

# BOARD OF ALDERMEN

ITEM NO.: A(1)

## AGENDA ITEM ABSTRACT

MEETING DATE: FEBRUARY 22, 2011

**TITLE: MINOR MODIFICATION OF EXISTING CONDITIONAL USE PERMIT FOR 300 EAST MAIN STREET**

<b>DEPARTMENT: PLANNING DEPARTMENT</b>	<b>PUBLIC HEARING: YES ___ No <u>X</u></b>
<b>ATTACHMENTS:</b> <b>A. RESOLUTION</b> <b>B. PROJECT PLANS &amp; RENDERINGS</b>	<b>FOR INFORMATION CONTACT:</b> <b>MARTY ROUPE, 918-7333</b>

### PURPOSE

Main Street Partners, LLC has submitted an application for a Minor Modification of the existing Conditional Use Permit for 300 East Main Street to allow for minor changes to the existing site in advance of the future redevelopment project. Town staff requests that the Board of Aldermen review the information and consider approving a resolution permitting the changes to move forward.

### INFORMATION

Main Street Partners, LLC (MSP) is seeking permission to make minor changes to the existing site in advance of future redevelopment efforts. Accordingly, this change is considered a modification of the existing CUP (from October 23, 1984), pre-dating approval of the CUP for a redevelopment project. It is not intended to modify the CUP issued in 2008, which MSP still intends to develop and construct in due time.

Two specific requests are currently proposed, as illustrated in **Attachment B**. First—the applicant desires to close in as habitable space the existing canopy line for a portion of the front of the building. Specifically, the western-most two existing spaces would expand outward slightly, such that walls and glass would be erected where the canopy currently exists. Additional sidewalk is proposed in front of this area, where small landscaping islands currently exist, to replace a roughly equivalent amount of sidewalk being covered under the canopy. Second—the applicant desires to construct a relatively small addition to the back of the building along the second western-most space. This space essentially closes in the existing loading dock area but does extend further than the perimeter of the loading dock. In summary, the proposed changes are minor in nature, but per the applicable LUO language do warrant review by the Board of Aldermen. Specific LUO-related matters are addressed below:

-Parking. The additional square footage associated with the request along with changes to the proposed allotment of uses results in a presumptive net addition of 40 spaces. To address this change, the applicant proposes to execute a satellite parking arrangement on property they own within 400-ft of the subject property containing 35 parking spaces. This agreement will effectively give patrons of the 300 E Main project the right to park at the Roberson Street / Main Street parking lot, near the train tracks. A condition is proposed as a part of this modification to allow staff and the property owner to work out details, if

necessary, related to the existing lease arrangement providing for use of the referenced parking lot by the public:

- That staff and the applicant work together, if necessary, to modify the existing lease arrangement for the Roberson Street and Main Street parking lot to reflect that it is permissible for both the public and patrons of 300 E Main to use the lot.

By utilizing the neighboring parking lot, the applicant is left with only a nominal parking deficiency of five (5) parking spaces. The applicant has offered that a well-established parking pattern exists and will continue wherein patrons of the Cat's Cradle do not typically arrive until one or more other businesses in the plaza have closed for the evening. With this in mind, the applicant requests that the Board of Aldermen approve the request with a reduction of five parking spaces. A related condition is offered below:

- That the Board of Aldermen hereby approves of a parking reduction of five (5) spaces as related to the proposed new building additions. This request is granted based on expected complementary shared use of spaces as daytime businesses close before nighttime businesses open.

-Screening and Shading. No changes are proposed to the existing screening or shading.

-Downtown Design Standards. The relevant portion of the design standards applicable to the proposed construction involves the amount of glazing for the façade. Architect Jim Spencer states that the amount of glass proposed along the front portion of the building will adhere to the 60% requirement.

-Utilities. No changes are proposed to the existing utilities. OWASA has stated that some new service line changes may be necessary. Details will be worked out before a building permit is issued.

-Fire Access. The Town Fire Marshall has reviewed the plan and is comfortable with the new additional space and arrangement. Interior matters related to the Fire Code will be addressed during the issuance of a building permit.

-Solid Waste. The only remaining issue regarding solid waste involves resolving the necessary capacity related to the additional square footage. Discussions are ongoing between the applicant and Orange County Solid Waste, and a condition is offered below to ensure resolution before any additional square footage may be occupied:

- That the applicant must adhere to the capacity and location requirements for recycling facilities, from Orange County Solid Waste, as associated with the additional square footage prior to issuance a Certificate of Occupancy for the building additions.

-Nonconformities. The applicant requests that the Board of Aldermen allow the modifications to the building without requiring that existing nonconformities be addressed at this time, as allowed by the LUO.

-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."

## **RECOMMENDATION**

Town staff requests that the Board of Aldermen review the information submitted and consider adopting the prepared resolution (**Attachment A**) approving the Minor Modification to the CUP, subject to the following conditions:

- 1) That staff and the applicant work together, if necessary, to modify the existing lease arrangement for the Roberson Street and Main Street parking lot to reflect that it is permissible for both the public and patrons of 300 E Main to use the lot.
- 2) That the Board of Alderemen hereby approves of a parking reduction of five (5) spaces as related to the proposed new building additions. This request is granted based on expected complementary shared use of spaces as daytime businesses close before nighttime businesses open.
- 3) That the applicant must adhere to the capacity and location requirements for recycling facilities, from Orange County Solid Waste, as associated with the additional square footage prior to issuance a Certificate of Occupancy for the building additions.