Legislation Details (With Text)

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Title:	Minor Modification to Carolina Car Wash CUP PURPOSE: Requesting a Minor Modification to the existing Carolina Car Wash CUP to add a detail bay garage doors to the northern elevation while making upgrades to the remaining elevations.				
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Attachments:	1. Attachment A - Proposed Site Plan and Elevation, 2. Attachment B - Owner Justifications and 2009 Justifications, 3. Attachment C- 1999 and 2009 Permits, 4. Attachment D - Appearance Commission approval, 5. Attachment E-Resolution				

Date	Ver.	Action By	Action	Result
6/16/2015	1	Board of Aldermen	approved	Pass

TITLE:
Minor Modification to Carolina Car Wash CUP

PURPOSE: Requesting a Minor Modification to the existing Carolina Car Wash CUP to add a detail bay garage doors to the northern elevation while making upgrades to the remaining elevations.
DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Kleaveland 919-918-7332

INFORMATION: Matthew Ford, of Jim Spencer Architects, representing the property owner, Tom Tucker, is requesting a Minor Modification to the CUP for the property located at 426 E. Main Street further identified as Orange County PIN 9788053970. Currently the property is the home of the car wash, a nightclub and an exercise studio.

The proposed Minor Modification will consist of adding expanded detail bays while substantially revising the external appearance (See Attachment A). The detail bays will add 324 sf to the carwash operation for a total of 8933 sf. This change is primarily for the purpose of improving the efficiency of the detail operations.

This CUP was originally issued in June, 1999 authorizing use #8.100 (restaurant) to occupy 1,644 sf of the existing building (See Attachment C). Subsequent to this the CUP was amended in 2009 to add new uses (such as retail, office and additional restaurant categories) to the existing carwash use and to authorize minor site work along with cosmetic changes to the elevations.

The proposed application seeks to continue the approvals and justifications of the 2009 permit modification conditions while revising the site plan and elevations slightly. The property owner has submitted a letter

formally requesting the justifications provided by his 2009 architect, Jack Haggerty be allowed to continue onto this permit (See Attachment B).

The property is located in the EAT overlay district which enables the Board to regulate hours of operation where such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. The Board did not seek to create such restrictions when the original restaurant use was proposed and did not do so when the 2009 permit modification was requested. To date a restaurant has not occupied the available space.

Traffic/Future Roundabout:
The property is presently being served by two driveway cuts (entry/exit) off of East Main Street. No changes are proposed for the existing driveways.

Staff understands that NCDOT has reserved funding for a roundabout project at the intersection that the property faces. This project has not yet been designed. The Town has requested that the owner consider R/W dedication or reservation in the area of the property most likely to be impacted by the roundabout.

The owner does not wish to make this commitment at this time but will respond directly to NCDOT when they formally make such a request. Note that the roundabout potentially could impact the front portion of the proposed site plan which may result in the loss of a few parking spaces at such time.

Parking:
Please see the applicant's letter and the 2009 permit attachment for information pertaining to parking (Attachment B). The owner is requesting that *flexibility in administration* of the LUO parking regulations be granted based upon the unique circumstance of the property. The number of spaces on the proposed site plan is unchanged from the 2009 site plan thought their location is slightly different. Note that the applicant has decided against continuing his lease agreement for the NCDOT satellite spaces on Brewer Lane because in practice, the informal arrangement of these spaces have not effectively reserved the additional parking for the property. If the Board concurs the applicant's request the following condition is recommended:

- That based upon the property owners written request for flexibility in administration of the parking provisions of the LUO, the applicant be allowed to deviate from the 44 space presumptive parking standard by providing 11 parking spaces on-site and 14 satellite spaces located on the owner's other property located about 400' away at 109 Merritt Mill Rd.

Because the site plan submitted with this application counts these spaces the following condition is recommended.

- That prior to building permit approval, the proposed site plan for this CUP Modification be revised to remove the NCDOT satellite parking spaces from parking count.

Bicycle Parking:
The parking requirement of Section 15-291(h) requires 1 bike space for every 10 required auto spaces, 50% of

which must be covered. To this end, for the maximum 44 parking spaces presumptively required, 5 bike spaces would be required (50% of which need to be covered). The applicant exceeds this requirement by providing 6 covered bike spaces. Because these spaces are not immediately visible from the street, the following condition is recommended:

- That signage on the building be provided directing users to the location of the bicycle parking.

Nonconformities to Remain from the 2009 permit modification

The owner wishes the following nonconformities allowed to remain from the 2009 permit to be continued onto this permit (See Attachment B for specifics):

1. Sidewalks: The owner does not wish to install the 10' sidewalk called for by the LUO;
2. Screening: There is insufficient space for installation of the Type C screen along the R/W ;
3. Shading: There is insufficient are to address the 20% vehicle surface area tree shading requirement in 2009 much less the current 35% shading requirement.

