

# BOARD OF ALDERMEN

ITEM NO. D(3)

## AGENDA ITEM ABSTRACT

MEETING DATE: DECEMBER 7, 2004

**SUBJECT: A PUBLIC HEARING ON THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR MORNINGSTAR MINI STORAGE, 321 HIGHWAY 54**

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> YES <u>X</u> No <u>  </u>
<b>ATTACHMENTS:</b> A. PROJECT PLANS B. NOVEMBER 2000 CONDITIONAL USE PERMIT C. SECTION 15-62 OF THE LUO D. LAND USE PERMIT APPLICATION E. OCTOBER 2000 STAFF REPORT F. LETTER OF EXPLANATION FROM PROPERTY OWNER G. RENDERING OF PROPOSED ONE-STORY BUILDING H. NEIGHBORHOOD INFORMATION MEETING FORM I. ADVISORY BOARDS' RECOMMENDATIONS SUMMARY SHEET J. CONDITIONAL USE PERMIT WORKSHEET	<b>FOR INFORMATION CONTACT:</b> MARTY ROUPE, 918-7333

### PURPOSE

Mr. David Blevins from Development Engineering, Inc., representing the property owner, has submitted an application for a Conditional Use Permit (CUP) to allow construction of a one-story mini-storage facility (Use 10.210) at 321 NC Highway 54, where a three-story building was previously approved. The request consists of a reduction in the overall square footage permitted on the site from 163,363 square feet to 70,950 square feet. The Board of Aldermen must hold a public hearing to receive input before reaching a decision on a Conditional Use Permit application.

### INFORMATION

#### Background

In November 2000, the Board of Aldermen issued a Conditional Use Permit (CUP) for the construction of multiple mini storage facilities to be located at 321 Highway 54 (**Attachment B**). All portions of the previously approved Morningstar Mini-Storage project have been built with the exception of a three-story climate controlled building and portions of the stormwater quality devices (**see Attachment A**). The applicant did not seek a building permit for the three-story building in accordance with the phasing schedule originally approved for the project and, hence, the right to build expired under the provisions of Section 15-62 of the Town of Carrboro Land Use Ordinance (**see Attachment C**). The property owner recently approached staff seeking permission to build a one-story storage facility instead of the previously approved three-story facility. Staff informed the applicant that in order to receive permission to build, a

new Conditional Use Permit must be obtained. Shortly thereafter, a Land Use Permit Application was submitted (**Attachment D**).

No other changes are proposed at this time. A copy of the original staff report from October 2000 is included as **Attachment E** as additional background information.

### **Current Proposal**

The current proposal involves a request to construct a single-story, climate controlled storage facility on the 180-foot X 180-foot building pad that was graded for the previously approved three-story facility. The newly proposed facility would be 32,400 square feet in size. The property owner, Mr. Richard Birgel has submitted a letter explaining the request, which is included as **Attachment F**.

The proposed new building is similar in color and architectural detail to the previously approved three-story building. A rendering of the proposed building is included as **Attachment G**.

Again, no other changes are proposed at this time. All parking spaces would remain in place, as would screening fences and plantings.

### **Stormwater Quality Device**

As originally approved, a large erosion control sediment basin was to be converted to a stormwater control detention basin in accordance with the stormwater-related provisions of the Town's Land Use Ordinance (LUO). This conversion has not taken place to date since the final building has not yet been built. Since the property owner has made it clear that he intends to build a one-story building upon receipt of a new CUP, the staff is recommending the following condition to ensure the detention basin's completion:

- That the erosion control sediment basin be converted to a stormwater control detention basin, in accordance with the approved construction plans for the project (on file in the Town of Carrboro Planning Department), prior to the issuance of a certificate of occupancy for the one-story mini storage facility authorized by the approval of this Conditional Use Permit.

Lastly, since the initial issuance of the Conditional Use Permit, the Town has begun to require as-built drawings of stormwater related features of sites in order to maintain compliance with the Town's NPDES permit. To that end, staff recommends the following condition:

- 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.

### **Miscellaneous**

The applicant chose to not hold a 'neighborhood information meeting' for the project (**Attachment H**). Staff discussed the matter with the applicant, who stated that he did not wish to conduct such a meeting since the current proposal, in his opinion, lessens the impact to neighbors compared to the previously approved three-story building.

Lastly, staff has noted the declining health of several trees planted in the buffer between the project and adjacent properties. These trees were planted in accordance with Condition #10(d) of the original CUP, wherein the Board required additional evergreen screening between the project and adjacent residential properties. As a result, Town Arborist Chris Gerry and the Zoning Division are working with the property owner to have all such trees replaced. Mr. Gerry has suggested that the applicant plant a variety of drought-tolerant plant species, instead of a large quantity of a singular species. The Zoning Division has discussed this matter with the property owner, who has agreed to replace the dead trees. Staff will monitor the health of the new trees as a continuing condition of the validity of the CUP.

### **RECOMMENDATION**

The Town Staff recommends that the Board of Aldermen approve the Conditional Use Permit request to allow construction of a 32,400 square foot, single-story mini storage facility at 321 Highway 54 on the existing 180-foot X 180-foot building pad, subject to the following conditions:

1. That all portions of the previously issued Conditional Use Permit remain in effect. Any new conditions placed on this Conditional Use Permit shall be in addition to the conditions included on the previous Conditional Use Permit;
2. That the erosion control sediment basin be converted to a stormwater control detention basin, in accordance with the approved construction plans for the project (on file in the Town of Carrboro Planning Department), prior to the issuance of a certificate of occupancy for the one-story mini storage facility authorized by the approval of this Conditional Use Permit;
3. 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.