



Legislation Text

File #: 14-0218, **Version:** 1

TITLE:

Club Nova Major Modification, 103 W. Main Street

PURPOSE: Club Nova Community Inc. has submitted an application for a Major Modification of their Conditional Use Permit to authorize construction of a 1629 sf building with associated site work. The proposed use of this building will be primarily office (use category 3.000).

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Kleaveland

INFORMATION: The proposed Major Modification to the CUP seeks to allow construction of a two-story 1619 square foot, the existing building currently used as a thrift shop on the site (see Attachment C). The proposed use of this building will be primarily office (use category 3.000). The 103 W. Main Street property is zoned B-1-G, and is located in the Downtown Neighborhood Preservation overlay district; it is 0.69 acres (30,211.5 square feet) in area and identified by Orange County PIN, 9778862027. No new additional uses are proposed. The current approved uses are: Combination Use consisting of: Use # 1.340 (Single-Room Occupancy), Use # 2.110 (Retail), and Use #3.110 (Office) Use # 5.200 (Church), Use # 22.000 (Daycare) & Use # 1.110 (Single-Family Dwelling),

Background

The original Conditional Use Permit (CUP) for this property was issued on April 9, 2002 to allow construction of twenty-four (24) single-room occupancy units in a three-story apartment building at 103 West Main Street (Attachment B). As part of this permit, the existing 2,043 square foot office building and a 1,600 square foot retail building would remain in place on the property.

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 will remove one of the driveways and replace the parking arrangement with two-way traffic using perpendicular parking spaces via a 24 foot travel aisle (Attachment C). These areas are paved. These arrangements satisfy the related provisions of the LUO pertaining to parking area geometry and paving.

Transportation Impact

Club Nova currently has 100 active members, and hopes, with the new facility, to increase to up to 140 members. The applicant asserts that the majority of the users of the property depend upon outside transportation rather than providing their own. Please see Attachment D for more information.

Automobile Parking

Under condition #3 of the *original* Conditional Use Permit, the Board of Aldermen granted a deviation from the required number of parking spaces (which was 23 spaces at the time) finding that 17 spaces was sufficient; the 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.”

(For additional reference, see the original parking justification letter provided in 2002 by Club Nova (Attachment E)).

The proposed modification will add 1619 square feet of office space while reducing the amount of parking provided on-site by seven spaces. This will result in ten (10) parking spaces on-site (2 HC, 7 standard & 1 compact).

Based on the applicant’s information, the addition will raise the presumptive parking requirement from 23 to 25 spaces and will thus further deviate from these requirements. Note, that the 25 *spaces* amount uses lower volume parking ratios than were used on the original permit. For reference, if the original permit ratios were used, the parking required for the proposed plan would be 40 spaces.

In order to justify this arrangement the applicant has provided the attached narrative and parking survey (Attachment F). This justification also includes an interpretation of a parking survey that the applicant performed. The applicant has negotiated parking agreements for 13 *satellite* spaces to make up for their deficit. The satellite spaces are located on 5 different parcels in the immediate vicinity. Ten (10) of the satellite spaces are located further than 400’ from the parcel. Section 15-298, which regulates satellite parking, allows these spaces to be used only for employee parking.

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 number of parking spaces on-site does not satisfy the presumptive standard of the LUO, the Board is authorized to approve this arrangement per the provisions should they find the applicant’s justification for a deviation to be acceptable. If this determination is made, a related condition must be entered on the permit. One of the following two conditions is recommended. The first binds them to their satellite parking arrangement, while the second is a extension of the deviation that was originally granted:

- That the 10 parking spaces provided on-site in combination with the 13 satellite parking spaces that have been encumbered by signed satellite parking agreements with their respective property owners (submitted as evidence during the public hearing), is found to be sufficient to serve the needs of the proposed permit modification. The applicant must maintain a minimum of 13 qualified satellite spaces to remain in compliance with this permit. This finding is made based upon the applicant’s parking justification materials presented to the Board at the public hearing.

Loading Zone

The kitchen and retail components of Club Nova require occasional deliveries. The kitchen receives truck deliveries approximately once every two weeks while the retail facility receives random drop-offs. 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. Truck deliveries for the kitchen are expected once every two weeks.

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 presented at the hearing 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, two (2) 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. Deviations are not allowed to be granted for the LUO bicycle parking provisions. For this reason, the applicant will request that the existing bicycle parking non-conformities be allowed to remain per the provisions of 15-126 (c-2) which will be discussed below in this report.

