



DATE: February 19, 2019

SUBJECT: Special Use Permit
Private Club in a Center City (CC) zoning district

CASE: SUP-01-19

ACCELA CASE: CN-SUP-2019-00001

APPLICANT: Sherrie and Mike Kelley

LOCATION: 4 Union St., North
PIN 5620-88-8252

ACREAGE: +/- 0.38 acres

EXISTING LAND USE: Retail/Commercial/Office

EXISTING ZONING: CC (Center City)

REPORT PREPARED BY: Starla Rogers, Planning & Development Manager

BACKGROUND

The applicant proposes opening “The Overdraft Taproom” on the first floor of an existing building located at 4 Union Street North in downtown Concord.

The subject property is zoned Center City (CC) and consists of approximately .038 acres. “The Overdraft Taproom” would be considered a Private Club and take up approximately 3,300 SF of the existing building’s first and mezzanine level floors. Private Clubs are permitted in the Center City (CC) district as a special use. Currently there are two other Private Clubs in the Center City (CC) district; The Basement Barcade and Streakers Running Club, both on Union Street, South. Previous regulations applied a limit to Private Clubs within the CC (Center City) zoning distance. However, City Council recently approved a text amendment removing the number limitation.

Pursuant to the other applicable supplemental regulation, the applicants submitted a proposed layout, which delineates areas for the storage, an office, bathrooms, bar and seating.

No other conditions have been proposed by the applicant.

APPROVAL CRITERIA

In accordance with CDO Article 6.2, the Commission shall permit only those uses that are part of the special use permit. The following criteria shall be issued by the Commission as the basis for review and approval of the project:

1) The proposed conditional use conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures and the type and extent of landscaping and screening on the site.

This is an existing former bank building within the downtown with the subject space having been previously used for a commercial/retail uses. The applicant does not propose changes to the exterior structure and façade other than any signage, which will adhere to the City's sign ordinance. There are two other similar private clubs within downtown and the proposed use would operate similarly.

2) Adequate measures shall be taken to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads.

4 Union Street North is located near the municipal parking deck and has access to on street parking. No portion of the business would operate outside the existing structure. As a result, no issues are foreseen related to traffic.

3) The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas.

All activities of the requested private club will be within the existing structure and will operate similarly to other private clubs and similar businesses downtown that offer live music.

4) The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

The proposed private club will not limit future development of the surrounding area as it will be established internal to an existing structure.

5) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

The proposed use will not be detrimental to or endanger public health safety or general welfare as the business will operate as a commercial use and will locate in an existing structure within the downtown that was previously occupied for commercial/retail uses. The proposed business will adhere to all laws both local and ABC related.

6) Compliance with any other applicable Sections of this Ordinance.

The proposed use will be in compliance with the City's ordinances and any other governing laws.

PROPOSED FINDINGS OF FACT

1. The applicants are Sherrie and Mike Kelley and the subject property is located at 4 Union Street North.
2. The property is owned by Shelby Brother & HC Landlord.
3. The subject property is zoned CC (Center City).
4. The property consists of 0.38 acres and is developed with multiple commercial/retail uses along with multi-family rental units in the upper floors,
5. The adopted Land Use Plan designates the property as Mixed-Use-Activity Center.
6. The submitted floor layout meets the minimum requirements of Section 8.3.5.F of the Concord Development Ordinance (Supplemental Regulations for Private Clubs).

RECOMMENDATION AND SUGGESTED CONDITIONS

If the Commission votes to approve the special use permit, staff recommends the Commission consider adopting of the following conditions:

- (1) There will be typical noise and ambient sound from patrons (talking) and background music, occasional performers, comedians, trivia or music bingo nights. This volume shall be controlled so as not to disturb neighbors, adjoining properties and residents within the same structure. The establishment shall comply with the City of Concord's noise ordinance (Article 5 – "Noise").
- (2) The proposed operation shall comply with all local, state, and federal permitting requirements and shall meet all standards of a technical site plan if required.
- (3) The proposed operation will be limited to the submitted floor layout.
- (4) All signage shall comply with the CDO.



