

STAFF REPORT

TO: Town Council

DATE: February 23<sup>rd</sup>, 2021

PROJECT: Conditional Use Permit for The ArtsCenter

APPLICANTS: Coulter Jewell Thames PA  
111 West Main Street  
Durham, NC 27701

OWNERS: The ArtsCenter  
300 G East Main Street  
Carrboro, NC 27510

PURPOSE: To acquire a Conditional Use Permit for The ArtsCenter at 315 Jones Ferry Road. This will be a single phase project with the construction of a two-story building and related infrastructure (ie. parking, stormwater detention etc).

EXISTING ZONING: M1- Light Manufacturing

PIN: 9778-65-6581

LOCATIONS: 315 Jones Ferry Road

TRACT SIZE: 1.36 acres (59,037.5 square feet)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: 5.320- Arts Center

SURROUNDING LAND USES: North: M1- Jones Ferry Road / OWASA facility  
South: R-7.5- single family residence  
West: M1- commercial use  
East: R-7.5, single-family residences

ANALYSIS

**Background**

Background

Coulter Jewell Thames PA have submitted an application for a Conditional Use Permit (CUP) to allow for the development of The ArtsCenter located at 315 Jones Ferry Road.

The property is 1.36 acres in size and there is a stream and associated stream buffer along the eastern portion of the property. The applicant acquired a variance from the Board of Adjustment on June 17<sup>th</sup>, 2020 in order for the driveway, parking lot, stormwater control measures and associated grading to encroach into the Riparian Buffer 1 and 2 of this stream buffer. More information about variance included below.

The property is identified as Orange County parcel identification numbers 9778-65-6581.

**Transportation/Parking Lots, Bike Parking, Loading/Unloading Areas and Greenways/Sidewalks**

Parking

The required number of parking spaces for this project is 42 spaces and the applicant will be providing 39 parking space- this is a reduction request of three spaces. The applicant has provided a parking reduction justification letter (**Attachment D**). It should be noted that the Town Hall parking lot, referenced in the letter, should not be formally considered as its use is dedicated to Town Hall functions. It should also be noted that the applicant has not chosen to provide compact parking spaces within this development. Section 15-293(b) of the LUO allows up to 40 percent of the spaces to be compact.

Town staff recommends that the Town Council review the request for flexibility in the parking requirements. Staff has prepared the following CUP condition, which should be included if the Council finds the number of proposed parking spaces acceptable:

- That the Town Council finds that 39 parking spaces are sufficient to serve The ArtsCenter project. This finding is based on information provided by the applicant regarding the alternative modes of transportation to get to and from The ArtsCenter.

Bike Parking

Section 15-291 of the Land Use Ordinance regulates the necessary bike parking but does not include a mandatory bike parking requirement for the proposed use. The applicant is proposing to install a total of four (4) bike racks that will hold eight (8) bikes total and these racks will be installed in the front portion of the proposed building along Jones Ferry Road.

Loading and Unloading Area

The proposed building will have a loading/unloading area in the rear portion of the building. There will be a turnaround area in the southeastern portion of the parking lot in order for trucks to turn in and out- this turn around area will also assist refuge and recycling trucks since the refuge/recycling area is adjacent to the loading dock or the rear portion of the building.

Sidewalk

The existing five (5) foot sidewalk to the east of the proposed new driveway will remain and a new ten (10) foot sidewalk will be installed to the west of the new driveway. This ten (10) foot sidewalk will connect to the existing five (5) foot wide sidewalk at 101 Barnes Street. The new ten (10) foot sidewalk will lead to a concrete entry plaza for the proposed new building.

NCDOT

NCDOT will need to issue a driveway permit for the project prior to approval of the construction plans. The following customary condition is therefore recommended:

- That NCDOT must issue a driveway permit for the project prior to approval of the construction plans.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to parking, loading/unloading areas and sidewalks subject to the approval of the request for a reduction in parking and receipt of a driveway permit from NCDOT. Staff recommends that Town Council review the request for relief stated above and decide whether to allow the request for parking reduction.

**Tree Protection, Screening, Shading and Tree Canopy**

Tree Protection

Section 15-316 of the Land Use Ordinance states that every development shall retain all existing trees eighteen (18) inches in diameter or more unless such trees would unreasonably burden the development.

The applicant provided a detailed tree survey for this property and a total thirty-two (32) significant trees will be removed from the lot. The applicant has provided justification (**Attachment C**) for the removal of the thirty-two (32) trees that meet this criteria.

Tree protection and silt type fencing will be installed around the property lines or areas of disturbance prior to any site work beginning and will be inspected throughout the construction process to verify compliance.

Screening

The screening requirements for this project are listed below:

- Northern portion of property (along Jones Ferry Road)- requires a Type C screen and a total of four trees will be installed along with other varying shrubbery in

order to meet the screening requirement. The existing vegetation in the northeastern portion of the property will remain in order to meet the Type C screening.

- Southern portion of the property requires a Type A screen- the applicant intends to install four (4) new trees and varying shrubbery along this property line in order to meet the Type A screening requirement.
- Eastern portion of the property requires a Type A screen- the applicant intends to retain the existing vegetation along this property line in order to meet these screening requirements.
- Western property line does not require screening.

#### Vehicle Accommodation Area Shading

Section 15-318(b) of the LUO requires that 35% of all vehicle accommodation areas be shaded with retained or newly installed trees.

The applicant will be installing eight (8) new trees along the perimeter of the parking lot in order to meet this shading requirement.