If the Board finds this acceptable the following condition is recommended:

- That, based upon materials presented by the applicant at the meeting and their own request, the LUO nonconformities pertaining to sidewalk width, screening, and tree shading be allowed to remain.

Appearance Commission

The architectural plans have been reviewed and approved by the Appearance Commission and are attached (Attachment D).

Tree Protection

The proposed retaining wall on the northern boundary will necessitate the removal two shade trees located on the property line and just over the property line. For this reason the following condition is recommended;

- That the applicant obtain permission from the adjacent property owner for any off-site tree removal made necessary by the installation of the retaining wall.

Section 15-316 of the LUO specifies that all trees greater than 18 inches in diameter or any specimen trees must be preserved, to the extent practicable. Currently the large existing oak to the west presents a challenge in its proximity to where the dumpster is typically stored.

The site does not offer any additional area for substantive tree plantings, though a single planting of two understory trees (such as a redbud or a dogwood) is proposed in the northwest corner.

Tree Canopy Requirement

With the removal of the oaks, the site will still slightly exceed the 15% tree canopy requirement of 15-319 the

LUO.

Grading and Drainage
The applicant is proposing slight changes to the grading in the vicinity of the proposed addition which will require installation of a small section of retaining wall necessitating the removal of two oaks between 12 and 16 inches in caliper. The changes will have a minor impact to current drainage patterns.

Erosion Control:
No erosion controls are necessary as there will be no significant site disturbance.

OWASA:
The plans have been reviewed by OWASA. Further review will be necessary if they pursue a restaurant use. A grease trap was installed and inspected by OWASA after the approval of the 2009 permit modification.

Electric Services:
The existing overhead electrical service will be retained.

Exterior Lighting:
A band shown on the revised elevations has the soffits illuminated. See the architectural plans. These fixtures are fully shielded, downward directed "can" type fixtures that will be further reviewed for LUO compliance during the building permit plans review.

Refuse:
The refuse situation has been reviewed by Orange County Solid Waste (OCSW) and the Town Public Works department. The layout proposed brings into compliance the refuse facilities by being screened and including an extra dumpsters as well as room for rollout containers. However, the applicant is requesting flexibility in these arrangements as they now are avoiding impacting the large oak by having private dumpster pick up on the paved area of the site. Because of this the following condition is recommended.

- That flexibility be allowed in the layout and design of the solid waste facilities in order to protect the 48" oak tree in the southeast corner of the property. Such flexibility could include but not be limited to removal of the slab requirement in the solid waste/recycling area and/or separating the dumpster and recycling facility locations. Such arrangements would be subject to approval by Orange County Solid Waste and The Town Public Works Department.
- That prior to building permit approval, the proposed site plan for this CUP Modification be revised to reflect the flexibility granted in the solid waste and recycling facilities on this site in order to protect the existing 48" oak in the southeast corner of the site.

Fire Safety
Occupants of the existing rental spaces are required to bring their spaces up to the applicable fire code requirements prior to receipt of a building permit.

Public Hearing

It is within the purview of the Board of Aldermen to call a public hearing before rendering a decision on the requested changes. Specifically, with regard to Minor Modification requests, Section 15-64(b) of the LUO states the following: "Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification."

FISCAL & STAFF IMPACT: Enter the fiscal and staff here

RECOMMENDATION: Town Staff recommends that the Board of Aldermen consider the information provided and determine whether to adopt the attached resolution (Attachment E) approving the Minor Modification to the Carolina Carwash CUP with the following conditions:

1. That based upon the property owners written request for flexibility in administration of the parking provisions of the LUO, the applicant be allowed to deviate from the 44 space presumptive parking standard by providing 11 parking spaces on-site and 14 satellite spaces located on the owner's other property located about 400' away at 109 Merritt Mill Rd.
2. That prior to building permit approval, the proposed site plan for this CUP Modification be revised to remove the NCDOT satellite parking spaces from parking count.
3. That signage on the building be provided directing users to the location of the bicycle parking.
4. That, based upon materials presented by the applicant at the meeting and their own request, the LUO nonconformities pertaining to sidewalk width, screening, and tree shading be allowed to remain.
5. That the applicant obtain permission from the adjacent property owner for any off-site tree removal made necessary by the installation of the retaining wall.
6. That flexibility be allowed in the layout and design of the solid waste facilities in order to protect the 48" oak tree in the southeast corner of the property. Such flexibility could include but not be limited to removal of the slab requirement in the solid waste/recycling area and/or separating the dumpster and recycling facility locations. Such arrangements would be subject to approval by Orange County Solid Waste and The Town Public Works Department.
7. That prior to building permit approval, the proposed site plan for this CUP Modification be revised to reflect the flexibility granted in the solid waste and recycling facilities on this site in order to protect the existing 48" oak in the southeast corner of the site.