Application for
Special Use Permit

Date 1/12/2019

APPLICANT NAME Sherrie & Mike Kelley COMPANY NAME: Overdraft Taproom, LLC

APPLICANT ADDRESS: 2152 Woodstream Road

CITY: Harrisburg STATE NC ZIP 28075

PHONE NUMBER OF APPLICANT: 704-451-1220

OWNER OF PROPERTY (if different from applicant) H.C. Landlord, LLC

OWNER ADDRESS: 8601 Six Forks Rd. Ste. 250 CITY Raleigh STATE NC ZIP 27615

PROJECT ADDRESS (if an address exist): 4 Union Street North, Concord, NC 28025

P.I.N.: 5620-88-8252-000

Area of Subject Property (in acres, or square feet): _____

Lot Width: _____ Lot Depth: _____

Current Zoning Classification: _____

Existing Land Use: _____

Description of Use Requested: Overdraft is a self-serve style taproom offering wines and beers, non-alcoholic beverages and a limited food menu. There will be a variety of entertainment for patrons ranging from table top games, trivia nights, music and special sports viewing events.

Certification

I hereby acknowledge and say that the information contained herein and herewith is true, and this application shall not be scheduled for official consideration until all of the required contents are submitted in proper form to the Development Services Department.

Date: 1.12.19 Applicant Signature: 



General Requirements

The Concord Development Ordinance (CDO) imposes the following general requirements. Under each requirement, the applicant should explain, with reference to the attached plans (when applicable) how the proposed use satisfies these requirements.

- (a) The Planning and Zoning Commission must find that "the establishment, maintenance, or operation of the proposed use shall not be detrimental to, or endanger, the public health, safety or general welfare."
We will adhere to all local laws and ABC laws/rules. The business will be located in a space that was previously used as a commercial bank; the business will operate for commercial use.

- (b) The Planning and Zoning Commission must find that the proposed use "conforms to the character of the neighborhood, considering the location, type, and height of buildings or structures, and the type and extent of landscaping and screening on the site."
This space is part of the original Hotel Concord and is listed on the National Historic Register. We will not modify any of the exterior structure or facade. We will adhere to the City's sign ordinance. The proposed use is in line with the downtown's goal of being a unique and creative center that attracts visitors throughout the day and evening.

- (c) The Planning and Zoning Commission must find that the proposed use "provides ingress and egress so designed as to minimize traffic hazards and to minimize congestion on the public roads."
Staff will have access to two parking spaces behind the Hotel Concord building. We do not anticipate a significant impact on traffic or parking due to the ample street front parking, the Cabarrus Ave. parking deck and the new City parking deck that will soon open.

- (d) The Planning and Zoning Commission must find that the proposed use "shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke or gas."
There will be nothing noxious or offensive in our establishment. There will be typical noise and ambient sound from patrons (talking) and background music. Occasional performers, comedians, trivia or music bingo nights. This volume shall be controlled so as not to disturb neighbors.

- (e) The Planning and Zoning Commission must find that "the establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district."
We will be occupying an existing commercial location that is adjacent to commercial uses.

Specific Requirements

The Concord Development Ordinance also imposes SPECIFIC REQUIREMENTS on the proposed use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Planning and Zoning Commission, the proposed use(s) will comply with specific requirements concerning the following:

- (1) Nature of use(s) (type, number of units, and/or area):
Self-serve taproom with limited food service.

