

AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, AUGUST 9, 1994
7:30 P.M., TOWN HALL BOARD ROOM

Approximate Time*

- 7:30 - 7:35 A. Approval of Minutes of Previous Meeting: June 28, 1994**

- 7:35 - 7:45 B. Resolutions, Proclamations and Charges**

- ### C. Requests to Set Public Hearings

- 7:45 - 7:50 D. (1) **Voluntary Annexation/Arcadia Subdivision**
NP

The Arcadia Corporation has submitted a petition requesting annexation of the Arcadia Subdivision, which is located at the end of Barrington Hills Road. The total acreage is 16.51 acres and contains 33 dwelling units. The administration recommends adoption of the attached resolution setting a public hearing for August 23, 1994 to consider the request.

- 7:50 - 7:55
NP
- (2) **Land Use Ordinance Text Amendment Changing the Street Right-of-Way and Cul-de-Sac Standards**

The administration requests that the Board consider whether to set a public hearing for September 27, 1994 to consider an amendment to the street right-of-way standards contained in Section 15-216(b) and the cul-de-sac requirements in Section 217 of the Land Use Ordinance, or refer this matter to the right-of-way and street standards charette to be scheduled this fall.

E. PUBLIC HEARINGS

- 7:55 - 8:55 (1) **New Information/Joint Planning Area Land Use Plan Amendment Request**
P/5 **by American Stone Company**

The purpose of this agenda item is to receive “new” information pertaining to a proposed amendment to the Joint Planning Area (JPA) Land Use Plan submitted by American Stone Company. Amendments to the JPA Land Use Plan require the unanimous approval by Carrboro, Chapel Hill and Orange County as specified by the Joint Planning Amendment.

- 8:55 - 9:00
NP
- (2) **Voluntary Annexation/400 Smith Level Road**

The N.C. Federal of Business and Professional Women's Club, Inc. has submitted a petition for annexation of their property located at 400 Smith Level Road. The total acreage is 1.02 acres without any dwelling units. The administration recommends annexation of this property effective August 31, 1994.

F. OTHER MATTERS

9:10 - 9:25
P/5

(1) **Arcadia CUP Compliance/Construction Plan Update and Request for Partial Relief from Bonding Requirements**

The Arcadia Co-Housing Corp. was granted a conditional use permit on May 25, 1993 to construct 33 houses on a 16.51 acre tract of land. The town staff became aware that the developer had made several deviations from the approved plans during the construction of the project. The town staff will present a report summarizing the changes to the approved plans and update the Board on the status of the construction of this project.

The developer is requesting that the Board of Aldermen grant them partial relief from the 10-month bonding requirements for incomplete site work (sidewalks and pave the fire lanes).approve the deviations from the approved plans as shown on the attached plans.

9:25 - 9:40
P/5

(2) **Carrboro Middle School Lighting Fixtures and Bonding of Incomplete Site Work Items**

On September 15, 1992, the Board of Aldermen granted a conditional use permit to construct a middle school with associated parking lot lighting on poles with a maximum height of 15 feet. The representatives of the school consulted during with Duke Power to develop a lighting plan, but did so without regard to the CUP. The Board of Education is requesting that the Board of Aldermen grant a minor modification to the approved CUP to allow the use of the proposed lighting plan with the existing underground electrical work, above-ground pole stub-outs and the installation of the warehoused lighting fixtures on 25-foot tall poles.

9:40 - 10:10
P/5

(3) **Hogan Farms Subdivision/Greenway Dedication**

10:50
The Board of Aldermen will discuss the dedication of greenways as a part of the Hogan Farm Subdivision proposal generated through the facilitation process. In concluding the Board will determine whether or not, and to what extent, a greenway should be shown on the facilitated Hogan Farm Site Plan.

10:10 - 10:45
P/5

(4) **Review and Acceptance of Revised Hogan Farms Site Plan**

The Board of Aldermen will receive the revised Lake Hogan Farms Subdivision Plan produced through the facilitation process from the Town's Hogan Farm Facilitation Subcommittee. At the conclusion of the review, the Board will vote on the approval of the revised site plan along with revised conditions and authorize the town attorney to use the approved plan and conditions as an agreement with the Hogan Farm property owners for the settlement of the litigation brought against the Town.

10:45 - 10:50
NP

(5) Resolution Authorizing the Lease/Purchase of Vehicles and Equipment

The town staff requests that the Board of Aldermen adopt the attached resolution designating the installment purchase contracts for the purchase of vehicles and equipment approved in the 1994-95 Budget as tax-exempt obligations of the town.

10:50 - 11:00 G. MATTERS BY MANAGER

11:00 - 11:10 H. MATTERS BY TOWN ATTORNEY

11:10 - 11:20 I. MATTERS BY BOARD MEMBERS

*The times listed on the agenda are intended only as general indications. Citizens are encouraged to arrive at 7:30 p.m. as the Board of Aldermen at times considers items out of the order listed on the agenda.

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: August 09, 1994

SUBJECT: Request to Set a Public Hearing: Voluntary Annexation of Arcadia Subdivision

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES _____ NO <u>X</u>
ATTACHMENTS: Petition for Annexation Resolution Location Map	FOR INFORMATION CONTACT: Roy M. Williford, 968-7713
THE FOLLOWING INFORMATION IS PROVIDED:	
(x) Purpose () Summary	(x) Action Requested (x) Recommendation (x) Analysis

PURPOSE:

The Arcadia Corporation submitted a petition for annexation on July 13, 1994. The petition for annexation requests that the Arcadia Subdivision be annexed into the Town. The Arcadia Subdivision is contiguous to the Town of Carrboro and is located at the end of Barrington Hills Road. The total acreage is 16.51 acres and thirty-three (33) dwelling units are to be located on the property.

ANALYSIS:

As mandated by General Statutes 160A-31, the town clerk has investigated the sufficiency of the petition and has found it in compliance. Additionally, upon receipt of the certification of the petition, the Board of Aldermen must set a public hearing date and the town clerk is to publish a legal notice once, at least ten (10) days prior to the public hearing.

ACTION REQUESTED:

The Board of Aldermen is requested to set a public hearing for August 23, 1994 to consider the annexation petition submitted by Ray Collins, President of the Arcadia Corporation.

RECOMMENDATION:

The Administration recommends that the Board of Aldermen adopt the attached resolution which sets a public hearing date for August 23, 1994.

TOWN OF CARRBORO, NORTH CAROLINA

PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY

TO THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

1) The undersigned, being the owner of all real property located within the area described in paragraph two below, requests that such area be annexed to the Town of Carrboro, North Carolina.

2) The area to be annexed is contiguous to the Town of Carrboro, and is located at THE END OF BARRING TON HILLS RD. The boundaries of such territory are as shown on the metes and bounds description attached hereto.

3) A map (no larger than 18" x 24") of the foregoing property, showing its relationship to the existing corporate limits of the town, is also attached hereto.

4) The total acreage and dwellings units located on this property are as follows:

16.5 Acres

33 Dwelling Units

Respectfully submitted this 13 day of July, 1994.

Roy Collins Arcadia Corp
Name

405 A E MAIN ST CARRBORO
Address

Roy Collins
Owner/President

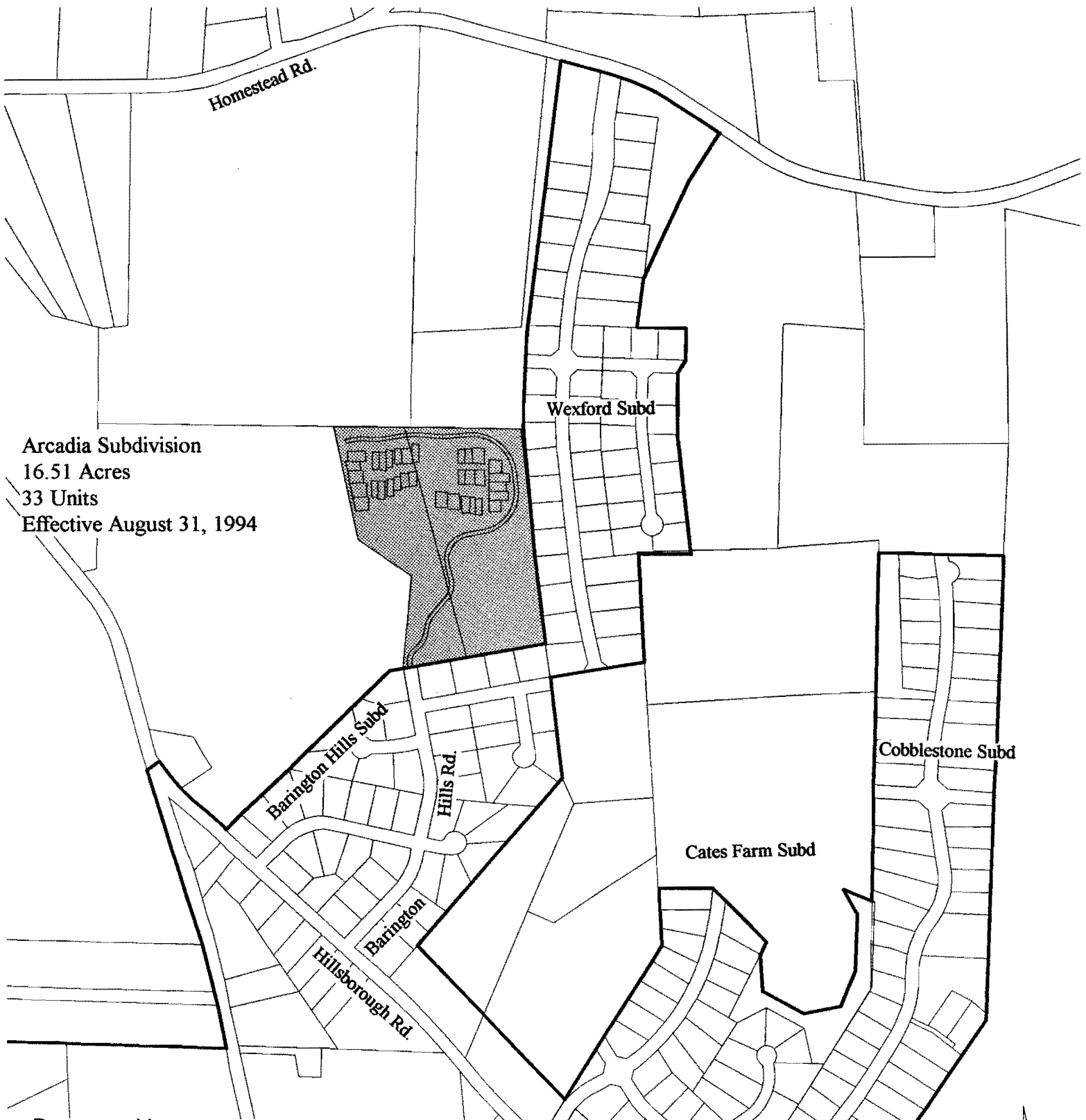
Attest: Katherine Hamil
Secretary

I, Sarah C. Williamson, Town Clerk of the Town of Carrboro, do hereby certify that the sufficiency of the above-referenced petition has been checked and found to be in compliance with G.S. 160A-31.

This the 26th day of July, 1994.

Sarah C. Williamson
Town Clerk

Annexation of Arcadia Subdivision



Arcadia Subdivision
16.51 Acres
33 Units
Effective August 31, 1994

Property Lines

New Subdivisions

City Limits

This map is not a certified survey
and no reliance may be placed
in its accuracy



The following resolution was introduced by Alderman _____ and duly seconded by Alderman _____.

A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
THE ARCADIA SUBDIVISION
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 1/94-95

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of the Arcadia Subdivision requesting that their property be annexed to the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen shall hold a public hearing on August 23, 1994 to consider the voluntary annexation of the Arcadia Subdivision.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 9th day of August, 1994:

Ayes:

Noes:

Absent or Excused:

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Michael Nelson.

A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
THE ARCADIA SUBDIVISION
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 1/94-95

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of the Arcadia Subdivision requesting that their property be annexed to the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen shall hold a public hearing on August 23, 1994 to consider the voluntary annexation of the Arcadia Subdivision.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 9th day of August, 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None

BOARD OF ALDERMEN

ITEM NO. D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: August 09, 1994

SUBJECT: Request to Set a Public Hearing: Amending the Street Right-of-Way and Cul-de Sac Standards

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES _____ NO _____	
ATTACHMENTS:	FOR INFORMATION CONTACT: Roy M. Williford, 968-7713	
THE FOLLOWING INFORMATION IS PROVIDED:		
(x) Purpose	(x) Action Requested	(x) Analysis
(x) Summary	(x) Recommendation	

PURPOSE:

The Board is requested to consider setting a public hearing to amend the street right-of-way standards contained in Section 15-216(b) and the cul-de sac requirements in Section 15-217 of the Land Use Ordinance or to refer the matter to the right-of-way charette process. This request is being made in part to address the Primrose Subdivision site plan proposals showing street right-of-way widths that are less than the Town's current requirements.

SUMMARY:

- The Primrose development proposal currently under review by the Town staff provides for street rights-of-way that are less than current ordinance standards.
- The Land Use ordinance requires a 60' wide right-of-way for collector and subcollector streets, a 50' wide right-of-way for local and minor streets, and a 60' wide right-of-way for subcollector, local, and minor streets constructed with a swale drainage system (Section 15-216). Cul-de sacs are required to have a right-of-way radius of 60' with a 42' pavement radius [Section 15-217(d)].
- The Primrose development proposes a subcollector street with a right-of-way from 40' wide in front of the Health Center building to 45' internally; a 40' right-of-way for local streets; and a 35' right-of-way for minor streets. The Maple Avenue cul-de sac has a 32' right-of-way radius with a 25' pavement radius.
- If the Boards wishes to amend the Land Use Ordinance to reduce its right-of-way and cul-de sac standards, then the staff and Town Attorney should be instructed to draft an ordinance for Planning Board and Transportation Advisory Board review on September 01, 1994 and set a public hearing for September 27, 1994.

The Board may wish to refer the right-of-way and cul-de sac dimension proposals to the right-of-way and street standards charette to be scheduled this fall.

ANALYSIS:

Recently the Town has received on several occasions requests to reduce its right-of-way and cul-de sac standards. The Town staff has received a proposal for the Yaggy Tract (Primrose Subdivision) located south of the Health Center building that shows reduced street rights-of-way. The subcollector street right-of-way shown as the main entrance to this proposed 83 lot subdivision varies from 40' wide in front of the Health Center to 45' internally which is from 20' to 15' less than the required 60' right-of-way. The local

roads shown with a 40' right-of-way varies by 10' from the 50' required right-of-way width and the minor road is shown with a 35' right-of-way that varies by 15' from the required 50' right-of-way standard for minor roads. The cul-de sac proposed at the end of Maple Avenue has a 32' right-of-way radius and a 25' pavement radius which varies from the standards by 28' and 17' respectively. The Primrose subdivision proposes reduced street right-of-way and cul-de sac standards and therefore does not meet the Carrboro Land Use Ordinance.

On June 28, 1994 the Board of Aldermen held a worksession on right-of-way and street standards. As part of this worksession the staff illustrated where rights-of-way and cul-de sac standards could possibly be modified. As illustrated, subcollector streets were shown with a 52' right-of-way rather than 60' right-of-way; local streets with a 45' right-of-way versus 50'; and minor street with a 41' right-of-way versus 50'. The subcollector and local street right-of-way could possibly be reduced further by eliminating or reducing the 5' grass strip between the curb and sidewalk. Cul-de sacs were shown with a 52' right-of-way radius rather than a 60' right-of-way radius and the pavement radius remained at 42'.

RIGHT-OF-WAY FOR:	LAND USE ORDINANCE	06/28/94 WORKSESSION	PRIMROSE SUBDIVISION
SUBCOLLECTOR	60	52	40 TO 45
LOCAL	50	45	40
MINOR	50	41	35
CUL-DE SAC	60	52	32
CUL-DE SAC PAVEMENT	42	42	25

At the conclusion of this worksession, the Board of Aldermen requested the staff to coordinate a one-day charrette to be held in the fall regarding street design. The applicants for the Primrose development are targeting a public hearing date for September 27, 1994. The subdivision as proposed does not meet Ordinance standards and could not be approved as submitted. In order to change the Ordinance standards, an ordinance will need to be drafted; reviewed by the Planning Board and TAB on September 01, 1994; and a public hearing scheduled for or prior to September 27, 1994.

ACTION REQUESTED:

The Board of Aldermen is requested to decide upon one of the following two options:

1. Set a public hearing for September 27, 1994 to consider an ordinance amending the current street right-of-way and cul-de sac standards; or
2. Refer the matter to the upcoming street design charrette and street standards amendment process.

RECOMMENDATION:

The Administration recommends that the Board of Aldermen not set a public hearing and refer the street right-of-way and cul-de sac dimensions modifications to the charrette process.

BOARD OF ALDERMEN

ITEM NO. E(1)

AGENDA ITEM ABSTRACT

MEETING DATE: August 09, 1994

SUBJECT: Joint Planning Item: American Stone Company Quarry Extractive Use Category Expansion

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: <ul style="list-style-type: none">• Chapel Hill, Carrboro, and Orange County Joint Planning Staff Post-Hearing Report Prepared June 09, 1994 with Attachments• Planning Board Recommendation• Draft Resolution Approving an Amendment to the Joint Planning Area Land Use Plan• Allen Spalt's letter dated June 20, 1994	FOR INFORMATION CONTACT: Lisa Bloom-Pruitt, 968-7714 Roy M. Williford, 968-7713
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose (X) Summary (X) Analysis (X) Recommendation (X) Action Requested	

PURPOSE

The purpose of this agenda item is two-fold. First, to provide an opportunity for "*new*" information to be presented. Second, to consider a proposed amendment JPA-1-94 to the Joint Planning Area (JPA) Land Use Plan submitted by American Stone Company. Amendments to the JPA Land Use Plan require the *unanimous* approval by Carrboro, Chapel Hill, and Orange County governing boards as specified in the Joint Planning Agreement.

SUMMARY

Applications have been submitted to amend both the JPA Land Use Plan and the Orange County Comprehensive Plan. The two initial applications were submitted by the applicants and presented on October 10, 1991, at the first of three joint public hearings. The second joint public hearing was on October 14, 1993. Following receipt of comments at the third public hearing on April 14, 1994, the joint planning staff of the three jurisdictions prepared a post-hearing report for reference by the three governing boards during their consideration.

1. The first application amendment requests expansion of the extractive use category which encompasses mining and quarry operations as contained in the Joint Planning Area Land Use Plan. This amendment requires unanimous approval by all three jurisdictions.
2. The second application amendment requests the establishment of a rural industrial activity node. This requested amendment to the Land Use Element of the Orange County Comprehensive Plan requires only the approval of the Orange County Commissioners.

ANALYSIS

(See the attached *Joint Planning Staff Post-Hearing Report* for discussion of benefits and key issues.)

RECOMMENDATION

Using the information contained in the *Joint Planning Staff Post-Hearing Report*, dated June 9, 1994, as the basis for a recommendation, the Administration recommends approval of the proposed amendment JPA-1-94 to the Joint Planning Area Land Use Plan and Map incorporating the requested expansion of the extractive use category.

The Administration also recommends that the Board of Aldermen refer all amendments to the Land Use Element and Map of the Comprehensive Plan and Zoning Atlas for Orange County, North Carolina to the Orange County Commissioners.

The Administration makes these recommendations based on the information available at this time. However, if the *new* information presented at Carrboro's public hearing on August 09, 1994, has any bearing on the proposal being considered, then the Administration recommends that the matter be referred to a Joint Public Hearing for the benefit of all parties involved. At that time, the Administration would ask that any action by the Board of Aldermen be deferred pending the results of a Joint Public Hearing and any negotiation and/or litigation.

At their June 16, 1994, meeting the Planning Board reviewed this request and recommends that the Board of Aldermen approve the proposed amendment to expand the extractive use category of the JPA Land Use Plan. The recommendation from the Planning Board is attached

ACTION REQUESTED

The Administration requests that the Board of Aldermen take the following actions regarding the application JPA-1-94.

- Review the proposed amendment to expand the extractive use category in the JPA Land Use Plan.
- Consider any *new* information relevant to the extractive use category expansion presented at Carrboro's Public Hearing set for this 9th day of August 1994.
- Vote whether to approve or deny the amendment to expand the extractive use category as presented at the **April 14, 1994, Joint Public Hearing**.

Furthermore, the Board of Aldermen may choose to take the following additional actions.

- Formally refer all information and matters regarding amendments to the Land Use Element and Map of the Comprehensive Plan and Zoning Atlas for Orange County, North Carolina to the Orange County Commissioners (since they are the only governing body required to approve such amendments).
- Provide a courtesy recommendation on CP-3-94 along with Carrboro's decision on JPA-1-94, since the applications JPA-1-94 (expanding the extractive use category in the JPA Land Use Plan) and CP-3-94 (creating a rural industrial activity node that would make a request for appropriate zoning possible in the Comprehensive Plan for Orange County) are so interrelated.

The Board of Aldermen may want to consider another approach altogether. The Board of Aldermen can defer any action on JPA-1-94 for a specific length of time (considered reasonable by all parties involved) and request that Orange County mediates between the concerns of the surrounding property owners and the applicants' interests regarding the impacts of blasting.


PLANNING BOARD RECOMMENDATION

June 16, 1994

[PLEASE NOTE: Ms. Lackey excused herself from the deliberation of this matter; thus, the Planning Board deliberated and voted as a committee-of-the-whole.]

JOINT PLANNING LAND USE PLAN AMENDMENT (American Stone Company)

MOTION WAS MADE BY M.C. RUSSELL AND SECONDED BY TOY CHEEK TO RECOMMEND TO THE BOARD OF ALDERMEN APPROVAL OF THE PROPOSED AMENDMENT TO THE JOINT PLANNING AREA LAND USE PLAN INCORPORATING THE REQUESTED EXPANSION OF THE EXTRACTIVE USE PLAN CATEGORY. VOTE: AYES 4 (Russell, Rodemeir, Cheek, Rintoul); NOES 0; ABSENT/EXCUSED 6 (Lackey, Efird, Richardson, Leonard, Cohen, High).

 6/17/94
John Rintoul, Vice-Chairman (date)

The following resolution was introduced by Aldermen _____ and duly seconded by Aldermen _____

A RESOLUTION RECOMMENDING APPROVAL TO THE ORANGE COUNTY BOARD OF COMMISSIONERS' AMENDMENT TO THE JOINT PLANNING AREA LAND USE PLAN AND MAP TO INCORPORATE THE RECOMMENDATIONS OF THE JOINT PLANNING STAFF AMERICAN STONE POST-HEARING REPORT PREPARED JUNE 9, 1994

Resolution No. ____ 94/95

WHEREAS, the Town of Carrboro, Town of Chapel Hill, and Orange County have received and reviewed a proposed amendment that affects the Joint Planning Area and thus is subject to the Joint Planning Agreement;

WHEREAS, American Stone Company, Orange Water and Sewer Authority and Philip and Alice Durham requested that the Orange County Commissioners consider with the Chapel Hill Town Council and the Carrboro Board of Aldermen an amendment to expand the extractive use category of the Joint Planning Area Land Use Plan and Map;

WHEREAS, the Joint Planning Agreement requires that amendments to the Joint Planning Area Land Use Plan and Map must be adopted by Orange County, the Towns of Carrboro and Chapel Hill, preceded by a Joint Public Hearing of all three governing boards; and

WHEREAS, a Joint Public Hearing was held on April 14, 1994 which was the last of three joint public hearings to consider proposed amendments to the Orange County/Chapel Hill/Carrboro Joint Planning Area Land Use Plan and Map, and the Land Use Element and Map of the Comprehensive Plan and Zoning Atlas for Orange County, North Carolina.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO HEREBY RESOLVES:

Section 1. That the amendment to the Joint Planning Area Land Use Plan and Map expanding the extractive use category as presented at the April 14, 1994, Joint Public Hearing and presented in the Joint Planning Staff Report, is hereby adopted.

Section 2. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted by the Board of Aldermen of the Town of Carrboro this 9th day of August 1994.

