

STAFF REPORT

TO: Board of Aldermen

DATE: June 16th, 2009

PROJECT: Minor Modification to Chapel Hill Tire located at 203 West Main Street.

APPLICANT: Jack Haggerty
205 West Main Street
Carrboro, NC 27510

OWNER: Pons Family, LLC
307 St. Davids Lane
Richmond, VA 23221

PURPOSE: Requesting a Minor Modification to the existing Chapel Hill Tire located at 203 West Main Street. Minor Modification will consist of converting the “old” parts store portion of the building into a “new” waiting/customer service area and the addition of three new car bays in the existing southern portion of the building.

EXISTING ZONING: B1-g- General Business Zoning District

TAX MAP NUMBER: 7.98.M.10A

LOCATION: 201 West Main Street

TRACT SIZE: .498 acres/21,702 square feet

EXISTING LAND USE: Automobile Repair Shop- #9.400

PROPOSED LAND USE: Use# 9.400

SURROUNDING LAND USES: North: Street Right-of-Way(West Main Street)
South: B1-g- Covenant Properties
East: Street Right-of-Way (Jones Ferry Road)
West: B1-g- The Walkway Building

ZONING HISTORY: B1-g, since 1980

**RELEVANT
ORDINANCE
SECTIONS:**

Section 15-54- Special Use Permits and Conditional Use Permits.

Analysis

Background

Jack Haggerty, consultant is requesting a Minor Modification for Chapel Hill Tire located at 201 West Main Street, further identified as Orange County Tax Number 7.98.M.10A. The Minor Modification will consist of converting the “old” parts store portion of the building into a “new” waiting/customer service area and the addition of three new service bay areas in the southern portion of the building. There will be no additions to the building- only use of existing space for service improvements. The proposed use will remain the same- that being automobile repair shop, use# 9.400.

Traffic, Parking and Sidewalk

Traffic:

The property is presently being served by two driveway cuts that serve as one way traffic with the entrance off of West Main Street and the exit onto Jones Ferry Road. These are existing driveway cuts and there will be no change in the entrance/exit or parking configuration.

The applicant has not conducted a full traffic study for the proposed project, but has submitted a transportation impact statement (**see attachment D**). The applicant has stated that with the closure of the former auto parts store and the addition of the three new service bays will create little to no increase in traffic.

Parking:

Parking for the site will be provided by a total of thirty (30) parking spaces consisting of: twenty-eight (28) standard parking spaces and two (2) van accessible handicap parking spaces.

Staff has reviewed the parking requirements per Section 15-291(g) “Table of Parking Requirements” and applied the parking standard of two (2) parking spaces per service bay and 810 square feet of vehicle storage per bay- meaning sixteen (16) parking spaces and 6,480 sq. ft. of vehicle storage.

Once again, there will be a total of thirty (30) parking which consists of: twenty-eight (28) standard parking spaces, two (2) van accessible handicap space.

A loading area will not be placed at this location and the applicant has provided justification for not needing a proposed loading dock (**see attachment F**).

Sidewalks:

No changes are proposed to the existing sidewalk along West Main Street and the applicant has provided justification for not improving this sidewalk to ten (10) feet in width (see **attachment E**).

Conclusion:

The proposed CUP complies with all provisions of the LUO related to traffic and parking.

Tree Protection, Screening and Shading

Tree Protection

Section 15-316 of the LUO specifies that all trees greater than 18 inches in diameter or any specimen trees must be preserved, to the extent practicable. The applicant will be removing one maple tree that is fourteen (14) inches in diameter. The removal of this tree is necessary for the installation of the new retaining wall. All other trees on the lot will be retained.

Screening

An examination of the screening requirements of Section 15-308 of the LUO reveals the type of screening required for this project. Specifically, a "Type C" screen must be provided for along all four property lines. The applicant will be provided the "Type C" screening along the southern and western property lines. The applicant has provided justification (see **attachment D**) for not providing the "Type C" screening along the northern and eastern property lines.

Shading

Section 15-317 of the LUO requires that 20% of all vehicle accommodation areas be shaded with shade trees complying with the recommendation of Appendix E-10. The applicant has provided justification for not provided the 20% shading requirement of the LUO (see **attachment E**).

Conclusions:

The proposed CUP complies with all provisions of the LUO related to tree protection, screening and shading.

Drainage/Impervious Surface, Grading, and Erosion Control

Drainage/Impervious Surface:

There will be no change in the proposed drainage of this lot and in essence, there will be a reduction in the impervious surface on the lot with removal of concrete/pavement in

various areas of the lot. Sungate Design have reviewed the plans and find that it meets the requirements of the LUO.

