

BOARD OF ALDERMEN

ITEM E(1)

AGENDA ITEM ABSTRACT

MEETING DATE: DECEMBER 9TH, 2003

SUBJECT: MINOR MODIFICATION TO 300 WEST WEAVER STREET CONDITIONAL USE PERMIT.

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input type="checkbox"/> No <input checked="" type="checkbox"/>
ATTACHMENTS: A. PROJECT PLANS B. LAND USE PERMIT APPLICATION C. ORIGINAL CONDITIONAL USE PERMIT D. APPLICANT LETTER E. TOWN ENGINEER'S LETTER F. LIGHTING PLAN G. LIGHTING ENGINEER'S LETTER H. APPEARANCE COMMISSION RECOMMENDATION I. RESOLUTION	FOR INFORMATION CONTACT: JEFF KLEAVELAND, 918-7332

PURPOSE

To seek a *Minor Modification* to the Conditional Use Permit issued to the property located at 300 West Weaver Street so as to allow the construction of a 340 square foot office addition to the northern end of the existing bank building. The subject property is zoned B-2, contains .44 acres (19,305 square feet) and is listed on the Orange County Tax Map as number 7.98.F.18. The Board should review, deliberate, and make a decision regarding the minor modification request.

INFORMATION

Ballentine and Associates, representing RBC Centura, Bank has submitted an application (**Attachment B**) for a minor modification to the Conditional Use Permit, issued on March 27th, 1984 for the property located at 300 West Weaver Street (**Attachment C**). The applicant wishes to construct a 340 square feet office addition and to add related pedestrian access and associated landscaping. The use of the building, bank with a drive-in window (use 3.230), will remain unchanged. Note that the drive-in window component of the bank's operations as it is considered an existing non-conformity. The proposed modification does not alter the drive-in window facilities.

Parking

The applicant is seeking flexibility in the parking requirement per section 15-292 of the LUO; 13 parking spaces are required by ordinance but 11 spaces are provided plus one (1) parking space is credited to the total by the provision of a bicycle rack per Section 15-291-(d-1) of the LUO. This creates a total of 12 spaces to be credited toward the 13 space requirement. The applicant is providing justification for the deficit of one space in the attached letter stating that they find the banks proximity to the downtown business district facilitates use by walk-in traffic (**Attachment D**). Per 15-292(a) the permit issuing authority may allow a deviation from the presumptive standards if it makes the following finding: that such a deviation is more likely to satisfy the standard set forth in 15-291(a). Section 15-291(a) requires that all developments shall provide a sufficient

number of parking spaces to accommodate the number of vehicles likely attracted to the development. In order to grant the modification the Board must corroborate this finding and enter it onto the face of the permit.

CONCLUSION: The applicant is seeking a deviation from the presumptive parking standards of Section 15-291(g). Per 15-292(a), the Board is authorized to allow this deviation when it finds that:

- ✓ Such a deviation is more likely to satisfy the standard set forth in 15-291(a) (Section 15-291(a) requires that all developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles likely attracted to the development).

If the Board makes this finding, the Administration recommends the following conditions:

1. That the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 12 spaces are sufficient to serve the bank due to its proximity to the Town's central business district which enables significant walk-in traffic.

Grading and Drainage

The proposed addition does not require any significant grading work.

Regarding stormwater, Section 15-263 requires developments to be constructed so as not to cause stormwater-related damages to upstream or downstream properties. The applicant has reduced existing impervious surface to compensate for the increase in imperviousness caused by the addition; therefore, water quality is assumed to be the same or better. The paving to be removed is behind the existing parking stops along the northern portion of the parking lot. These areas will be seeded with grass. The plans as prepared meet with the approval of the Town Engineer (**Attachment E**).

Trees, Vehicle Shading and Screening

The proposed expansion necessitates the removal of two existing trees, a Bradford Pear and a Japanese Maple, adjacent to the north side of the building. These trees are not specimens as defined in the Land Use Ordinance.

Section 15-317 requires that 20% of vehicle accommodation areas to be shaded by trees. The proposed plans add two (2) additional scarlet oaks to the landscape plan thereby exceeding this requirement in combination with existing trees.

Section 15-308 specifies requires the screening requirements between properties of differing uses. The residential property to the north requires a *Type A* screen which is provided by an existing wooden fence on the bank property and by one of the proposed scarlet oaks. Oak Avenue is to the east of the bank and the Venable office building is to the west. Due to the similarity in uses, no screening is required between the bank and the Venable Building. The required *Type C* screens along the street right-of-ways are satisfied by the existing vegetation. Additional trees in these areas are not advised due to automobile/pedestrian visibility concerns.

The Landscape Plan meets with the approval of the Zoning Division; however, there is a note on the plan that authorizes the project Landscape Architect to recommend plant substitutions should one of the listed varieties not be available. Because of the potential the applicant will recommend a plant species that is considered an invasive species, as defined by the LUO, the Administration recommends the following condition:

2. That all plant substitutions in the planting plan be subject to Town approval.

Utilities, Garbage, Lighting

No utility extensions are required for the project.

There is no dumpster on-site; the bank contracts with a private waste disposal company for refuse removal.

Additional site lighting is proposed in the parking lot to improve the existing situation. A plan showing a combination of bollard-lights and shoe-box lights adjacent to the parking area was submitted late in the review process after the draft of this staff report was prepared (**Attachment F**). The plan does not show the iso-footcandle contours to demonstrate that the lumens will be kept to .2 footcandles at the property line (Section 15-243(d)). However, the bollards are shielded so as to direct light downward and only toward the parking area. The shoebox fixtures are to be located at a 15 ft. maximum height. The applicant has provided a letter from their lighting engineer indicating that the bollard-lights will comply with the ordinance, however, the shoe-box-light's compliance is still in question (**Attachment G**). Staff must receive additional evidence of compliance for the shoe-box fixtures. Because of this situation the staff makes the following recommendation:

3. That lighting plan complies with the lighting requirements of Section 15-243. Any fixtures as shown on the plan that cannot be made to comply with these requirements must be removed from the plan.

Accessibility and Sidewalk

In order to comply with the current building code, The HC parking has been relocated and reconfigured as a van accessible space. The new location is adjacent to the new HC ramp and thus provides improved convenience for the disabled. Also, the existing sidewalk to the east has been extended to the property line and improved so as to minimize obstacles. The stub-out of the sidewalk is consistent with the Town's long-range plans to improve the pedestrian infrastructure.

Miscellaneous

The applicant chose not to hold a Neighborhood Information Meeting due to the small size and scope of the modification (**Attachment D**).

The project was presented before the Appearance Commission and has received their recommendation for approval (**Attachment H**).

RECOMMENDATION

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

1. That the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 12 spaces are sufficient to serve the bank due to its proximity to the Town's central business district which enables significant walk-in traffic.
2. That all plant substitutions in the planting plan be subject to Town approval.
3. That lighting plan complies with the lighting requirements of Section 15-243. Any fixtures as shown on the plan that cannot be made to comply with these requirements must be removed from the plan.