

STAFF REPORT

TO: Town Council

DATE: Thursday, September 22, 2020

PROJECT: A request for a Major Modification to the Club Nova Conditional Use Permit: Club House/Thrift Store replacement. The original CUP was issued on April 9th, 2002

APPLICANT: Club Nova Community, Inc
103 W. Main St
Carrboro, NC 27510

PURPOSE: Conditional Use Permit Modification to allow construction of a 9,056 sf building addition to replace the existing Club House and Thrift Shop buildings. The proposal necessitates major site revisions.

EXISTING ZONING: B-1(g), DNP (Downtown Neighborhood Protection (Overlay district)

PIN 9778862027

LOCATION: 103 West Main Street

TRACT SIZE: 0.69 acres (30,211.5 square feet)

EXISTING PERMITTED LAND USES: (Combination Use) consisting of: Use # 1.340 (Single-Room Occupancy), Use # 2.110 (Retail), and Use #3.110

PROPOSED LAND USE: No change

SURROUNDING LAND USES: North: B-1(g), B-1(g) –CZ, Veterinarian, Retail, Inter Faith Council.
South: R-7.5, Apartments and Single-Family Residence
East: B-1(c), Restaurant, Retail
West: B-1(g), Kava Bar, Apartments

ZONING HISTORY: B-1(g), since 1986

ANALYSIS

Background

Club Nova Community, Inc. has made an application for a Major Modification to the Club Nova Conditional Use Permit. This modification proposes the construction of a 9,056 sf two-story (with mezzanine) building that will replace both the existing detached club house and thrift store buildings. The proposed use of this building will remain primarily office and retail (use categories #2.110 and #3.110) and is unchanged from the existing uses (Attachments B and C).

The original 2002 Conditional Use Permit (CUP) for this property allowed the construction of twenty-four (24) single-room occupancy units in a three-story apartment building located behind the existing club house and thrift store (Attachment D). As part of the 2002 permit, the existing office building (a converted house) and the brick annex building would remain in place on the property. These buildings now comprise the existing Club Nova Club House and Club Nova Thrift Store with a combined square footage of 5,317 square feet.

The new proposal will combine these existing uses into the new 9,056 sf replacement building; this will increase the total combined square footage by 3739 sf.

Concept Plan

Club Nova presented a slightly different concept plan to the Joint Review Boards on November 7, 2019, the current application is similar to this concept but smaller in square footage and removes one of the driveways to allow the site to be reconfigured. The Advisory Board recommendations from this meeting are attached (Attachment E).

Access, Transportation Impact, Automobile Parking, Loading Zone, Bicycle Parking

Access

The existing traffic circulation pattern for the property relies upon two driveways and a one-way travel way with angled, parallel and perpendicular parking spaces.

The proposed site plan change this pattern by removing the eastern-most driveway and upgrading the parking lot for two-way circulation and parking. (Attachment C). The new spaces will be 90 degree only and a portion of the parking is sheltered by the new building. The new driveways and parking areas will be paved. These arrangements satisfy the related provisions of the LUO pertaining to parking area design and paving requirements.

Transportation Impact

Club Nova currently has about 120 active members, and hopes, with the new facility, to increase membership to 150. The applicant asserts that the majority of the users of the property depend upon outside transportation thus lessening potential transportation impacts. Please see Attachment F for more information. NCDOT will need to issue a

driveway permit for the project and for this reason the following condition is recommended:

- That prior to construction plan approval, the applicant receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment / maintenance agreements for lighting and sidewalks.

Automobile Parking

Under condition #3 of the *original* 2002 Conditional Use Permit (Attachment D), the Board of Aldermen granted a deviation from the required number of parking spaces (which was 23 spaces based on a 1 space/ 200 sf ratio) finding that 17 spaces was sufficient; this condition reads as follows:

“That seventeen (17) parking spaces shall be required for the project due to the project’s proximity to a bus line, proximity to a municipal parking lot, low rate of expected vehicular ownership amongst the residential population, and complementary hours of operation between the office use and retail use in the context of use of parking spaces.”

The proposed modification will add 3739 square feet of new commercial space to this original situation and will increase the existing parking count by 5 spaces. This will result in 22 parking spaces on-site (1 HC, 15 standard & 6 compact). The LUO presumptive parking requirement, based on a 1 space/400 sf parking ratio, is 29 spaces.

In order to justify this arrangement see the “Parking and Transportation Plan” section of the applicant’s attached narrative (Attachment F). This justification describes the transportation needs of the staff and clientele and projects how this arrangement will work for anticipated growth.

The applicant finds that the project’s proximity to a bus line, the low rate of expected vehicular ownership among the CASA residents, the use of van transportation for clientele, and, the complementary hours of operation between the office use and retail use to be sound justification for the request for a reduction in required parking.