Erosion Control:

Ren Ivins, of Orange County Erosion Control (OCEC), has indicated to the Zoning Division that the project has received Erosion Control approval.

Conclusions:

The proposed CUP complies with all provisions of the LUO related to drainage and erosion control.

Utilities

OWASA:

The existing vacant building is presently served by OWASA water and sewer. The applicant will continue to use the water and service for the existing building.

Electric Services:

The existing overhead electrical service will be retained.

Exterior Lighting:

Section 15-242 and Section 15-243 of the LUO deal with exterior lighting requirements. The applicant has stated that all existing exterior lighting will remain and the only one additional light will be added to the rear of the building. Per a review of the footprint of this proposed new light, it is in compliance of the allowable footcandle pollution of Section 15-242 and 15-243 of the LUO.

Refuse:

The applicant has provided a 14 foot by 12 foot dumpster pad area with the appropriate screening that has been reviewed by the Public Works department.

Conclusions:

The proposed CUP complies with all provisions of the LUO related to utilities and exterior lighting.

Architecture Standards per Section 15-178 of the LUO

As previously stated, the proposed Minor Modification will not be adding any "new" square footage to the building, but only adding a new customer/waiting service area where the old parts store use to be and then adding three new service bay areas. The applicant has provided justification (**see attachment E**) for the need to not have to meet this section of the LUO.

Miscellaneous Issues

Neighborhood Information Meeting:

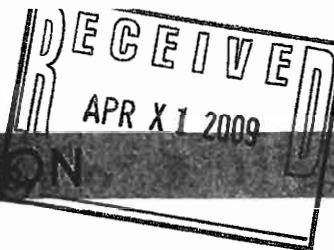
A neighborhood meeting with all property owners within 500 feet of the property was held on June 11th, 2009.

Recommendation

The administration recommends that the Board of Aldermen approve the Minor Modification to Chapel Hill Tire located a 201 West Main Street with the following conditions:

1. That prior to Construction Plan approval, the water and sewer service lines be field located and placed on the Construction Plans.
2. That all engineering related items in regard to the proposed retaining wall be reviewed/approved by Sungate Design prior to Construction Plan approval.

TOWN OF CARRBORO



LAND USE PERMIT APPLICATION

DATE: 4/2/09

FEE: \$300.00

APPLICANT: <u>JACK HAGGETT, ARCHITECT</u>		OWNER: <u>PONS FAMILY, LLC % J. BELUSKY *</u>	
ADDRESS: <u>205 W. MAIN ST., STE 213</u>		ADDRESS: <u>307 ST. DAVIDS LANE</u>	
CITY/STATE/ZIP: <u>CARRBORO, NC 27510</u>		CITY/STATE/ZIP: <u>RICHMOND, VA 23221</u>	
TELEPHONE/FAX: <u>PHONE: 967-5791 FAX: SAME</u>		TELEPHONE/FAX: <u>PHONE: 612-8424 FAX:</u>	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>ARCHITECT</u>		TAX MAP(S), BLOCK(S), LOT(S): <u>7-98.M.10A</u>	
PROPERTY ADDRESS: <u>201 W. MAIN ST.</u>		PROPOSED LAND USE & USE CLASSIFICATION: <u>AUTOMOBILE REPAIR / 9.400</u>	
PRESENT LAND USE & USE CLASSIFICATION: <u>AUTOMOBILE REPAIR / 9.400</u>		LOT AREA: <u>.498</u> Acres <u>21,702</u> Square Feet	
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): <u>B-16 w/ DNP OVERLAY</u>			
# OF BUILDINGS TO REMAIN: <u>1</u>		# OF BUILDINGS PROPOSED: <u>1</u>	
EXISTING GROSS FLOOR AREA OF BUILDING(S): <u>9.400 USE 2,644</u> square feet	GROSS FLOOR AREA (of proposed BUILDING / proposed ADDITION): <u>1,990 S.F. EXPANSION OF</u> square feet	GROSS AREA (of LAND DISTURBANCE): <u>2,099</u> square feet	
		<u>9.400 WE-TOTAL - 4,634</u> square feet	

