



Legislation Text

File #: 15-0065, **Version:** 1

TITLE:

Request for a Minor Modification to the Shelton Station CUP

PURPOSE: Mark Mosier, on behalf of Shelton Station, LLC, has requested a Minor Modification to the Shelton Station Conditional Use Permit (CUP). The Board is asked to review, deliberate and make a decision regarding the applicant's request. A resolution approving the application has been included should the Board choose to approve the request.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Jeff Kleaveland, 918-7332

INFORMATION: Mark Mosier, on behalf of Shelton Station, LLC, has requested a Minor Modification to a previously issued Conditional Use Permit issued on April 2nd, 2013 (Attachment B & C). This permit allows for the creation of a four-story multi-family residential building with 94 dwelling units and a two-story, 22,706 square foot of commercial building (with associated infrastructure) located on an assemblage of lots in the 400 N. Greensboro block just north of the Southern States business.

Changes to site plan and internal design of residential building:

The proposed minor modification will slightly reduce the dimensions of the multifamily, residential building by about 20 feet in the east/west axis so as to allow a 20' x 80' "program space" to the eastern side of the commercial building. The reason for this modification is described below. The revision to the residential building will not reduce the number of units but will change the bedroom numbers as follows:

Original permit: (58) 1 bedroom and (36) 2 bedroom units = 130 bedrooms total

Proposed change: (63) 1 bedroom and (31) 2 bedroom units = 125 bedrooms total

The proposed changes are not expected to substantially change parking for the project.

Proposed Use:

The applicant has been negotiating with a tenant for approximately 50% of the commercial building space. In particular, they have had detailed discussions with UNC's Horizon's program which hopes to relocate to the site. The Horizon's program describes itself as "a substance abuse treatment program for pregnant and/or parenting women and their children, including those whose lives have been touched by abuse and violence." Of note the proposed use includes a *state-licensed daycare* component (*use #22.200, Child Day Care Facility: more than eight children less than age 13*). This use, while allowable in the B-1(g) zoning district is not on the list of uses approved on the Shelton Station CUP.

The applicant submitted information explaining their belief that the daycare component is *accessory* to the primary function of the program as described in Attachment B. They believe that the Horizon's program more appropriately would operate within the already approved *office-use category* on the permit. To better

accommodate the children and satisfy state requirements, the “program area” referenced above is designed to accommodate for an outdoor play area. Staff appreciates the efforts of the applicant in explaining the functionality of the daycare component. After fully considering, staff finds that the daycare component could potentially be described as an accessory use as described in the LUO, but also may simply be considered a functional component of the overall program under the approved 3.000 service use. The implication of this approach by both the applicant and staff is that a traditional daycare facility will still not be allowed within the project. A permit modification application would need to be submitted if this use is desired in the future. Please note that the play area *won't* be open for use to the other residents of the development.

B-1(g) Conditional Zoning (CZ) and Shelton Station CUP

This property was rezoned to B-1(g) CZ on January 24, 2012. Because it is a *conditional zoning district* the property is encumbered by conditions that run with the effected properties (Attachment C). The proposed Horizon's use does not appear to be in conflict with either the Rezoning conditions or the CUP conditions.

Property Taxes

The Horizon program is a non-profit entity administered by UNC. According to the applicant, it is possible that UNC-Horizons may lease space from Shelton Station, but they may also need to purchase it in order to satisfy the goals of their executive committee, advisory board and donors. In that event, the property owner will file the necessary paperwork to create a condominium ownership model for the office building and sell Horizon's portion of the building to the UNC Real Estate Foundation. The balance of the project (50-60% of the commercial building and 100% of the multi-family building) would still be owned by Shelton Station LLC (see applicant letter, Attachment B). As long as the Horizon portion is in fact sold to the real estate foundation, property taxes will be collected on the entire property.

Public Hearing:

As with any Minor Modification application, the Board may choose to call a public hearing before making a decision on the application.

FISCAL & STAFF IMPACT: No known fiscal impacts are associated with this application beyond staff time and the typical fees collected from the applicant for processing the application.

RECOMMENDATION: Town Staff recommends that the Board of Aldermen review, deliberate and make a decision regarding the applicant's request. A resolution approving the application has been included should the Board choose to approve the request.