- (2) Accessory uses (if any):
None

- (3) Setback provisions:
Existing building



Application for Special Use Permit

- (4) Height provisions: Existing building
(5) Off-street parking and loading provisions: No requirements in the Center City district
(6) Sign provisions: We will comply with the City's sign ordinance
(7) Provisions for screening, landscaping and buffering: No requirements in the Center City district
(8) Provisions for vehicular circulation and access to streets: Located on the existing street with existing access
(9) Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm water, prevent erosion, and subdue dust: Existing building
(10) Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading spaces, facilities for waste disposal, and illumination: Existing building with the provisions above
(11) An adequate amount, and safe location of, play areas for children and other recreational uses, according to the concentration of residential occupancy: N/A
(12) Fences, walls, or year-round screen planting abutting residential districts, to protect residences from parking lot illumination, headlights, fumes, heat, blowing papers, and dust (to reduce the visual encroachment on privacy and residents): N/A
(13) Open space (including flood hazard area): N/A
(14) Improvements within the common open space: N/A
(15) Parking Areas: Existing building with access to on street parking and municipal parking decks
(16) Sidewalks, trails and bikeways: Existing building with access to existing sidewalks
(17) Lighting and utilities: Existing building with lighting and utilities
(18) Site furnishings: Tap wall, tables, chairs, stools, lounge sofas.
(19) Adequate fire, police, water and sewer services: Existing building with access to the services mentioned above. We will comply with any related requirements for upfits.



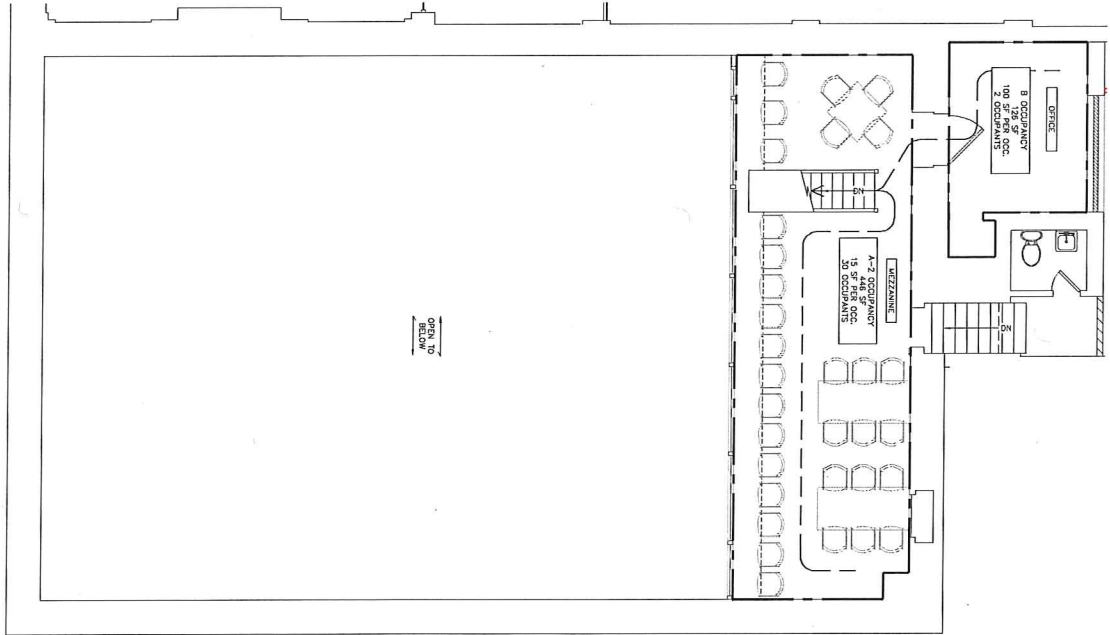
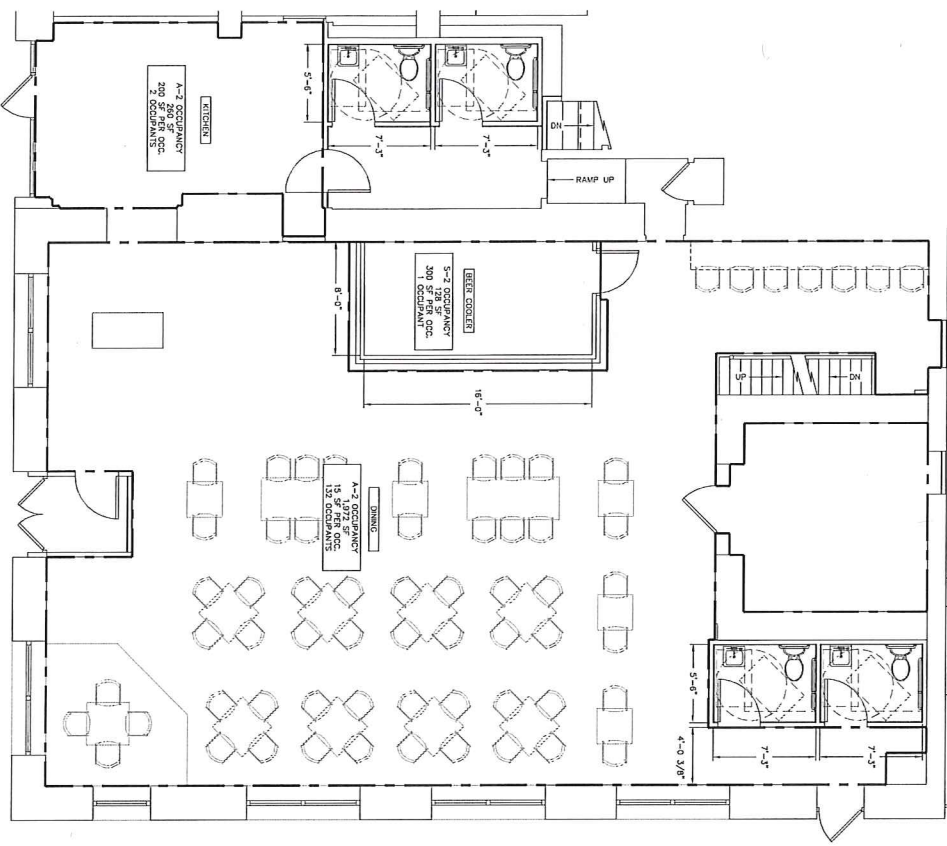
**Application for
Special Use Permit**