To make up for occasional parking shortfalls, the applicant has secured satellite parking at three locations that add up to over seven spaces (one of the agreements doesn’t specify the number of spaces) (see Attachment G). For reference, satellite spaces are required by 15-298 of the LUO to be within 1000’ of the main entrance of the building. The three locations in the agreements meet this requirement.

Again, the applicant will request a deviation from the presumptive parking provisions of the LUO. Section 15-292 of the LUO allows the permit-issuing authority flexibility in the application of these provisions.

While the staff cannot recommend approval of the proposed site plan due to the parking non-conformity, the Board is authorized to approve this arrangement per the provisions

of 15-292(c), pursuant to a condition describing the deviation, being placed on the permit. Such a condition might read as follows:

- That twenty-two (22) parking spaces shall be required for the project due to the project's proximity to a bus line, proximity to a municipal parking lot, low rate of expected vehicular ownership amongst the residential population, and, complementary hours of operation between the office use and retail use.

Loading Zone

The kitchen and retail components of Club Nova require occasional deliveries. Currently, the kitchen receives truck deliveries approximately once every two weeks while the retail facility receives random drop-offs. With the new facilities, the deliveries may increase to weekly. Section 15-300 specifies that loading zones be provided for land uses that include such deliveries as part of normal operations. Per the ordinance, based on square footage, one such space should be provided at Club Nova. The applicant is unable to provide the loading zone (there isn't one there currently) and expect deliveries to take place in generally the same manner as they do now.

While staff cannot recommend approval of the arrangement, Board is authorized to approve this arrangement per the provisions of 15-292(c), pursuant to a condition describing the deviation, being placed on the permit. Such a condition might read as follows:

- That the Board of Aldermen hereby finds that that the loading and unloading areas shown on the plans are sufficient to accommodate delivery operations in a safe and convenient manner though they do not satisfy the provisions of Section 15-300 by allowing this loading area to be located within a parking aisle. The Board makes this finding by accepting the applicant's written justification for this arrangement.

Bicycle Parking

The proposed plan provides a total of six (6) bicycle parking spaces, four (4) of which are covered, which satisfy the requirements for the office and retail uses on the property. The apartments, meanwhile, require a total of 36 bicycle parking spaces to be brought into compliance with the current ordinance. The applicant has stated that Club Nova and CASA do not believe they need this additional bicycle parking. Section 15-292-(b-1) allows the Board to grant deviations to the bicycle parking requirement when it finds at least one of the following:

- (1) A residential development is irrevocably oriented toward the elderly, and or persons with disabilities; or
- (2) A residential or commercial development is located on a lot, constrained by size or topography, such that the installation of the presumptive number bicycle parking spaces that comply with the Design Standards for Bicycle Parking in

Section 15-295.1 is impracticable. In those cases, the development shall instead provide the maximum number of bicycle parking spaces practicable.

The CASA apartments (the existing residential component) serve the needs of people with disabilities and therefore satisfies the first finding. The applicant has submitted the attached justification letter further describing their position (Attachment H). If the Board concurs that the required findings of the ordinance have been satisfied and that the justification is reasonable, the following condition is recommended:

- That the six (6) bicycle parking spaces (4 of which are covered) shall be found to be sufficient for both Club Nova and the CASA based on the finding that Section 15-292 (b-1) grants such flexibility for 1) developments that are oriented toward persons with disabilities.

Drainage, Grading, Erosion Control

The project adds 2,468 sf of new impervious surface. The LUO requires that pre and post development stormwater peak runoff flows be the same or improved. To this end, underground detention pipes are being utilized. Water quality will be managed by a state-approved filtering device that is located underground. The site currently drains toward W. Main Street and W. Carr Street. The stormwater system is designed to *not* increase the amount of this drainage to both of these streets during the design storms which include the 1, 2, 10 and 25 year, 24 hour rainfall events.

The additional stormwater volume created by the new impervious surface is within the maximum allowable without treatment. The stormwater volume increase of the new system is 12% and the maximum increase allowable by Section 15-263 is 50%.

The stormwater plans and calculations have been reviewed by the Town Engineer and are found to satisfy the applicable provisions of the Land Use Ordinance.

As is customary, the following condition is recommended:

- Per Section 15-263.1 of the Land Use Ordinance, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each Stormwater Control Measure (SCM) in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to the Town engineer and Environmental Planner for approval prior to construction plan approval.
- 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.
- That, prior to certification of an SCM, the Town may require a performance security be posted for a period of two years per the provisions of Section 15-263(i) of the Land Use Ordinance.

Grading, Erosion Control

Grading and land disturbance is expected to be in excess of 20,000 sf and the project will therefore require an Orange County Erosion Control Permit. To this end, the applicant has provided an erosion control plan that has been reviewed and approved by the county (see related sheet in Attachment B). Additional review will be required by the county when the applicant submits for construction plan approval.