Ayes:

Noes:

Absent or Excused:

Chapel Hill, Carrboro, and Orange County Joint Planning Staff American Stone Post-Hearing Report

Prepared June 9, 1994

DESCRIPTION OF PROPOSAL

Background

From 1969 until 1978, American Stone Company operated a quarry on the property referenced as Bingham Township Tax Map 28, lot 9E (please see Attachment 1). With the closing of this quarry, the Orange Water and Sewer Authority (OWASA) obtained the site to be used as an emergency backup water source. The storage capacity of this "quarry reservoir" is 200 million gallons with a safe yield of 0.5 million gallons per day (mgd).

In 1977, American Stone began quarry operations on the property referenced as Bingham Township Tax Map 28, lot 9B. American Stone Company leases this property from Philip and Alice Durham and operates the existing quarry there under a Special Use Permit issued October 23, 1981.

On May 10, 1990, a four-party agreement among American Stone, the Durhams, OWASA, and Nello L. Teer Company was signed that will transfer ownership of the current quarry to OWASA when anticipated quarrying ends by the year 2030. This is contingent upon obtaining required governmental approvals to permit the eastward expansion of the existing quarry to link up with the OWASA quarry reservoir. The expanded quarry reservoir would have a capacity of three billion gallons and be used by OWASA as a supplementary reservoir. It would be filled by a combination of runoff and pumped raw water from Cane Creek reservoir.

To obtain the required zoning and special use permit for quarry expansion, the parties to the agreement were advised that they would first have to pursue amendments to the Joint Planning Area Land Use Plan and Land Use Element of the Orange County Comprehensive Plan. Amendments to the JPA Land Use Plan require the unanimous approval of Chapel Hill, Carrboro, and Orange County as specified in the Joint Planning Agreement. Amendments to the Orange County Comprehensive Plan require only the approval of the Orange County Commissioners.

Applications JPA-1-91 (expansion of the extractive use category which encompasses mining and quarry operations) and CP-3-91 (creation of a rural industrial activity node which would make it possible to request the appropriate zoning) were submitted by the applicants and presented at a joint public hearing on October 10, 1991. Concern with potential environmental impacts was raised during the public hearing process. Two particular areas of concern dealt with the

proposed relocation of the existing asphalt plant (currently located on lot 9E, Bingham Township Tax Map 28) and the effects of blasting on surrounding properties.

Though not a requirement of the plan amendment process, the applicants chose to prepare and submit an Environmental Impact Statement (EIS) as specified in the Orange County Environmental Impact Ordinance. The EIS was presented at a JPA public hearing on October 14, 1993. Between that hearing and a subsequent hearing held on April 14, 1994, the applicants decided to withdraw the proposal for relocating the asphalt plant.

At the April 14 public hearing, applications JPA-1-91 and CP-3-91 were considered again as JPA-1-94 and CP-1-94, respectively. They were essentially unchanged from 1991 except that the relocated asphalt plant proposal, and the property on which it was to be located, was removed from the application. As with the previous hearing, most public comment focused on the impacts of blasting and the contents of the EIS.

Following receipt of comment at the hearing, the planning boards of Carrboro, Chapel Hill, and Orange County were instructed to prepare recommendations to their governing boards. Assuming the Carrboro Board of Aldermen and the Chapel Hill Town Council vote in the affirmative on June 28 and July 5, respectively, the County Commissioners will consider the proposal on August 8, 1994.

Public Benefits

The following have been identified as long-term future benefits to be realized if the quarry expansion is permitted, thus implementing the previously mentioned four-party agreement:

- 1) The new quarry reservoir will be coming on-line around the year 2030 as projected water demand will be approaching the capacity of the existing system of reservoirs;
- 2) The site for the new quarry reservoir would be transferred to OWASA at no public cost;
- 3) OWASA will acquire an additional 100-acre buffer area around the proposed reservoir at no public cost and the option of purchasing additional properties at current market prices;
- 4) Storage volume equivalent to the Cane Creek Reservoir will be gained at a fraction of the cost of developing a new reservoir;
- 5) The proposal will result in increased operational flexibility for OWASA, e.g., water can be drawn from the quarry reservoir if there is a spill or similar problem at Cane Creek necessitating a temporary shut down;
- 6) A water storage facility of this kind (quarry) is much less land-intensive than any other method - less property acquisition, less land disturbance; and

- 7) There are no other potential reservoir sites in the County that yield the same storage volume. The Hazen and Sawyer Study (1987) identified two sites in central Orange County as the most viable options for a future reservoir, Seven Mile Creek (2.07 billion gallons) and the Eno River above McGowan Creek (1.75 billion gallons).

KEY ISSUES

Below we summarize the comments of citizens as heard at the April 14, 1994 public hearing, and we offer our joint staff response.

1. **Amending the Land Use Plan based on "Changed or Changing Conditions":**

Several citizens raised their objection to the proposed expansion of the extractive use category and amendment of the Joint Planning Area Land Use Plan being based on "changed or changing conditions." The citizens felt that the proposal is a change, rather than a response to a change. Therefore, it was requested that the proposal be denied.

Staff Comment:

There are three reasons that permit a land use plan to be amended:

1. changed or changing conditions,
2. in response to a change in land use policy, and
3. to correct an error or omission in the plan.

The applicant has cited "changed or changing conditions" as their primary rationale for the land use plan amendment. A letter dated August 19, 1991, from David Rooks addresses the issue of what changing conditions in the area and in the County generally make the proposed amendment reasonably necessary:

The critical point is that the continued growth in southern Orange County has placed a premium on the location and development of sources of drinking water and this is the principal changing conditions which makes the proposed amendment reasonably necessary.

The staffs have rated the application against the locational criteria and determined that the changes in terms of the expanding population in the southern part of the County and the eventual need for additional water storage justify this request.

There are additional changing conditions that could also be considered as rationale for amending the land use plan. The prospect of the existing quarry being spent, while the need continues for stone and more stone exists on the site, could be considered a rationale that would justify amending the land use plan. Also, the comprehensive plan supports the need for economic activity, and being able to accommodate this need by

expanding an existing site rather than starting a new industrial site would be a changing condition that would justify amending the land use plan.

2. **Appropriateness of Land Use Plan Classification:**

The County has an extractive use designation that could be used to create an extractive use activity node that could not be used for any other activity. Why is applicant requesting an industrial activity node rather than an exclusive extractive use activity node?

Staff Comment:

Creation of an exclusive, single-purpose activity node with its accompanying single-use zoning district is an ad hoc approach to land use planning. Under the County's planning and zoning policy, activity nodes are created for industrial and/or commercial purposes and a range of uses are specified. Certain uses because of their nature, impacts, and extent, e.g., quarries, are not permitted as a use-by-right, but are treated as special uses. The Orange County Zoning Ordinance states the following in this regard:

It is the intention of the Board of County Commissioners to create, and from time to time amend, a list of Special Uses within Article 4. Permitted Use Table which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation.

The special use permit coupled with the Planned Development process which is described in more detail in the "Next Steps" section of this report affords the type of protection being sought by the creation of an exclusive extractive use activity node.

3. **Location of the Quarry in the Watershed:**

A citizen raised the issue that there should not be industrial activity nodes in the watershed.

Staff Comment:

The existing stone quarry and the proposed expansion of the stone quarry both fall within the University Lake Watershed. This watershed is classified as a WS-II watershed according to the State's Water Supply Watershed Protection Act. In accordance with this State Act, Orange County adopted Watershed Protection Regulations that were effective as of January 1, 1994. The watershed protection standards adopted by Orange County exceed the State's minimum watershed protection requirements.

In accordance with Orange County's watershed regulations for the University Lake watershed, development is permitted in accordance with an area's zoning, however, all development is restricted to no more than 6% impervious surface. The American Stone

Company would be required to conform with the County's watershed regulations as part of any future special use permit (SUP) application.

4. **Environmental Impact Statement:**

Two citizens raised concerns about the environmental impact statement for this proposal. Concern was expressed that the inadequacies of the environmental impact statement have not been addressed, other than for the removal of the asphalt plant. In particular, the impact statement has not addressed noise problems and socio-economic aspects of the project.

Staff Comment:

The applicant is not required to prepare an Environmental Impact Statement for a Land Use Plan amendment. Given the environmental questions that were raised at the first public hearing on October 10, 1991, the applicant voluntarily agreed to prepare a statement that would offer environmental information.

Full consideration, evaluation, and acceptance of an Environmental Impact Statement will need to be a component of any future Special Use Permit (SUP) application to Orange County for this site. We will expect the applicant at that time to address all components on environmental impacts that have been raised as a part of this Land Use Plan amendment hearing.

5. **Concerns Regarding Radon Gas:**

One of the citizens spoke of concerns regarding radon gas, and requested further study on this issue.

Staff Comment:

We recommend that Orange County ask that the applicant include an assessment of impacts on radon concentrations as a part of any future special use permit (SUP) application.

6. **Blasting Levels:**

Several citizens presented their concerns about blasting levels. In particular, several landowners said that blasting occurs at least once or twice a week, and their houses and windows shake, and that "children and animals are afraid". Mr. Dexter Rogers invited elected officials to come stand in his basement during a blast.

Staff Comment:

The applicant has provided information about blasting, including technical information, assessment of impacts, and reports of inspections of homes of nearby residents (please see Attachment 2). We also attach comments made by the applicant at the April 14, 1994 public hearing (please see Attachment 3).

Chapel Hill, Carrboro, and Orange County Planning staff members attended several "blasts," and experienced the blasts at the quarry pit, off-site, and in the basement of Mr. Dexter Rogers. We have not found evidence of shaking houses or windows. Examination of blasting records indicate that the incidents that we have witnessed involve higher-than-average amounts of explosives.

7. Bonding for Potential Damages:

One citizen requested that a reputable bonding company bond the American Stone Company, in order that people can expect to be paid for damage to their property.

Staff Comment:

The applicant has applied to amend the Joint Planning Area Land Use Plan and to amend the Land Use Element of the Orange County Comprehensive Plan. Before any new quarry activity could begin on the site however, a special use permit (SUP) would be required. At such a time when such a special use permit application may be received, would be the appropriate time to address this issue.

8. Relocation of Bethel-Hickory Grove Church Road:

One landowner presented his concern that the new location of Bethel-Hickory Grove Church Road will be in a more dangerous location than the present one. Furthermore, moving the road will push him further back into the woods, devaluing his property.

Staff Comment:

This Land Use Plan amendment would not authorize any specific site plan features. Relocation of the Bethel-Hickory Grove Church Road would not be authorized by this proposal; it would need to be a part of a future special use permit (SUP) application. As part of such a future application, it would involve evaluation of intersections, and approval by the North Carolina Department of Transportation (NCDOT). The relocation of the road is consistent with the Regional Thoroughfare Plan. We note that the preliminary plan for road relocation occurs entirely on the applicant's property.

9. **Increased Water Supply:**

One citizen spoke about the definite long term benefit of having more water storage in the community. Concern was expressed however, that by increasing the water supply rapid growth will occur and the increased development will cause the need for additional schools and services.

Staff Comment:

The amount of future development that may occur will be a function of economic and market forces, adopted Comprehensive Plans, and Zoning controls. Although additional water supply may support future growth, it will not change the amount of development permitted by the zoning of the surrounding areas.

RECOMMENDATION

Based on the goals of the Comprehensive Plan supporting the need for economic activity, and the ability to accommodate this need by expanding an existing site rather than starting a new industrial site, and based on the public benefit of an additional drinking water resource, the Orange County, Chapel Hill, and Carrboro Planning staffs recommend approval of the proposed amendment to the Joint Planning Area (JPA) Land Use Plan incorporating the requested expansion of the extractive use plan category. Amendments to the JPA Land Use Plan require the approval of Chapel Hill, Carrboro, and Orange County, as specified in the Joint Planning Agreement.

Also based on these criteria, the Orange County Planning staff recommends the creation of a Rural Industrial Activity node covering the subject properties. Such an amendment requires only the approval of the Orange County Commissioners.

NEXT STEPS

Rezoning/Special Use Permit

If the proposed amendments to the Joint Planning Area Land Use Plan and Orange County Comprehensive Plan are approved, then approval of a rezoning to PD-I-1, and a Special Use Permit and Site Plan by Orange County would be required in order for the applicant to proceed with plans to expand the quarry. The rezoning, Special Use Permit and Site Plan can be approved concurrently through the Planned Development process, which would require a public hearing before the Orange County Board of Commissioners.

A Planned Development zoning district allows only for use of the property in accordance with the Special Use Permit and Site Plan. Any other use, even one which would be allowed in an industrial zoning district, would be considered a Special Use requiring a public hearing. In

addition, any major change to the approved Special Use Permit or Site Plan could be approved only through the public hearing process.

Assuming the applicants receive approval of the plan amendment requests, they could have an application for the rezoning/Special Use Permit considered at the quarterly public hearing scheduled for November 28, 1994. Following a recommendation by the Orange County Planning Board on December 19, 1994, a decision could be rendered by the County Commissioners as early as January 3, 1995.

Environmental Impact Statement

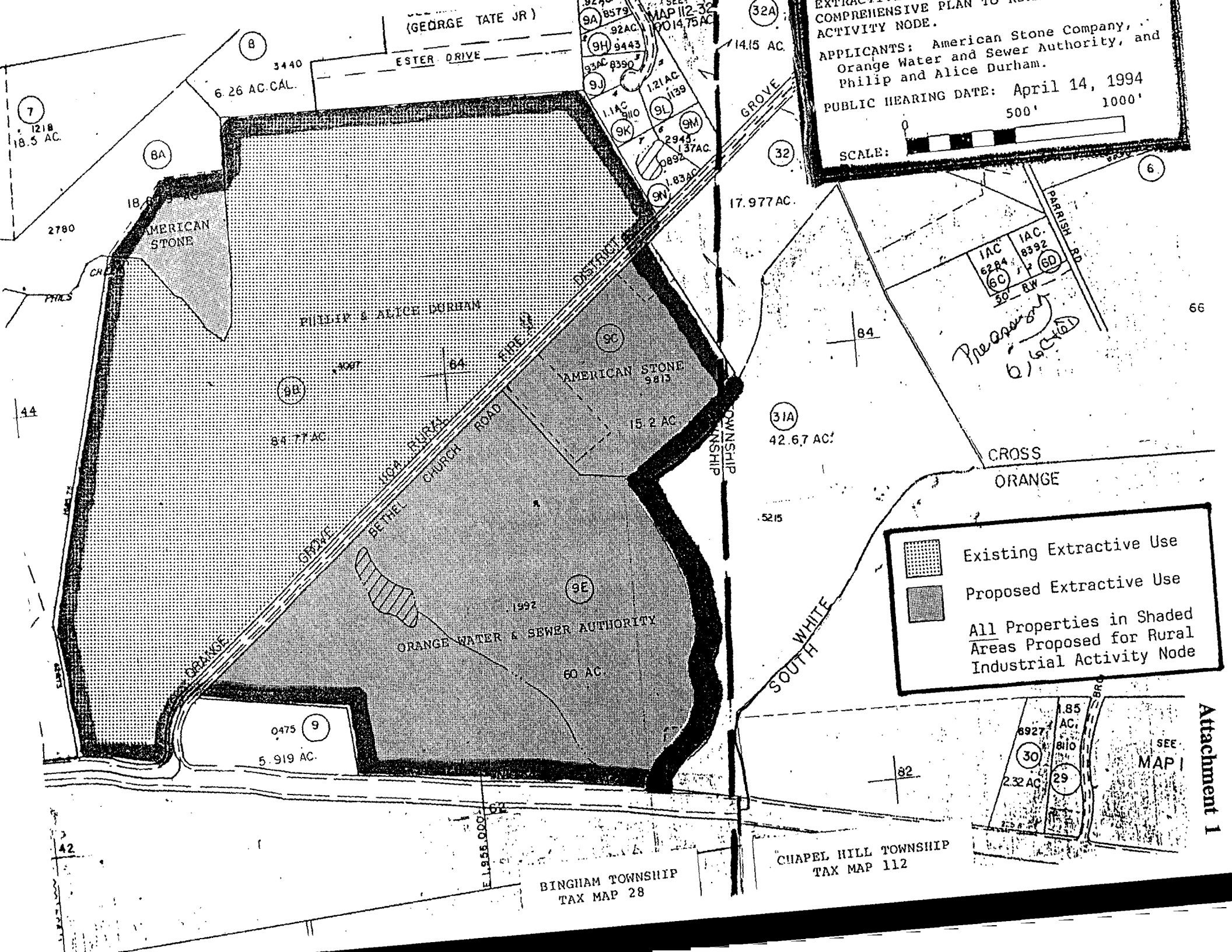
Submittal of the Environmental Impact Statement (EIS) would not have been required until application was made for the Special Use Permit and Site Plan. However, the applicant prepared the EIS at an earlier point in the process so that more information would be available at the time of the decision on the Land Use Plan amendment. The EIS will be included as part of the application packet for the Planned Development, and will again be presented for public hearing.

The ultimate approval or denial of the project cannot be based directly on the EIS, which is a tool for providing additional information. However, the information provided in the EIS can be used to make (or not make) the appropriate findings of fact required for a Special Use Permit. The Board of Commissioners may ask for additional study or field work related to the EIS if it feels that more information is needed in making its decision.

Attachments: Map

Letter from Paxton Badham (March 24, 1994)

Excerpt from Draft Minutes of the Joint Planning Area Public Hearing
(April 14, 1994)



ARTIN MARIETTA AGGREGATES

POST OFFICE BOX 30013
RALEIGH, NORTH CAROLINA 27622-0013
TELEPHONE (919) 781-4650

March 24, 1994

Mr. Marvin Collins, Director
Orange County Planning Department
306-F Revere Road
Hillsborough, NC 27278

RE: JPA-1-91 & CP-3-91
American Stone Company, Orange Water and Sewer Authority
and Phillip and Alice Durham

Dear Mr. Collins,

David Rooks has suggested that I write you regarding our contacts with several of the neighbors who live in the vicinity of our quarry on Highway 54 west of Carrboro.

On September 11th, 1991 we met with Reverend Currin, and on September 19th, 1991 we met with Reverend Manly. Reverend Currin and Reverend Manly are the ministers of the churches on Bethel Church - Hickory Grove Road.

On October 1st, 1991 we met with Roger Durham who is the owner of the property immediately east of the American Stone property. Mr. Durham's main concern was the effect of the relocated asphalt plant on his pine plantation.

You will recall that the original hearing for this project was on October 10th, 1991. At that meeting at least four neighbors stood up to speak against the quarry; some of the same people appeared at the hearing on the E.I.S last fall. Although we have been operating at that site and the previous location since 1969, this was the first time we had ever heard any complaints from any of these people. Following that October 10th hearing we began to make an effort to contact those that had complained. While several of the people seemed to claim that they were merely bothered by the operation, Roy Belon alleged that his home had suffered actual damage as result of our operation.

On October 30th, 1991 we met with Mr. Belon at his home and set up a seismograph. The readings from that session indicated that our blast was well below any damage threshold. Mr. Belon pointed out several cracks in his house and driveway, and he also claimed that his well was not functioning properly as result of our operation. We agreed to hire independent experts to examine both the damage to his house and his well. We engaged the services of a structural engineer from Duke University (with whom we had never previously done any business) to analyze the cracks in Mr. Belon's house and report back

to us. His conclusions were that the cracks were the results of the house being built on fill material. Mr. Belon's house is built into the side of a hill. In order to create a level space for construction the hill was notched out and the dirt placed in the front of the notched out area. The cracks are located in the front where the fill material was placed.

We also hired an independent well drilling company to analyze Mr. Belon's complaints about his well. Their conclusion was that the tank bladder was ruptured, an occurrence that has absolutely nothing to do with our quarry or vibrations. Both of these inspections were done at our expense.

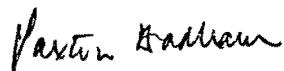
On November 14th, 1991 we met with Mr. Alfred Perry, Mr. Melvin Parrish, again with Mr. Belon, and with Dexter Rogers. Seismographs were placed at Mr. Perry's trailer park and at Mr. Parrish's home. Again the readings showed that we were well within state limits for vibration and noise.

At the November 14th session we also entertained members of the Carrboro Town Council. On November 21st, 1991 members of the Chapel Hill Town Council came out to view a shot and tour the quarry. On April 20th, 1992 (following a Roses and Raspberries article) we took the editor of the Chapel Hill newspaper out to the quarry to explain the project to him and show him around.

On March 23rd, 1994 we invited Mrs. Dan Valero and others to the quarry to see a shot and view the operation. Mrs. Valero cancelled the morning of the 23rd. Mr. Allen Spault was invited to this session but was unable to attend.

It will be our pleasure to conduct additional tours for other interested parties. We are proud of our operation and welcome the opportunity to explain it to people who have concerns or interest. If we can be of further service along these lines please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "R. Paxton Badham, Jr.".

R. Paxton Badham, Jr.

RPB,Jr./lmm

Attachment 3

Excerpt from the Draft Minutes of the Joint Planning Area Public Hearing on April 14, 1994 Regarding Blasting Levels

".....Paxton Badham, representative of American Stone, asked to respond to several of the citizen comments.....He made reference to the blasts and stated that there is a difference between a blast that is perceptible and a blast level that is damaging. The U.S. Bureau of Mines has done extensive study on blasting levels that cause damage. They report that a ground movement of one inch per second will damage a structure. A blast that is perceptible can be way less than that. They (the American Stone Company) have set an internal guideline of one-half of the state limit or one-half of one inch per second. They have only had one claim of blasting damage from the late 1960's, and it was ultimately determined that the damage was not caused from the blasting. They will respond to any claims of damage done by the blasting. They have a blast record which is public knowledge."

AGRICULTURAL RESOURCES CENTER

**115 West Main Street
Carrboro, North Carolina 27510
919/967-1886**

June 20, 1994

Julie Andresen, Chair
Board of Directors
Orange Water & Sewer Authority
406 Jones Ferry Road
P.O. Box 366
Carrboro, NC 27510

RE: Potential Impacts of Quarry Expansion

Dear Julie:

Thank you for your interest in exploring the concerns of nearby residents of the proposed American Stone quarry expansion. The project is proposed to serve the needs of the company for decades and involves OWASA as the ultimate beneficiary of the increased water storage capacity. Activities which were projected to end are now projected to continue for the lifetime of current residents.

Over the past couple of years I have looked at the proposal and its draft Environmental Impact Statement, attended and commented at three public hearings, witnessed the effects of a test blast at one nearby home, and talked with a number of those involved, including residents and officials. While I believe the quarry serves the long-run public interest by improving the public water supply storage capacity, it has disproportionate negative impacts on a limited but as yet undetermined number of nearby residents who, incidentally, receive no benefits from the quarry or OWASA. Questions of fairness appear to be at stake.

A. Need to Explore Concerns of Neighbors.

I strongly suggest that OWASA, by itself or together with other parties and/or jurisdictions involved, take the initiative to understand and resolve the outstanding issues. While the list below may not be complete, I believe the process should include:

- Need for water*
- ☐ Identifying just who is affected. Discussion of potential ill effects to date have been hindered by the lack of any clear listing of those surrounding the present and proposed operation.
 - ✓ ☐ Distinguishing levels or types of impacts including effects of blasting, noise from routine operations such as crushing and loading, etc. It seems clear that those closest generally suffer the greatest and most continuous

hardship, though the configuration of the veins of rock may transmit the blasts unevenly.

✓ ☐ Exploring possible accommodation of those affected such as compensation, adjustment of quarry operations, limiting the number of years of operation, or other means. There has been, so far as I know, no systematic attempt to ask the neighbors what they feel is appropriate. Contacts and notification have been haphazard and intermittent, increasing the level of skepticism. Informal meetings with residents may be helpful.

B. Industrial Zoning Not Appropriate.

On a related matter, the proposal to rezone the property as light industrial for the quarry expansion is highly questionable. It is a matter of concern to neighbors and others. The present quarry is zoned "extractive use", an appropriate designation which limits activity to what is actually going on. Ordinarily a quarry would probably not be considered appropriate as a wholly new use in one of our water supply watersheds. But, the history, operation, and future public water storage are arguments in favor of continuing the quarry despite its location. The proposed industrial zone, however, introduces the possibility that other activities inappropriate in the watershed could be conducted. Whatever the operator's present intention, there is no guarantee the quarry will continue for its projected life. OWASA should pursue extractive, not industrial, zoning for the quarry

C. No Reason to Rush Decision.

It would seem that there is no need to hurry to reach a conclusion until the major issues are identified and resolved. The present quarry can continue to operate under its permits and boundaries for at least several more years and the expansion is slated to continue for two decades. This is a long term project; surely taking the time to do it right now is justified.

