

TO: Town Council

FROM: Emma Martin, Planner I EM

DATE: January 30, 2020

TITLE: CUP 19-0007 Conditional Use Permit for General Office with accessory Club Use in the Old Town Residential (OTR) Zoning District on 0.341 acres at 205 Kent Street (tax parcel 256- 6SEC 4 3, 4A), requested by Ryan Seavy of [R(Plus) Incorporated] (applicant) and H C M F XXXIII Partnership (property owner)

CUP 19-0008 Conditional Use Permit for Vehicle Use of Alley for Non-Residential use in the Old Town Residential (OTR) Zoning District on 0.341 acres at 205 Kent Street (tax parcel 256- 6SEC 4 3, 4A), requested by Ryan Seavy of [R(Plus) Incorporated] (applicant) and H C M F XXXIII Partnership (property owner)

At the January 21, 2020 Town Council work session there was discussion concerning several items that are detailed below.

Gabion Walls

The application contains specific examples of the proposed gabion walls on pages 40, 45, 46, 47, and 48 of the application dated December 17, 2019. The condition recommended by staff for substantial conformance is sufficient to ensure that the gabion walls, when installed, will be required to match the appearance in the application. The applicant intends for the gabion walls to be an architectural feature that will support the growth of vines.

Maximum Number of Attendees for Events

A maximum number of attendees for functions was discussed at the Planning Commission Public Hearing as well as the Town Council Work Session. The applicant has proposed the maximum number of guests for any event be no more than 200. Staff has created a condition to reflect this commitment by the applicant. Town Council should consider whether this limit is appropriate based on the seating charts submitted by the applicant showing up to 130 guests in three layouts. These pages of the application are found on pages 30, 31, and 32 of the application dated December 17, 2019.

STAFF RECOMMENDED CONDITIONS for CUP19-0007 for office use are as follows:

1. The property shall be developed in substantial conformance with the revised application dated December 17, 2019.
2. The office hours of operation shall be limited to 9:00 AM to 7:00 PM Monday through Friday to limit impact on the surrounding neighborhood.
3. A maximum of 16 events with more than 50 attendees shall be permitted per year. A maximum of 52 events with 30-50 attendees shall be permitted per year.

4. As part of the site plan process, the property owner shall dedicate a sidewalk easement on the property along the Kent Street frontage with a minimum width of 10' to allow for the property owner's construction of curb and gutter and a minimum 5' concrete sidewalk in the easement area. The property owner may temporarily delay construction of the sidewalk to coordinate its construction with the construction of sidewalk on either adjoining parcel (ID# 024007 and ID# 020885); however, in any event, the property owner must complete the construction of the sidewalk no later than 5 years from the site plan approval date for the site improvements and building addition (regardless of whether sidewalk has been constructed on the adjacent properties). If, at the time the property owner is required to install sidewalk on the property, sidewalk has not been constructed on one or both of the adjoining properties, the property owner will not be obligated to construct sidewalk to the edge of the applicable property line so that any adjoining property retaining walls, if they still exist, are not damaged.
5. An attendant shall be required for events with more than 50 attendees. An attendant is recommended for events with 30-50 attendees. The function of the attendant in general shall be to manage traffic in the alley and to manage parking in the alley.
6. The number of guests for events at 205 Kent Street shall be limited to no more than 200 guests.

STAFF RECOMMENDED CONDITIONS for CUP19-0008 for non-residential alley use are as follows:

1. Property shall be developed in substantial conformance with the revised application dated December 17, 2019.
2. Primary non-residential use of the alley shall be limited to office employees for access to parking to the rear of 205 Kent Street. Signage denoting "Staff Parking Only" shall be added to the parking spaces.
3. Additional non-residential use of the alley for events accessory to the office use shall be limited to handicap parking and drop-off/pickup for guests needing ADA accommodations.

Town Council will need to consider if these conditions adequately address the impacts of the application as proposed. In taking final action on this proposal, Town Council may add any conditions necessary to ensure that the application meets the specific and general standards for the proposed use.