Utilities, Fire Safety, Lighting and Refuse Collection

Utilities

The plans have been reviewed by OWASA and found to be acceptable subject to construction plan review. The changes to the site will necessitate relocating various existing water and sewer utilities. In addition, a grease trap will be required for the kitchen facility. Regarding electrical services, the following condition is recommended to avoid potential difficulties during construction:

- That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;

Fire Safety

The plans have been found to be satisfactory by the Fire Department subject to construction plan review. There are two existing fire hydrants located on the north side of W. Main Street, each less than 500' feet from the property thereby satisfying related provisions in the LUO. There is on-site a dedicated Fire Department Connection (FDC) for the purpose of charging the sprinkler system on the apartment building should their water supply fail. The proposed building will be required to follow all applicable fire safety provision of the state's building code. The following is a standard recommended condition regarding the performance of the propose fire safety system:

- That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.

Lighting

The existing lighting will remain as it was approved during the original permitting except that a pole light will be relocated and shielded to be brought into compliance with the related lighting standards of Section 15-242.5 of the LUO. No new lighting poles are proposed. The plans include a note that requires the project complies with the lighting provisions of the LUO. Such compliance will remain a continuing condition of the permit. To date, the proposed site lighting is primarily mounted on the new buildings and facing downward.

Refuse Collection

The applicant has reconfigured the dumpster arrangement for the property with a dumpster enclosure (with recycling receptacles) located interior to site. Access to the containers has been found to be acceptable by Orange County Solid Waste and Public Works. The containers are screened and enclosed in compliance with Section 15-250 of the LUO.

Landscape Plans, Screening, Shading, CanopyLandscape Plans

The new addition and site plan will necessitate the removal of the existing trees and shrubs that now are located within the Club Nova yard. New plantings will include six (6) trees (1 Laurel Oak, 3 Southern Sugar Maples & 1 Atlantic White Cedar) and one (1) understory tree (Serviceberry).

Downtown Livability Areas/Urban Amenities

Section 15-204 requires that residential projects developed in the B-1(g) zoning district provide “downtown livability areas” and “urban amenities” to serve positive functions in the urban environment. Some of these functions include providing places for social gathering, promoting walking, providing wildlife habitat and providing relief from the high density urban environment.

This provision requires *downtown livability areas* equal to at least 12% of the total land area remains permanently as downtown livability area. To complement these areas and in addition, the provision requires that *urban amenities* equal to at least 7% of the assessed value of the land be provided. The calculations and exhibits pertaining to these requirement can be found on Attachment I. Murals, the widened sidewalk, the pollinator garden and, donor pavers are a few of the things listed in these calculations.

Screening

The project screening remains in compliance with respect to the adjacent properties. Shrubs will be used to screen some of the parking located near the sidewalk.

Vehicle Accommodation Area (VAA) Shading

Section 15-317 of the LUO requires that 35% of vehicle accommodation areas be shaded by trees. For this project, this amounts to 35% of a VAA area of 7,750 sf or 2,713 sf. To this end, the applicant is providing 2,828 sf or about 36%.

Canopy

Section 15-319 requires that properties in the B-1(g) district have 15% tree canopy coverage. This is a percentage of the total lot size, which in this case is 28,775 sf. The ordinance also allows the lot size to be reduced by the area of existing easements on the property. The applicant is using the existing CASA access easement and site triangle easements to reduce this lot total to 21,464 sf. This amount multiplied by 15% creates a canopy requirement of 3,120 sf. The combination of existing and proposed trees on this site will exceed this amount (they are providing 5,500 sf) and therefore is in compliance.

Existing Non-Conformities Requested to Remain (15-126(c-2)):

Section 15-126(c-2) of the LUO, allows applicant's with existing facilities to provide written justification to allow certain ordinance non-conformities to remain if they can demonstrate that the benefit of complying with the ordinance is substantially disproportionate to the to the cost of compliance. The applicant is making such a case for the following item; please see Attachment F.

1. 10' sidewalks: Section 15-221(f) of the LUO requires that sidewalks be widened to a full ten feet.

The proposed site plan shows a sidewalk that is widened up to the edge of the right-of-way (about 8 feet) and joins with a concrete apron in front of the building (at the same grade as this sidewalk). The applicant is requesting that the lack of 10' sidewalk width in this area be allowed to remain.

Because of this, the following condition is recommended:

- That the Board hereby grants a deviation from the 10' sidewalk width requirement of 15-126 (c-2) by providing an 8' sidewalk that substantially addresses the intention of 15-221(f) while remaining compatible with the surrounding sidewalk system.

Section 15-178 Architectural Standards for Downtown Development.

Per the requirements of Section 15-178, developments in the downtown business districts are to demonstrate compliance with the standards presented therein. The applicant has provided a related narrative (see Attachment F).