This letter is drafted in haste and I apologize for its incompleteness. As we discussed, I will be out of town for the OWASA Board meeting June 23. I am, however, willing to try to assist the process in the future.

Once again, thank you and the Board for your willingness to explore these important matters.

Sincerely,


Allen Spalt
Director

MARTIN MARIETTA AGGREGATES

POST OFFICE BOX 30013
RALEIGH, NORTH CAROLINA 27622-0013
TELEPHONE (919) 781-4550

May 25, 1993

Ms. Ginny Foushee
1317 Parrish Road
Chapel Hill, NC 27516

Dear Ms. Foushee:

In response to a complaint from you concerning the possibility that blasting activity from Martin Marietta's American Stone Company Quarry might be affecting your water well, the following investigation was conducted:

- Visited with you and observed your problem -- muddy red water. Volume, well, and pump seemed good.
- Took samples and conducted chemical test and determined that iron, rather than clay, grit, and sand was the major contaminant.
- Contracted with a well expert and visited the site with this expert. His opinion is that drilling another well would not guarantee a solution to the problem; and that blasting or the quarry activity did not cause this problem. It is not unusual for this condition to be present in this area of Orange County.
- Consulted with a professional Hydrologist who related that quarry activities affect the ground water out away from the quarry to a distance of the depth of the quarry. Since American Stone is 200 feet deep, it would influence ground water up to 200 feet from the pit area and would not pose a threat to your well. The quarry pit is located approximately 3000 feet from your residence.

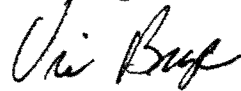
After carefully considering this situation, it is these expert's opinion that Martin Marietta's quarry is not adversely affecting your water supply, but that the muddy water is a result of local geologic conditions. This conclusion is supported by the fact that this condition shows up in other parts of the county in which no

Ms. Ginny Foushee
May 25, 1993
Page 2

mining operations exist. In fact, one of our employees recently had a similar condition eight miles away and corrected it only by re-plumbing his copper pipes (at a relatively low cost) with flexible plastic pipe. In order to correct this problem, however, you may consider another filtration system that would neutralize the color. These systems are somewhat expensive and require frequent maintenance. Another option would be to consider changing your pipes to plastic. No expert would recommend a new well -- as the same condition could duplicate in the geologic structure.

In conclusion, I realize the considerable concern and inconvenience that this condition is causing you. However, based on facts supported by ground water experts, Martin Marietta quarrying activity is not causing your problem. I would be glad to discuss this with you more fully at your convenience.

Thank you,



Vic Bryan
Manager of Explosive Engineering

VB/bp

H:\wpfiles\foushee.ltr\vbryan

Mayor Kinnaird, Board of Aldermen, and ladies and gentlemen:

My daughter Clara Neyhart is a citizen of Carrboro and a joint owner with other Danziger family members of 131 acres in the watershed.

Thank you for allowing me to speak against the resolution to expand the quarry. In previous public hearings I have presented a number of documents requesting consistency, justice and fairness in your considerations. Obviously I have failed in communicating this message to the respective Planning Boards. Please listen to me tonight!

I wish to make five (5) points. These are:

- 1) Coincidences
- 2) Last Chance
- 3) "Changing Conditions
- 4) Bureaucracy At Work
- 5) An Appeal to Investigate

1) Coincidences: I would like to bring to your attention that this is the third public hearing in which all the neighbors affected by the quarry expansion proposal have not been notified, and consequently their representation has been limited.

I would like to bring to your attention that the written material that I presented at the April 14th hearing was not included in the minutes of that meeting, although I was under the impression that it would be included. The material was referenced only, and consequently you do not have it in the package before you.

I would like to bring to your attention that the Chairman of the April 14th meeting would not permit me to read my document into the public record, and he constrained me severely by asking for a brief "summary." Consequently my material was not considered by your planning board, and therefore is "new" information.

I would like to bring to your attention that, apparently, neither the written material provided nor the comments made by various speakers at the public hearing on October 14, 1993, were provided to the County Planning Officer who prepared the original review and recommendation in which he supported the quarry expansion, Mr. Gene Bell.

I would like to bring to your attention that the Carrboro and Chapel Hill Planning Departments apparently concurred with the County's recommendations at the April 14, 1994, meeting, without investigating the claims made by both the applicants and the speakers of the previous public hearing in October 1993.

I would like to bring to your attention that at the April 14, 1994, hearing the Chairman allowed Mrs. Alice Durham to speak without asking her to identify

herself as a participating petitioner and a direct financial beneficiary of the quarry expansion, and he allowed this to happen in the time period reserved for the general public comments.

I would like to call to your attention the "interlocking directorship" that seems to exist between the governing bodies now making decisions on this matter, who were themselves a party to, or who appointed individuals to, the original agreements between OWASA and the quarry owners, Martin Marietta.

Since I do not believe in conspiracy theories, I must assume that all these events happened by sheer coincidence.

2) Last Chance: Despite what soothing voices may whisper to you, and despite what the Planning Staff report may imply, the fact remains that this is your, and Carrboro's, last chance to stop the onrushing quarry expansion train. You may salve your consciences by recommending a bond for specific blast damage, but that would provide no compensation for reduced comparative land values due to the additional 30 years of the quarry's existence. The cost to the public of lower land values is, of course, higher taxes in other areas of the county. Analogous to the Hogan Farm case, if you approve this exception to the land use plan in the watershed now and, unlikely as it sounds, should Martin Marietta be denied a special use permit later, will you be exposing this Board to a situation similar to The Hogan Farm? Why not say no, now? This is the "last chance", because the County Commissioners tend to go along with their Planning Department and will say: "Chapel Hill and Carrboro did not object to despoiling their own watershed, why should we stop this?" So County Commissioners first will approve the exception to the land use plan; then the special use permit for an "Industrial Activity Zone" (could that, in a worst case, turn into a low level hazardous material disposal site?), and then the County will permit the quarry expansion. Only you can stop this now. In either case, yes or no, you will be setting a precedent for others to come, who may want amendments to the land use plan and may also wish to spoil this pristine watershed.

You know, of course, that Martin Marietta needs a new North Carolina Mining permit that would allow them to mine more than the existing 118 acres. If you approve this resolution before you today, and then the State of North Carolina, for whatever reasons, should refuse to allow Martin Marietta another permit to mine in the sensitive watershed, then there is no telling what industrial activity, other than mining, will occur in our backyard. Alternatively, if the State of North Carolina does issue the permit, and you choose to delay your decision now, then you can always revisit this agenda. Ask yourself, why make a decision now, when you don't have to do so. But if you choose to decide now, say "NO", now and maintain some control for Carrboro.

This is also your last chance to stand up to Martin Marietta's blackmail and to send a message to OWASA to rethink their support of that company. Martin Marietta's threat, "not to make the existing empty quarry hole available to the public," should you say "No" to their expansion plans, is not to be taken seriously. My understanding is that N. C. Mining laws require the reclamation of an exhausted mine within two years, which Martin Marietta could only undertake at some expense. The alternative for them is to fill the hole with water and leave a lake. In times of water shortage that lake water could be taken by OWASA "for the public health and safety."

This is your last chance to control our own watershed destiny. Please don't blow it by abrogating your rights and responsibilities to the County Commissioners, as your Planning Board seems to recommend.

3) Changing Conditions: As you know, the applicants--OWASA, the Durhams, and Martin Marietta-- are basing their request to amend the watershed land use plan on one of the few reasons possible, "changed or changing conditions." This would normally be interpreted to mean that some condition has changed or is now changing since the land use plan was agreed upon, that would make it now desirable to review or amend the plan.

In support of the "change argument", the applicants cite (and your Planning Board dutifully echoes) the continued growth in southern Orange County and therefore the eventual need for more water.

There are two basic fallacies with this argument. First, there is nothing new about the growth of southern Orange County. This growth has been an ongoing phenomenon since 1793, when UNC was founded. The rate of growth varies from time to time, but even that variance is cyclical. There is nothing "changed" about growth. In fact, the initial growth projections for southern Orange County were greatly exaggerated by the County Planning Department until I started to question them about it last fall and this spring. You may recall they admitted to some errors last fall and have since reduced some of their earlier projections, but, unfortunately, without rethinking their recommendations.

The second fallacy is the assumed need for water. There is no urgent need, even given the exaggerated growth rates. Yes, some time between the year 2030 and 2050 we will need an additional source of water for emergencies. That source is readily available if water fills the hole when the currently existing quarry runs out of stone. That hole is about one half the size that OWASA wants available in the year 2030. That half would still hold enough water to last well into the final decades of the next century.

I do not know whether to commend our Planning Boards for their imaginative use of words and circular logic or to condemn them for less than

3

professional behavior. On page 8 you will find "additional changing conditions" not previously mentioned by the applicants. The Board refers to a future shortage of stone, and the benefit of expanding an existing site, rather than creating a new mining operation site. How can something be a "changed" (past tense) or be a "changing condition" (present tense) when it has not yet happened, will not happen for about ten to twelve years, and was certain to happen eventually anyway? What a curious way of defining "changed conditions" It reminds me of Humpty Dumpty in Alice in Wonderland, and I quote: "When I use a word," Humpty Dumpty said, "it means just what I choose it to mean, neither more nor less."

4) Bureaucracy at Work: Please note that the memo to you, Joint Planning Staff Report, 6/9/94 gives a "Background" statement. In the 2nd paragraph under Public Benefits (p.2) are the words "at no public cost". This theory, that OWASA and Martin Marietta want you to accept, was first expounded by OWASA on October 10, 1991. At that time it was stated that there were "no costs" involved in the creation of a new quarry reservoir. This was repeated by the applicants in the 1993 hearings. I objected at both meetings and pointed out that the quarry neighbors have been, and are, paying a very significant cost in the reduced value of their property and the reduced quality of life due to intermittent blasting and other mining activities.

So what does a good beaucrocat do? He now tells you, in your agenda, that there are "no public costs". But there are "public costs". For example, who, but the public, will pay for the extra thirty years of road maintenance due to the continued heavy truck usage on the surrounding roads? Another example: Ask any realtor, and he or she will tell you that land values will not increase as quickly in the area within earshot of the quarry as elsewhere. The county taxes that would have been paid on that land will be shifted to all other taxpayers in the county. That is a "public cost". Another example: The land that is in private hands now, on which taxes are paid, will be bought by OWASA and taken off the tax rolls. Again, you and other Orange county taxpayers will pick up the bill. That's a public cost. Another example: OWASA will be buying 18 acres at \$6,750/acre and 42.7 acres at \$9,783 per acre; and possibly a lot at \$13,000 per acre. These are highly inflated premium prices for land adjacent to a quarry. Why should the OWASA customers pay these extraordinary prices? I would be happy to sell all my family's land, not adjacent to the quarry but within earshot distance, for the lowest of these per acre prices. Another "public cost".

On pages 3, 4, 5, and 6 the clever beaucrocats are setting up some straw men, by mentioning some, but not all, arguments against this proposal, and then adroitly "passing the buck" back to the County. They tell you, the Carrboro Board of Aldermen, do not worry about the Industrial Activity Node because the County, at their hearings, will protect you. You don't have to worry about the watershed

location of the expanded quarry, because the County will protect you. You heard about the peculiarly deficient Environmental Impact Statement presented in 1993, but don't worry, it was premature and, anyway, when the time comes the County will protect you. Radon gas? Don't worry; the County will protect you. The blasting levels? Hey, after three years into this process some staff members actually went out there and observed some dynamite blasts. They found no evidence of shaking houses or rattling windows. Are all those good neighbors, who live out there with the blasting, lying? And don't worry about any damage. Should there be some, let the County consider the question. Don't worry, the County will protect you! Bethel Hickory Grove Church Road will be relocated--the possible relocation of Phil's Creek is not mentioned, but don't worry; it's all in the future, and anyway the County and the good folks at the N.C. Department of Transportation will protect you.

Bureaucracy at work, don't you just love it? I've coined a new slogan for the Carrboro and Chapel Hill Planning Boards: "Don't worry, be happy--the County will protect you."

My last, and final, point is very brief: I appeal to you to investigate, at the very least, the written proposal I made at the April 14th joint public hearing. As far as I can determine, no planning board has yet carefully considered the alternative of not expanding the quarry beyond its present boundaries, and using that 1.5 million gallons of water in the future. Apparently, the question of water supply and population growth is of little "official interest", even if it were to solve the problem for OWASA, without the requested quarry expansion.

I was informed by Ed Holland of OWASA last spring that he could not study my proposal, because -the OWASA board and his own management had not asked him to do so.

Apparently, the only way other alternatives can be investigated, with the purpose of assuring an adequate future water supply, is for you to vote "NO" on the resolution before you tonight, and then ask the newly enlightened OWASA board to examine other alternatives for our future water needs.

My appeal to you:

Please vote "YES" for maintaining the purity of our watershed by voting "NO" tonight or at the very least, accept the last paragraph of "Action Requested" and defer any action until all questions can be answered!

Thank you.

Erwin Danziger

Not allowed to be read at Joint Public Hearing - but given
to some members in attendance. Not included 4/14/94
in minutes except by reference.

Ladies and Gentlemen, I speak in support of the existing University Lake watershed standards. I speak in opposition to allowing an exception for the expansion of the American Stone Quarry. American Stone is owned by Martin Marietta. I would like to make two main points:

(1) First: The analysis that you have before you, prepared by the Orange County Planning Department, is based on the Martin Marietta's Environmental Impact Statement. This EIS was shown to be inaccurate, incomplete and misleading at a hearing before this group last October 14th.

(2) Second: The underlying premise, which drives OWASA's participation in this application, is false. On page 12 you will find the statement: "The applicant states that the continued growth in southern Orange County has placed a premium on the location and development of sources of drinking water, and this is the principal changing condition which makes the proposed amendment reasonably necessary." This statement is then supported by Item 1 (next page) which claims that there is a "scarcity of suitable sources of high quality water to serve the growing needs of southern Orange County."

For the benefit of the new members of this body, let me tell you that I provided to you a letter dated October 10, 1993. In this letter I appealed to you for consistency with your own past policies and actions: on the basis of fairness to the landowners in the area who supported the watershed protection measures at a significant cost to themselves; on the basis of setting an undesirable precedent; and on the socio-economic costs affecting the quality of life of the neighbors.

Many of these neighbors and I are pleased that the request to double the size of the asphalt plant has now been withdrawn. That will certainly reduce the chances for an environmental disaster. Nevertheless, we must not relax our vigilance vis-a-vis the Quarry.

I see the applicants' withdrawal of the asphalt plant expansion as

analogous to the thief who throws your watchdog a steak. While the dog chews the steak, the thief cleans out your house.

Now, point (1), the EIS: On October 14, 1993, I called to your attention the complete inadequacy of Martin Marietta's Environmental Impact Statement. My written comments were provided to your secretary and many, but not all, of my comments can be seen on Page 59 and 60 in the material before you. Since that time, it has come to my attention that Martin Marietta is even more insensitive to the environment than was apparent from their EIS. For example: in Wilmington, N.C. they wish to place a quarry next to a nuclear power plant.

In my presentation last fall, I attempted to alert you to the fact that the EIS contained misrepresentations, errors, and half-truths. For example, Mr. Collins stated that, in response to my call prior to the October 14th hearings, some of the population figures needed to be adjusted. I pointed out that many of the supposedly factual items cited in the EIS were based on a literature search and not on any on-site inspections. I pointed out that the "Spill prevention, control and counter measure plan" was "approved" by an Indiana engineer, Darrell Williams, who says he has "not physically examined this particular facility location", and finally that it will be OWASA who will make critical inspections of the water leaving the Quarry. I called that the "fox guarding the chicken coop", since OWASA is, in fact, a partner in this application (see p. 003 of today's agenda).

I will be happy to meet with any members of this committee or their respective planning departments to review the EIS in more detail.

Unfortunately, the information that Mr. Spalt and I provided at the October 14th meeting did not seem to have reached the individual

in the County Planning Office who evaluated the application before you today. Nor, apparently, did the comments made by the various neighbors in the area. Mr. Collins did receive a letter (see p. 065) from Martin Marietta which purported to show a "narrative of its attempts to address the concerns expressed by individual property owners." Note that almost all these "contacts" were made in 1991--none in 1993, directly after the October 14th hearings. Please also note that in 1991 a number of questions were asked of the Orange County Planning Department (page 070). Have these questions ever been answered? Mayor Kinnaird asked about "just compensation for property damage" and Commissioner Wilhoit asked about "satisfaction received from American Stone in response to any complaints." Clearly, since the neighbors complained again on October 14, 1993, very little, if any, satisfaction had been received by them.

It would appear that the County Planning Department simply accepted the EIS, as originally presented, as gospel. I can find no evidence that the County Planning Department did any independent research or investigation, or called in any expert witnesses, to support or challenge any of the statements in the EIS. Unfortunately, both the Chapel Hill and Carrboro Planning offices followed the County's lead and seem to be endorsing the application (Page 28).

One last point on the EIS: Please see page 58, bottom of the page. County Planner Mary Willis stated "There is no decision to be made solely on the information in the EIS. And on page 62, paragraphs 4 and 5, we are told the EIS is a non-issue and questions raised about the EIS would be answered. Yet, despite all those questions and comments about the EIS, all your planning departments have chosen to recommend approval of this application.

Point (2), the underlying premise-- a shortage of water due to rapid growth. There is almost no quantitative data to support the claim that OWASA needs more water to handle population growth. Nor is there any quantitative data in the analysis provided by the County Planning Department. What I do find are vague numbers here and there.

First some facts, as provided to me by Mr. Ed Holland, OWASA planning advisor. Current OWASA water customers number about 60,000. The daily consumption of current customers is about 7 million gallons per day, or 116.7 gallons per person per day. The University Lake holds 570 million gallons of water today. Mr. Gene Bell, county planner, tells me that the 1940-1990 census figures showed a 30-year average annual population growth rate of 1.86% per year, and some of their earlier projections of future populations were based on this. Now, however, they are using 1.63%, because they have come to realize that compound population growth rates of the past will not apply to the future. In any case, they now expect Chapel Hill township to grow to 76,556 in 2000; 91,597 in 2010; 107,711 in 2020; and 126,613 in 2030.

I feel that these numbers are overstated, because I cannot see where, within the township, these people will live, nor what jobs they will hold. Those considerations, plus the existing policies and zoning limitations, and the rapidly increasing local tax rates, may well place some additional limitations on growth. The result may be more growth outside this township and outside of the OWASA service area.

Now, please turn to page 22 in your agenda. In the last paragraph you will find a definition of 20-year safe yield and also some

numbers totalling 13.5 million gallons per day.

Some arithmetic: If we use 7 million gallons per day and we have 13.5 MGD 20-year safe yield, we can almost double the usage before we reach the beginning of the 20-year safe yield limit with the current water sources. $[13.5 \div 7 = 1.93) \times 60,000] = 115,714$. So today we could support a population of 115,714. A population size we will not reach until the year 2025 at the earliest.

By 2000 our population will have grown to 76,556 and OWASA will be supplying 8.9 million gallons per day. By 2010, with a 91,597 population, 10.7 million gallons per day. By 2020, 12.57 millions of gallons per day; by 2030, 14.77 million per day, which then slightly exceeds our current 20-year safe yield limit; unless water conservation efforts and higher OWASA water prices further reduce average daily usage per person.

So it seems that one can reasonably conclude that, with our current water sources, there will be one year between 2025 and 2045 when OWASA will be short of water.

What are the alternatives? Please turn to page 60, near the end of my statement last October 14. Item (1): If we closed the quarry today (and Mr. Ed Holland apparently checked out this option about ten days ago) we would find a hole that would hold about 700 to 800 million gallons of water. He was not prepared to say how much that would provide on a 20-year safe yield, but you can compare this to the 570 million gallons currently in University Lake. Or we could say that 107,711 customers using 12.57 MGD in 2020 would have two months worth of water in an emergency after University Lake and Cane Creek were out of water. Item (2): Close the quarry in 15 years when the current boundary will be reached. This option apparently has not

been explored by OWASA. Mr. Holland stated that OWASA will look at this option if the application is denied. My estimate would be that the size of the current hole would double and would hold about 1.5 billion gallons of water, or about 2.6 times the quantity in University Lake, and four months' worth of water for 107,711 customers.

Item (3), page 60, is self-explanatory. However, there is yet another alternative. This is used by Cary, and it's called Jordan Lake. OWASA is currently paying to reserve a yield of "10-mgd-option" on this watershed-supplied water source. This would provide water until way beyond 2050.

In summary, let me say:

1. There is no proven need to expand the quarry beyond its present boundaries, and its demise in 15 years will be welcome.
2. By sticking to the watershed regulations and not providing the exemption, you will be acting responsibly and consistently with your past actions. You will be fair to the area's landowners; you will avoid setting a bad precedent. And you will allow hope to continue that the quality of life, for the quarry neighbors, will improve within their lifetime.

Thank you for listening.

ERWIN DANZIGER
942-1638

BOARD OF ALDERMEN

ITEM NO. E(2)

AGENDA ITEM ABSTRACT

MEETING DATE: August 09, 1994

**SUBJECT: Public Hearing : Voluntary Annexation of Property Located at 400
Smith Level Road**

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	
ATTACHMENTS: Petition for Annexation Ordinance Map	FOR INFORMATION CONTACT: Roy Williford, 968-7713	
THE FOLLOWING INFORMATION IS PROVIDED:		
(X) Purpose	(X) Summary	(X) Analysis
(X) Recommendation	(X) Action Requested	

PURPOSE

The North Carolina Federation of Business and Professional Women's Club, Inc. submitted a Petition for Annexation of Contiguous Property on June 10, 1994. The petition requests that the area located at 400 Smith Level Road be annexed to the Town of Carrboro, North Carolina. The total acreage located on this property equals 1.02 acres with out any dwelling units.

SUMMARY

- The Town received a petition from the North Carolina Federation of Business and Professional Women's Club, Inc. requesting Carrboro to annex the property located at 400 Smith Level Road .
- The town clerk has certified the sufficiency of the petition.
- On June 28, 1994, the Board of Aldermen set a public hearing to be held on August 9, 1994.
- The Board of Aldermen is requested to hold a public hearing and at the conclusion adopt the attached ordinance

ANALYSIS

According to the General Statutes 160A-31, the town clerk is mandated to investigate the sufficiency of the petition and certify that it is in compliance. Additionally, upon receipt of the certification of the petition, the Board of Aldermen must set a public hearing date and the town clerk is to publish a legal notice. The notice must appear once, a minimum of ten (10) days prior to the public hearing. These requirements have been met.

RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the ordinance resolution which incorporates the property located at 400 Smith Level Road into the corporate limits of Carrboro effective August 31, 1994.

ACTION REQUESTED

The Board of Aldermen is requested to conduct a public hearing for the annexation of 400 Smith Level Road and adopt the attached ordinance which incorporates this property effective August 31, 1994.

TOWN OF CARRBORO, NORTH CAROLINA

PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY

TO THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

1) The undersigned, being the owner of all real property located within the area described in paragraph two below, requests that such area be annexed to the Town of Carrboro, North Carolina.

2) The area to be annexed is contiguous to the Town of Carrboro, and is located at 400 Smiths River Rd.. The boundaries of such territory are as shown on the metes and bounds description attached hereto.

3) A map (no larger than 18" x 24") of the foregoing property, showing its relationship to the existing corporate limits of the town, is also attached hereto.

4) The total acreage and dwellings units located on this property are as follows:

1.02 Acres

NA Dwelling Units

Respectfully submitted this 10 day of June, 1994.

Helwa Ramsey
Name
153 Granite St.
Henderson N.C. 27536
Address

Chairman Board of Justice
Owner/President
Business & Professional
Women's Club, Inc.

Attest: L. Joya Draper
Secretary

I, Sarah C. Williamson, Town Clerk of the Town of Carrboro, do hereby certify that the sufficiency of the above-referenced petition has been checked and found to be in compliance with G.S. 160A-31.

