

Council Member Volk moved approval of the items listed on the consent agenda. A unanimous vote of the Council followed. Motion carried.

5. Quasi Judicial Public Hearing – Application from Glade Holdings, Inc. for Special Use Permit Authorizing Development of two Buildings on the Thomas Packing House Property on Church Street. Mayor Niehoff opened the public hearing and explained the procedures for a quasi-judicial hearing including Council will be considering facts in the case not necessarily opinions, witnesses must be sworn in and their testimony is subject to cross examination. Four persons were sworn in to provide testimony: Mr. Roger Briggs, Mr. Luther Smith, Mr. Gaston Campano and Mr. Ed Hernandez.

Mr. Roger Briggs, Planning Director, addressed the Council requesting Planning Department file #P02-11-SUR be admitted into the record of the proceeding and asked that Council take official notice of the Land Development Plan (LDP), the Thoroughfare Plan and the Zoning Ordinance of the City.

Mr. Briggs reported the City is in receipt of an application from Glade Holdings, Inc., for the issuance of a special use permit authorizing development of two buildings, each containing 27,750 square feet of floor area dedicated to residential uses and 13,450 square feet of floor area dedicated to certain specified commercial uses for a total of 82,400 square feet on a 2.98-acre parcel. He stated in the application, the developer has agreed to limit the property to the following uses: hotel, professional offices, retail sales and residential.

Existing Land Use & Zoning: Mr. Briggs stated the lot is zoned CMU Central Mix Use. To the north, west, and east are commercial uses on property zoned CMU. To the south is an abandoned commercial structure on property zoned C-2 Secondary Business.

Plan Review: Mr. Briggs reported the application complies with the requirements of Section 7-8-4 of the Zoning Ordinance with two exceptions: 1) There is no preliminary stormwater plan meeting the requirements of Section 6-2. He stated he is waiving the requirement as a final stormwater management plan is required at the time of final site plan review. 2) The site plan does not conform with the requirements of Section 18-3 Stream Buffer Protection Standards. He reported the applicant is requesting a variance of 359 square feet from within the required 30-foot stream buffer and 3,639 square feet within the required 20-foot transitional area. He referred to a letter from the applicant dated May 30, 2002 requesting a variance.

Mr. Briggs reported this development is located within the floodway and the floodway fringe of Wash Creek. Section 18-2-4 of the Zoning Ordinance allows for redevelopment in the floodway and floodway fringe if the applicant can demonstrate compliance with the requirements contained therein. He provided a copy of the applicant's narrative addressing this section. He stated staff is of the opinion the applicant has met this requirement.

Analysis: Mr. Briggs explained Section 7-4-4 of the Zoning Ordinance provides "No special use permit shall be approved by City Council unless each of the following findings is made."

1. *The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.* He stated no public health, safety or general welfare issues have been identified.
2. *There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.* He stated existing water and wastewater facilities are adequate to accommodate increased demand associated with this project.
3. *The use or development complies with all required regulations and standards of the zoning ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14 and with all other applicable regulations.* Staff has not identified other regulations or standards of the Zoning Ordinance that appear to be problematic.
4. *The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.* He stated a neighborhood compatibility meeting was held on February 20, 2002. Notice was provided by U.S. mail to record owners of all property situated within 400 feet of the subject property as required. He reported three property owners/residents attended the meeting and questions focused on the floodplain issue and storage of flood water. It was the consensus of those in attendance that the proposed development would improve the area. He provided a copy of the neighborhood compatibility meeting report.
5. *The use or development conforms to the general plans for the physical development of the City as embodied in this chapter and in the Land Development Plan and the Thoroughfare Plan.* He stated the 1980 LDP shows this property classified as secondary commercial and this project appears to be consistent with the LDP. The 1991 Thoroughfare Plan deems Church Street in this vicinity to have adequate roadway and right-of-way widths and stated the project is in compliance with the City's Thoroughfare Plan.

Mr. Briggs brought Council's attention to an amended list of conditions adding: f) the dedication of a greenway easement along Wash Creek, at which time the easement segment is needed to connect to an adjoining segment either to the north or south of the development parcel.