Note that 15-178(a-4) requires that parking areas are substantially shielded from view. To accomplish this, the applicant some parking that is covered by the building. The remaining parking has shrubs to soften the view of the parking area.

Because the elevations vary from the provisions of this section, they require review and recommendation by the Appearance Commission. In particular, 15-178 recommends the amount of glazing (windows) on the street level to be 60% and for the whole street façade to be 40%; the proposed building has 29% and 24% glazing for these two categories respectively.

Section 15-178(b) grants the applicant the ability to participate in an alternative design review which allows flexibility in the design parameters so long as the Appearance Commission certifies that the design substantially achieves the purpose statement of 15-178(a). The Appearance Commission voted in favor of the proposed design (Attachment M). If the Council finds these materials acceptable, the following condition is recommended:

- That the Town Council hereby finds the project's design acceptable per the provisions of LUO Section 15-178(b).

Construction Management Plan

Section 15-49 (c-1) of the LUO requires the applicant provide a Construction Management Plan and to this end they have provided the attached excerpt from their review response letter (Attachment J). Staff finds that additional information will be necessary for this plan to fully comply with the LUO and recommends the following condition.

- That prior to construction plan approval, the applicant demonstrate compliance with the provisions of the Land Use Ordinance pertaining to Construction Management Plans (Section 15-49(c-1)).

Downtown Guidelines for Design

Regarding the *Downtown "Guidelines for Design"* planning document, street furniture (trash receptacles, bike racks, & public benches) identified by the blue urban "color code" are recommended. The applicant is not providing these amenities.

Burden of Proof requirement for Tall Buildings in Commercial areas

The 41'-5" tall building is located in the B-1(g) zoning district and is taller than the existing buildings in the adjacent lots. Because of this it is subject to Section 15-55.1 of the LUO which requires the applicant demonstrate the following findings:

- Will not substantially injure the value of adjoining or abutting property; and
- Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed- use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings.
- Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.

To this end the applicant has provided the attached exhibits showing the relative scale of the building with regards to the surrounding streetscape (Attachment K). If the Council finds this acceptable for the above findings, the following condition is recommended.

- That the Town Council hereby finds that the proposed building satisfies the three findings of Section 15-55.1 of the Land Use Ordinance.

Downtown Neighborhood Protection Overlay zone

Portions of the project are located within the Downtown Neighborhood Protection overlay zone. The purpose of this zone is to mitigate the effects of high density and/or commercial development on adjacent residential areas. The location of the proposed

Club House does not activate any of the provisions of this overlay zone which only applies to the first 50' of the property adjacent to the residentially zoned properties to the south.

Neighborhood Information Meeting

The applicant conducted a neighborhood information meeting on-site on November 5th, 2019. The sign in sheet and notes are attached (Attachment L).

RECOMMENDATIONS

Town staff recommends that the Joint Review Boards review the conditions below, offer comment as needed, and prepare summary recommendations:

1. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT in accordance with any conditions imposed by such agency including but not limited to encroachment / maintenance agreements for lighting and sidewalks.
2. That twenty-two (22) parking spaces shall be required for the project due to the project's proximity to a bus line, proximity to a municipal parking lot, low rate of expected vehicular ownership amongst the residential population, and, complementary hours of operation between the office use and retail use.
3. That the Board of Aldermen hereby finds that that the loading and unloading areas shown on the plans are sufficient to accommodate delivery operations in a safe and convenient manner though they do not satisfy the provisions of Section 15-300 by allowing this loading area to be located within a parking aisle. The Board makes this finding by accepting the applicant's written justification for this arrangement.
4. That the six (6) bicycle parking spaces (4 of which are covered) shall be found to be sufficient for both Club Nova and the CASA based on the finding that Section 15-292 (b-1) grants such flexibility for 1) developments that are oriented toward persons with disabilities.
5. Per Section 15-263.1 of the Land Use Ordinance, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each Stormwater Control Measure (SCM) in the development, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to the Town engineer and Environmental Planner for approval prior to construction plan approval.
6. 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.
7. That, prior to certification of an SCM, the Town may require a performance security

be posted for a period of two years per the provisions of Section 15-263(i) of the Land Use Ordinance.

8. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
9. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
10. That the Board hereby grants a deviation from the 10' sidewalk width requirement of 15-126 (c-2) by providing an 8' sidewalk that substantially addresses the intention of 15-221(f) while remaining compatible with the surrounding sidewalk system.
11. That the Town Council hereby finds the project's design acceptable per the provisions of LUO Section 15-178 (b).
12. That prior to construction plan approval, the applicant demonstrate compliance with the provisions of the Land Use Ordinance pertaining to Construction Management Plans (Section 15-49(c-1)).
13. That the Town Council hereby finds that the proposed building satisfies the three findings of Section 15-55.1 of the Land Use Ordinance.