This the 23rd day of June, 1994.

Sarah C. Williamson
Town Clerk
1911
TOWN OF CARRBORO
NORTH CAROLINA

The following ordinance was introduced by Alderman _____
and duly seconded by Alderman _____.

AN ORDINANCE ANNEXING 400 SMITH LEVEL ROAD

WHEREAS, a petition was received requesting the annexation of 400 Smith Level Road; and

WHEREAS, the petition was signed by the owners of all the real property located within such area; and

WHEREAS, a public hearing on the question of annexation was held on August 9, 1994, following notice of such hearing published in The Chapel Hill Newspaper on July 29, 1994.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The Board of Aldermen finds that a petition requesting the annexation of the area described in Section 2 was properly signed by the owners of all the real property located within such area and that such area is contiguous to the boundaries of the Town of Carrboro, as the term "contiguous" is defined in G.S. 160A-31(f).

Section 2. The following area is hereby annexed to and made a part of the Town of Carrboro:

BEGINNING at an existing iron pipe (the true point and place of beginning) in the western right-of-way of Smith Level Road (SR 1919), said point being further located South 68 degrees 32 minutes 06 seconds West a distance of 66.70 feet from an existing pk nail in the intersection of Smith Level Road (SR 1919) and B.P.W. Club Road (SR 1967),

THENCE South 22 degrees 45 minutes 59 seconds West for a distance of 94.37 feet to an existing iron pipe (control corner) in the western right-of-way of Smith Level Road (SR 1919), the Southeastern most corner of the subject property.

North 87 degrees 26 minutes 24 seconds West for a distance of 441.58 feet along the lands of Now or Formerly Lelia Graham, to an existing iron pipe in the line of the Village Apartment property;

THENCE North 04 degrees 13 minutes 33 seconds East for a distance of 106.94 feet along the Village Apartment line to an existing iron pipe in the Southern right-of-way of B.P.W. Club Road (SR 1967);

THENCE South 85 degrees 12 minutes 41 seconds East for a distance of 471.42 feet along the southern right-of-way of the B.P.W. Club Road (SR 1967), to an existing iron pipe, the true point and place of beginning, as per a survey by Bobbitt Surveying, P.A., Dated April 14, 1994.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 1.0275 acres (44,759.56 square feet) more or less, as per the aforementioned survey.

Section 3. The area within the street right-of-way (to the center of the street) immediately adjacent to the boundaries of the above-described area is also annexed to the Town of Carrboro.

Section 4. The Board hereby strongly requests that the applicant for the annexation and all persons associated with the annexed property indicate in all advertisements and sales information regarding this property that the property is located within the corporate limits of the Town of Carrboro.

Section 5. This ordinance shall become effective on August 31, 1994.

Section 6. The Town Clerk shall cause to be recorded in the Office of the Register of Deeds of Orange County and in the Office of the Secretary of State an accurate map of the annexed territory described in Sections 2 and 3 together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Orange County Board of Elections as required by G.S. 163-288.1.

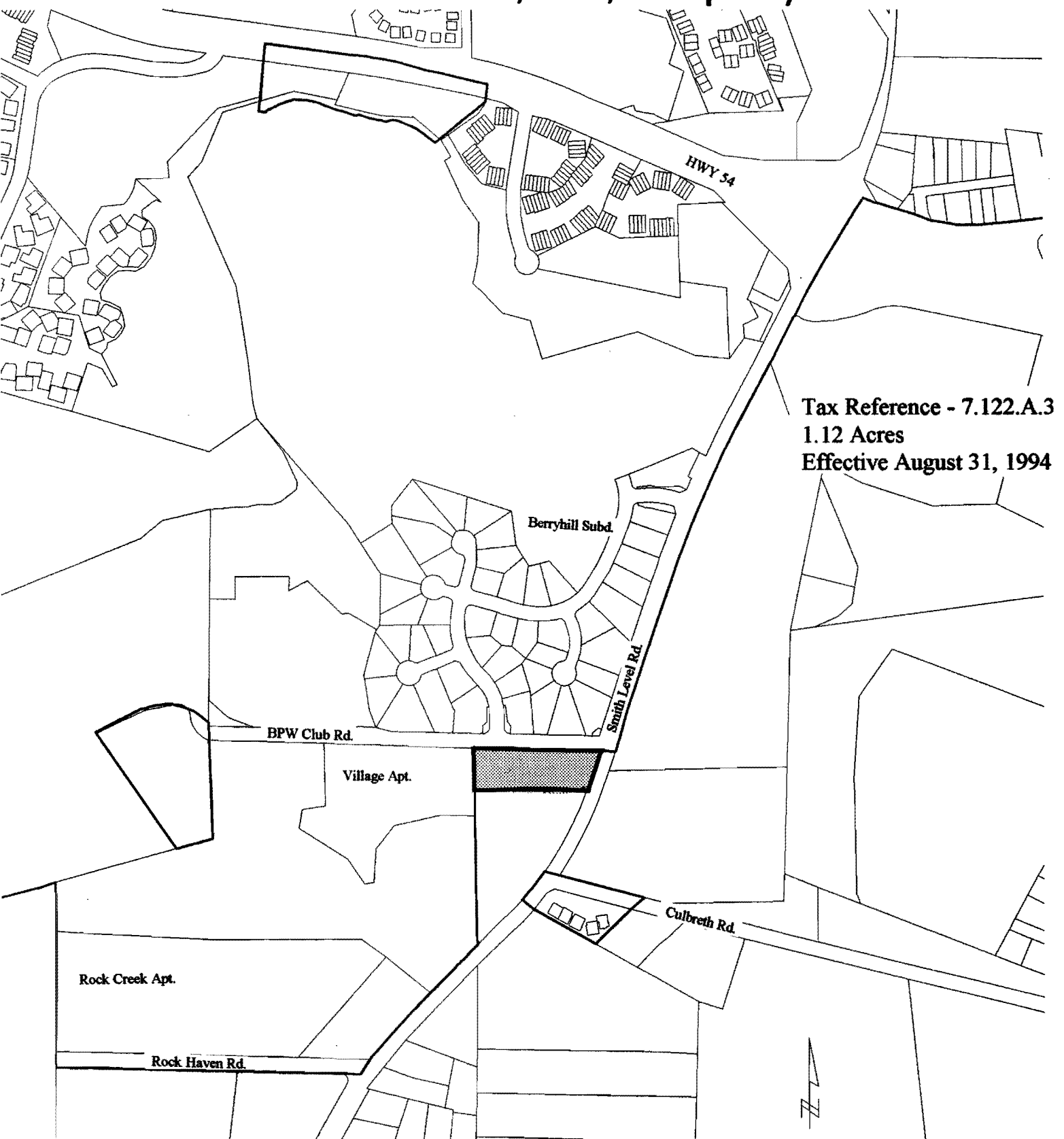
The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, ____:

Ayes:

Noes:

Absent or Excused:

Annexation of N.C. Federation of Business and Professional Women's Club, Inc, Property



Property Lines
Existing City Limits

Map prepared by Deborah Squires
GIS generated
Not to be used for conveyance
June 20, 1994

0 700 1400

August 9, 1994

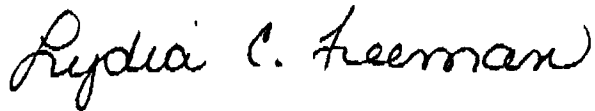
Mr. Spivey
Carrboro Town Hall
Carrboro, NC 27510

Dear Mr. Spivey:

This letter is to request a postponement of the request for annexation of the property owned by the Business and Professional Women's Association located on Smith Level Rd. We are still waiting for subdivision approval.

Thank you for your help in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Lydia C. Freeman".

Lydia C. Freeman, agent for
Business and Professional Women's Association

BOARD OF ALDERMEN

ITEM NO. F(1)

AGENDA ITEM ABSTRACT

MEETING DATE: August 9, 1994

SUBJECT: Arcadia Conditional Use Permit Compliance/Construction Plan Update and Request for Partial Relief from Bonding Requirements

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
ATTACHMENTS: Revised Site Plans Conditional Use Permit Letter Requesting Changes to the Approved Plans Letter Requesting Release from Bonding Requirements of Section 15-60(c) Land Use Ordinance Sections 15-60 (b), 15-60 (c), and 15-64 (a)	FOR INFORMATION CONTACT: Keith Lankford--968-7712
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose (X) Summary (X) Action Requested (X) Recommendation (X) Analysis	

PURPOSE

The Arcadia Co-Housing Corporation was granted a Conditional Use Permit (CUP) on May 25, 1993 to develop 33 houses on a 16.51 acre tract of land. The town staff became aware that the developer had made several deviations from the approved plans during the construction of the project. The Board of Aldermen requested that the Administration prepare a report to summarize the changes to the approved plans and to update them on the status of the construction of the Arcadia Subdivision. The Administration has prepared the requested report and is presenting it to the Board of Aldermen for their information.

The developer is requesting that the Board of Aldermen grant them partial relief from the 10 month bonding requirements for incomplete site work (sidewalks and paving the fire lanes) as provided for in section 15-60 (b) of the Land Use Ordinance. The developers, who are also the home buyers, are seeking this relief because they anticipate that these improvements will not occur until approximately 18 months after the final plat is approved (section 15-60 (c) allows for only a 10 month bonding term). The Administration is recommending that the Board of Aldermen allow the developer to post a 20 month bond to provide for the completion of the sidewalk and the paving of the fire lanes.

SUMMARY

The developer has made several modifications to the approved plans during the development of the site. All of these changes are insignificant deviations as defined by section 15-64 (a) of the Land Use Ordinance since they have no significant impact on the potential home owners (who in this case are the developers), the adjacent property owners or the general public. The Board of Aldermen requested that the Administration prepare a report to summarize the changes to the approved plans and to update them on the

status of the construction of the Arcadia Subdivision. The Administration has prepared the requested report and is presenting it to the Board of Aldermen for their information.

The developer is also requesting partial relief (for the community sidewalk and paving of the fire lanes) from the bonding requirements of 15-60 (c) which allows for a bonding period of only 10 months. The developer anticipates that it will take 18 months to build all of the 33 home sites, and indicates that if the sidewalk were installed and the fire lanes were paved prior to build out, then these facilities would experience frequent damage due to construction vehicles driving over them.

Therefore, the developer is requesting that the Board of Aldermen grant them partial relief from the 10 month bonding period as provided for in section 15-60 (b). The fire lanes will be established with an all weather surface (i.e.--gravel) before home construction begins to ensure that all home sites can be served by emergency vehicles. Section 15-60(b) allows for a separate bonding which can exceed 10 months or by placing a new condition on the CUP requiring these items to be completed by a specified date or the CUP will automatically expire. The Administration is recommending that the Board of Aldermen allow the developer to bond for the sidewalk and the paving of the fire lanes for a period of 20 months.

ANALYSIS

The developer of the Arcadia Subdivision has made several changes from the approved plans during the construction of the project. The staff discovered these deviations during a site visit. The Board of Aldermen requested that the Administration prepare a report to summarize the changes to the approved plans and to update them on the status of the construction of the Arcadia Subdivision. The Administration has prepared the requested report and is presenting it to the Board of Aldermen for their information.

The most obvious deviation which was noted by staff in the field was that the road (Circadian Way) had been graded out up to six feet deeper than approved. The area of this change is noted with a "1" on the attached revised site drawings (subsequent items are marked as "2" through "20" on the attached site plans). Since the staff learned of this deviation, the developer has decided to bring in fill dirt from off site and bring the road bed back up to the approved grade. A substantial amount of waterline had been installed under the lower, graded out road bed. OWASA determined that there would be too much fill dirt over the water line once the road was brought back up to the approved grade. Therefore, about 300 to 400 linear feet of water line had to be dug up and reinstalled at an appropriate depth before OWASA would accept it.

The staff also noted that flared end sections had been deleted from each end of the pipe which runs under the road at approximately station 5+75 (item 2). The absence of these flared end sections may result in erosion around the pipe ends and eventually, possibly under the edge of the road. The developer has attempted to stabilize the ends of the pipe by placing rip rap around each end. The pipe was placed into the creek bed at a slope that did not match the existing channel. This may increase the possibility of erosion around the higher end of the pipe. The channel should be graded to allow for a smooth transition into the pipe.

Another area where changes occurred was around the bridge. Curb and gutter was added on each side of Circadian Way between the bridge and the end of Barrington Hills Drive, and the drainage swales on each side of the road were deleted (item 3). Orange County Erosion Control has indicated that no additional erosion control devices will be needed in this area, and the developer's engineer's calculations indicate that no significant storm water will flow off site due to the addition of the curb and gutter. However, their engineer has recommended that a small swale be installed across Circadian Way which slopes to the southeastern end of the curb and gutter section. This swale will empty into the existing grass drainage

swale on the western side of Barrington Hills Drive. The developer's engineer indicates that there will be no significant increase in the amount of storm water flowing into the existing grass drainage swale.

Drainage flumes were added onto each side of the road on the south side of the bridge (item 4). The flumes channel storm water directly into the creek. There should be an ample amount of rip rap installed at the end of each flume to depth of at least 18 inches of class 1 stone. This class 1 rip rap should be placed under the end of the flumes and along the sides of the flumes. This should dispense the energy of the storm water runoff, and prevent any damage to the creek bank. The developer will also stabilize all four banks around the bridge by installing rip rap since the banks will be steeper than originally planned (item 5). Additionally, the road alignment leading from within the site across the bridge was adjusted, at the staff's request, so that the curve would terminate before the bridge (item 6).

The developer has modified the grading plan in several areas of the site. They have added a berm on the north side of the road in order to shield the Arcadia home sites from head lights of vehicles entering the site and to divert storm water runoff into the detention pond (item 7). The swale originally proposed along the western side of the home sites is now being proposed to be left ungraded (item 8). The area around the central home sites is not going to be graded as originally planned, but will remain--generally--in its natural state (item 9). Additional grading will create a steeper bank between the road and the home sites (item 10).

The grading changes will result in changes to the site drainage. The developer has decided to eliminate catch basin CB-4 and the pipe leading from it to the pond (item 11), and to eliminate catch basin CB-17 and the pipe leading from it to the pond (item 12). The flared end sections will be eliminated from each of these pipes and the outlet ends of each pipe will be armored with rip rap. Also, the developer will eliminate catch basins CB-12 and CB-13 and the associated piping (item 13). A new catch basin will be added near the center of the sidewalk and will connect catch basin CB-10 to the new catch basin (item 14). Swales will be added as shown on the attached plans to drain the site to the retention pond (item 15). The retention pond itself has been enlarged and made more oblong (item 16). This change was made by the developer for aesthetic reasons; the developer's engineer has indicated that there will not be any insignificant increase in the storm water runoff within the site and or leaving the site.

The developer is proposing to shift parking areas from near the end of Circadian Way to the east side of the housing area (item 17). The overall number of parking spaces will not be diminished, but will be better distributed throughout the project. The parking spaces on the eastern end of the site will be redistributed among the adjacent housing units (item 18). They are proposing to delete approximately 60 feet of fire lane between lots 30 and 22 (item 19). The fire department has given their approval of this modification. They have also proposed removing some pine trees in the woods south of lot 29 (no hardwood trees are to be removed) (item 20). The reason for removing the trees is to provide solar access for lot 29.

All of these changes are being viewed as insignificant deviations as defined by section 15-64 (a) because they do not have any significant adverse impact upon the potential homeowners (who in this case are also the developers), the adjacent property owners, and the general public.

The developer is also requesting partial relief from the bonding requirements of section 15-60 (c). This section requires that all site work items which are not complete (at the time that the final plat is approved) must be bonded for to ensure their completion for the potential home buyers, adjacent property owners, and the general public. Section 15-60 (c) allows for only a 10 month bonding period, however, the developer has indicated that the construction of the internal community sidewalk and the paving of the fire lanes will not be finished until approximately 18 months after they receive their final plat approval.

The developer is seeking this relief (as per Section 15-60(b)) because the close proximity of the home sites would probably lead to frequent damage to these facilities during the construction of the individual homes if they were installed prior to build out of the 33 homes. Build out is anticipated to take 18 months. The fire lanes shall be graded and established as an all weather surface (i.e.--gravel) before commencing any home construction to ensure that the home sites can adequately be served by emergency vehicles. Section 15-60(b) allows for a separate bonding which can exceed 10 months or by placing a new condition on the CUP requiring these items to be completed by a specified date or the CUP will automatically expire. The Administration is recommending that the developer be allowed to bond the completion of the sidewalk and the paving of the fire lanes for a period of 20 months.

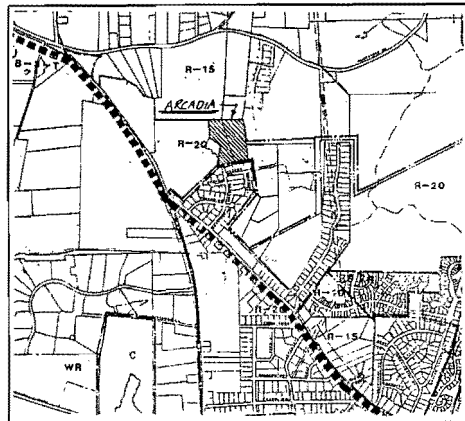
RECOMMENDATION

That the Board of Aldermen receive the report summarizing the changes to the approved plans and update them on the status of the construction of the Arcadia Subdivision. The Administration is recommending that the Board of Aldermen allow the developer to bond for the completion of the sidewalk and the paving of the fire lanes for a period of 20 months.

ACTION REQUESTED

To receive the report on the changes to the approved plans and the status of the construction of the Arcadia Subdivision. To allow the developer to bond for the completion of the sidewalk and the paving of the fire lanes for a period of 20 months.

CONSTRUCTION PLANS FOR ARCADIA SUBDIVISION CARRBORO, NORTH CAROLINA



LOCATION MAP
Scale 1"=1200'

Owner/Developer
Arcadia Corporation of Carrboro
Route 5, Box 106
Pittsboro, NC 27312

Engineer
Michael M. Hughes, P.E.

Site Design
Butterfly Ridge

Erosion Control Design
Chris W. White

RECEIVED

AUG 3 3 1994

CARRBORO
PLANNING DIVISION

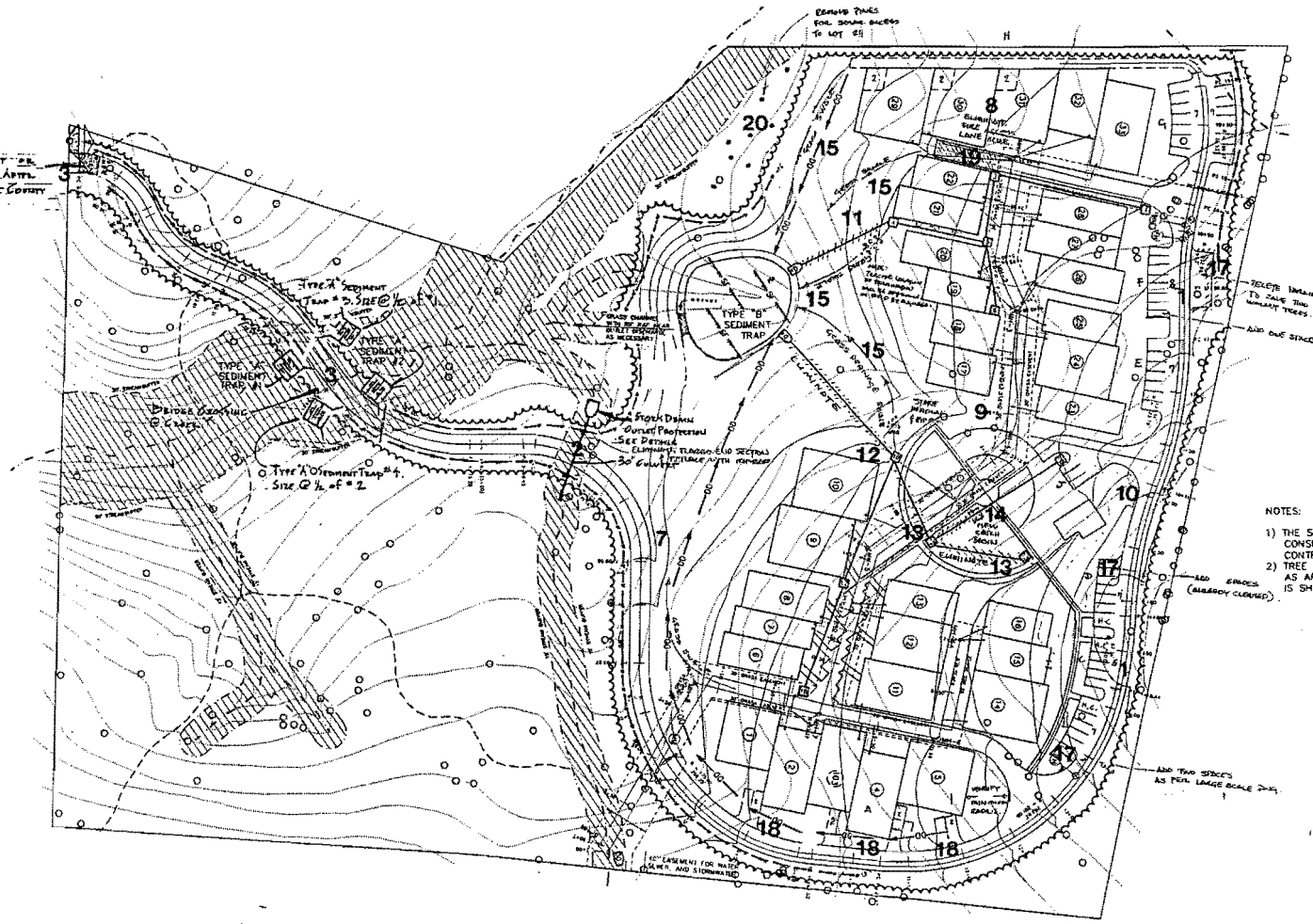
DRAWING INDEX

	TITLE SHEET
SP-1	SITE PLAN
SP-2	SITE PLAN DETAILS
SP-3	SITE PLAN DETAILS
EC-1	EROSION CONTROL PLAN
EC-2	EROSION CONTROL CONSTRUCTION DETAILS
EC-3	EROSION CONTROL CONSTRUCTION DETAILS
EC-4	EROSION CONTROL CONSTRUCTION DETAILS
EC-5	EROSION CONTROL CONSTRUCTION DETAILS
EC-6	EROSION CONTROL CONSTRUCTION DETAILS
U-5	UTILITY AND ROAD SUMMARY PLAN
U-1	WATER AND SEWER PROFILE
U-2	WATER AND SEWER PROFILE
U-3	WATER AND SEWER CONSTRUCTION DETAILS
U-4	WATER AND SEWER CONSTRUCTION DETAILS
U-5	STORM WATER AND MISC ROAD DETAILS
R-1	CIRCADIAN WAY PLAN AND PROFILE
R-2	CIRCADIAN WAY PLAN AND PROFILE
R-3	CIRCADIAN WAY PLAN AND PROFILE
R-4	CIRCADIAN WAY PLAN AND PROFILE
S-1	BRIDGE DESIGN AND DETAILS

INITIAL SUBMITTAL 8/04/93
REVISION DATE 10/19/93

PROPOSED MODIFICATIONS 7/15/94

DRAWN: CONSTRUCTION LINT. 28.
 VARIOUS LACK. - INSTALLED AFTER
 CONSTRUCTION IN ORANGE COUNTY
 EROSION CONTROL



LEGEND

- 520 --- Existing Contour Line
- 520 --- Proposed (regraded) Contour Line
- SFI --- Silt Barrier
- SFI --- Silt Fence
- SFI --- Silt Fence Outlet
- CL --- Clearing Limits
- DD --- Diversion Dike
- ROW --- Right-of-Way Diversion

Type "A" Sediment Trap
 Type "B" Sediment Trap
 Rip Rap Stone Filter
 STORM DRAIN OUTLET PROTECTION

