

**BOARD OF ALDERMEN**

ITEM NO.: **D(5)**

**AGENDA ITEM ABSTRACT**

**MEETING DATE: JUNE 15, 2004**

**TITLE: MINOR MODIFICATION TO CONDITIONAL USE PERMIT FOR CHANGE OF USE FOR HARRIS DISTRIBUTION FACILITY**

|   |   |
|---|---|
| <b>DEPARTMENT:</b> PLANNING DEPARTMENT  | <b>PUBLIC HEARING:</b> YES ___ No <u>X</u>                          |
| <b>ATTACHMENTS:</b><br>A. SITE PLAN<br>B. VICINITY MAP<br>C. CONDITIONAL USE PERMIT<br>D. LETTER FROM UNIVERSITY<br>E. NEIGHBORHOOD INFORMATION MEETING FORM<br>F. RESOLUTION | <b>FOR INFORMATION CONTACT:</b><br><b>JEFF KLEAVELAND, 918-7332</b> |

**PURPOSE STATEMENT**

SHM Properties, LLC, as represented by Ms. Sara Macko has submitted an application for a change in use to the CUP for the existing Harris Distribution facility located at 308 Highway 54 Bypass (Attachment B). The change in use is to accommodate plans by UNC to use the building as a copy center, dedicated to serve only the internal needs of university staff and faculty. Representatives from UNC will make a brief presentation. The administration requests that the Board of Aldermen review, deliberate and make a decision on the proposed minor modification application.

**INFORMATION**

**Background**

Harris, Inc. was issued a CUP on October 26, 1982 for the construction and operation of a wholesale distribution facility on the property located at 308 Highway 54 Bypass (Attachment C). The Harris Distribution Facility closed approximately one year ago and has been vacant since that time. The property is zoned B-4 (Business). The owner of the property has worked out a lease agreement with UNC to allow the property be used as an internal copying facility for the benefit on UNC staff and faculty. The property will remain on the county tax rolls as UNC is leasing the facility and not purchasing it.

**Current Proposal**

A letter has been submitted by the university describing their intended use of the property (Attachment D). Staff has determined that the proposed use is # 3.150 (Copy Centers/Printing Operations). This use is permitted within the B-4 Zoning District. No exterior modifications are proposed on the property.

**Parking**

Currently there are 69 standard size parking spaces, which includes a HC space and 17 truck spaces. The proposed use requires 106 spaces. The applicant is not changing the parking configuration. They justify this stance stating that the facility is to be used by University staff only with minimal outside visitors (note included on plans); also, a significant part the building is to be used only for storage and not for active copying. UNC feels that the existing parking is more than sufficient for their needs. Therefore, the applicant is seeking a deviation in the presumptive parking requirements per the provisions of 15-292 of

the LUO. If the Board finds this request acceptable then the Administration recommends the following condition:

- That the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 69 spaces are sufficient to serve the UNC copying center. Per 15-292(a), the board makes this finding based on evidence submitted by the applicant that the print center will 1) have a limited number of visitors and employees, and, 2) that a majority of the square footage within the building will be used as storage.

Note that, per the North Carolina Accessibility Code, the applicant is required to provide three accessible parking spaces. Prior to issuance of a Certificate of Occupancy the applicant must meet the parking requirements of the North Carolina State Building Code.

Regarding shading in the parking areas, the existing vegetation exceeds the 20% shading requirements specified in Appendix E-3 of the LUO.

#### **Miscellaneous**

The Town Fire and Inspections departments have reviewed the plans and have determined that sprinkling will be required. Therefore, a Certificate of Occupancy will not be issued for interior modifications until all building code and fire code requirements are met.

No additions are proposed for the building and surrounding infrastructure, therefore, no stormwater improvements are required.

The plans as shown have been distributed to Town departments as well as NCDOT and OWASA. No objections to the change-in-use have been voiced other than the sprinkler and accessibility requirements as stated previously.

The applicant chose to not conduct a neighborhood information meeting as referenced on the attached form (Attachment E).

#### **Public Hearing**

It is within the purview of the Board of Aldermen to call a public hearing before rendering a decision on the requested changes. Specifically, with regard to Minor Modification requests, Section 15-64(b) of the LUO states the following: "Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification."

#### **ADMINISTRATION'S RECOMMENDATION**

The Administration recommends that the Board adopt the attached resolution (Attachment F) and approve the requested change-in-use subject to the following condition:

- That the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 69 spaces are sufficient to serve the UNC copying center. Per 15-292(a), the board makes this finding based on evidence submitted by the applicant that the print center will 1) have a limited number of visitors and employees, and, 2) that a majority of the square footage within the building will be used as storage.