Mayor Niehoff called for proponents of the project to speak. The following addressed the Council:

Luther Smith, landscape architect and planner for the project representing Glade Holdings in their application for a special use permit. He provided the following information and first reviewed a drawing of the existing conditions of the proposed redevelopment project stating the site is the Thomas Packing House property consisting of 2.98 acres and zoned CMU. The property is bordered on the west by Wash Creek, on the east by Church Street, on the north Hot Dog World and to the south the railroad. Of the 2.98 acres, 2.7 acres falls within the 100-year floodplain, and of the 2.7 acres, approximately .8 acres falls within the floodway of Wash Creek. The existing building covers about 19% of the property (25,000 square feet), other impervious surfaces (concrete, asphalt, and gravel) cover about 49% of the site, totaling about 68% of the site is covered by impervious surface, 32% is open space. The property is bisected by a 16-inch sanitary sewer line and it has not been identified exactly where it is located but one manhole may be under the existing building. The property was incrementally developed over the years and used for a packing house and other uses, portions of the property have been filled. A dike up to five feet runs the length of Wash Creek so the property will not be flooded. A portion of the building foundation sits in the edge of the creek. Existing buildings on the site have taken away approximately 62,000 cubic feet of flood storage area. He reviewed a second drawing which contained two structures totaling approximately 80,000 square feet of floor space. The structure has portions of two and three-stories. The first floor is intended to be professional offices or retail sales, and residential on the other floors. The existing grade will be parking under the building and that area will be open. The proposed building coverage is approximately 29% of the site, proposed additional impervious coverage (parking) is approximately 25%, totaling 54% of the site instead of the existing 68%. The additional 14% is an increase in open space and after construction, more pervious space than existing conditions. As part of the open space requirement in CMU, an urban open space area of approximately 4,500 square feet will be provided through a courtyard. The urban open space will have a relationship to the street by an existing sidewalk on Church Street and an entrance that crosses into the open space. 110 spaces of parking are proposed including the parking level under the building. The ground level will not be raised in the back half of the site, the parking area will be open so flood waters can go through it. The center of the property will contain a minimum amount fill. The total building height will not exceed 64 feet. The proposed uses are possibly hotel, retail, professional offices and residential. The amount of each will be determined by market demand. The limit of floor space is based on the number of parking spaces (110). Regarding stormwater and flooding, the open space is being increased by 14% and pervious surface by 24%. By removing the buildings and leaving the ground floor open for parking, this will add back about 41,650 cubic feet of flood storage. He reviewed another drawing of the proposed project stating the existing dike will be removed and an area along the creek may be utilized for walking trails and part of the greenway system. Excavation is proposed for an area to create a wetland and flood storage area and a mid-level floodplain. A building will be constructed on the existing grade with parking on the ground floor and the elevation will continue to rise toward Church Street. He pointed out the area for the creation of a mid-level flood plain for stormwater storage and potential wetland area. Two other areas will be excavated for stormwater storage. With the increase in pervious surface, the actual run off from the site has been reduced from approximately 18 cubic feet/second to approximately 16 cubic feet/second. He provided a preliminary plan for the proposed buildings pointing out the parking level (for parking), first floor proposed for a colonnade or walkway for entrance to the offices, etc., the second floor may be used for residential or professional offices and the other floor for residential space. An elevator corridor will serve the parking and lower levels. Regarding protection of the stream corridor, he stated currently with the dike along Wash Creek there is almost no buffer with the exception of a few trees. He pointed out the 30-foot buffer area. A small portion of the building designated for parking extends into the buffer area and they are requesting a variance of 359 square feet. He pointed out the 20-foot transitional zone takes in portions of the parking area of both buildings in the amount of approximately 3,600 square feet. While losing some of the buffer zone, they are more than offsetting the area being lost by streambank restoration, a wetland area and stormwater storage area. They chose to put access on the far north end of the site so a number of cars may be stacked if needed. The Planning Board expressed some concerns about traffic on Church Street and they discussed an acceleration lane, splitting the entrance, etc. He met with NCDOT to hear their concerns. NCDOT prefers a single entrance and asked that the radius' be widened to allow easy turning in and out. Mr. Green did not support an acceleration lane but did not express any other problems with the proposal. Original plans indicated a divided entrance and there were concerns from the Fire Chief about adequate width for fire trucks and emergency vehicles. He proposed one uniformly wide entrance with textured pavement. There will be signage indicating right turns only out of the project. Church Street can handle the additional traffic. No one expressed a desire to cross examine Mr. Smith.