- NOTES:**
- 1) THE SILT FENCE WILL BE INSTALLED AS NECESSARY AFTER CONSULTATION IN THE FIELD WITH THE ORANGE COUNTY EROSION CONTROL OFFICER.
 - 2) TREE PROTECTION SHALL BE PLACED AT THE CLEARING LIMITS AS APPROPRIATE. THE TREE PROTECTION CONSTRUCTION DETAIL IS SHOWN ON DRAWING NUMBER _____

PROPOSED TOLERANCES

A	6
B	7
C	5
D	4
E	7
F	5
G	16
H	6
J	3
K	67

REVISIONS	DATE
1	Revised C.W.
2	7/1/93
3	
4	

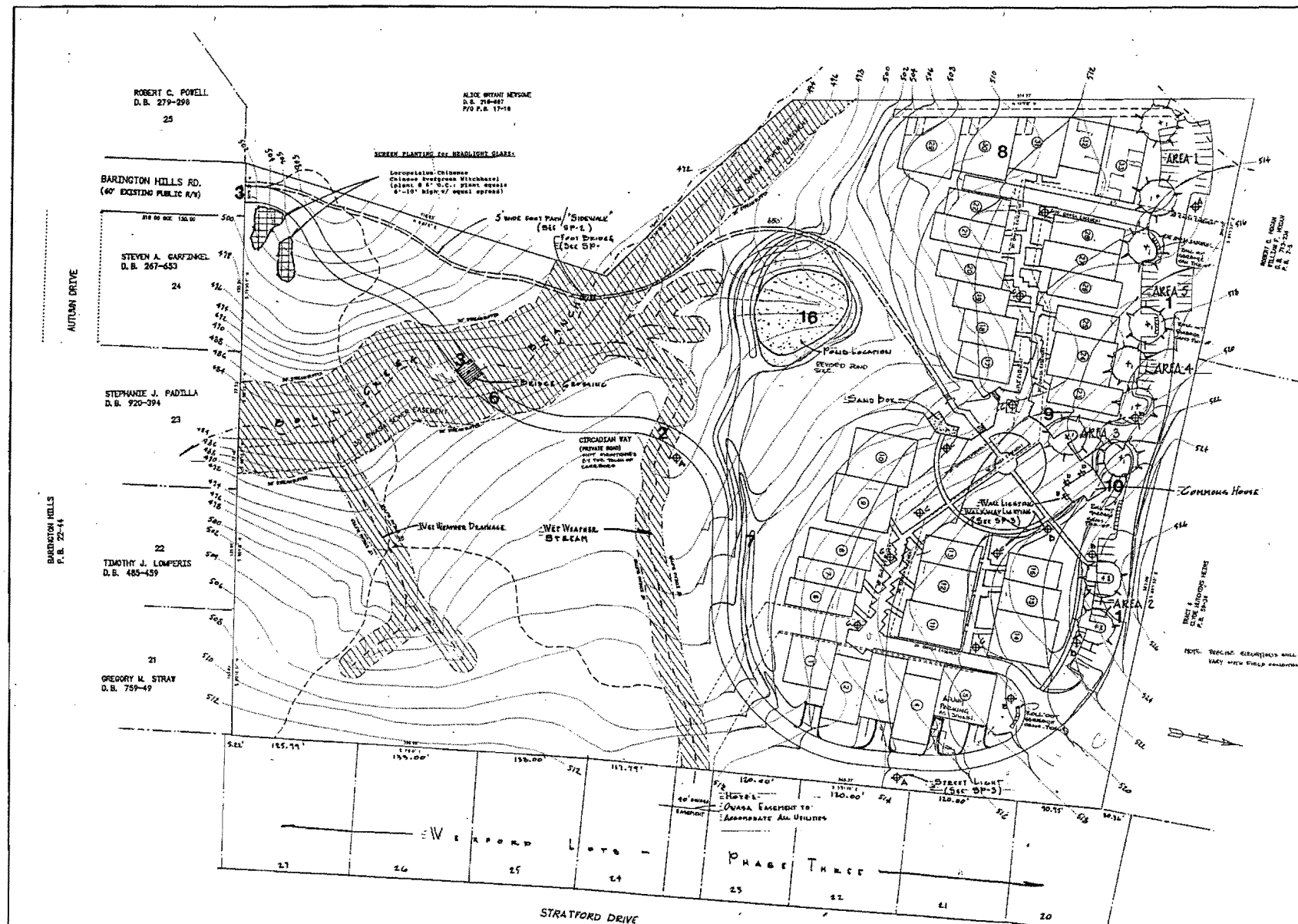


**ARCADIA SUBDIVISION
EROSION CONTROL PLAN**

DRAWN BY CCW
 DESIGNED BY CCW
 DATE 7/30/93
 SCALE 1"=50'

OWNER
 ARCADIA CORPORATION OF CARRBORO
 ROUTE 5, BOX 106
 PITTSBORO, NC 27312

RECEIVED
 JUL 20 1993
 N.C. DEPT. OF TRANSPORTATION
 DIVISION



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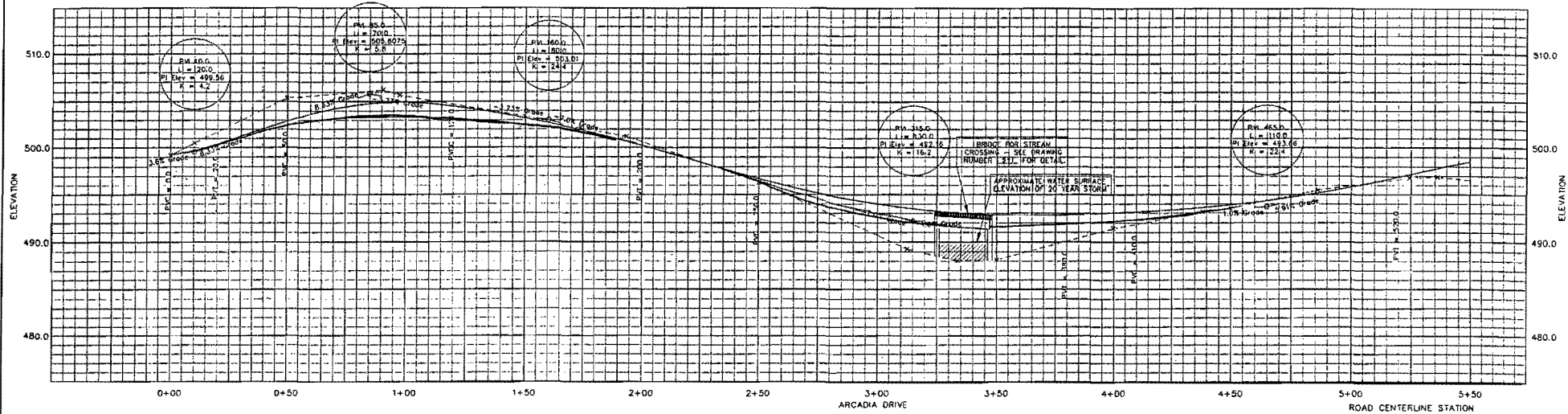
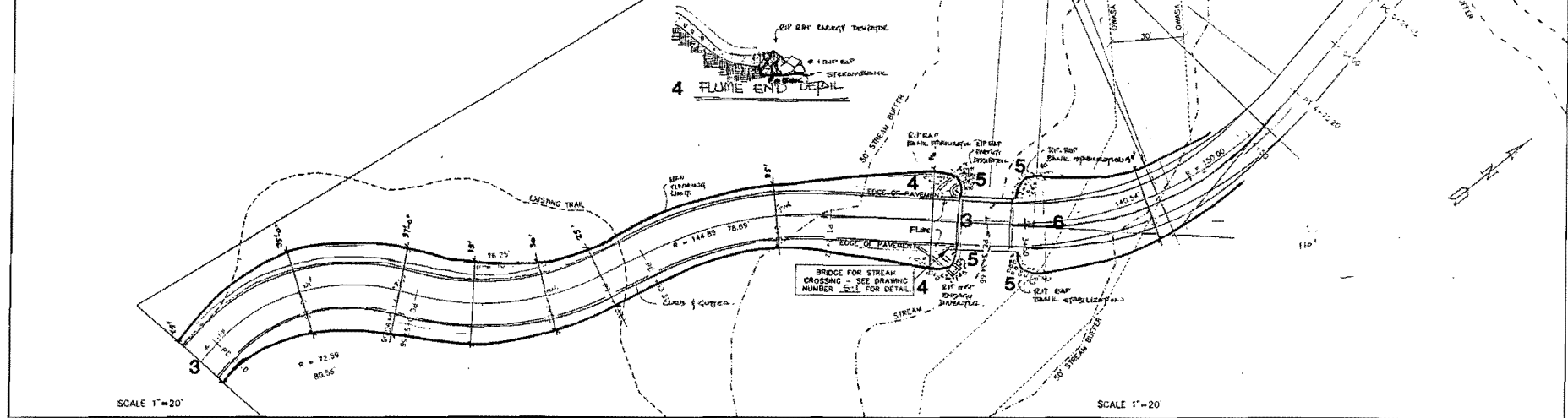


ARCADIA SUBDIVISION
SITE PLAN

DRAWN BY	CCW
DESIGNED BY	CCW
DATE	10/12/97
SCALE	1"=50'

OWNER:
ARCADIA CORPORATION OF CARRBORO
ROUTE 5, BOX 106
PITTSBORO, NC 27312

RECEIVED
JUN 28 1994
NORTH CAROLINA
DIVISION OF HIGHWAYS



NO.	REVISIONS	DATE
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2		
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Engineered by:
Michael M. Hughes, P.E.
126 Cobblestone Drive
Chapel Hill, NC 27516
Telephone: 967-2800

ARCADIA SUBDIVISION
CIRCADIAN WAY
PLAN AND PROFILE

DRAWN BY: MMH
DESIGNED BY: MMH
DATE: 7/31/82
HOR. SCALE: As Noted
VER. SCALE: 1"=5'

OWNER:
ARCADIA CORPORATION OF CARRBORO
ROUTE 5, BOX 106
PITTSBORO, NC 27312

SHEET
R-1

NORTH CAROLINA

ORANGE COUNTY

BOOK 1141 PAGE 378

Return Town of Carrboro
P. O. Box 829
Carrboro, N. C. 27510

TOWN OF CARRBORO

CONDITIONAL USE PERMIT GRANTED

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

Applicant: Chapel Hill/Carrboro Co-Housing Association

Owners: Alice B. Newsome and David A. Davis

Property Location: North of Barington Hills
(Street Address)

9769-95-8788

9779-15-1901 Tax Map 108 Block = Lot 2 (partial)
108 = 2A

Proposed Use of Property: To allow an Architecturally Integrated Subdivision (33 units)

Carrboro Land Use Ordinance Use Category: 1.110

Meeting Date: May 25, 1993

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
- 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 3) That prior to final plat approval, the town staff and the Town Attorney approve the homeowners documents and notations on the plat; and that the developer establish building setbacks on the final plat.
- 4) That the developer indicate with a note on the plans that individual units not be allowed to share lateral water/sewer lines.
- 5) That the applicant request annexation prior to final plat approval.
- 6) That the dam be separate from the road bed and that the Town Engineer approve drainage calculations for the entire site prior to construction plan approval.
- 7) That the final plat indicate that Circadian Way is a private road, that it is not built to public standards, and that the road is not intended for public dedication or acceptance at any time by the Town of Carrboro. That signage be posted at the entrance to the development indicating that the road is "private". That the town staff and Town Attorney satisfy themselves that the homeowners' declarations and other filed documents include sufficient language describing the duties of present and future residents of Arcadia concerning their responsibilities for the costs of maintenance of Circadian Way and the common areas, as well as precluding any road improvements by as well as road dedication to the Town of Carrboro. And, that the developer construct the

entrance road to preclude any stormwater run-off that has the possibility of entry onto the property referenced as Tax Map 108B, Block D, Lot 4 (owned by Steven Garfinkel and Katherine Cole).

8) That the project manager make every reasonable effort to address the concerns of the Steven Garfinkel and Katherine Cole (Tax Map 108B, Block D, Lot 4); i.e., to provide screening to avoid the sweep of headlights on the north side of their home, and to avoid parking construction equipment to block their driveway and avoid damage to the road shoulders.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

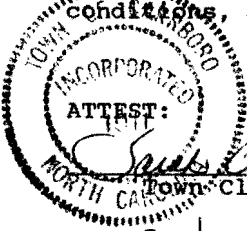
If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

THE TOWN OF CARRBORO



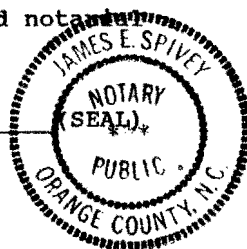
ATTEST:

Sarah C. Williamson (SEAL) BY Robert W. Morgan
Town Clerk Town Manager

I, James E. Spivey, a Notary Public in and for said County and State, do hereby certify that Robert W. Morgan, Town Manager of the Town of Carrboro, and Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the town of Carrboro, that Robert W. Morgan, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS WHEREOF, I have hereunto set my hand and notary seal this the 27th day of July, 1993.

James E. Spivey
Notary Public



My Commission Expires:

11/08/95

Giles
Blunden

ARCHITECT

July 28, 1994

To: Town of Carrboro

From: Arcadia Corporation and the Future Home Owners

Re: Request for Modifications to Construction Drawings for Conditional
Use Permit

We would like to request the modifications as shown on the revised
construction drawings submitted to the Town of Carrboro on July 21,
1994.

Respectfully,



Giles Blunden, Project Manager for Arcadia

RECEIVED

JUL 28 1994

TOWN OF CARRBORO
2500 MAIN STREET

405 A East Main Street
Carrboro
North Carolina 27510
919.967.8505

recycled fiber

Giles
Blunden

ARCHITECT

July 28, 1994

To: Town of Carrboro

From: Arcadia Corporation and the future residents of Arcadia

Re: Request for modification of bonding requirement as required by the Carrboro Zoning Ordinance Section 15-60-(c).

We would like to request that certain portions of Arcadia's construction be exempted from the ten month requirement as per section 15-60-(c).

Specifically we request that the sidewalks and final paving of the fire access lane in and round units 1 through 18 be exempted from the ten month requirement since there is no practical way to install these amenities without them being destroyed by the construction of the homes. The construction of the homes is estimated to take eighteen months.

Respectfully,

Giles Blunden.

Giles Blunden, Project manager for Arcadia

RECEIVED

JUL 28 1994

TOWN OF CARRBORO
ZONING DEPARTMENT

405 A East Main Street
Carrboro
North Carolina 27510
919.967.8505

recycled fiber

Art. IV PERMITS AND FINAL PLAT APPROVAL

(b) When the board imposes additional requirements upon the permit recipient in accordance with Section 15-59 or when the developer proposes in the plans submitted to install amenities beyond those required by this chapter, the board may authorize the permittee to commence the intended use of the property or to occupy any building or to sell any subdivision lots before the additional requirements are fulfilled or the amenities installed if it specifies a certain date by which or a schedule according to which such requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of any one of more of the following:

- (1) A performance bond or other security satisfactory to the board is furnished;
- (2) A condition is imposed establishing an automatic expiration date on the permit, thereby ensuring that the permit recipient's compliance will be reviewed when application for renewal is made;
- (3) The nature of the requirements or amenities is such that sufficient assurance of compliance is given by Section 15-114 (Penalties and Remedies For Violations) and Section 15-115 (Permit Revocation).

(c) With respect to residential and non-residential subdivisions in which the developer is selling only undeveloped lots and with respect to residential subdivisions in which the developer is selling developed lots, the town manager may authorize final plat approval and the sale of lots before all the requirements of this chapter are fulfilled if the subdivider provides a performance bond or other security satisfactory to the town manager to ensure that all of these requirements will be fulfilled within not more than ten months after final plat approval. (AMENDED 7/26/83; 6/27/89)

Section 15-61 Completing Developments in Phases.

(a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c), the provisions of Section 15-47 (No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled) and Section 15-60 (exceptions to Section 15-47) shall apply to each phase as if it were the entire development.

(b) As a prerequisite to taking advantage of the provisions of subsection (a), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this chapter that will be satisfied with respect to each phase or stage.

(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or

Art. IV PERMITS AND FINAL PLAT APPROVAL

accordance with all the terms and requirements of that permit; and

- (2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, notonly with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (b)) of the existence of the permit at the time they acquired their interest.

(b) Whenever a zoning, special use or conditional use permit is issued to authorize development (other than single-family residences or duplexes) on a tract of land in excess of one acre, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgement that the permit has been issued so that the permit may be recorded in the Orange County Registry and indexed under the record owner's name as grantor.

Section 15-64 Amendments to and Modifications of Permits.

(a) Subject to subsection (e), insignificant deviations from the permit (including approved plans) issued by the board of aldermen, the board of adjustment, or the administrator are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. (AMENDED 5/26/81; 6/22/82)

(b) Subject to subsection (e), minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. (AMENDED 6/22/82; 06/06/89)

(c) Subject to subsection (e), all other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the board of aldermen or board of adjustment, new conditions may be imposed in accordance



DUKE POWER

August 01, 1994

Pearce, Brinkley, Cease & Lee
Tim Gunning
P.O. Box 17066
Raleigh, NC 27619

Subject: Lease Lighting at Carrboro Middle School

Dear Mr. Gunning:

The proposed design for lease lighting at Carrboro Middle School was done according to Illuminating Engineering Society publications. Duke Power recommends these minimum guidelines for lighting as they are a recognized by most Utilities as a standard.

Duke Power does not install any High Pressure Sodium fixtures on 15 foot poles as a standard. All lights are designed to operate on a specific mounting height to assure peak operating performance. The 250 Watt High Pressure Sodium lights should be mounted at 25 feet above ground, and the 100 Watt High Pressure Sodium lights at 20 feet. The only decorative lights designed to operate at 15 feet above ground is the 175 Watt Mercury Vapor. All of the standard wood pole fixtures would be installed at a mounting height of 25 feet above ground.

The proposed design for Carrboro Middle School would not adversely effect the adjoining property owners any more than lighting designed to be mounted at 15 feet above ground. The total combined lighting level would be the same in either case. The proposed fixtures are a "shoebox" cutoff type style. This prevents any bright "glare" from a refractor hanging below the fixture.

The proposal provides the best desired performance at the least cost to the Chapel Hill-Carrboro school system. Any changes in mounting height and lowering of wattage would require a increase in the number of poles and fixtures at an increase in cost to the school.

Sincerely,


J. Mark Godley
Engineering Associate III

.cc Bill Mullins

BOARD OF ALDERMEN

ITEM NO. F(2)

AGENDA ITEM ABSTRACT

MEETING DATE: August 9, 1994

SUBJECT: Carrboro Middle School Lighting Fixtures, Phasing of the Gymnasium and Bonding of Incomplete Site Work Items

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
ATTACHMENTS: Request for Minor Modification for 25 Foot Tall Light Poles in Parking Areas Request for Minor Modification for Phasing of Gymnasium Request to Bond for Incomplete Site Work Proposed Lighting Plan Proposed Phasing Map Conditional Use Permit Land Use Ordinance Section 15-60 (a)	FOR INFORMATION CONTACT: Keith Lankford--968-7712
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose (X) Summary (X) Action Requested (X) Recommendation (X) Analysis	

PURPOSE

On September 15, 1992, the Board of Aldermen granted the Board of Education a Conditional Use Permit (CUP) to construct a middle school with associated parking lot lighting on poles with a maximum height of 15 feet (CUP condition number 11). The representatives of the school consulted directly with Duke Power to develop a lighting plan, but did so without regard to CUP condition number 11. The staff became aware of this conflict and informed the school that only the Board of Aldermen can authorize this deviation to the CUP plans since there was a specific condition placed upon the permit concerning this issue. The Board of Education is therefore requesting that the Board of Aldermen grant a minor modification to the approved CUP to allow the use of the proposed lighting plan with the existing underground electrical work, above ground pole stub outs and the installation of the warehoused lighting fixtures on 25 foot tall poles. The Administration is recommending that the Board of Aldermen grant the minor modification.

The Board of Education is also requesting that they be granted a minor modification to the CUP to allow the gymnasium to be completed in a separate phase. The gymnasium will not be completed by the time that school is scheduled to start. The Administration is recommending that the Board of Aldermen grant the minor modification to allow the gymnasium to be completed in a separate phase. The Board of Education is also requesting that the Board of Aldermen allow them to bond for incomplete site work so that they may receive their certificate of occupancy (CO) prior to the first day of classes. Only the Board of Aldermen may allow a non-residential project to bond for incomplete site work and to occupy a structure, or begin the intended use, prior to the completion of the site work as per section 15-60 (a) of

the Land Use Ordinance. The Administration is recommending that the Board of Aldermen allow the Board of Education to bond for the incomplete site work noted below.

SUMMARY

The Board of Aldermen issued a CUP for a middle school with associated light poles of with a maximum of 15 feet in height. Representatives for the school consulted with Duke Power to develop a lighting plan and to install the lighting fixtures along with the associated poles and underground wiring. The lighting plan which was developed used 25 foot high poles to minimize the number of poles and fixtures which would be required and still meet the standard lighting requirements for safety purposes. The school has performed substantial site work based upon the use of 25 foot high poles.

The general contractor and Duke Power have indicted that if the CUP condition of 15 foot tall poles is adhered to, then twice the number of light poles and fixtures will be required and additional work will be required to install the additional light poles. Replacement fixtures will have to be ordered if this modification is denied. This will lead to a six to eight week delay in the installation of the permanent parking lot lights. Allowing the installation of the 25 foot high poles should not cause any adverse impact the adjacent property owners or the general public based upon the lighting foot prints shown on the attached lighting plan. The Administration is recommending that the Board of Aldermen grant the minor modification to allow for the use of 25 foot tall poles by deleting condition 11 of the CUP.

The Board of Education is requesting that the Board of Aldermen grant them a minor modification to the CUP to allow the gymnasium to be completed as a separate phase (see attached map). The gymnasium building will not be completed by the time that school is scheduled to start. The general contractor will be required to install orange tenslar geogrid ski fencing around the perimeter of the gymnasium building to ensure that no students can enter the work area. The Administration is recommending that the Board of Aldermen grant the minor modification to allow the gymnasium to be completed as a separate phase.

The Board of Education is also requesting that the Board of Aldermen allow them to bond for incomplete site work. This site work includes the completion of the retention basins and an off site drainage pipe, small percentages of the site's fencing and site grass seeding and strawing, and the majority of the site landscaping (due to the hot weather). The fencing, and the seeding/strawing are related to the final installation of the retention basins. Only the Board of Aldermen can authorize the bonding of incomplete site work at a non-residential site as per section 15-60(a) of the Land Use Ordinance.

The school site will not be in compliance with its CUP if these items are not complete (as anticipated by the general contractor) when the Board of Education request a certificate of occupancy (CO). The staff will not be able to issue a CO unless the Board of Aldermen authorizes the bonding of the incomplete site work, nor allow the occupancy of the structures (if the site work has not been completed) unless authorized to do so by the Board of Aldermen. The Administration is recommending that the Board of Aldermen allow the Board of Education to bond for the incomplete site work items noted above. The Administration is also recommending that the Board of Aldermen authorize the occupancy of the structure even though all of the site work has not been completed.

ANALYSIS

Condition number 11 of the CUP for the Carrboro Middle School required that the lighting fixtures for the school site be mounted on poles which were not to exceed a maximum of 15 feet in height. The schools' representatives dealt directly with Duke Power to create a lighting plan that 'would be able to provide adequate lighting to ensure the safety of all persons on the school site while not intruding upon the adjacent residential uses'.

The resulting lighting plan minimized the number of fixtures that would be required to meet the lighting standards by using 25 foot tall fixtures. The underground electrical work and light pole stub outs were installed in the field by Duke Power before the staff became aware of the problem. The general contractor informed the staff of the conflict after the staff had reminded them of the height restriction during a site visit. The general contractor informed the staff that the 25 foot tall light poles and fixtures were in a warehouse awaiting installation on August 15, 1994.