NAME OF PROJECT/DEVELOPMENT: CHAPEL HILL TIRE - CARRBORO

TYPE OF REQUEST	INFORMATION REQUESTED (Refer to Attached Key)
SUBDIV. FINAL PLAT / EXEMPT PLAT	1, 18, 19, 21, 23, 31, 33, 34, 37
CONDITIONAL USE PERMIT (CUP)	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37
<input checked="" type="checkbox"/> CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 30, 32, 34, 35, 36, 37
SUP MODIFICATION	SAME AS SPECIAL USE PERM
ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 35, 36, 37
ZONING PERMIT (Building) Residential Infill & Additions	9, 10, 22, 24, 34, 37 (also see "B")
SIGN PERMIT	1, 10, 13, 14, 17, 20, 37
VARIANCE	4, 5, 10, 20, 29, 34, 37 Attachment
APPEAL	4, 5, 37, Attachment B
SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment

* PLEASE COPY LOCAL OWNER ON ALL CORRESPONDENCE:
CHAPEL HILL TIRE
502 W. FRANKLIN ST.
CHAPEL HILL, NC 27516
ATTN. MARC PONS

APPLICANT: [Signature]

OWNER: [Signature]

DATE: 3/30/09

DATE: 4/2/09

Minor Modification to CUP
Chapel Hill Tire Co.
203 W. Main St.

Owner – Pons Family, LLC
Applicant – Jack Haggerty, Architect

Transportation Impact Statement –

Given the volume of traffic currently using W. Main St. and Jones Ferry Road, we believe the combination of the closure of the former auto parts store and the proposed 3 bay expansion occasion little to no increase in traffic.

Tree Removal Justification Note –

We are proposing removing the 14” maple to the east of the Exit driveway. This tree is in the right of way. We believe the excavation required for the proposed retaining wall will damage the roots of this tree. Also, are we able to remove the other two maples between the Exit drive and the intersection of W. Main St. and Jones Ferry Road? They obscure vision at the intersection.

Request to let stand Existing Non-Conformities

General Information

Screening & Shading – We are proposing an enhancement to the screening on the western side of the property, beyond what is typically considered a Type C screen. We are also proposing additional planting on the east side and the south. To the north and east, there is no available space to place screening or shade trees. This condition has existed since the construction of 205 W. Main St. (The Walkway Bldg.)

Parking – The proposed expansion would result in 8 service bays and the lot has 30 full size parking spaces. Per the land use ordinance, automotive repair shops shall have 2 spaces per bay and 810 s.f of vehicle storage per bay, meaning 16 parking spaces and 6,480 s.f of vehicle accommodation area. There is a sufficient amount of marked parking, with 2,261 s.f in the spaces beyond the requirement (14 spaces). There is an additional 2,300 (+/-) s.f in space that is paved but is not part of the drive aisle, parking spaces or H/C access space, bringing the total to 4,500 s.f. We request that the parking standards listed in the “Table of Parking Requirements” be administered flexibly per 15-291.(b)

Jack Haggerty, Architect

205 West Main Street, Suite 213

CARRBORO, NORTH CAROLINA 27510

919. 967. 5191

jack@jackhaggertyarchitect.com

May 13, 2009

Town of Carrboro
James Thomas
Planner, Zoning Specialist

Minor Modification to CUP
Chapel Hill Tire Co.
203 W. Main St.

Non-Conformities Justification Letter

- Lack of type C screening @ northern and eastern property lines – It is my understanding that the lot was configured as it is now prior to the establishment of the current screening and shading ordinances. There is no room for additional screening to the north or the east without a loss of parking areas, all of which are needed by the business. Additional plantings are proposed for the western side of the property, and these will screen the bay doors on the western side of the building. Additional plantings are proposed on the southeastern side, where impervious surface will also be decreased.
- Not meeting 20% shading requirement – The same reasons as given above - the existing parking lot configuration does not allow for shading on the eastern and northern lot lines. We are providing additional shading on the west, and the requirement is not relevant on the southern boundary of the lot.
- 10' sidewalk – a 10' sidewalk can not be accommodated due to the proximity of the building to the right of way along W. Main St.. The lot topography also makes a sidewalk in that location problematic. Along Jones Ferry Road, large existing trees and sloping topography make a sidewalk, again, problematic.
- LUO 15-175.7 – 9.400 use in BI-G – Even though the lot was laid out prior to establishment of portions of the ordinance by both current and previous owners, the lot is fairly compliant with this ordinance: the structure is located toward Main St. with considerable portions of the vehicle storage areas away from the street, and on the west and south, the vehicle storage areas are completely screened from the right of way. None of the existing or new bay doors face the right of way directly. The screening is discussed above. All of the hazardous and flammable products are in quantities below

Minor Modification to CUP
Chapel Hill Tire Co.
203 W. Main St.

the amounts requiring special storage and handling. By-products - used motor oil (and other lubricants) and tires - are regularly removed from the site for recycling. There are no unregistered vehicles on the lot. Regarding "Good Neighbor" standards, the business has operated in this location for over 20 years and we are not aware of complaints regarding noise, dust, vibrations, electrical disturbances, and fumes. We will have an opportunity to hear of any at the neighborhood meeting. As was mentioned above, liquid wastes are removed from the site for recycling.

