



## Legislation Text

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**File #:** 21-72, **Version:** 1

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**TITLE:**

Continuation of Public Hearing for Conditional Use Permit for The ArtsCenter at 315 Jones Ferry Road.

**PURPOSE:** The purpose of this item is for the Town Council to continue holding a public hearing on the Conditional Use Permit application for The ArtsCenter at 315 Jones Ferry Road.

**DEPARTMENT:** Planning Department

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**INFORMATION:** Town Council opened a public hearing on February 23, 2021 for a Conditional Use Permit application that would allow for construction of a new two-story building at 315 Jones Ferry Road. The public hearing was continued to March 9, 2021.

The original staff report and associated materials have been left intact for Council's consideration. As new information at this time, please note the following:

Staff has reviewed the most recent information submitted by the applicant, which involves adding permeable pavement to a portion of the parking to address stormwater volume. Based on information submitted on February 19<sup>th</sup>, the applicant's materials have shown that the amount of permeable pavement proposed reduces the stormwater volume increase from 875% to 699%. The existing LUO standard for this situation is a maximum increase of 200%. Increasing the amount of permeable pavement and / or including a green or blue roof would further reduce the volume associated with the project toward the 200% standard.

For reference when considering the maximum extent practicable language in the LUO for this matter, the only exception granted by the Town to date involves an increase from an allowed 100% increase to 113% for the Inara Court project.

Depending on Council's decision regarding the related text amendment application, an additional permit condition may be needed in order for Council to make a finding related to the applicant reducing stormwater volume associated with the project to the maximum extent practicable. Staff will have a draft condition prepared for discussion during the meeting if needed.

Original agenda item information from February 23 follows:

Coulter Jewell Thames PA have submitted an application for a Conditional Use Permit (CUP) to allow for the

development of The ArtsCenter located at 315 Jones Ferry Road.

The property is 1.36 acres in size and there is a stream and associated stream buffer along the eastern portion of the property. The applicant acquired a variance from the Board of Adjustment on June 17<sup>th</sup>, 2020 in order for the driveway, parking lot, stormwater control measures and associated grading to encroach into the Riparian Buffer 1 and 2 of this stream buffer. Staff is currently discussing with NCDWQ staff whether EMC approval is needed for this variance, additional details in staff report.

The property is identified as Orange County parcel identification numbers 9778-65-6581.

A staff report, permit plans, and other supporting materials are attached (**Attachments A-F**).

**FISCAL & STAFF IMPACT:** Impacts associated with holding the hearing are legal, engineering and staff time.

**RECOMMENDATION:** Town staff recommends that the Town Council receive information, hold a public hearing, and consider whether to approve the Conditional Use Permit application. Staff recommended conditions are included below and the CUP worksheet is attached (**Attachment F**):

1. That the Town Council finds that 39 parking spaces are sufficient to serve The ArtsCenter project. This finding is based on information provided by the applicant regarding the alternative modes of transportation to get to and from The ArtsCenter.
2. That NCDOT must issue a driveway permit for the project prior to approval of the construction plans.
3. That the applicant shall provide to the Zoning Division, prior to the issuance of the Certificate of Occupancy for the building, 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.
4. That the developer shall demonstrate compliance with all provisions in LUO Section 15-263.1 Maintenance of Structural BMPs. This shall also follow the most recent Town SCM maintenance protocol, and include but not be limited to a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for all SCMs, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting information shall be submitted to the Town Engineer and Stormwater Division for review and approval prior to construction plan approval. Upon approval, the plans shall be recorded and included as part of the owner's actively maintained records.
5. That per LUO Section 15-92.1 the town shall receive in writing from NC DWQ information confirming that formal EMC approval is not required related to encroachment into the Zone 1 stream buffer or such

approval shall be granted by EMC, prior to approval of the construction plans.