He indicated that all of the electrical work had been done by Duke Power to provide for the minimum number of pole stub outs. He indicated that the number of poles would have to be doubled and additional underground wiring would be required if the 15 foot height requirement was adhered to. The fixtures themselves will have to be replaced with lower wattage fixtures of 150 watts in lieu of the 250 watt fixtures which were ordered. This substitution would be required because the light of a 250 watt fixture on a 15 foot tall pole would create an unsafe amount of glare for vehicle operation on site--the same fixture on a 25 foot tall pole creates no such hazard. If the Board of Aldermen denies the permanent use of the 25 foot high poles, then the 25 foot tall poles would still have to be installed temporarily until the shorter, replacement poles are received. The site cannot be occupied unless adequate lighting is in place and operational.

Mark Godley, of Duke Power, indicated that the fixtures which are being proposed are shoe box lights that will not allow light to spread out like other types of fixtures. He indicated that these are the same type of fixtures that are used at Carr Mill Mall around the perimeter of the parking lot. The poles at Carr Mill Mall which are interior to the parking area have two light fixtures each, whereas the poles at the school will have only one fixture each (like the poles around the perimeter of Carr Mill Mall). However, the intensity of the lighting resulting from the number of poles and fixtures at the school will be only one third that of Carr Mill Mall. Mr. Godley informed the staff that the school would be lit to residential standards, whereas Carr Mill Mall is lit to commercial standards. Mr. Godley also indicated that no significant light from the school would spill over onto adjacent residential properties (see attached lighting plan showing lighting footprints).

The Board of Education is requesting that the Board of Aldermen grant a minor modification to eliminate condition number 11 of the CUP, and to allow for the permanent installation of the 25 foot high poles. The Administration is recommending that the Board of Aldermen grant the minor modification to the CUP which would allow for the use of the 25 foot tall poles by deleting condition 11 from the CUP.

The Board of Education is also requesting that the Board of Aldermen grant them a minor modification to the CUP to allow the gymnasium to be completed as a separate phase. The gymnasium building will not be completed by the time that school is scheduled to start. The general contractor will be required to install orange tensar geogrid ski fencing around the perimeter of the gymnasium building to ensure that no students can enter the work area. The Administration is recommending that the Board of Aldermen grant the minor modification to allow the gymnasium to be completed as a separate phase.

The Board of Education is also requesting that they be allowed to bond for incomplete site work so that they may receive a CO by the time that school is scheduled to start. Section 15-60(a) of the Land Use Ordinance authorizes only the Board of Aldermen to allow bonding of incomplete items at a non-residential site. The general contractor for the school has indicated that they do not expect to be able to complete the following items prior to the first day of classes:

1. Final dressing and stabilization of the retention basins and the installation of an 18 inch concrete pipe between the primary retention basin (at the south eastern corner of the site) and the storm drainage

structures at 110 Lisa Drive which were installed to handle off site drainage problems, and associated fencing and grass seeding and strawing. The cost of these items is \$82,000.00.

2. Eighty (80) percent of the site landscaping at a cost of \$24,320.00.

The total bonding amount for all of these site work items is \$106,320.00. The Administration is recommending that the Board of Aldermen allow the Board of Education to bond for the incomplete site work until December 1, 1994.

RECOMMENDATION

the 1st sentence
The Administration is recommending that the Board of Aldermen grant the minor modification to allow the use of 25 foot high lighting poles by deleting condition 11 which requires 15 foot high lighting poles. The Administration is recommending that the Board of Aldermen grant the minor modification of the CUP to allow the gymnasium to be completed as a separate phase. The Administration is also recommending that the Board of Aldermen allow the Board of Education to bond for the incomplete site work as noted above.

ACTION REQUESTED

To grant the minor modification to allow for the use of 25 foot high light poles by deleting condition 11 of the CUP, to grant the minor modification to the CUP to allow the gymnasium to be completed as a separate phase, and to allow the Board of Education to bond for the incomplete site work as noted above.

CHAPEL HILL-CARRBORO CITY SCHOOLS
Lincoln Center, Merritt Mill Road
Chapel Hill, North Carolina 27516
Telephone: (919) 967-8211
FAX: 919-933-4560

Neil G. Pedersen, Superintendent

Ann Y. Hart, Assistant Superintendent
of Instructional Services
Chester F. Preyer, Assistant Superintendent
of Support Services

July 26, 1994

Mr. Keith Lankford
Zoning Administrator
Town of Carrboro
P. O. Box 829
Carrboro, NC 27510

Dear Keith,

As you are aware, we are completing work at McDougale Middle School and hope to receive a Certificate of Occupancy by August 1st. One issue has arisen which requires your assistance.

Working with Duke Power, we have arranged to install light poles and fixtures identical to what is installed at Carr Mill Mall. These fixtures are installed on a twenty five foot pole. These twenty five foot high poles are similar to what is used on other school sites throughout the district. Duke Power assisted us with this decision.

In order for the school system to use these twenty five foot poles, we are requesting a minor modification to the Conditional Use Permit issued for the project. Specifically, we are requesting Item #11 of the permit be waived to allow us to use twenty five foot high poles.

We want to thank everyone at the Town of Carrboro for assisting us with this project. Your cooperation and assistance have been terrific and very much appreciated. Indeed, we should all be proud of this wonderful new facility and the importance it has for the community.

Thank you for your help.

Sincerely,

William J. Mullin /lp

William J. Mullin
Director of Facilities

CHAPEL HILL - CARRBORO CITY SCHOOLS

Lincoln Center, Merritt Mill Road
Chapel Hill, North Carolina 27516
Telephone: (919) 967-8211

Neil G. Pederson, Superintendent

Chester F. Preyar, Assistant Superintendent
of Support Services
William J. Mullin, Director of Facilities
Management

August 2, 1994

Board of Alderman
Town of Carrboro
301 West Main Street
Carrboro, North Carolina 27510

Dear Board Members,

As you know, the McDougle Middle School is scheduled to open on August 23rd. The construction process has taken longer than planned due to numerous delays that have affected the schedule. However, the contractors have been successful in obtaining the required code approvals for the electrical, plumbing, mechanical and life safety work installed throughout the various buildings with the exception of the gymnasium.

In accordance with the provisions set forth in the Conditional Use Permit issued for the construction of the new middle school, request is hereby made to modify the existing Building Permit and allow for a phased completion of construction. Specifically, we are requesting that the gymnasium building be separated from the other newly constructed facilities and its completion and occupancy scheduled for a later date. It appears that the gymnasium will not be ready for code inspection and occupancy until September.

Please be advised that the contractors are working diligently and they have been instructed to complete the gymnasium facility at the earliest possible time. It is our desire to minimize any inconvenience associated with the opening of this very impressive new school and the requested phasing of the project will help in this regard.

Thank you for your cooperation and assistance in this very important matter.

Sincerely,



William J. Mullin

CHAPEL HILL - CARRBORO CITY SCHOOLS

Lincoln Center, Merritt Mill Road
Chapel Hill, North Carolina 27516
Telephone: (919) 967-8211

Neil G. Pederson, Superintendent

Chester F. Preyar, Assistant Superintendent
of Support Services
William J. Mullin, Director of Facilities
Management

August 2, 1994

Board of Alderman
Town of Carrboro
301 West Main Street
Carrboro, North Carolina 27510

Dear Board Members,

Construction activity at the new McDougle Middle School is continuing at a bustling pace. All efforts are being directed at a successful opening of school on August 23rd. While the contractors have been able to secure the required sign offs on electrical, plumbing, mechanical and life safety work for all areas except the gymnasium, it is apparent that a small amount of site work will not be completed in time for the opening of school. Specifically, the work that will not be completed is as follows:

<u>Item</u>	<u>Value</u>	<u>Expected Date of Completion</u>
Landscaping	\$24,320	December 1, 1994
Revised Storm Water Retention System and related site work	\$82,000	December 1, 1994

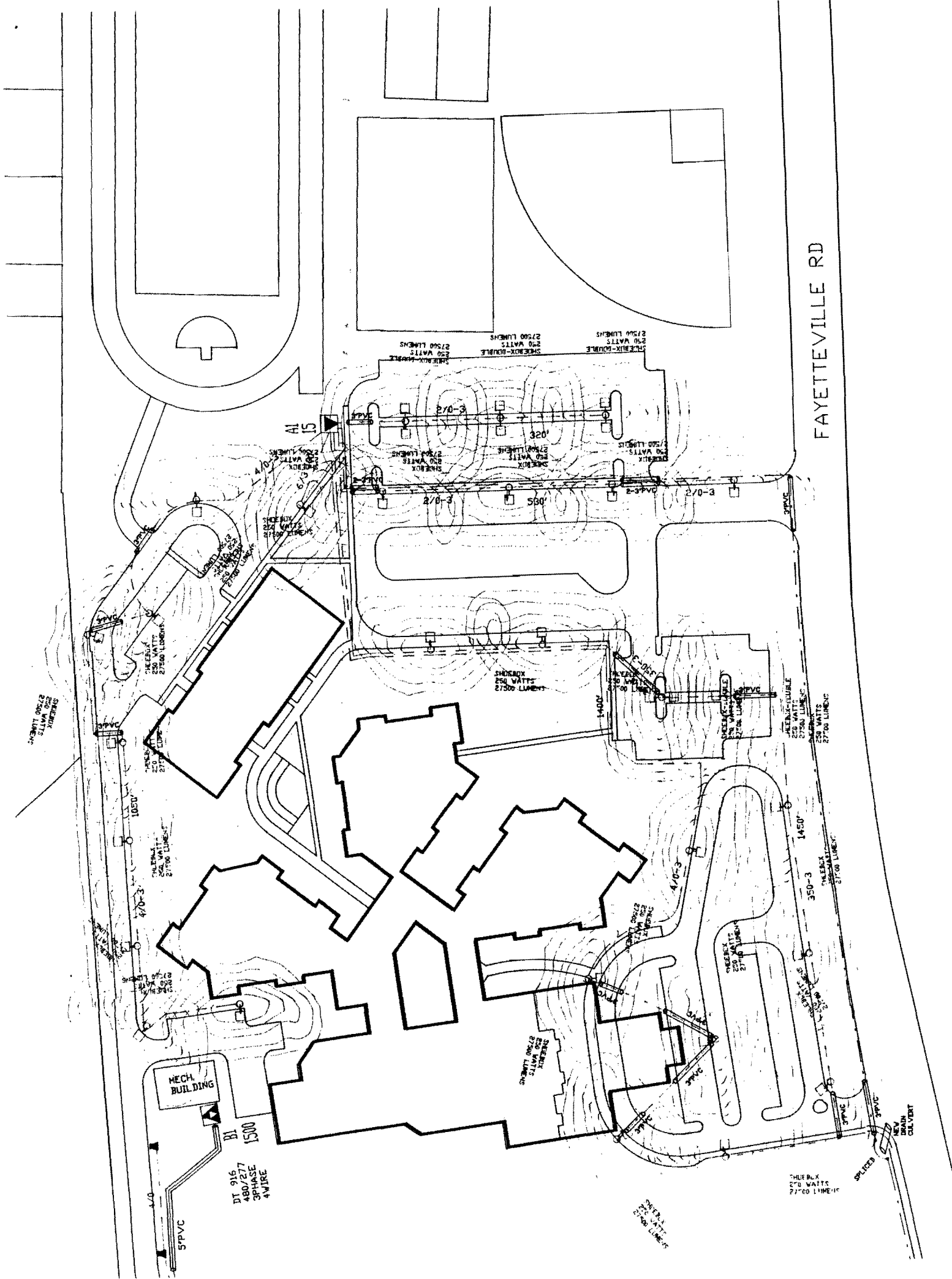
The landscaping is delayed due to the seasonal nature of this work. The contractor recommends the months of October and November for planting. Work is progressing on the storm water retention system and, weather permitting, the contractor may complete most of the required activities. However, as a result of the consultants recommended changes to this system together with the required reviews, analysis and cost approvals associated with a change of this magnitude, it is believed that this aspect of the project will not be one hundred percent completed.

Therefore, we are requesting that the Town of Carrboro accept Performance Bonds for the site work that will not be completed by the opening of school on August 23rd. Please be aware that efforts are being made to complete all scheduled construction work at the earliest possible time. Your agreement to accept these Performance Bonds will greatly assist in the successful opening of the McDougle Middle School.

Thank you for your cooperation and assistance.

Sincerely,


William J. Mullin



(GYM)
ONLY

PHASE 1 - 1997
 RE PATH / SIDEWALK

PAYMENT STA. 10-50
10 STA. 45-50.00. 100
SCE ONLY

— POSSIBLE BIKE
STORAGE LOCATION

FUTURE
ELEMENTARY SCHOOL
110,000 S.F.
PHASE II - 1997

MIDDLE
SCHOOL

COURT YARD

WORK IN THIS
AREA BY BUILDING
CONTRACTOR

POSSIBLE BIKE
STORAGE LOCATION

FRAC 15
FUEL 15

5 00°39'45"

SOFT
SEE 9421
ADDITIONAL

- 5' BIKE PATH
3' H BINDER
1 1/2" 1-2

N 01 51'32" #

PROPOSED R/W

PROPOSED R/
EXISTING C/L

EXISTING R/W - 30' 0"

TOTAL P.02

FAYETTEVILLE RD. 15A NOT
APPROX. STA. 25+73
C.L. DRIVE = APPROX.
= STA. 9+10
C.L. CROSSING PAYMENT

TEVILLE ROAD (SR 1107)
 LINDO: PUBLIC R/W)

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

Applicant: Steve Bondor, Project Manager, Greenhorne & O'Mara, Inc.

Owner: Virginia Gilmore Andrews

Property Location: Bounded by Hillsborough Road on the east and Old Fayetteville Road on the West; primarily fronts on Old Fayetteville Road

Tax Map 108 Block -- Lot 31A

Proposed Use of Property: To allow construction of a middle school with associated facilities.

Carrboro Land Use Ordinance Use Category: 5.110

Meeting Date(s) September 1 and September 15, 1992

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
- 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 3) That a 8-foot paved bike lane be constructed as indicated on the site plans.
- 4) That the connecting driveway which links the Hillsborough Road parking lot to the Fayetteville Road parking lot be closed off.
- 5) That a spur of the bike lane be constructed that continues across the closed space between the two parking lots to the sidewalk between the middle school and the gym and that bike racks be added off the sidewalk near the main middle school building at various convenient locations, covered when possible by extending the covering that is being constructed over the sidewalks, and that bike racks be constructed near the elementary school when it is constructed.
- 6) That a paved walk be added to the tennis courts when they are constructed.
- 7) To show the sidewalk included on Fayetteville Road on the side of this property and because bike lanes are being included on Old Fayetteville Road, the Transportation Advisory Board requested that the Board of Aldermen remind the TAC to continue working on the TIP plan in

continuing the bike lanes on Hillsborough Road and Old Fayetteville Road to their intersection.

- 8) That a handicapped parking space be added at the southwest corner of the visitor parking lot near the softball field with paved access added to the field.
- 9) That bike path accessways onto the campus be added off Quail Roost Drive, Hillsborough Road, and Old Fayetteville Road; that these paths not be dual purpose "sidewalk/bikepath"; and that these bike paths not cross or intersect parking lots or driveways.
- 10) That the bikepath crossing the property be designated as a 20-foot easement.
- 11) That 15-foot poles (maximum) be used for lighting fixtures. That as many of the large trees on the site as possible be retained. That screening along the Quail Roost development (eastern) side be as submitted concerning fencing. However that the plantings along the fence vary in type of plant material. That the Appearance Commission have the opportunity to approve the detailed planting plan once it has been completed. That the Appearance Commission have the opportunity to review the signage before it is placed on site. That the Appearance Commission pay special attention to screening of the school property which is adjacent to residential areas to protect property owners from noise and encroachment.
- 12) That construction plans be approved in accordance with the grading plan submitted to the Board of Aldermen at its meeting on September 15, 1992.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA

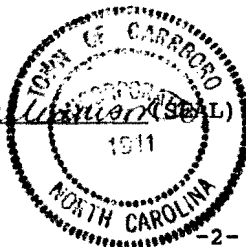
ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property owners of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

THE TOWN OF CARRBORO

ATTEST:

Sarah C. Williams
Town Clerk



BY

Robert W. Morgan
Town Manager

Art. IV PERMITS AND FINAL PLAT APPROVAL

- (1) Will not endanger the public health or safety;
- (2) Will not injure the value of adjoining or abutting property;
- (3) Will be in harmony with the area in which it is located; and
- (4) Will be in conformity with the Carrboro Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board.

(b) The permit-issuing board may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. (AMENDED 5/26/87)

(c) Without limiting the foregoing, the board may attach to a permit a condition limiting the permit to a specified duration.

(d) All additional conditions or requirement shall be entered on the permit.

(e) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this chapter.

(f) A vote may be taken on additional conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subdivision 15- 54(c) (3) or (4).

Section 15-60 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Use or Conditional Use Permits.

(a) In cases when, because of weather conditions or other factors beyond the control of the special use or conditional use permit recipient (exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this chapter before commencing the intended use of the property or occupying any buildings or selling lots in a subdivision, the board may authorize the commencement of the intended use or the occupancy of buildings or the sale of subdivision lots (insofar as the requirements of this chapter are concerned) if the permit recipient provides a performance bond or other security satisfactory to the board to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed ten months).

BOARD OF ALDERMEN

ITEM NO. F(4)

AGENDA ITEM ABSTRACT

MEETING DATE: August 09, 1994

SUBJECT: REVIEW AND ACCEPTANCE OF THE REVISED LAKE HOGAN FARMS
SUBDIVISION SITE PLAN

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES _____ NO _____
ATTACHMENTS: Sheet #1 Lake Hogan Farms Site Plan Resolution #52/93-94	FOR INFORMATION CONTACT: Roy M. Williford, 968-7713
THE FOLLOWING INFORMATION IS PROVIDED:	
(x) Purpose	(x) Action Requested
(x) Summary	(x) Recommendation
	(x) Analysis

PURPOSE:

The Board of Aldermen will receive the revised Lake Hogan Farms Subdivision Plan produced through the facilitation process from the Town's Hogan Farm Facilitation Subcommittee. At the conclusion of the review, the Board will vote on the approval of the revised site plan along with revised conditions and authorize the town attorney to use the approved plan and conditions as an agreement with the Hogan Farm property owners for the settlement of the litigation brought against the Town.

SUMMARY:

- ⇒ On May 10, 1994, the Board of Aldermen adopted a resolution expressing their desire to reach consensus about an appropriate plan of development for the Hogan Property through the facilitated process [Resolution attached].
- ⇒ On June 20 - 21, 1994, the Hogan Farm Facilitation Group met and produced a sketch plan.
- ⇒ The developers of Lake Hogan Farms have produced a revised site plan (sheet 1) that has in turn been reviewed by the Town's Hogan Farm Subcommittee with input from the Hogans on July 19, 1994 and July 26, 1994.
- ⇒ The Board of Aldermen will review and vote on the revised site plan, conditions, and greenway proposals and vote to authorize the town attorney to use the approved plans and conditions as an agreement with the Hogan Farm property owners for the settlement of the litigation brought against the Town.

BACKGROUND:

On April 19, 1994, the Board of Aldermen voted to deny an application for the Lake Hogan Farms Subdivision. The conditional use permit (CUP) application proposed a 420-lot architecturally integrated subdivision for single family, detached housing on a 310-acre tract, to be developed over seven phases. As a result of the Board's vote, the applicant petitioned and received from the Superior Court an order, dated May 26, 1994, for the Town to produce and certify a complete record of the CUP denial proceedings for review by the Court. Prior to the receipt of the Court Order, the Town, on May 10, 1994, adopted a resolution expressing a desire to attempt to reach consensus about an appropriate plan of development of the Hogan Property through a facilitated process.

The facilitation group met on June 20, 1994 and June 21, 1994. From these meetings, a consensus on an appropriate sketch plan of development for the property was reached; with the exception of issues associated with the dedication of greenways which was referred to the full Board for open discussion on August 09, 1994.

The sketch plan developed through the facilitation process was reproduced in a CUP site plan format by the applicant. The site plan was then reviewed by the Town's Hogan Farm Subcommittee for refinement on July 19, 1994 and July 26, 1994.

The final step in the facilitation process is for the Board to receive the site plan recommended by the Town's Hogan Farm Subcommittee and to authorize the town attorney to use the site plan and associated documents as a basis of agreement between the parties.

ANALYSIS:

The attached Hogan Farm Subdivision Site Plan, as recommended by the Town's Hogan Farm Subcommittee, is characterized as follows:

General Description:

A 438-lot architecturally integrated subdivision on 310 acres of land with an overall density of 1.4 units per acre.

Lots by Type:

<i>Town Homes</i>	60 lots
<i>Village</i>	91 lots
<i>Cluster Lots</i>	29 lots
<i>1/3 acre</i>	84 lots
<i>1/2 acre</i>	96 lots
<i>> 1/2 acre(estate lots)</i>	78 lots

<i>TOTAL</i>	438 lots
---------------------	-----------------

The allowable density is 644 unit; 2.07 units per acre.
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Open Space:

The site plan shows Nine-six (96) acres or 30.9% of the tract as open space that generally includes floodplains, wetlands, Hogan Lake, power and gas line rights-of-way, steep slopes, a portion of an undisturbed buffer adjacent to the Stony Hill Subdivision, community gardens, and approximately 5 1/2 acres of open play fields and landscaped walkways in the center of the village.

Active Recreation:

Points Required:	4,363
Points Provided:	6,708.5

Recreation Facilities:

Clubhouse, swimming pool and patio, child's pool, hot spa, four (4) tennis courts, basketball court, volleyball court, hiking/bike trails, play equipment, gazebo and deck, and picnic shelter.

Access:

Primary access to and from this site includes Old 86 and Homestead Roads which are State-owned and maintained arterial facilities. A trail along Bolin Creek will provide access for pedestrian and bikers as well as collector road bikeways and internal sidewalk/trail systems. Five connector road stub-outs are provided for future access to adjacent properties.

Other Information:

There is a single structure of approximately 6,000 square feet shown on the plans as retail. This use will require a separate land use permit that will not be issueable unless and until the area is annexed by the Town, rezoned along with its associated parking area to a zone which allows commercial uses.

The applicant has indicated that an area will be needed during Phase I near the proposed clubhouse recreation area for the temporary collection of stormwater, pending approval by the Town's engineer. This stormwater collection area will be needed to control stormwater runoff during the period that the lake and dam rehabilitation activities are underway.

ACTION REQUESTED:

The Board is requested to approve the revised Lake Hogan Farms Subdivision Site Plan and conditions, and authorize the town attorney to use these as the basis for the settlement of the litigation.

RECOMMENDATION:

The Administration recommends that the Board of Aldermen approve the conditional use permit in accordance with the site plan revised through the facilitation process with the following conditions:

A. PREVIOUS CONDITIONS/MOTIONS

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Zoning Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the land owner (applicant) petition for voluntary annexation on a phase by phase basis prior to final plat approval of each phase.
4. That the location of the trail and the corresponding 50 foot easement to the Town of Carrboro be adjusted in the field to avoid overlapping lots if possible, and to avoid conflicts with OWASA manholes. That OWASA approve the location of the trail during the construction plan approval process. ~~The applicant must remove the word future from the description of the six foot wide bike and pedestrian trail.~~
5. That additional information be submitted to, and approved by, the Town's consulting engineer for lots ~~20 and 21~~, 19 and 20, to ensure that the proposed drainage system will render these lots as buildable lots. This shall be done during the construction plan approval process.
6. That joint maintenance agreements between all lots served by the private driveways be established prior to construction plan approval, and that the details for the private driveways be approved by

the Public Works Director and the Fire Chief during the construction plan approval process. The driveway design must include mountable curbs around the landscape islands and the vegetation within the islands must be limited to grass.