Drainage, Grading, Erosion Control

Per Section 15-263 (a-6), if the property has at least 10,000 sf of existing impervious surface and, the cost of the proposed redevelopment of the lot exceeds fifty percent (50%) of the appraised value of the existing improvements on the lot, the project is exempted from the stormwater quality and quantity provisions of Section 15-263. The existing impervious surface at the Club Nova site exceeds 10,000 sf and the applicant has provided the attached cost analysis to provide evidence that the improvements cost is less than 50% of the appraised valuation of the property (Attachment G). Their stormwater plans have been prepared accordingly as described below.

The site changes due to the proposal will require modifications to the storm drainage system. The revised parking area drainage will be accommodated with a new inlet located to the south, adjacent to the existing apartment building. This will convey water by pipe to a rip rap dissipater, whereupon an existing drop inlet will convey the water to Carr Street via an existing drainage easement. The roof runoff from the new building addition will be directed into two rain gardens which will then direct water into Main Street. The total additional square footage of impervious surface is 2,820 square feet.

The plans have been reviewed by the Town Engineer and are found to be satisfactory pursuant to an agreement with the owners of the apartments on site to allow the new catch basin to be located on their grounds. The applicant has now acquired this approval and thus the plans are acceptable.

As is customary, the following condition is recommended:

- 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.

Grading, Erosion Control

Grading is minimal and the amount of disturbed area is less than is required for an Orange County Erosion Control Permit. This being said, runoff protections will be reviewed and required during construction plan review.

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 utilities as well as a power pole. In addition, a grease trap will be required for the kitchen facility.

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.

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.

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

The new addition will necessitate the removal of trees along the street frontage to accommodate hardscape and the building footprint. Two crepe myrtles and the plantings associated with the rain gardens will soften the street façade of the property. In other areas of the site, two redbuds and a laurel oak are proposed. Behind the new building is proposed a private courtyard for the benefit of the residents and members.

Screening

The project screening remains in compliance with respect to the adjacent properties.

Shading

Because they are providing only 10 parking spaces, they are exempt from the 20% parking area shading provisions of Section 15-317. While they are proposing additional plantings adjacent to the parking area, they

won't be meeting the 20% shading amount.

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 items; please see their attached justification letter (Attachment H):

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 an eight foot sidewalk.
2. Bicycle Parking: As mentioned previously, the applicant requests that the current bicycle parking arrangement be allowed to continue.

Miscellaneous

Section 15-185.1 *Downtown Neighborhood Protection Overlay District*; the property is located within this overlay district but is not subject to its provisions. Section 15-185.1 applies only to the first 50 feet of land adjacent to a residentially zoned property. The proposed building's location is approximately 150' from the neighboring residentially zoned property.

Section 15-178 *Architectural Standards for Downtown Development*. Because the elevations vary slightly from the provisions of this section, the Appearance Commission will need to review them to formally determine if they "substantially achieve" the purpose of the standards. In particular, the proposed elevations do not have as much glazing (windows) as is recommended by the ordinance. For example, on the first floor the ordinance recommends 60% and the building is providing only 38%.

The architect expects that the building elevations will substantially resemble those presented to the Board however slight variations in actual construction are to be expected. For example, the height of the retaining walls for the rain gardens and the configuration of the windows may differ slightly. The architect may speak to these matters.

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 I). Staff finds that additional information will be necessary for this plan to full 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)).

The NC State building code will likely require the existing sidewalk to be covered in the proximity of the construction area.

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.

Joint Review: Please see the attached combined recommendations from the Joint Advisory Boards (Attachment J). At the time of this report's publishing the Appearance Commission comments had not yet been provided.

FISCAL & STAFF IMPACT: Staff time, applicant fees collected.

RECOMMENDATION: Town staff recommends that the Board of Aldermen review the proposed permit modification and if they find it acceptable complete the attached CUP worksheet (Attachment A):

1. That all previously adopted conditions from the August 9, 2002 CUP shall remain in effect, subject to this permit modification;
2. That the 10 parking spaces provided on-site in combination with the 13 satellite parking spaces that have been encumbered by signed satellite parking agreements with their respective property owners (submitted as evidence during the public hearing), is found to be sufficient to serve the needs of the proposed permit modification. The applicant must maintain a minimum of 13 qualified satellite spaces to remain in compliance with this permit. This finding is made based upon the applicant's parking justification materials presented to the Board at the public hearing.
3. That the Board of Aldermen hereby finds that that the loading and unloading areas shown on the plans presented at the hearing 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 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.
5. 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)).
6. Must obtain a NCDOT driveway permit prior to construction plan approval.
7. That any and all easements be obtained prior to construction plan approval.