(20) Other requirements as may be requested by the applicant or specified by the City Council for protection of the public health, safety, welfare and convenience:

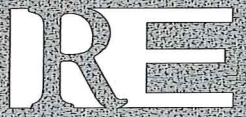
See attached layout for floorplan. Planned hours of operation: Monday-Thursday from 4:00 pm to 10:00 pm;

Friday and Saturday from 11:00 am to 1:00am; Sunday from 11:00 am to 10:00 pm

SPACE	OCC. TYPE	AREA (SQ)	SQ PER OCC.	OCCUPANTS
RECEPTION	A-2	280	200	2
OFFICE	A-2	1261	200	132
HRER OFFICE	S-2	1261	200	2
OFFICE	B	1261	100	2
MEZZANINE	A-2	444	15	30
TOTAL				167



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OVERDRAFT TAPROOM
CONCORD, NORTH CAROLINA
 BUILDING FLOOR PLAN - STREET LEVEL

PROJECT	REVISIONS
1902	
DATE	
DRAWN BY	
ERT	



Aerial Map

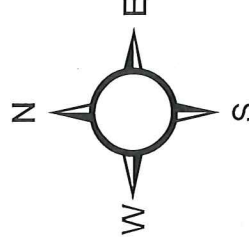
SUP-01-19

Sherrie & Mike Kelley

Establish Private Club

4 Union Street, North

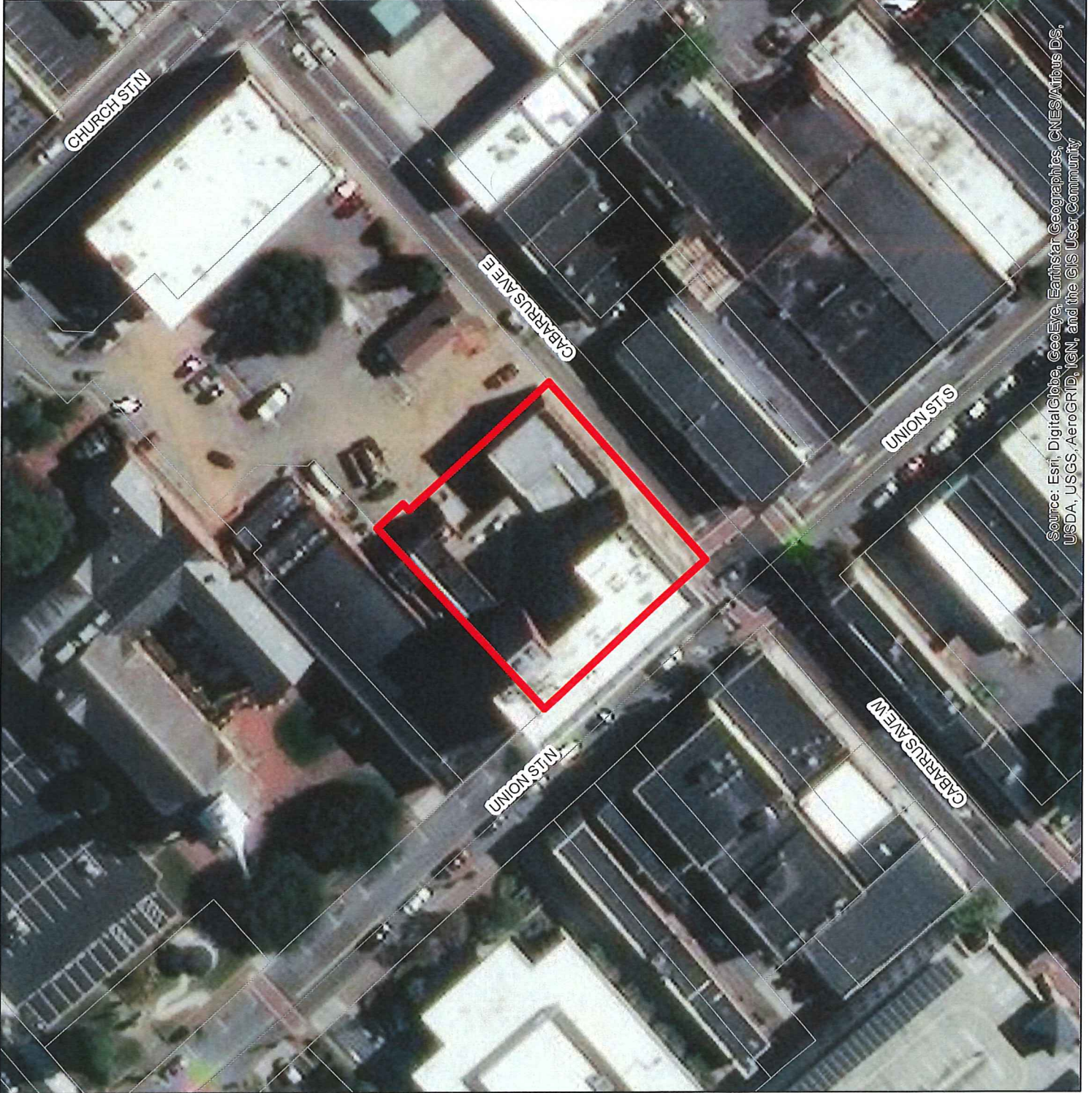
(PIN 5620-88-8252)



Source: City of Concord
Planning Department

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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Zoning Map

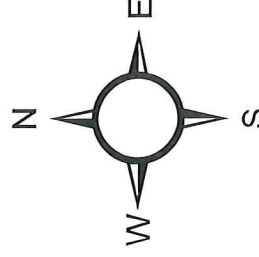
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Sherrie & Mike Kelley