7. That Duke Power and North Carolina Natural Gas approve the crossings of their easements by roads, **pedestrian/bike trails**, and storm water and/or sewer pipes prior to construction plan approval, and that any necessary modifications be made to the plans as required by these utility companies.
8. That any office/retail use in, or around, the recreation complex, shall require annexation of the phase that the site is in (i.e.--phase 1), then a rezoning and a CUP amendment must be obtained from the Board of Aldermen.
9. That the recreation point requirements of the Land Use Ordinance be verified, and adjusted if necessary, during the construction plan approval process, and that children's playground equipment must account for at least 10 percent of the total recreation points which are required for this project (via the recreation points table in the Land Use Ordinance or the dollar value equivalent of those points as provided for in Appendix G of the Land Use Ordinance).
10. That the detailed design of the creek crossings must be provided during the construction plan approval process, and that all road crossings must meet the federal standards established for "bridges" under ASHTO HS-20. ***"and that the low impact bridge design be used, i.e., an arch span crossing"***.
11. That an application for a permit for the repair and reconstruction of the dam be made to the appropriate state agency upon issuance of the Conditional Use Permit, and that the lake not be refilled until such time as deemed safe and appropriate by the responsible state agency.
12. ~~That the applicant relabel the open play fields as open play fields and associated parking.~~

VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

APPROVED MOTIONS:

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY THAT THE TRANSPORTATION ADVISORY BOARD'S RECOMMENDATION DATED APRIL 7, 1994 BE APPROVED WITH AN ADDITIONAL STUB-OUT TO BE LOCATED ON THE SOUTH OF THE PROPERTY TO BE DEDICATED TO THE TOWN AND THAT SIGNAGE FOR THE STUB-OUTS AND BIKE FACILITIES BE INSTALLED WHEN THE ROAD IS CONSTRUCTED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY HANK ANDERSON THAT CONSTRUCTION PLANS FOR PHASE 1 OF THE DEVELOPMENT MAY NOT BE GRANTED UNLESS AND UNTIL THE DEVELOPER HAS DETERMINED WHETHER AND TO WHAT EXTENT IMPROVEMENTS OF THE DAM WILL BE REQUIRED AND, IF A STATE PERMIT FOR SUCH IMPROVEMENTS IS MANDATED, SUCH PERMIT IS OBTAINED FROM THE STATE. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN)

MOTION WAS MADE BY FRANCES SHETLEY THAT A 50-FOOT UNDISTURBED BUFFER BE REQUIRED ALONG ALL LOTS. VOTE: AFFIRMATIVE FIVE, NEGATIVE TWO (BRYAN, NELSON) *[NOTE: Buffer is shown on the site plan, this motion is no longer needed.]*

MOTION WAS MADE BY RANDY MARSHALL AND SECONDED BY FRANCES SHETLEY TO ACCEPT THE DEVELOPER'S PROPOSAL TO AMEND THE SITE PLAN AS PRESENTED BY THE PLANNING DIRECTOR. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN) *[NOTE : Townhouses are shown on the plan; motion is no longer needed.]*

MOTION WAS MADE BY FRANCES SHETLEY AND SECONDED BY RANDY MARSHALL THAT THE RECOMMENDATIONS OF THE N.C. DEPARTMENT OF TRANSPORTATION IN A LETTER ADDRESSED TO TOWN'S ZONING OFFICE REF. IMPROVEMENTS TO HOMESTEAD ROAD AND OLD 86 BE OBSERVED. VOTE: AFFIRMATIVE FOUR, NEGATIVE THREE (NELSON, GIST, BRYAN) *[NOTE : Has been included on the plan; motion is no longer needed.]*

B. THE FOLLOWING NEW CONDITIONS ARE RECOMMENDED:

1. Public access will be provided along the Duke Power easement south of lots 28 and 31 from the Bolin Creek Trail to the eastern property line of the tract with curb cuts.
2. Note on the plans that the six-foot paved trail will be constructed by the developer as shown with the pavement material to be approved prior to construction plan approval for Phase I by the Board of Aldermen.
3. Continue the following road stub-outs to the property line a) the stub-out south of the Old 86 entrance, and b) the stub-out shown between Lots ~~335 and 336~~ *353 + 356*
4. Work with OWASA to minimize the removal of trees within the sewer easement along the south side of Lake Hogan by maintaining a clearance no greater than 20-feet in width.
5. The 50-foot bike/pedestrian trail easement should be shown on the plans to clearly differentiate the public access trails from other private trails. *[Shading has not been labeled.]*
6. Re-calculate the open space (acreage and percentage) and the number of lots.
7. That the applicant show on the Phase I construction drawings the area that will be needed during Phase I near the proposed clubhouse recreation area for the temporary collection of stormwater.

The following resolution was introduced by Alderman Jay Bryan and duly seconded by Alderman Randy Marshall

A RESOLUTION EXPRESSING THE BOARD OF ALDERMAN'S DESIRE TO
ATTEMPT TO REACH CONSENSUS ABOUT AN APPROPRIATE
PLAN OF DEVELOPMENT FOR THE HOGAN PROPERTY
THROUGH A FACILITATED PROCESS
Resolution No. 52/93-94

WHEREAS, at its meeting on April 19, 1994, the Board of Aldermen voted 4-3 to deny a conditional use permit for a proposed development on the Hogan property; and

WHEREAS, the Board believes that it may be useful to establish a process wherein discussions could take place between representatives of the Hogan family and members of the Board on an appropriate plan of development for the property in question, in the hope that a consensus might emerge about a development plan for which a conditional use permit could be issued under the Town of Carrboro's land use ordinance;

NOW THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board endorses the following process and encourages the Hogan family to participate in this process:

- (a) The discussion session will extend over a one or two day period and will conclude no later than June 30, 1994.
- (b) The participants in the discussion will be:
 - (1) Three members of the Board, namely Jay Bryan, Jacquie Gist, and Frances Shetley;
 - (2) Four persons selected by the Hogan family;
 - (3) One facilitator, whose function will be to keep the discussions focused on the issues and otherwise assist the group in attempting to reach a consensus; and
 - (4) A professional planner, whose function will be to assist the group in understanding the planning issues and to prepare sketches of proposals under discussion as well as any decisions reached.
- (c) The objective of this discussion group will be to attempt to reach consensus about a proposed development plan for the Hogan property.
- (d) At the conclusion of the discussion process, the discussion group will report back to the Board of Aldermen as to the extent to which consensus was reached by the group.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 10th day of May, 1994:

Ayes: Michael Nelson, Randy Marshall, Hank Anderson, Eleanor Kinnaird, Frances Shetley, Jacquelyn Gist, Jay Bryan

Noes: None

Absent or Excused: None



DOT ENTRANCES TO BE IN COMPLIANCE
WITH TOMMY OYER'S LETTER DATED 3/



LAKE HOGAN

HOMESTEAD RD

BUILDING SETBACKS- ARE/INTEGRALLY INTEGRATED COMMUNITIES
NOTE: VARIOUS SETBACKS MEET OR ARE LESS THAN TOWN STANDARDS
THE DEVELOPER WILL REQUIRE LARGER SETBACKS NOT ENFORCEABLE BY THE TOWNSHIP DEPT. NR 101 (GANT BLDG.)

NOTE: 1 ALL SETBACKS GIVEN ARE TO BUILDING FOUNDATION WALLS
2 PROJECTIONS OF BUILDINGS SUCH AS PORCHES, PAT WINDOWS, AND EAVE
OVERHANGS ARE PERMITTED TO EXCEED THE SETBACKS AS SHOWN
3 MINIMUM ROAD FRONTAGE FOR FLAG AND THE SHOWN LOTS IS 30 FT
4 THERE SHALL BE NO DIRECT INDIVIDUAL DRIVEWAYS OFF LAKE NODAN FARM RD
5 MINIMUM DRIVEWAY CUTS WILL BE SHOWN ON FINAL CULTE DRWING AND
BE APPROVED BY THE PUBLIC WORKS DEPT PRIOR TO FINAL COSTR DRWING
APPROVAL.

LOT SIZE & APPROX ACRES	PERMANENT LOT FRONTAGE (FT.)	PERMANENT LOT WIDE (FEET)	NEW LOTFRONT (FEET)	NEW LOTWIDE (FEET)	NEW LOTFRONT (FEET)	NEW LOTWIDE (FEET)	NEW LOTFRONT (FEET)
ESTATE LOTS	110 X 230	35	19	30	21	20	20
1/2 ACRES LOTS	110 X 200	35	19	30	21	20	20
1/3 ACRES LOTS	90 X 180	35	10	20	20	20	20
CLUSTER LOTS	65 X 130	20	7.5	19	15	20	20
VILLAGE LOTS	90 X 100	15	2 = 8	10	15		14
TOWNHOMES	65 X 50	15		19	15		12

[illegible]

SHEET INDEX:

SITE PLAN	1
PHASING PLAN	2
UTILITY PLAN	3
LANDSCAPE PLAN	4
EXISTING CONDITIONS	5
100 SCALE SOUTHEAST	6
100 SCALE NORTHEAST	7
100 SCALE WEST	8
DETAILS	9

S/S/F	SQUARE FEET	TOTAL POINT
	4000	2032
	4200	1544.6
	12000	240
	28,800	720
	2,400	138
	1,800	25
	30,000	480
	4077.5	436.3
	1,500	488
	2 + 250	74
	308	142.6
	78	36
		6708.5
D:		4363

NOTE: MEMBERSHIP TO THE POOL
MAY BE SOLD TO NON-RESIDENTS
AS LONG AS NON-RESIDENT MEMBERS
DO NOT OUTNUMBER RESIDENT MEMBERS

0 200 400 600
SCALE IN FEET

**Young • Jewell
+ Associates, PA**
Landscape Architects
and Planners
10000 Old York Road
Suite 200
Columbia, MD 21044
(410) 326-7229
Fax (410) 326-7230
www.yjassoc.com

PROJECT NAME: LAKE HOGAN FARMS
PROJECT ADDRESS: LAKE HOGAN FARM ROAD
TAX MAP NO. TM 109-LOTS. 2,3,4,5,6,24,25

CLIENT/OWNER: CAROLINA AMERICAN L.L.CO.
DALE E. REDFOOT- PRESIDENT
ADDRESS: 123 BLACKCHERRY LN.
CHAPEL HILL, NC
919-929-0510

SHEET TITLE: SITE PLAN

SHEET NO.
1

1961-1962

BOARD OF ALDERMEN

ITEM NO. F(3)

AGENDA ITEM ABSTRACT

MEETING DATE: August 09, 1994

SUBJECT: Hogan Farm Subdivision Greenway Dedication

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input type="checkbox"/> NO <input type="checkbox"/>
ATTACHMENTS: Maps Memos from: ⇒ <i>The LPA Group</i> ⇒ <i>Michael B. Brough, June 24, 1994</i> ⇒ <i>Chris Peterson, July 28, 1994</i>	FOR INFORMATION CONTACT: Roy M. Williford, 968-7713
THE FOLLOWING INFORMATION IS PROVIDED:	
(x) Purpose	(x) Action Requested
(x) Summary	(x) Recommendation
	(x) Analysis

PURPOSE:

The Board of Aldermen will discuss the dedication of greenways as a part of the Hogan Farm Subdivision proposal generated through the facilitation process. In concluding the Board will determine whether or not, and to what extent, a greenway should be shown on the facilitated Hogan Farm Site Plan.

SUMMARY:

- The Hogan Farm Facilitation Group, consisting of representative from the Town and the property owners, met on June 20 - 21, 1994 and referred the issue associated with the dedication of greenways to the Board of Aldermen.
- The Board of Aldermen, on June 28, 1994, requested the following information to be presented for open discussion on August 09, 1994:
 - a) Pictures of the dedicated property to be taken for Board review.
 - b) A report from the Public Works Director regarding:
 - 1) the maintenance cost of the proposed greenway;
 - 2) the liability cost of the greenway;
 - 3) whether new equipment would have to be purchased to maintain the proposed greenway;
 - 4) scrutinize the wetlands in the proposed greenway regarding the impact of possible spillover;
 - 5) plan a walking tour of the greenways (transpired on Tuesday, 07/26/94)
- The Town's Hogan Farm Subcommittee met on July 19, 1994 and July 26, 1994 to discuss the revised site plan and the possible location of greenways which included:
 - a) An area east of the dam from floodplain line to floodplain line (excluding proposed lots) [Map #2]
 - b) Areas west of the dam:
 - 1) from the northern Lake Hogan shoreline to the floodplain line (excluding proposed lots) [Map #1]; or

- 2) a proposed 50-footwide easement centered along the proposed paved trail on the north side of Lake Hogan [Map #2], or
- c) No greenway with a 50-footwide easement centered along the proposed paved trail east and west of the dam with an access easement along the Jones Branch 30-footwide OWASA sewer easement [Map #3].
- d) An area east of Lake Hogan Farm Road from floodplain line to floodplain line (excluding proposed lots) [Map #4].

ANALYSIS:

The issue of dedicating public greenways on the Hogan Farm Subdivision Site Plan is primarily one of *public* versus *private* ownership. The greenways, if approved, will be placed over areas shown as "open space" and the greenways will not, in and of themselves, alter the characteristics of the open space. However, the greenways will place designated open space land in public ownership rather than private "homeowner association" ownership. If greenways are dedicated and ultimately accepted by the Town, then the areas will be publicly, rather than privately, controlled and maintained.

Public access easements with paved trails, constructed by the developer, are presently proposed on the Site Plan. If the revised plan is accepted, then public access will be provided either with or without the greenways. If the greenways are dedicated and accepted, then the separate access easements will no longer be needed since the trails will be provided on land owned and maintained by the public. The greenways will, by their very nature, provide a more expansive, less restrictive, public access area (over 50 acres). The current site plan shows an area east of Lake Hogan Farm Road from floodplain line to floodplain line (excluding proposed lots) as a greenway [Map #4].

At this point, the debate over the placement of greenways seems to be centered around the area west of the dam along the northern shore of Lake Hogan. The developers have offered, on the Site Plan, a paved trail with a 50-footwide public access easement centered along the trail west of the dam (see Map 2). ~~On July 19, 1994, the Subcommittee requested a greenway on the north side of Lake Hogan from the shoreline to the floodplain line excluding lots (see Map 1).~~ In addition, the area east of the dam and west of Lake Hogan Farm Road has not been shown as greenways on the revised site plan [Map #4} should be focused upon in discussing desirable greenway locations. If greenways are desired by the Town, then the Board of Aldermen should decide upon the desired location.

ACTION REQUESTED:

The Board of Aldermen, after reviewing the requested information, should determine (1) whether the Town will accept an offer of dedication of any greenway area within the Hogan Farm Subdivision, and (2) if so, which of the alternative greenway areas shown on Maps #1, #2, or #4 the Town would prefer to accept. If the Town intends to accept an offer of dedication, such acceptance would not take place until after the adoption of a parks and recreation master plan.

RECOMMENDATION:

The Administration recommends that the Board of Aldermen consider and decide upon the location of public greenways on the revised Hogan Farm Site Plan.

THE LPA GROUP of North Carolina, p.a.
 P.O. Box 17736
 RALEIGH, NORTH CAROLINA 27619
 (919) 954-1244
 FAX (919) 954-1345

JOB _____
 SHIFT NO. 1 _____
 CALCULATED BY _____ DATE _____
 CHECKED BY _____ DATE _____
 SCALE _____

HOGAN FARM LAKE STUDY

PROJECT DESCRIPTION

HOGAN FARM LAKE IS A PROPOSED DEVELOPEMENT TO BE LOCATED IN CARBORO, N.C. THIS PROPOSED RESIDENTIAL SITE IS APPROXIMATELY 300 AC. IN SIZE. THE FOLLOWING STUDY WILL ANALYZE THE POST-DEVELOPEMENT IMPACTS ON THE EXISTING HOGAN FARM LAKE AS WELL AS ANY ADVERSE CONDITIONS DOWNSTREAM.

EXISTING CONDITIONS

<u>WATERSHED NO</u>	<u>AREA (AC)</u>
1	30
2	136
3	487
4	362
5	740
6	11

HYDROLOGIC SOIL GROUP → D

ASSUMPTIONS

- 1) IMPROVEMENTS TO BE MADE TO EXISTING DAM
 - OUTLET STRUCTURE TO BE INSTALLED
 - EMERGENCY SPILLWAY TO BE IMPROVED
- 2) LAKE TO BE DESIGNED FOR 50 YR EVENT
- 3) PROPOSED CULVERT DOWNSTREAM OF DAM TO BE DESIGNED FOR 25 YR. EVENT. (CULVERT UNDER ROADWAY)
- 4) WATERSHED AREA CONTRIBUTING TO LAKE TO BE MODERATELY DEVELOPED IN THE FUTURE, PRIMARILY RESIDENTIAL

THE LPA GROUP of North Carolina, p.a.
P.O. Box 17736
RALEIGH, NORTH CAROLINA 27619
(919) 954-1244
FAX (919) 954-1345

JOB _____
SHEET NO. 2 OF _____
CALCULATED BY _____ DATE _____
CHECKED BY _____ DATE _____
SCALE _____

LAKE DATA

<u>ELEVATION</u>	<u>AREA (AC)</u>	(EXIST. WATER SURFACE ELEVATION)
483	12.4	
485	22.70	
490	31.53	
495	41.05	

* FOR THIS STUDY, AN ASSUMED PERMANENT POOL ELEVATION = 483.5
WAS USED.

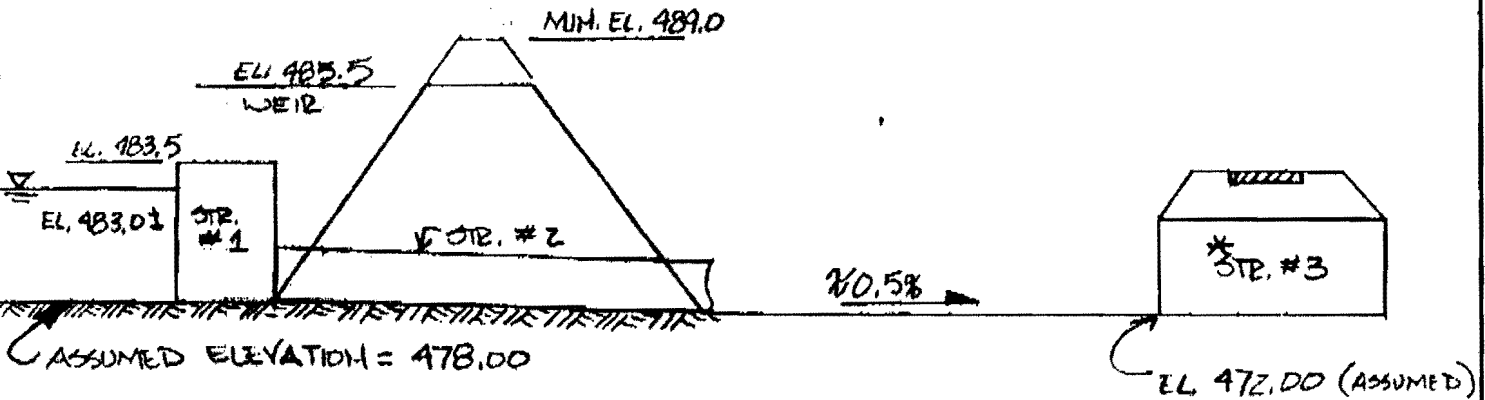
INFLOW HYDROGRAPHS

<u>EVENT</u>	<u>PEAK DISCHARGE: Qp</u>
25 YR	1390 CFS
50 YR	1640 CFS

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JOB _____
 SHEET NO. 3 OF _____
 CALCULATED BY SAY DATE _____
 CHECKED BY _____ DATE _____
 SCALE _____

PROPOSED DESIGN



STR. #1 → 12' x 6' BOX

STR. #2 → 48" RCP @ 1.0% SLOPE

*STR. #3 → 2- 10' x 6' BOX CULVERT * (PROPOSED DESIGN BY DANIEL PAXSON & ASSOC. → CONSULTANT FOR CAROLINA AMERICAN, INC → DEVELOPER)

$$Q_{P_{15}} = 799.68 \text{ cfs}$$

$$Q_{P_{50}} = 999.30 \text{ cfs}$$

HEADWATER DEPTH @ STR. #3

* ASSUMING INLET CONTROL FOR 2-10' x 6'

$$Q_{P_{15}} = 800 \text{ cfs} \Rightarrow 400 \text{ cfs PER BOX}$$

$$\text{FROM FIG. 37} \Rightarrow \text{HW} = 5.7' \therefore \text{EL. 477.70}$$

$$Q_{P_{50}} = 1000 \text{ cfs} \Rightarrow 500 \text{ cfs PER BOX}$$

$$\text{FROM FIG. 37} \Rightarrow \text{HW} = 6.78' \therefore \text{EL. 478.78}$$

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SHEET NO _____

OF _____

CALCULATED BY _____

DATE _____

CHECKED BY _____

DATE _____

SCALE _____

RESULTS

HOGAN FARM LAKE - ROUTING RESULTS

25 YR EVENT

PEAK INFLOW = 1390 cfs

PEAK OUTFLOW = 800 cfs

PEAK ELEVATION = 487.54 FT

50 YR EVENT

PEAK INFLOW = 1640 cfs

PEAK OUTFLOW = 1000 cfs

PEAK ELEVATION = 487.93 FT

HEADWATER DEPTH AT BOX CULVERT UNDER PROPOSED ROADWAY

* ASSUMING 2-10'x6' BOX CULVERT IS USED

25 YR EVENT

HW = 5.7 FT \therefore W.S. EL. = 477.7

50 YR EVENT

HW = 6.8 FT \therefore W.S. EL. = 478.8

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SHEET NO. _____

OF _____

CALCULATED BY _____

DATE _____

CHECKED BY _____

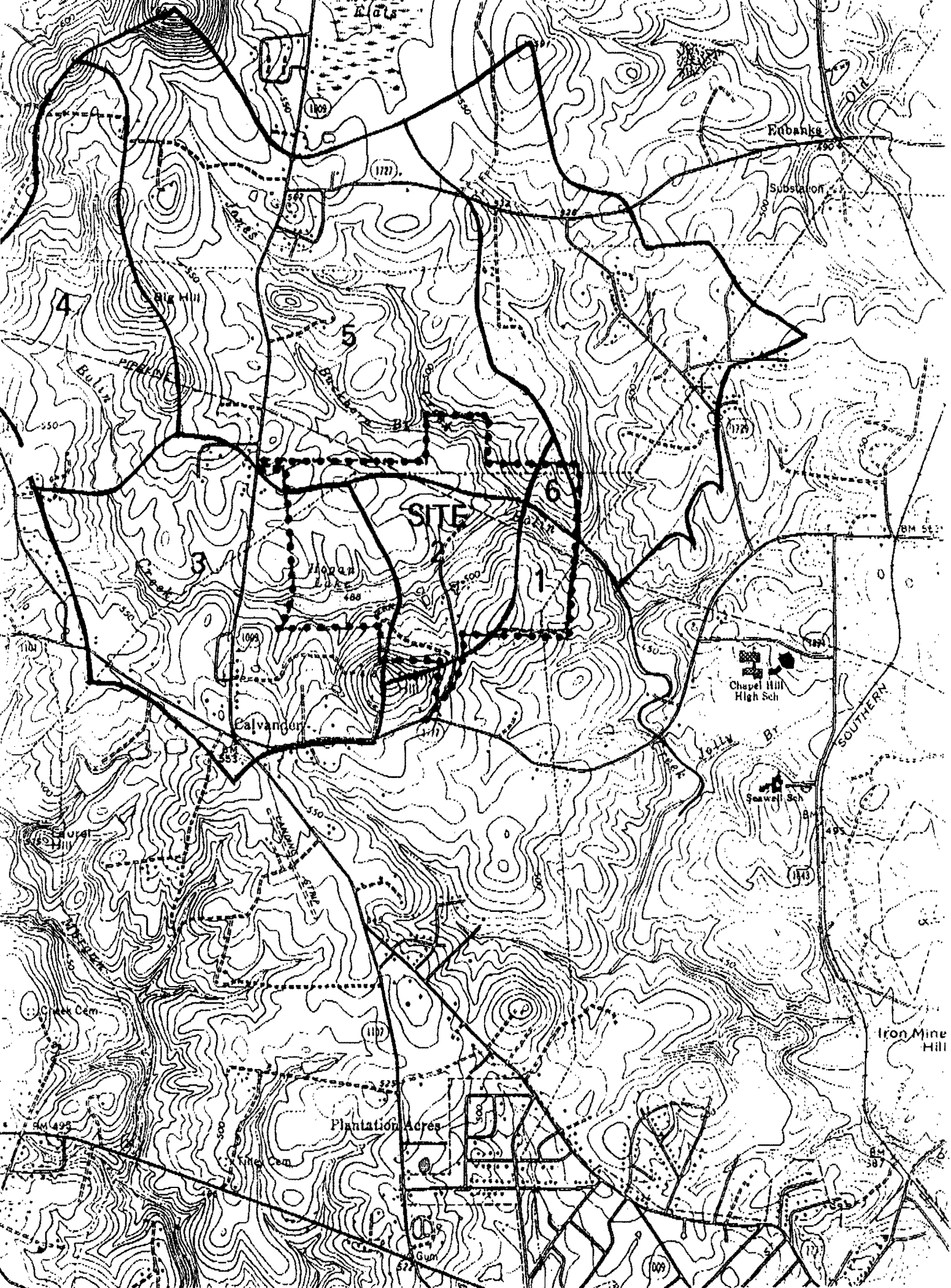
DATE _____

SCALE _____

CONCLUSION

THE IMPROVEMENTS TO THE HOGAN FARM LAKE PRESENTED IN THIS STUDY WERE DESIGNED FOR THE 50 YR EVENT. BECAUSE THIS WILL BE A PERMANENT LAKE, THE 50 YR DESIGN STORM IS A REQUIREMENT FOR DAM SAFETY. THE ROUTING CALCULATIONS PERFORMED FOR THE 50 YR EVENT RESULTED IN A WATER SURFACE ELEVATION OF 487.93 FT WITH A PEAK OUTFLOW OF 1000 CFS. WITH THIS PROJECTED DISCHARGE, A DEFINED CHANNEL SHOULD BE DESIGNED TO ADEQUATELY CONVEY IT TO THE PROPOSED 2-10'X6' REINFORCED CONCRETE BOX CULVERTS. THE PROPOSED BOX CULVERTS, WHICH WERE ASSUMED TO BE ACTING UNDER INLET CONTROL DUE TO A MINIMUM TAILWATER CONDITION, WILL HAVE A HEADWATER DEPTH OF 6.78'. THIS WILL CAUSE THE OPEN SPACE AREA BETWEEN THE OUTFALL OF THE LAKE AND THE PROPOSED ROADWAY TO BE INUNDATED WITH WATER FOR A SHORT PERIOD OF TIME DURING THE PEAK DISCHARGE FOR THE 50 YR EVENT. IF ADEQUATE ENERGY DISSIPATORS AND CHANNELS ARE DESIGNED IN THIS AREA, THE DISCHARGE VELOCITIES SHOULD NOT BE DESTRUCTIVE TO THE WETLAND AREAS.

