

BOARD OF ALDERMEN

ITEM NO.: E(4)

AGENDA ITEM ABSTRACT

MEETING DATE: MAY 6, 2003

TITLE: MINOR MODIFICATION FOR CHAN MIXED-USE BUILDING

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ___ No <u>X</u>
ATTACHMENTS: A. SITE PLANS B. RESOLUTION C. CONDITIONAL USE PERMIT D. TOWN ENGINEER'S LETTER	FOR INFORMATION CONTACT: JEFF KLEAVELAND, 918-7332

PURPOSE STATEMENT

Mr. Giles Blunden (representing Mr. Francis Chan) has submitted an application for a *Minor Modification* to the Conditional Use Permit issued to Mr. Chan on **May 7th, 2002** for construction of a three (3) story mixed-use building with associated parking and landscaping located at 114 Merritt Mill Road. Per Section 15-64 (b), minor design modifications are considered to have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, and are permissible with the approval of the permit-issuing authority.

The proposed Minor Modification involves slight changes to the building and site.

INFORMATION

Francis Chan was granted a Conditional Use Permit (CUP) on May 7th, 2002 (Attachment C) to allow construction of a three (3) story mixed-use building (with associated parking and landscaping) on the vacant site located at 114 Merritt Mill Road. Further, the mix of uses permitted allowed the building to contain 19 Single-Room-Occupancy (SRO) apartments and two (2) office spaces.

The minor modification request before you would allow the applicant to modify the building and site design slightly so as to comply with newly adopted state building codes. The applicant was issued a permit prior to the new state building code but was unable to obtain approved building plans under the old code forcing a building redesign.

The Minor Modification to CUP, if granted, would allow an increase in the size of the SRO units per the requirements of the International Building Code (IBC). The new building code standard, based on the IBC, increases the minimum size requirement for efficiency apartments thereby requiring the Chan SRO units to be enlarged by about 30% (from approximately 250 sf to about 325 sf per unit). The enlarged units still fall within the definition of a SRO in the Land Use Ordinance which limits the size of the units to 450 sf.

Because of this, the upper two floors have been enlarged while the first floor remains the same (Attachment A). The enlarged upper floors have been used to create a covered pedestrian arcade on the ground level. There are no setback requirements in the B-1-(g) zoning district and the expansion does not create any encroachment violations.

There is one (1) accessible SRO unit on the first floor (along with the offices) and eight (8) units on the second and third floors respectively. The modification results in a net loss of two (2) SRO units.

In analyzing the request, the Administration examined the overall impact the proposed changes would have on the community and concluded that the impacts primarily amount to a larger building with two fewer residents. Overall, the modified building design seems improved over the original design. In light of this, the administration finds that the requested modification is a minor modification per section 15-64(b) of the LUO.

Some outstanding site-engineering issues need to be addressed during the construction plans review as a result of CUP condition #6 which requires three additional “satellite” parking spaces be encumbered upon a portion of Mr. Chan’s adjacent property (Attachment D). In particular, the applicant appears to have slightly changed a wall relating to a water quality device, and, did not include grade contours on the modification drawings. However, the applicant has satisfactorily demonstrated that the water quality and quantity calculations meet with the Town requirements.

MODIFICATIONS INVENTORY

- 1) Building Redesign
 - a. New arcade space on the south, southwest, and southeast elevations.
 - b. Gazebo reduced in size from 14’ square to 12.5’.
 - c. Gazebo roof is now attached to the building on the southwest elevation.
- 2) Site Revisions
 - a. Designated recycling areas added.
 - b. Red Maple tree slightly relocated.
 - c. Motorcycle parking moved to southwest side of building.
 - d. Two bike racks instead of one provided.
 - e. Addition of three parking spaces off-site (per the CUP).

The changes in the building create various arcades which overlap the ground floor by about 6 feet. The change in the reduction in size of the gazebo decreases the number of recreation points provided on site by 13 points but the applicant still meets the recreation requirements of the LUO as the number of dwelling units has decreased. The project requires 50.49 recreation points and provides 50.9 points. In this case, the decrease in the number of dwelling units is not sufficient to decrease the parking requirement.

ADMINISTRATION’S RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached resolution (Attachment B) approving the Minor Modification to the Conditional Use Permit with the following condition:

1. That all engineering related issues created by the minor modification be resolved in the Construction Plan review.