Establish Private Club

4 Union Street, North

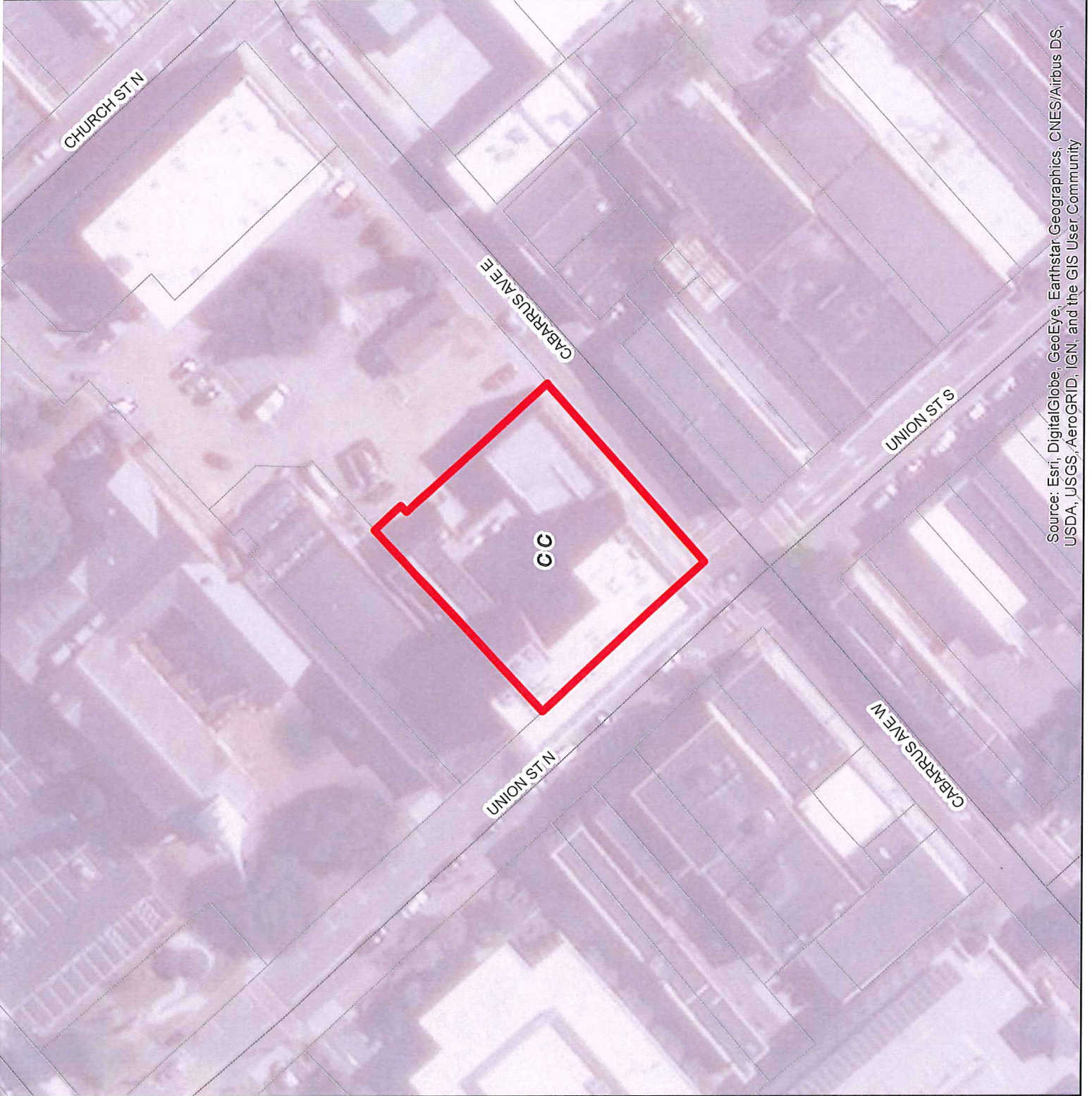
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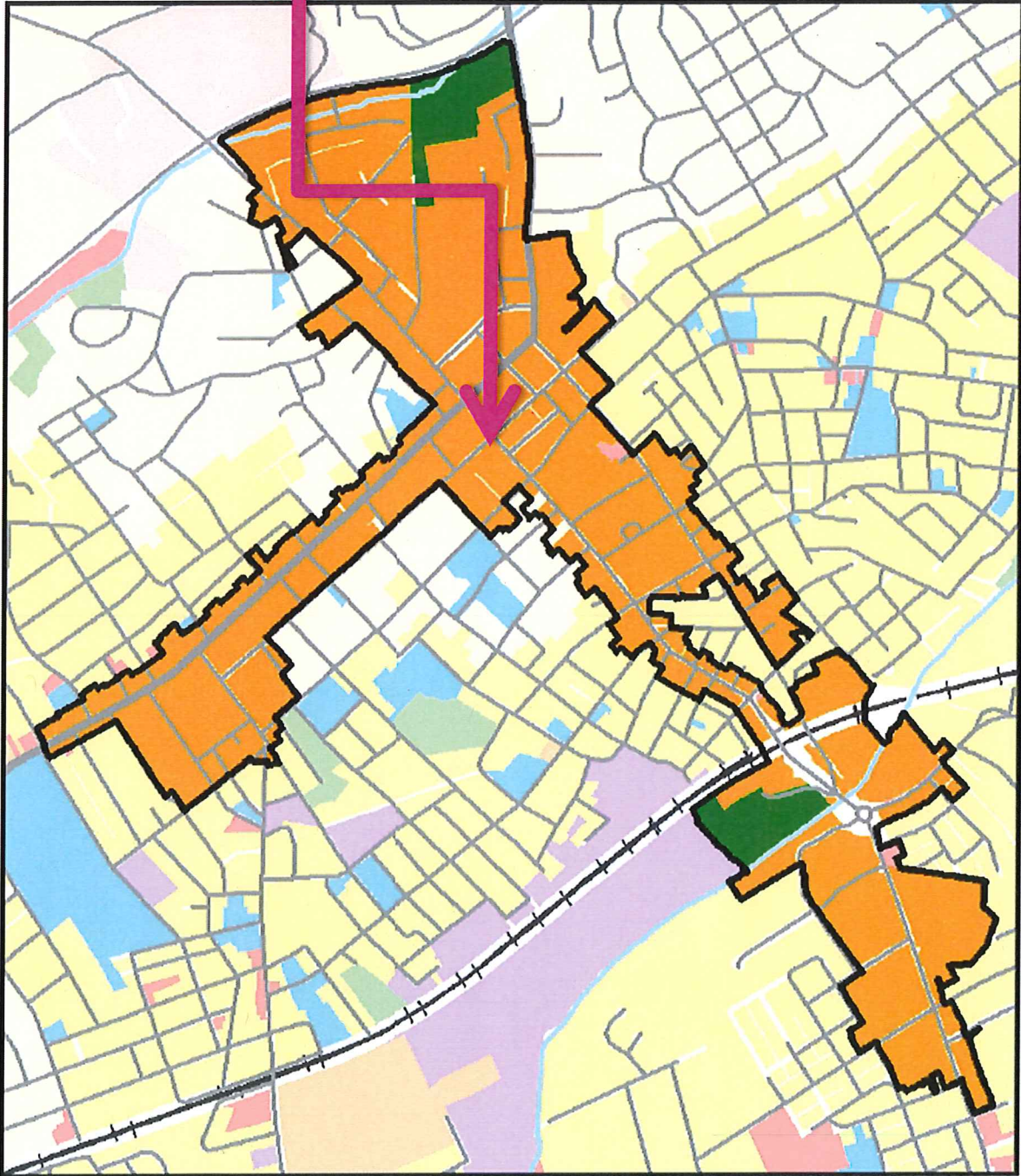
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Downtown Inset



Study Area	Industrial/Employment
Concord City Limits	Village Center
Suburban Neighborhood	Amusements/Motor Sports
Urban Neighborhood	Civic/Institutional
Commercial	Rural
Mixed-Use Activity Center	Open Space

Land Use Plan Map

SUP-01-19

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4 Union Street, North

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