



## Legislation Text

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**File #:** 15-0146, **Version:** 1

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### **TITLE:**

Minor Modification to the CUP for 400 Roberson Street.

**PURPOSE:** Bobbitt Design Build has submitted an application for a Minor Modification to the existing CUP for the property located at 400 Roberson Street to authorize the remodeling of the existing building shell with associated interior layout revisions.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Jeff Kleaveland

**INFORMATION:** The proposed minor modification to the CUP seeks to allow remodeling of the interior and exterior of the existing building with minimal changes to the site layout (Attachment A). The proposed use of this building continues to be primarily office (use category 3.000). The 400 Roberson St. property is zoned B-1-G, and is located in the Downtown Neighborhood Preservation overlay district; it is about 2.4 acres in area and identified by Orange County PIN, 9778952758. No new additional uses are proposed.

The Yaggy Corporation received a “Special Use Permit” on June 13, 1972 to construct and operate a medical office building (Use 3.120) at 400 Roberson Street. The project was completed as permitted.

Staff has been advised by the Town Attorney to consider this “Special Use Permit” the same as a Conditional Use Permit issued under the current regulations. This is why the project is classified as a Minor Modification to a Conditional Use Permit.

Per Section 15-64 of the Land Use Ordinance (LUO), a minor modification to an existing permit is one that has no substantial impact on neighboring properties, the general public or those intended to use the proposed project. In analyzing the request, staff concurs that the proposed modification will not have a substantial impact on surrounding properties.

### Transportation Impact

Traffic impact is not expected to substantially differ as the use category has not changed.

### Automobile Parking

The current amount of required parking for the existing use and square footage (17,864 sf) of the building is 45 spaces at 1 space/400 sf of building area. The existing parking provided is 87 spaces.

### 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 54 parking spaces presumptively required, 6 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.

#### Drainage, Grading, Erosion Control

No significant changes are proposed for the site.

#### Utilities

No significant changes to utilities are proposed. OWASA will determine during construction plan review whether a backflow preventer is required.

#### Fire Safety

The plans have been found to be satisfactory by the Fire Department subject to construction plan review. There is an existing fire hydrant located on the corner of Roberson and Main St. about 260' feet from the property thereby satisfying related provisions in the LUO. The proposed building revisions will be required to follow all applicable fire safety provision of the state's building code.

#### 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.

#### Tree Protection, Landscape Plans

The project will necessitate the removal of one crepe myrtle and two lines of shrubs along the street frontage to accommodate hardscape and the building footprint. Extensive tree protection measures are provided on the demolition plans and notes regarding tree replacement per the Town LUO are placed on the plans.

The grounds will be replanted with 3 over-story and 6 understory trees with 2 full-sized hollies and 70 evergreen shrubs. None of the proposed plants are on the Town's invasive plant species list.

#### Screening

The existing vegetation at the perimeter of the property satisfies the screen provisions of the LUO.

#### Vehicle Accommodation Area Shading and Tree Canopy Coverage

The existing plantings on the site exceed the 35% VAA shading requirement (46%) and the 15% tree canopy requirement (30%).

#### Nonconformities to Remain

The owner wishes the following nonconformities be allowed to remain (see owner's requests in the circled areas on Attachment B for specifics):

1. Sidewalks: The owner does not wish to install the 10' sidewalk called for by the LUO as this will threaten the health of the line of mature magnolias along the front of the property;
2. Lighting: The owner wishes to have the existing globe pole lighting fixtures to remain though they do not meet the shielding requirements of the LUO. All future fixtures on the plans must comply with the

lighting provisions of the LUO.

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 and outdoor lighting be allowed to remain.

#### Neighborhood Information Meeting

A neighborhood information was held in Town Hall on May 28<sup>th</sup>, 2015. Four neighbors were in attendance.

#### Appearance Commission

The plans and elevations were reviewed by the Appearance Commission on June 4<sup>th</sup>, and again on June 18<sup>th</sup> with the applicant's representative in attendance. The commission chose not to formally vote on a recommendation for the proposal. Some members appreciated the plan for its preservation of the existing landscaping and agree that it is an improvement over the existing situation. Others were less than enthusiastic about the proposed architectural materials, favoring brick veneer.

#### Miscellaneous

The property is located within *Downtown Neighborhood Protection Overlay District* and complies with the provision therein. This district applies only to buildings within the first 50 feet of land adjacent to a residentially zoned property. The building's location is approximately 200' from the neighboring residentially zoned property to the south.

As with any minor modification, the Board may choose to call a public hearing prior to making a decision.

**FISCAL & STAFF IMPACT:** The application fee has been collected. No fiscal or staff impacts have been identified beyond plan review time.

**RECOMMENDATION:** Town staff recommends that the Board of Aldermen review, deliberate, and make a decision regarding the request. A resolution is provided approving the application, should the Board choose to adopt it (Attachment C). The resolution includes the following condition:

1. That signage on the building be provided directing users to the location of the bicycle parking.
2. That, based upon materials presented by the applicant at the meeting and their own request, the LUO nonconformities pertaining to sidewalk width and outdoor lighting be allowed to remain.