

# BOARD OF ALDERMEN

ITEM NO.: D(3)

## AGENDA ITEM ABSTRACT

MEETING DATE: NOVEMBER 11, 2003

**TITLE:** CONTINUATION OF PUBLIC HEARING FOR THE OWEN RESEARCH LABORATORY EXPANSION CONDITIONAL USE PERMIT

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> YES <u>X</u> No <u>   </u>
<b>ATTACHMENTS:</b> A. PROJECT PLANS B. STAFF REPORT C. LAND USE PERMIT APPLICATION D. STATEMENT FROM APPLICANT REGARDING COMPLIANCE WITH SECTION 15-124(G) E. LETTER FROM APPLICANT REGARDING NONCOMPLIANCE ISSUES F. AREA MAP(S) G. COMMUNICATION REGARDING NC FIRE CODE STANDARD H. PARKING JUSTIFICATION STATEMENT I. TRANSPORTATION IMPACT STATEMENT J. TREE REMOVAL JUSTIFICATION STATEMENT K. LETTER FROM TOWN ENGINEER L. NEIGHBORHOOD INFORMATION MEETING FORM M. ADVISORY BOARDS RECOMMENDATION STATEMENTS (INCLUDING SUMMARY SHEET) N. LETTER FROM CITIZEN REGARDING PROJECT O. CONDITIONAL USE PERMIT WORKSHEET	<b>FOR INFORMATION CONTACT:</b> MARTY ROUPE, 918-7333

### PURPOSE

The University of North Carolina at Chapel Hill (UNC) has submitted an application for a one-time expansion of a nonconforming use of their research facilities located at 350 South Old Fayetteville Road. Per Section 15-124(g)(6) of the Town of Carrboro Land Use Ordinance (LUO), the applicant must receive a Conditional Use Permit (CUP) to construct the one-time expansion. Prior to reaching a decision on a request for a CUP, the Board must hold a public hearing to receive input. The Board of Aldermen opened the public hearing for the project on October 21, 2003, then continued the public hearing until November 11, 2003. At this time, the Administration recommends that the Board continue review and deliberation, and then make a decision regarding the conditional use permit application.

### INFORMATION

UNC has conducted medical research in several buildings on this site located adjacent to University Lake for over forty years (see **Attachment B**). The buildings themselves were primarily built in the 1940s and the physical characteristics of the site have remained largely unchanged since that time. The property is now zoned Residential-10 (R-10) and the research activities (Use 3.220) taking place on the site

constitute a nonconforming use per Section 15-146 of the LUO. A Land Use Permit has never been issued for use of the site. At this time, UNC proposes to construct a 4,941 square foot building on the site. This construction constitutes a one-time expansion of a nonconforming use, per Section 15-124(g) of the Town of Carrboro Land Use Ordinance, and requires the issuance of a Conditional Use Permit. A detailed staff report analyzing the proposed project is attached – see **Attachment B**.

## **RECOMMENDATION**

### Options

The Board of Aldermen has three (3) options regarding the issuance of a CUP for the proposed project. All three (3) options are fully described near the end of the staff report (**Attachment B**), and a brief summary of the options is presented here. Firstly, the Board may approve the CUP as presented, while finding that the applicant complied with all sections of the LUO to the extent that it was reasonable to do so. Secondly, the Board may approve the CUP while placing one or more conditions on the permit related to bringing the plans into compliance with specific sections of the LUO for which compliance is not currently demonstrated. A specific version of this second option follows as the ‘Administration’s Recommendation.’ Thirdly, the Board may deny the CUP because the project does not comply with one or more sections of the LUO with which the Board feels the project could reasonably comply.

### Administration’s Recommendation

The Administration recommends that the Board of Aldermen approve the Conditional Use Permit request for a one-time expansion of a nonconforming use to allow the construction of a 4,941 square foot building (Use #3.220), subject to the following conditions:

1. That, per Section 15-124(g)(6)(a) of the LUO, the Board hereby finds that the project complies with the LUO to the extent it is reasonable to do so, except that the Board hereby requires that the project shall comply with all conditions that follow, one or more of which relate to current, non-complying situations;
2. That, per Section 15-124(g)(6)(b) of the LUO, the Board hereby finds that, on balance, the benefits to the neighborhood resulting from the improvements required in conjunction with the expansion of the nonconforming use outweigh the disadvantages inherent in the expansion of the nonconforming use;
3. That, on the construction plans for the project, the applicant must widen the existing parking aisle to a width of 24-feet, per Section 15-294(b) of the LUO;
4. That the applicant must revise the drainage/stormwater plan for the project to exhibit compliance with Section 15-263 of the LUO related to the additional, resulting impervious surface added to the site by conditions imposed on the CUP by the Board of Aldermen. If these revisions constitute a substantial change to the site design, then the plans must be brought back before the Board of Aldermen for consideration through the Minor Modification process;
5. That the Board hereby finds that eighteen (18) parking spaces shall be sufficient to serve the proposed development based on evidence submitted by the applicant related to the actual square footage of buildings utilized by employees and related to the statement submitted by the applicant regarding their determination of parking needs for the site being based on years of experience operating the site; and

6. That the applicant shall provide to the Zoning Division, prior to the release of the certificate of occupancy for the project or before the release of a bond if some features are not yet in place at the time of the release of the certificate of occupancy, 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 must be clearly delineated in a data table. The data must be tied to horizontal controls.