#### Tree Canopy

Section 15-319 of the LUO requires a 30 percent tree canopy for this development- requires a total of 17,711sf of tree canopy and the applicant will be retaining 15,772sf of tree canopy along the eastern property line. An addition ten (10) trees will be installed equaling an addition 7,070sf of tree canopy. The applicant will be exceeding the required tree canopy by 29 percent.

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

### **Stormwater Management and Stream Buffer Variance**

#### Stormwater Management

At the present time, this project is not meeting the stormwater volume requirements of the Land Use Ordinance per Section 15-163(g)(3). The applicant has stated to town staff at a meeting on February 18<sup>th</sup>, 2021 that they will integrate permeable pavement into the parking lot areas where it will function with the underlying soil types, and that they will submit additional information on February 19 for staff to review. They also have submitted calculations that indicate that the project could comply with Section 15-263(g)(3) if it were to be found to be feasible to include a green roof and infiltrating permeable pavement for the entire parking lot per NCDEQ Minimum Design Criteria. One or more additional conditions may be needed regarding this matter depending on whether the proposed text amendment is approved by Town Council.

At this time, the project as designed includes underground sand filter detention vaults in the southwestern corner of the parking lot- there will be a total of eight (8) vaults that

will be approximately eight feet below grade. The sand filter will then release treated stormwater into a rip rap channel in the southeastern portion of the property adjacent to the stream.

Customary recommended conditions for the permit follow:

- That the applicant shall provide to the Zoning Division, prior to the issuance of the Certificate of Occupancy for the building, 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 the developer shall demonstrate compliance with all provisions in LUO Section 15-263.1 Maintenance of Structural BMPs. This shall also follow the most recent Town SCM maintenance protocol, and include but not be limited to a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for all SCMs, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting information shall be submitted to the Town Engineer and Stormwater Division for review and approval prior to construction plan approval. Upon approval, the plans shall be recorded and included as part of the owner's actively maintained records.

#### Stream Buffer Variance

The eastern half of this property is within a regulated stream buffer and the applicant applied for a variance in order to encroach in the Riparian Buffer 1 and 2 on this property. The Board of Adjustment granted the variance for the development to encroach in the Riparian Buffer 1 and 2 at their June 17<sup>th</sup>, 2020 meeting. Subsequently, town staff and NC DWQ staff have been corresponding regarding whether the encroachment into Buffer Zone 1 requires EMC approval per LUO Section 15-92(k). The preliminary conclusion is that formal EMC approval is not needed, but town staff has not officially received this in writing. With that in mind, the following condition is recommended:

- That per LUO Section 15-92.1 the town shall receive in writing from NC DWQ information confirming that formal EMC approval is not required related to encroachment into the Zone 1 stream buffer or such approval shall be granted by EMC, prior to approval of the construction plans.

CONCLUSION – The project does not meet the requirements related to Section 15-263(g)(3) of the Land Use Ordinance related to stormwater volume. The applicant has provided additional measures (ie. permeable pavement) in order to lower the stormwater volume. A proposed text amendment may affect whether the project complies with the applicable LUO requirements and staff may recommend additional conditions depending on whether the text amendment is approved.

**Utilities, Lighting and Refuse Collection**

**Utilities**

All utilities will be placed underground for the proposed development. The applicant has provided written justification from those utilities providers that this development can be served by them (ie Duke Energy).

**Lighting**

A total of five (5) pole type lights will be installed along the perimeter of the parking lot- these pole lights will be fifteen (15) feet tall and will be LED 50 watt lights. Three (3) additional LED wall mounted lights will be added to the front portion of the building.

Regarding Section 15-242.5(a) of the LUO regulates the light pollution across property lines to .2 footcandles- this development is meeting this requirement with the proposed lighting to be installed.

**Refuse Collection**

The refuse and recycling enclosure will be located in the southwestern portion of the property and contain roll out type refuse and recycling containers. Per the applicant, a private hauler will service both the refuse and recycling for this development.

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

**Miscellaneous**

**Joint Review Meeting**

This project went to Joint Review on February 4<sup>th</sup>, 2021 for review by all the advisory board. Review comments from each board has been combined for ease of review- see **Attachment E**.

**Neighborhood Information Meeting**

The applicant has not held a formal Neighborhood Meeting for this project subsequent to the CUP application being submitted. A community meeting was held prior to the submittal.

**Downtown Vernacular Standards**

Section 15-178 of the LUO includes six (6) standards for Downtown Vernacular Standards and at the present time, this project does not meet all of those standards. The Appearance Commission will be meeting February 22<sup>nd</sup>, 2021 to review the request for relief from the Downtown Vernacular Standards. The outcome of this meeting will be provided prior or at the public hearing.

**STAFF RECOMMENDATIONS:**

Town staff recommends that the Town Council review the Conditional Use Permit proposal with the following conditions. The CUP worksheet is attached (**Attachment F**):

1. That the Town Council finds that 39 parking spaces are sufficient to serve The ArtsCenter project. This finding is based on information provided by the applicant regarding the alternative modes of transportation to get to and from The ArtsCenter.
2. That NCDOT must issue a driveway permit for the project prior to approval of the construction plans.
3. That the applicant shall provide to the Zoning Division, prior to the issuance of the Certificate of Occupancy for the building, 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.
4. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), 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 Town engineer and Stormwater Utility Manager for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.
5. That per LUO Section 15-92.1 the town shall receive in writing from NC DWQ information confirming that formal EMC approval is not required related to encroachment into the Zone 1 stream buffer or such approval shall be granted by EMC, prior to approval of the construction plans.