



Legislation Details (With Text)

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Title: Public Hearing for a Conditional Use Permit for Pizzeria Mercato Restaurant at 408 West Weaver Street

PURPOSE: The Town has received an application for a Conditional Use Permit (CUP) to allow a restaurant (use #8.100) on the property located at 408 West Weaver Street. Prior to reaching a decision, the Board of Aldermen must hold a public hearing to receive input on the CUP.

Indexes:

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Attachments: 1. Complete Plans 408 West Weaver Street, 2. Comments #1, 3. Satellite Parking Document, 4. Advisory Board Combined, 5. CUPSUP Wksheet

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TITLE:

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DEPARTMENT: Planning Department

CONTACT INFORMATION: James Thomas, 918-7335

INFORMATION: Background

Ben Barker, restaurant owner has submitted an application for a Conditional Use Permit (CUP) for a Restaurant (Use 8.100) at 408 West Weaver Street, further identified at Orange County Parcel Identification Number 9778-76-3549. The building was used as a Low Volume Retail (Use 2.120) in the past and is presently vacant. Very minimal exterior changes will be occurring, but substantial interior renovation will be taking place for the restaurant.

Access, Parking and Bike Parking

Access:

The driveway access on the eastern side of the building will be closed to vehicular traffic by the installation of planters and the installation of a bike rack behind the planters. The entrance to these parking spaces will be via the driveway access presently serving Country Junction Restaurant.

Parking:

Section 15-291 of the LUO recommends one (1) space for every 100 square feet of gross floor area. The number of parking spaces required for the site is thirty (30), but twenty-nine (29) spaces required due to having a bike rack providing spaces for ten bikes. The applicant has provided nineteen (19) parking spaces- one (1) of those spaces is a handicap parking space.

The applicant has acquired ten (10) satellite parking spaces (see attachment) at 212 West Main Street (Ontjes Building) between the hours of 6pm and 10pm- these satellite spaces do meet the requirement of being within 400 feet of the subject property per Section 15-298(b) of the LUO.

The eight (8) parking spaces on the western side of the building will back up into the Elm Street in order to exit the space- Section 15-295(a) of the LUO prohibits this, but this is a continuation of the existing non-conformity.

Bike Parking:

The applicant intends to install a bike rack on the eastern front portion of the property- behind the planters to be installed. This bike rack has been reviewed by Transportation Planner and is in compliance of the recommended bike rack per the LUO.

**Screening, Shading and Tree Canopy**

Screening:

The required screenings for this project are based on the requirements of Section 15-308 of the LUO. Section 15-308 of the LUO prescribes that Restaurant (Use 8.100) should provide a type B screen along the northern property line. The screening has been provided by the existing fencing and the applicant intends to install additional shrubs along this property line.

Screening along the southern property line would require a type C screen and this will be met by the installation of the raised planters along the front portion of the restaurant.

A type C screen is required along the western property line or along Elm Street. Due to the parking on this side of the building the applicant has provided written justification to continue this non-conformity of not providing the screening along this property line.

Screening along the western property line is not necessary due to a similar use.

Shading:

Section 15-318 of the LUO requires that thirty-five (35) percent of the vehicle accommodation area be shaded. The applicant has provided written justification for the continuation of this non-conformity.

Tree Canopy:

Section 15-319 of the LUO requires that fifteen (15) percent of the lot have a tree canopy of either existing tree or trees to be installed - the applicant has provided justification for the continuation of this non-conformity.

**Stormwater, Drainage and Grading**

Stormwater:

Stormwater provisions were not triggered with this project due to Section 15-263(a)(6) of the LUO. In essence, exterior improvements did not exceed \$100,000.00 and this section of the LUO exempts stormwater improvements below this threshold.

Drainage:

All drainage patterns will remain the same as pre-construction conditions.

Grading:

There will no grading taking place on-site.

### Utilities

The existing sanitary sewer line will remain and a new grease trap will be installed. The existing water will be serving the proposed addition. OWASA has reviewed the plans and has determined that the existing water and proposed sanitary sewer facilities are adequate to serve the proposed project. No other water and sewer changes are proposed as part of this project.

The Town of Carrboro Public Works Department and Orange County Solid Waste have reviewed the location of the dumpster and is satisfied with its location and construction.

### Lighting:

A minimal number of decorative lights will be added to the exterior portion of the existing building.

### Continuation of Non-Conformities

Section 15-126(c)(2) of the LUO states that the Board of Aldermen may conclude that compliance is not reasonably possible if the cost of compliance is disproportional to the benefits of eliminating a nonconformity. Below is a list of those non-compliances and see attachment from applicant for reasoning for not rectifying non-compliances:

1. installation of 10 wide sidewalk along West Weaver Street.
2. tree canopy requirement of 15 percent within the B2 zoning district per Section 15-319 of the LUO.
3. shade tree requirement of 35 percent in the parking areas per Section 15-318 of the LUO.
4. section 15-295(a) of the LUO relates to parking spaces not being allowed to back into the public r-o-w. The eight (8) parking spaces on the western side of the building will need to continue to back into Elm Street.
5. A Type C screen is required along the western property line or along Elm Street.
6. Installation of a covered bike area per Section 15-295.1(a) of the LUO.

The Board of Aldermen may choose to discuss one or more of these situations with the applicant.

### Architecture - Exterior Design

The proposed building will remain the same. The applicant intends to complete a few minor changes listed below:

1. refurbish the existing planters in the front portion of the existing building.
2. replace the storefront glass and doors. The entrance will be on the south (Weaver St.) side.
3. The awnings will be removed. Current plans show a slightly cantilevered canopy over the south side entrance and storefront.
4. The west side doors will be removed and replaced with storefront glass.

**FISCAL & STAFF IMPACT:** The petitioner has submitted fees and materials for reviewing and processing the request, which included public hearing notice and advisory board evaluations. Staff time necessary for public notice and public hearing agenda preparation, included sending mailed notice to ensure that property owners were aware of the public hearings.

**RECOMMENDATION:** The staff recommends that the Board of Aldermen approve the Conditional Use Permit to allow a Restaurant (Use 8.100) at 408 West Weaver Street subject to allowing the non-conformities to continue and with one condition:

1. Per Section 15-299 of the LUO, the permit is granted with the nineteen (19) parking spaces on site. In accordance with Section 15-299, the permit recipient is obligated to retain the off-site satellite parking spaces, or, as a continuing condition of the permit, seek additional satellite spaces if the current arrangement changes.