IT IS THE OPINION OF THE ENGINEER THAT THE STORMWATER CAN BE ADEQUATELY MANAGED WITH MINIMUM IMPACTS IN THE OPEN SPACE AREAS IF ADEQUATE DRAINAGE CONVEYANCE MEASURES AND DEVICES ARE USED. THE OPEN SPACE AREA BETWEEN THE OUTFALL OF THE LAKE AND THE PROPOSED ROADWAY WILL BE SUBJECT MINOR FLOODING OVER SHORT PERIODS OF TIME DURING THE 25 YR AND THE 50 YR EVENTS. ANY PROPOSED CONSTRUCTION IN THIS AREA (I.E. TRAILS, BIKEWAYS, ETC.) WILL MORE THAN LIKELY NEED PERIODIC REPAIRS IF ANY OF THE TWO STORM EVENTS OCCURS.



JUN 24 REC'D

MEMORANDUM

TO: Mayor and Board of Aldermen
FROM: Michael B. Brough, Town Attorney
SUBJECT: Acceptance of Greenways - Hogans Farms
DATE: June 24, 1994
COPIES: Bob Morgan

The Manager has requested that I respond to a question that arose in the context of the Hogan Farms facilitated discussion process concerning the town's obligations and liabilities should it accept an offer of dedication of a greenway area within the Hogan Farms property.

It may be helpful to begin by clarifying a few terms. The term "dedication" simply means that the owner offers to convey an interest in real property to the town, usually by the recording of a plat showing an area as dedicated to the public, and the town accepts the offer. The interest dedicated may be an easement (which gives the public a right to access) but theoretically leaves some remaining property rights in the owner) or the "fee simple" (which leaves the property owner with no remaining interest). Similar interests may be transferred to the town by deed. As a practical matter, it makes little difference whether the town receives an easement or the "fee simple" interest.

Once the town accepts the offer of dedication, it has the same maintenance obligations and potential for liability that it has with respect to other town-owned properties, such as the Community Park. The extent of and costs associated with such maintenance would depend upon a number of factors, including the amount of use and level of maintenance that the town wishes to provide.

MBB/scw

MEMORANDUM

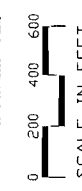
TO: Robert W. Morgan, Town Manager
FROM: *MCP* M. Chris Peterson, Director of Public Works
COPY: Roy Williford, Planning and Economic Development Director
Chris Gerry, Landscaping/Grounds Director
DATE: Wednesday, August 03, 1994
RE: Greenway Area
Hogan Farms Subdivision

At the June 28 executive session, the Board of Aldermen requested the Public Works Department to provide the following information regarding the fifty (50) acres of greenway land proposed for the Hogan Farms subdivision:

- ◆ Photographs of the dedicated property be taken for the Board's review
 - ◇ Photographs were taken on July 26; If the Board desires, slides of these photographs can be presented at their August 9 meeting
- ◆ The Director of Public Works to submit a report to the Board regarding the maintenance costs associated with the proposed greenway
 - ◇ Little to no maintenance costs would be incurred if the existing wooded area is not disturbed and the present open pasture land/bottom land is left to grow up as a natural area
 - ◇ If in the future, the Board decides to convert the greenway area into a recreational area, i.e., trails, picnic areas, ball fields, tennis courts, then the maintenance costs would be immediately affected.
 - ◆ The maintenance cost would then depend on the level or stages of recreational development undertaken.
 - ◆ If the Developer's proposed bike path of 5,450 linear feet is constructed along the greenway and accepted onto the Town's maintenance system, an estimated annual cost of \$ 20,650 would be incurred. This estimate is based on a maintenance cost of \$ 3.79 per linear foot. Also, a capital investment of \$16,000 would be needed for the acquisition of an additional pickup truck and trailer. In summary, the first year "start-up" cost for bike path maintenance and the associated additional equipment acquisition would be approximately \$ 36,650.

- ◆ Liability costs would be associated with the greenway
 - ◇ See attached Memorandum from the Town Attorney, addressed to the Mayor and Board of Aldermen
- ◆ Acquisition of new equipment to maintain the proposed greenway
 - ◇ If the entire greenway is left in a natural state, with the exception of the bike path, then no additional equipment would be needed.
 - ◇ Once again, if any recreational facility is installed, then the Public Works Department would need to factor the maintenance cost based on the type of facility developed. Most likely, the Public Works Department would need some additional equipment and personnel, i.e., pickup truck, trailer, weed eaters, temporary seasonal personnel.
- ◆ Scrutinize the wet lands in the proposed greenway regarding the impact of possible spill-overs
 - ◇ See attached letter from the Town's consulting engineer
- ◆ Walking tour of the proposed greenway for interested Aldermen and staff to be scheduled by the Public Works Department
 - ◇ A tour was conducted on July 26 at 1:30 p.m. The following attended: Rob Hogan, Frances Shetley, Roy Williford, Chris Peterson and Chris Gerry
- ◆ What costs would be incurred if the 50 foot easement, along the north border of Lake Hogan from the lake's dam running west, is maintained by the Town?
 - ◇ The annual maintenance cost is estimated to be \$2,838

NOTE: NON-RESIDENTS
MAY BE SOLD TO NON-RESIDENTS
AS LONG AS NON-RESIDENTS
DO NOT OBTAIN RESIDENT MEMBERSHIP



DOT ENTRANCES TO BE IN COMPLIANCE
WITH TOMMY DYER'S LETTER DATED 3/2/94

HOMESTEAD RD

Greenway
Floodplain
Access
Easement

MAP #1
GREENWAY NORTH OF LAKE
SHORE AND EAST OF DAM

SHEET INDEX:

SITE PLAN	1
PHASING PLAN	2
UTILITY PLAN	3
LANDSCAPE PLAN	4
EXISTING CONDITIONS	5
100 SCALE SOUTHEAST	6
100 SCALE NORTHEAST	7
100 SCALE WEST	8
DETAILS	9

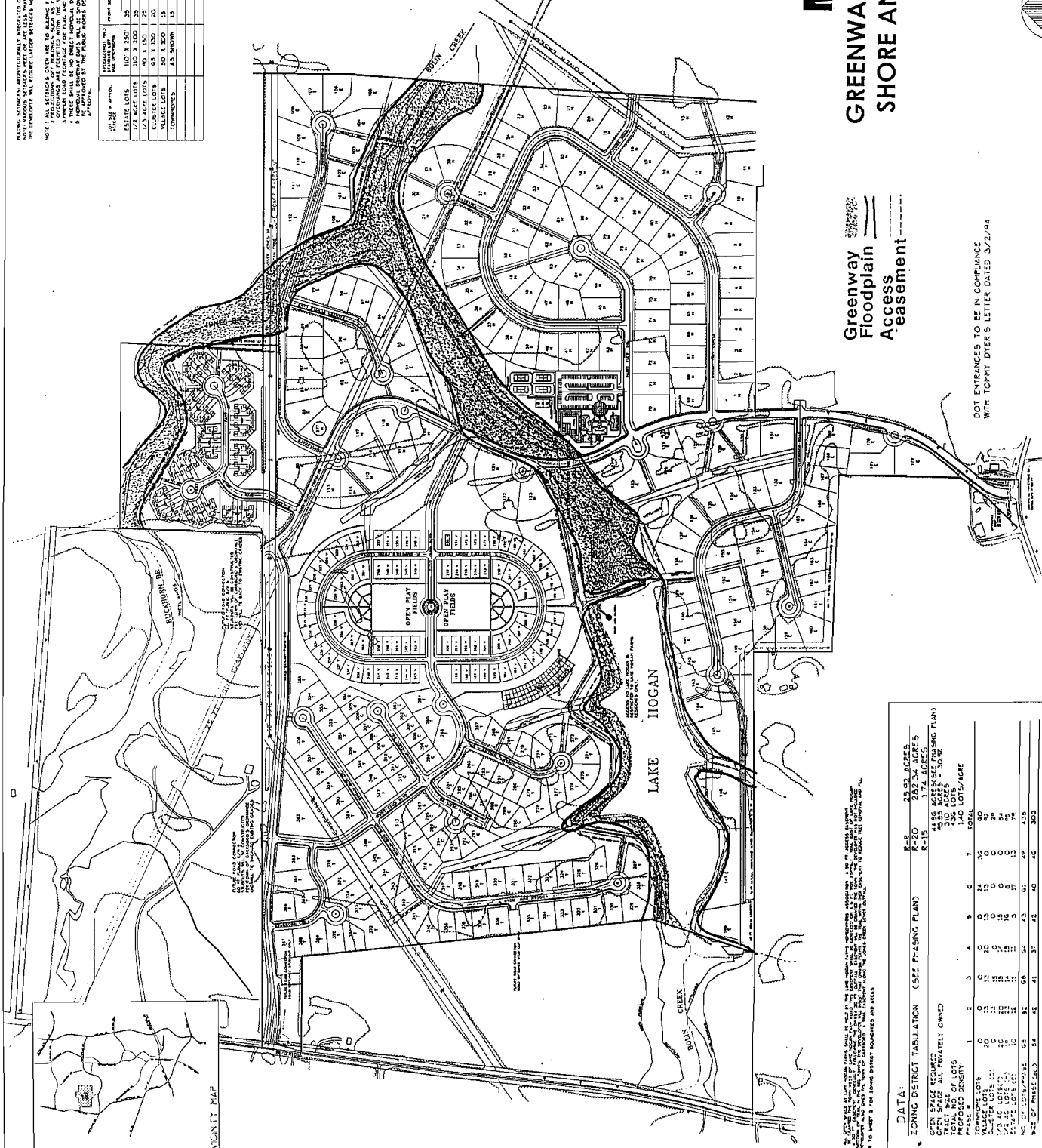
[illegible]

PROJECT NAME LAKE HOGAN FARMS	PROJECT ADDRESS LAKE HOGAN FARM ROAD	TAX MAP NO T.M. 109-L0T5. 2.3.4.5.6.6A.2.4.25
LEASE / OWNER ARLOPINA AMERICAN LLC.	DATE E. REDFOOT - PRESENT 122 BLACKCHERRY LN CHAPEL HILL, NC 919-429-0510	

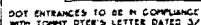
Young • Jewell
+ Associates, PA
Landscape Architects
Land Planners
P O Box 2725
434-432-9170
Chapel Hill NC 27515
434-9171

PLANNING SERVICES: MONTEAGUTHE INTEGRATED CONCEPTS
 10000 WILSON BLVD
 SUITE 100
 WILSONVILLE, OR 97158
 THE DEVELOPER WILL SECURE NECESSARY ATTACHMENTS TO THE ZONING DEPT. SEE LOT CHART BELOW

NOTE: ALL ATTACHMENTS GIVEN ARE TO BUILDING FOUNDATION WALLS
 1. PROJECTIONS OF BALCONIES SUCH AS TERRACES, PORCHES, PATIOS, ETC.
 2. EXTERIOR WALLS OF GARAGES, PORCHES, PATIOS, ETC.
 3. EXTERIOR WALLS OF SHEDS, GARAGES, ETC.
 4. EXTERIOR WALLS OF SHEDS, GARAGES, ETC.
 5. EXTERIOR WALLS OF SHEDS, GARAGES, ETC.
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 8. EXTERIOR WALLS OF SHEDS, GARAGES, ETC.
 9. EXTERIOR WALLS OF SHEDS, GARAGES, ETC.
 10. EXTERIOR WALLS OF SHEDS, GARAGES, ETC.

[illegible][illegible]

DATA:		ZONING DISTRICT TABULATION (SEE PRIZING PLAN)				R-2	25.92 ACRES
						R-10	283.74 ACRES
						R-15	1.72 ACRES
OPEN SPACE REQUIRED						485	485 ACRES (50% MINIMUM PLAN)
OPEN SPACE ALL PRIVATELY OWNED						235	235 ACRES
TOTAL NO. OF LOTS						235	235 LOTS
LOT DENSITY						140	140 LOTS/ACRE
CONVERTED LOTS						7	7 LOTS
CONVERTED LOT 10:	0	0	0	0	24	30	
CONVERTED LOT 11:	0	1	20	0	0	72	
CONVERTED LOT 12:	10	11	11	0	0	0	
CONVERTED LOT 13:	10	24	11	0	0	84	
CONVERTED LOT 14:	10	24	11	0	0	84	
CONVERTED LOT 15:	10	11	11	0	0	72	
CONVERTED LOT 16:	10	11	11	0	0	72	
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CONVERTED LOT 199:	10	11	11	0	0	72	
CONVERTED LOT 200:	10	11	11	0	0	72	
CONVERTED LOT 201:	10	11	11	0	0	72	
CONVERTED LOT 202:	10	11	11	0	0	72	
CONVERTED LOT 203:	10	11	11	0	0	72	
CONVERTED LOT 204:	10	11	11	0	0	72	
CONVERTED LOT 205:	10	11	11	0	0	72	
CONVERTED LOT 206:	10	11	11	0	0	72	
CONVERTED LOT 207:	10	11	11	0	0	72	
CON							



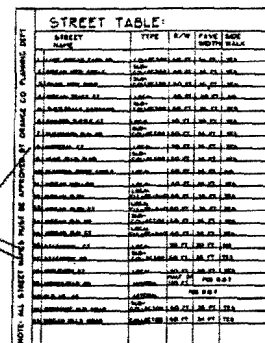
PUBLISHED WEEKLY
 Vol. 10, No. 10
 OCTOBER 1970
 Price \$1.00

Address: 1000 University Ave.
 1000 University Ave.
 1000 University Ave.
 1000 University Ave.

BLINDING WEBSITES: UNACCEPTABLY WEAKENED COVERAGE
NOTE: RANDOM WEBSITES MET OR ARE LESS THAN TOWN STANDARDS
THE DEVELOPER WILL REQUIRE LARGER WEBSITES NOT ENFORCEABLE BY THE TOWN. THEY ARE LOT COVER ONLY

NOTE: 1 ALL SETBACKS GIVEN ARE TO BUILDING FOUNDATION WALLS
2 PROJECTIONS OF BUILDING SLAB ARE PRICED, PAID BY WINDOWS AND EAVE
OVERHANGS ARE PRICED WITH SETBACKS
3 MINIMUM RIGID FOOTING FOR PIER AND PILE IMPALS 18" & 30" FT
4 THERE SHALL BE NO STREET INTERFERENCES OFF USE LOCAL FISH ROAD
5 MINIMUM DRIVEWAY CLEAR SHALL BE KNOWN ON FINAL COSTS DRAWING, AND WILL
BE APPROVED BY THE PUBLIC WORKS DEPT PRIOR TO FINAL COSTS DRAWING
APPROVAL

1ST TIME & APPROX	2ND TIME & APPROX	3RD TIME & APPROX	4TH TIME & APPROX	5TH TIME & APPROX	6TH TIME & APPROX	7TH TIME & APPROX	8TH TIME & APPROX	9TH TIME & APPROX	10TH TIME & APPROX
CASUALT LOTS	150	150	39	18	30	23	10	10	10
1/3 ACRES LOTS	150	150	39	18	30	23	10	10	10
1/3 ACRES LOTS	150	150	39	18	30	23	10	10	10
QUARTER LOTS	69	130	20	7.5	19	13	10	10	10
VALUED LOTS	30	100	15	5	10	10	10	10	10
TOTALS	45	150	15	5	10	10	10	10	10



SHEET INDEX:

SITE PLAN	1
PHASING PLAN	2
UTILITY PLAN	3
LANDSCAPE PLAN	4
EXISTING CONDITIONS	5
100 SCALE SOUTHEAST	6
100 SCALE NORTHEAST	7
100 SCALE WEST	8
DETAILS	9


[illegible]

DATA:										E-6	24.97 ACRES
ZONING DISTRICT TABULATION (SEE PHASING PLAN)										E-20	282.34 ACRES
										E-18	1.74 ACRES
OPEN SPACE REQUIRED										44.86 ACRES/24.97 PHASING PLAN	
OPEN SPACE ALL PRIVATELY OWNED										40.53 ACRES - 30 AC	
TRACT SIZE										210 AC	
TOTAL NO. OF LOTS										436 LOTS	
PROPOSED DENSITY:										436 LOTS/ACRE	
PHASE	1	2	3	4	5	6	7	8	9	TOTAL	
TOWNSHIP LOTS	0	0	0	0	0	24	36	60			
VILLAGE LOTS	20	15	15	20	13	12	0	0			
CHARTER LOT (C)	0	13									
1/3 AC LOT (KT)	20	20	18	0	18	0	0				
1/2 AC LOT (C)	14	23	14	15	16	8	0				
ESTATE LOT (E)	0	0	11		3	0					
NO. OF LOTS/PHASE	58	52	68	64	43	61	64			436	
SIZE OF PHASE (AC.)	58	52	61	37	28	40	46			303	
RETAIL OFFICE/POOL AREA	MURPHY RETAIL BLDG. OFFICE (5000 S.F.)									30 ACRES	

DOE ENTRANCES TO BE IN COMPLIANCE
WITH TOMMY DYER'S LETTER DATED 3/2/94

HOMESTEAD RD

MAP #4
GREENWAY EAST OF
LAKE HOGAN FARM ROAD



0 200 400 600
SCALE IN FEET

SHEET TITLE

SITE PLAN

SHEET NO
7

PROJECT NAME: LAKE HOGAN FARMS
PROJECT ADDRESS: LAKE HOGAN FARM ROAD
TAX MAP NO. TM 109-LOTS: 2, 3, 4, 5, 6, 24, 25

CLIENT/OWNER :
CAROLINA AMERICAN L.L.CO.
DALE E. REDFOOT - PRESIDENT
123 BLACKCHERRY LN.
C.O.B. #201-201-201-201

DATE: _____

August 9, 1994

Mayor and Board of Aldermen
Roy Williford
planning and Economic Development dir.
Town Of Carrboro
301 West Main st.

Re: Greenway; Lake Hogan Farms

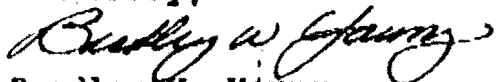
Dear Board;

Our first choice as the developers of Lake Hogan Farms would be to simply allow the Town of Carrboro a dedicated 50 foot wide perpetual public access easement through a privately owned and maintained greenway west of Lake Hogan Farm Road. The dedicated perpetual public access easement east of Lake Hogan Farm Road would extend from rear to rear of lot-line as shown on Map #4. The liability and maintenance could be shared by the The Lake Hogan Farm Homeowners' Association and the Town of Carrboro under this scenario.

If the board can not accept a dedicated access easement and will only accept a greenway owned and maintained by the Town of Carrboro, we would like to present a few of our needs. While The exact terms will have to be worked out with our attorneys and the Town's the following is a list of preliminary concerns of the Developers of Lake Hogan Farms;

1. That the bikeway be phased in relation to recreation point schedule.
2. That the west lakeside leg of the bikeway be built first with the entire bikeway built by phase 7.
3. That a 5 year moratorium be placed on the ownership of the greenway with the immediate dedication of a 50 foot public access easement with the developers maintaining the easement exclusively the first 5 years.
4. That the greenway remain as open space or green area and that any construction of above grade structures or other facilities by the Town shall be prohibited: a combined pedestrian, bicycle path shall be permitted on this greenway. This greenway or easement dedication shall not be transferrable to any other parties except the Lake Hogan Farms Homeowners' Association.
6. That the 50 foot wide public greenway north of the lake be placed no closer than generally shown on our plan.

Sincerely,



Bradley W. Young
Lake Hogan Farms Subdivision

BOARD OF ALDERMEN

ITEM NO. F(5)

AGENDA ITEM ABSTRACT

MEETING DATE: August 9, 1994

SUBJECT: Resolution Authorizing the Lease/Purchase of Vehicles and Equipment

DEPARTMENT: Administrative Services	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: Resolution	FOR INFORMATION CONTACT: Larry Gibson, 968-7701

PURPOSE

To consider adopting a resolution designating the installment purchase contracts for vehicles and equipment approved in the 1994-95 budget as tax-exempt obligations of the town.

SUMMARY

The Town will be entering into lease/purchase contracts with Southern National Leasing Corporation for the installment purchase of the following items during Fiscal Year 1994-95:

- One (1) Refuse Dumpster Truck
- Three (3) Police Patrol Cars
- One (1) Pickup Truck for Inspections
- One (1) One-Half Ton Pickup Truck for Fleet Maintenance
- One (1) One-Half Ton Pickup Truck for Landscaping
- One (1) Dump Truck for Streets
- One (1) Van with Wheelchair Lift for Recreation
- One (1) Riding Mower for Landscaping

ACTION REQUESTED

The administration requests that the Board of Aldermen adopt the attached resolution designating the installment purchase contracts as tax-exempt obligations of the town.

The following resolution was introduced by Alderman _____ and duly seconded by Alderman _____.

**A RESOLUTION DESIGNATING INSTALLMENT PURCHASE
CONTRACTS AS TAX-EXEMPT OBLIGATIONS OF THE TOWN**
Resolution No. 2/94-95

WHEREAS, the Town of Carrboro, through its duly elected Mayor, with the consent and approval of the Board of Aldermen, will be entering into contracts with Southern National Leasing Corporation for the purchase of:

- One (1) Refuse Dumpster Truck
- Three (3) Police Patrol Cars
- One (1) Pickup Truck for Inspections
- One (1) One-Half Ton Pickup Truck for Fleet Maintenance
- One (1) One-Half Ton Pickup Truck for Landscaping
- One (1) Dump Truck for Streets
- One (1) Van with Wheelchair Lift for Recreation
- One (1) Riding Mower for Landscaping

WHEREAS, the said contracts qualify as tax-exempt obligations of the town, pursuant to the Internal Revenue Code of 1986.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The aforesaid contracts, ~~bearing the date August 18, 1994~~ by and between the Town of Carrboro and Southern National Leasing Corporation, together with the amounts to be paid thereunder, be and the same are hereby designated as a qualified tax-exempt obligations of the town for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986.

Section 2. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 9th day of August, 1994:

AYES:

NOES:

ABSENT/EXCUSED: