking Lot Shading**

Section 15-318(b) states that 35 percent of parking lot must be shaded- this shading requirement is being met by a combination of the existing large oak tree, five (5) screening trees and four (4) trees within the parking lot.

#### **Tree Canopy**

Section 15-319 requires a minimum tree canopy of thirty (30) percent for the subject property- this requirement is being met by the existing large oak tree and the installation of twenty-four (24) varying hardwood trees.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to screening, parking lot shading and tree canopy requirements.

As for Tree Protection, Section 15-317(c) of the LUO relates to encroachment into the dripline of existing trees and a portion of the parking lot will be encroaching into the dripline of the existing 52 inch oak tree. The Board of Aldermen may want to review the letter from the certified arborist and discuss further.

### **Drainage, Grading and Erosion Control**

#### **Drainage**

The drainage/treatment of runoff for the development of this lot was anticipated during the original design of Claremont South, Phase 4 and the existing detention basin to the east was sized appropriately.

The town engineer has reviewed the plans and verified that the existing detention basin is sized appropriately.

#### **Grading**

Minimal grading will take place on this lot and precautionary measures will be taken by the installation of tree protection fencing around the drip line of the existing large oak tree (excluding the area where the parking lot will be installed).

#### **Erosion Control**

This development is proposing silt fences to manage erosion during construction. The Erosion Control Plan has been reviewed and approved by Orange County Erosion Control.

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

### **Utilities, Lighting and Refuse Collection**

#### **Utilities**

The water and sewer plans have been reviewed by OWASA and meet with their general satisfaction.

Regarding electric, gas, telephone and cable television utilities, the applicant has submitted letters by the respective providers indicating that they can serve the development. 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.

#### **Lighting**

Section 15-242.5 states that under no circumstance may light pollution exceed .2 foot candles at the property line. A total of three (3) pole type lights will be installed within the parking lot and the proposed lighting does not exceed the .2 foot candle requirement.

#### **Refuse Collection**

Trash collection and recycling services will utilize roll-out containers. Waste management during construction will require the applicant obtain an Orange County Solid Waste Permit

which requires that construction materials be segregated for recycling. Orange County is responsible for enforcement of the permits.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to utilities, lighting and refuse collection.

### **Open Space and Recreation**

#### **Open Space**

It should be noted that the open space requirements for this development have been met with the residential portion of Claremont South, Phase 4 and 5.

Per the provisions of 15-198, every residential development is required to set aside at least 40% of the total area of the development in permanent open space. The residential portion of Claremont South set aside approximately 69 percent as open space.

#### **Recreation**

The proposed four (4) residential units generate a total of 38 recreation points per Section 15-196(c). The applicant is using the existing recreation amenities in Phase, I, II, III to meet the recreation requirements for these four (4) residential units.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Open Space and Recreation.

### **Miscellaneous**

#### **Neighborhood Meeting**

The applicant conducted a Neighborhood Information Meeting on October 11<sup>th</sup>, 2017 (see attachment E).

### **STAFF RECOMMENDATION:**

Town staff recommends that the Board of Aldermen review the Conditional Use Permit proposal with the following conditions and prepare recommendations. The CUP worksheet is attached (see attachment F):

1. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.
2. 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.