- LUO 15-178 Architectural Standards in BI-G – Due to the proximity of the building to the right of way and the layout of the building, it is not practicable to have an entrance directly facing the right of way, but we are currently working on elevations that will make the customer entry clearly recognizable. Due to the nature of the business, extensive glazing of the service bays is not desirable, but we are attempting to improve the Main Street elevation with both new architectural elements and new plantings, and with the additional plantings on the western edge of the property, combined with the majority of the parking being located away from the front of the building, we believe we have proposed changes where practicable that are in line with the intent of the ordinance.

Jack Haggerty, Architect

205 West Main Street, Suite 213

CARRBORO, NORTH CAROLINA 27510

919. 967. 5191

jack@jackhaggertyarchitect.com

May 13, 2009

Town of Carrboro
James Thomas
Planner, Zoning Specialist

Minor Modification to CUP
Chapel Hill Tire Co.
203 W. Main St.

James: Please find 6 sets of the revised Chapel Hill Tire-Carrboro set.

Town of Carrboro – General Comments:

1. done, See Project Summary on SP-1 (storage number is paved area minus parking space area);
2. there is not a loading dock, nor has Chapel Hill Tire ever used one. A few times a week the tire store is visited by a panel truck delivering tires and a few other vendors visit on a weekly basis, or as required. The off-loading of these smaller vehicles is accomplished in the parking lot, away from customer parking, and in a short time period. There is no off-loading on a public right of way and rarely in customer drop-off area;
3. for a fair portion of the drive aisle there is 24' in width. The driveway is a one way drive (a sign indicating this is posted @ the Jones Ferry Rd. end of the driveway. And where the drive is narrowest, it is used primarily by the technicians, moving vehicles to and from bays;
4. see attached, titled - Non-Conformities Justification Letter;
5. One new additional light will be added at the rear of building, light "footprint" shown on SP-1 and it is compliant.

Sungate -

1. the retaining wall will range from 6" high to 3'6" high;
2. see sheet Ex-1 for asphalt detail;
3. see sheet Ex-1 for retaining wall detail.

Town of Carrboro – Public Works – David Poythress

1. see Project Notes regarding requirements for work in right of way;
2. see Project Notes regarding care and responsibility regarding exiting sidewalk and roadway.
3. see note on Tree/Shrub Planting Detail

Town of Carrboro – Public Works – Chris Clark

1. see Dumpster Pad and Screen Detail, SP-1

Town of Carrboro – Environmental Planner-

No response required.

Minor Modification to CUP

Chapel Hill Tire Co.

203 W. Main St.

Town of Carrboro - Transportation Planner –

No response required.

Town of Carrboro Fire and Rescue Department –

1. see Sheet A-3, northwest corner of building.

Orange County Solid Waste –

No response required.

OWASA

1. see Ex-1 and SP -1 (S.E. corner of bldg.), with note regarding storage near water meter and access to it is included in Utility Notes, SP-1;
2. see Ex-1 and SP -1;
3. Carrboro Fire-Rescue Department has reviewed project.

N.C. DOT

1. we can locate retaining wall (including footing) within the lot boundary, and can construct the wall from the interior of the lot. If, after reviewing this with the contractor, we find we will need to acquire an encroachment letter we will contact NCDOT.

Please let us know if additional materials are required. Thanks for your assistance in this.

A handwritten signature in black ink, appearing to read "Jack Haggerty", written in a cursive style.

Jack Haggerty

A RESOLUTION APPROVING THE MINOR MODIFICATION FOR CHAPEL HILL
TIRE LOCATED AT 201 WEST MAIN STREET
Resolution No. 145/2008-09

WHEREAS, the Zoning Division approved a Zoning Permit for an Automobile Repair and Auto Parts Sales (Combination Use) at 201 West Main Street on June 10th, 1986; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that changes to the existing uses shall constitute a minor modification to the original Zoning Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the minor modification to Chapel Hill Tire located at 201 West Main Street be approved with the two following conditions:

1. That prior to Construction Plan approval, the water and sewer service lines be field located and placed on the Construction Plans.
2. That all engineering related items in regard to the proposed retaining wall be reviewed/approved by Sungate Design prior to Construction Plan approval.