Mr. Gaston Campano, Glade Holdings, Inc., addressed the Council asking for questions they may have.

No one else expressed a desire to speak in favor of the proposed project nor in opposition to it. The public hearing was closed at 6:30 p.m.

In discussion, Mayor Pro Tem Padgett asked if the parking area will be pervious surface. Mr. Smith responded that has not been addressed but it could possibly be a pervious-type asphalt. Council Member Stephens commended the developer and Luther Smith for the proposed plan stating it is sensitive to all requirements. She encouraged the consideration of pervious materials for the parking area. Other Council members supported the commendation. Mayor Niehoff commented that being open to suggestions allows improvements to property. He stated the Council will continue to look at ways to make the stream buffer ordinance more flexible and encourage development which improves property. He recommended the granting of the requested variances. Council Member Stephens also commented the project will help raise the real estate values in that area and will encourage others to develop the area. Mayor Pro Tem Padgett commented this is a challenging site and the developer has done a good job improving the flood situation.

She stated she would prefer less parking in front but this project will serve as a model to other developers in the area. She stated the applicant was challenged by the Planning Board on several issues which have been addressed.

With regard to the request of Glade Holdings, Inc. for a variance from the requirements contained in Section 18-3 Stream Buffer Protection Standards for a reduction of 359 square feet from the required 30-foot stream buffer and 3,639 square feet from the 20-foot transitional area, Council Member Volk moved City Council to find that a literal enforcement of such requirements will result in practical difficulty or unnecessary hardship and that the granting of the requested variance will not result in a development which would violate the findings of fact required by Section 7-4-4 of the Zoning Ordinance. Consequently, she moved Council to grant the requested variance. The Council voted unanimously. Motion carried.

Mayor Niehoff asked Mr. Campano if he has seen the amended list of conditions and if he agreed the conditions will be met. Mr. Campano responded yes.



With regard to the application from Glade Holdings, Inc. for a special use permit based on the record before the Council, Council Member Volk moved Council to make the following findings of fact required by Section 7-4-4: 1) the development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; 2) there are, or will be at the time they are required, adequate public facilities to serve the development; 3) the development complies with all required regulations and standards of the Zoning Ordinance and with all other applicable regulations; 4) the development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located; and 5) the development conforms with the general plans for the physical development of the City. She further moved Council to approve the application of Glade Holdings, Inc. for the issuance of a special use permit, based on the site plan submitted by the applicant and subject to the conditions stipulated on the document entitled "Application of Glade Holdings, Inc.: List of Conditions" as well as any other conditions agreed to by the applicant on the record of this proceeding. A unanimous vote of the Council followed. Motion carried.

6. Public Hearing - Consideration of Land Development Plan Revision: two text amendments and two corridor plans. Mr. Briggs addressed the Council explaining this project began in March 2001 when an ad hoc committee was appointed by Mr. Bill O' Cain, Planning Board Chair, in conjunction with Mayor Niehoff, to undertake the task of revising the City's Land Development Plan by focusing on three specific areas: Signal Hill Road, U.S. Highway 64 East and Old Spartanburg Road. He stated the Land Development Plan Revision Committee was chaired by Council Member Stephens (who was a member of the Planning Board at that time) and the remaining members of the Committee are: Jeff Egolf, Ken Gaylord, Bill McKibbin, Bill O'Cain, Erica McArthur Thompson and John Sheiry.

Mr. Briggs explained in preparing the corridor plans, it became evident that some mechanism would be necessary to put the amendments into effect. He stated the Committee developed the "Corridor Plan" text amendment to the LDP which recognizes the level of detail for corridor plans is much greater than is