

BOARD OF ALDERMEN

ITEM No. A(1)

AGENDA ITEM ABSTRACT

MEETING DATE: OCTOBER 25TH, 2011

SUBJECT: REVIEW OF THE 403 W. WEAVER STREET CONDITIONAL USE PERMIT

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> NO
ATTACHMENTS: A. RESOLUTION B. PROJECT PLANS C. STAFF REPORT D. TRAFFIC IMPACT STATEMENT E. JUSTIFICATION LETTER (FOR NON-CONFORMING SITUATIONS TO REMAIN) F. REQUEST FROM APPLICANT G. JOINT REVIEW SUMMARY RECOMMENDATIONS	FOR INFORMATION CONTACT: JEFF KLEAVELAND, 918-7332

PURPOSE

Consultant, Jack Haggerty, is requesting a CUP be issued for the property located at 403 W. Weaver Street further identified by Orange County PIN 9778764491. Staff recommends that the Board of Aldermen review and consider granting the CUP application.

INFORMATION

This permit application requests additional permitted uses and future building expansion areas. The property is located in the B-2 zoning district. There are no proposed changes to the existing building at this time (though there may be in the future) and the site work consists of minor improvements to the parking situation.

STAFF RECOMMENDATION

Staff recommends that the Board of Aldermen adopt the attached resolution (Attachment A) approving 403 W. Weaver Street Conditional Use Permit authorizing the addition of the following uses to the property: **1.110**-Single Family Residential, **1.200**-Two-Family Residential, **1.300**-Multi-Family Residential, **1.400**-Group Homes, **1.510** Tourist Homes and other Temporary residences, **2.110**-Specialty Retail-High Volume Traffic Generation (excludes pawn shops and firearm sales), **2.120**-Retail/Commercial-Low Volume Traffic Generation, **2.130**-Wholesale Sales, **3.110**-Office-Serving Clients on the Premises, **3.120**-Office-Minimal Customer/Client Traffic, **3.130**-Office-Physicians/Dentists not more than 10,000 sf grows floor area, **3.150**-Copy Center/Printing Operation, **5.200**-Churches, **5.310**-Library, Museum, Gallery-Located within previous residential building, **5.320**-Library, Museum, Gallery-Located within any permissible structure, **5.400**-Social, fraternal clubs and lodges, **6.140**-Town sponsored community center, **8.100**-Restaurant (no outside service, drive through windows, drive-in, carry-out, food delivery, mobile food vendors allowed), **8.200**-Restaurant-same as **8.100** but allowing outside service and consumption, **19.100**-Open Air Market, **19.200**-Open Air Market-Horticultural Sales, **19.300**- Open Air

Market-Seasonal Christmas or Pumpkin sales, **22.100**-Child Day Care Home, and **27.000**-Combination Use. Furthermore staff recommends that this permit be subject to the following conditions:

1. The evidence of the complete Joint Access easement and/or agreement is presented and approved prior to the CUP plans being stamped approved.

If the Board finds the applicant's justifications for the non-conforming-situations-to-remain and the parking deviation, acceptable, then the following additional conditions are recommended.

2. That the Board hereby grants a deviation from the presumptive parking requirements of Section 15-291 based upon the availability of satellite parking on adjacent lots and the availability of public parking spaces on the public parking lot located 225' to the east of the subject property.
3. That, due to the justification provided by the applicant regarding the site's limitations, the two parking spaces located in front of the building along Weaver Street be allowed to remain even though the property is located in the B-2 district which strives to locate parking areas behind buildings so they are not readily visible from the street.
4. That the 10' sidewalk width requirement of section 15-221(f) be waived based on the applicant's justification that the non-conformity of the existing sidewalk should be allowed to remain.
5. That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 as they are applied to eastern property line are waived based upon the applicant's screening justification letter.