

**AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, SEPTEMBER 27, 1994
7:30 P.M., TOWN HALL BOARD ROOM**

Approximate Time*

- 7:30 - 7:35 A. Approval of Minutes of Previous Meeting: September 20, 1994**

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

- 7:45 - 7:55 C. Requests from Visitors and Speakers from the Floor**

- #### D. Public Hearings

- 7:55 - 8:25
P/5
- (1) **Land Use Ordinance Map Amendment/Jones Ferry Road**

This is a public hearing to consider a petition to rezone property located at 603 Jones Ferry Road. The zoning classification of this property is currently split between R-3 on one portion and B-4 on another. The request is to rezone the entire 1.09-acre parcel to O (Office).

- 8:25 - 9:05
P/5
- (2) **Land Use Ordinance Text Amendment/Reduction in Street Right-of-Way Standards for Town Streets with Curb and Gutter and to Provide Specifications for Turnarounds and Alleys**

This is a public hearing to consider an amendment to provide for “Alley” and “Turnaround” specifications and to change 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 for Town streets with curb and gutter. 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.

- 9:05 - 9:15 BREAK**

- ## E. OTHER MATTERS

- 9:15 - 9:30 (1) **ArtsCenter Proposal for Funding**
P/5

The ArtsCenter would like to purchase its facility. To accomplish this goal, it has launched a fund-raising campaign. As part of this campaign, the ArtsCenter is asking the Town of Carrboro for a ten-year funding commitment. The purpose of this agenda item is to consider this request.

9:30 - 9:35
NP

(2) **Resolution Authorizing the Sale of Items of Town Surplus Personal Property by Public Auction**

The administration requests adoption of the attached resolution authorizing the sale of items or lots of items of surplus town personal property at a public auction on October 22, 1994.

9:35 - 9:45
P/5

(3) **Planning Board Recommendation on Open Space Ordinance**

The purpose of this item is to receive and review the Planning Board's recommendation on the ordinance amendment to the open space zoning provision that was formally requested by the Board of Aldermen on June 28, 1994, during their open space worksession.

9:45 - 10:05
P/5

(4) **Report on Preservation and Protection of Bolin Creek**

The purpose of this agenda item is for the Board of Aldermen to receive a staff report on alternatives for protecting and preserving Bolin Creek, to receive a statement from the Sierra Club, and to view a slide presentation on Bolin Creek. The staff report focuses on stream buffers and linear greenways; and how they compare with existing development programs in Carrboro.

10:05 - 10:15
P/5

(5) **Approval of Conditional Use Permit/Hogan Farm Settlement**

This matter is before the Board of Aldermen for final issuance of the conditional use permit for the Hogan Farm development.

10:15 - 10:25
P/5

(6) **Open Meetings Law Revisions**

The General Assembly amended the Open Meetings Law, effective October 1, 1994. The purpose of this agenda item is to provide an opportunity for the Board, to the extent it chooses to do so, to discuss these changes or direct questions to the Town Attorney.

10:25 - 10:35 F. **MATTERS BY MANAGER**

10:35 - 10:45 G. **MATTERS BY TOWN ATTORNEY**

10:45 - 10:55 H. **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.

ITEM NO. D(1)

ACTION REQUESTED:

The Administration requests the Board of Aldermen to hold the public hearing on September 27, 1994, receive the Planning Board's recommendation and consider whether or not to approve the requested minor zoning map amendment.

PETITION FOR CHANGE OF ZONING

FORREST T. AND NANCY B. HEATH
(PETITIONER)

JULY 22, 1994
(DATE)

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from B-4&R-3 to "O" zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. Petitioner's Name: Forrest T. and Nancy B. Heath
Address: 2201 Ridgewood Road; Chapel Hill, N.C. 27516
Phone: (919) 942-5222
2. Interest in property(ies): Owners
3. Broad description of property area sought to be rezoned by reference to adjoining streets: Vacant lot that fronts Jones Ferry Road, across the street
and west of Willow Creek Shopping Center
4. Description of individual lots sought to be rezoned:
 - a. Owner: Forrest T. and Nancy B. Heath <presently zoned B-4>
Tax Map C.H. 116 Subdivision Name: N/A
Parcel: _____ Frontage: 200.85 ft. Depth: 160 ft.
Block: _____ Lot: 6A Acreage: 25,977 sq. ft.
Existing Structures and Uses: none
 - b. Owner: Forrest T. and Nancy B. Heath <presently zoned R-3>
Tax Map: C.H. 116 Subdivision Name: N/A
Parcel: _____ Frontage: 123.39 ft. Depth: 160 ft.
Block: _____ Lot: 6A Acreage: 23,644 sq. ft.
Existing Structures and Uses: _____
 - c. Owner: _____
Tax Map: _____ Subdivision Name: _____
Parcel: _____ Frontage: _____ Depth: _____
Block: _____ Lot: _____ Acreage: _____
Existing Structures and Uses: _____

ZONING CHANGE PETITION
PAGE 2 (con't)

PAGE 2 (con't)

5. Names and addresses of all persons whose property or any part thereof is within 200 feet in any direction of the property sought to be rezoned.

NAME _____

ADDRESS

Woodbridge Partners

15E. Center St; Lexington, N.C. 27292

Town Of Carrboro

Carrboro

Charter Properties

129W. Trade St.; Charlotte, N.C. 28202

Allen Albert III

417 Hwy.54; Chapel Hill, N.C. 27516

Mary Ann McDade

2106 Pathway Dr.: Chapel Hill, N.C. 2751

6. Has this property been the subject of a zoning change since 1979? Yes _____ No x
If yes, when?

7. Please set out and explain those circumstances pertinent to the property and the manner it relates to the Town that demonstrate that the proposed zoning district classification is consistent with the Town's comprehensive plan. More specifically, (1) how do the potential uses in the new district classification relate to the existing character of the area:

With the proposed "O" zoning, the potential uses for the property would be compatible with the property across the street in front, which is now zoned "O". It would also provide a better transition to the property directly behind, which is now Res., than B-4, which is the present zoning for a portion of the property.

7. (2) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district.

When the properties proposed for rezoning is combined into one
property zoned "O" (properties are now zoned B-4 and R-3), the
results of the combination is a property ideally suited for the
construction of a three story professional office building, using
the natural slope of the property, to provide a lower level open
to the rear and approximately street level in front, giving a
front elev. appearance of a two story building.

- (3) How will the proposed rezoning affect the value of nearby buildings?

Should not have any negative effect.

- (4) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

The "O" zone for the entire tract would be a more appropriate
use of the property than B-4 and R-3, which is the present zoning of
the property, since the property in front is zoned "O" and the property
behind is Res.. The present zoning of B-4 might not be compatiabile
in this case.

Wherefore, the Petitioner requests the Official Zoning Map be amended as set out above.

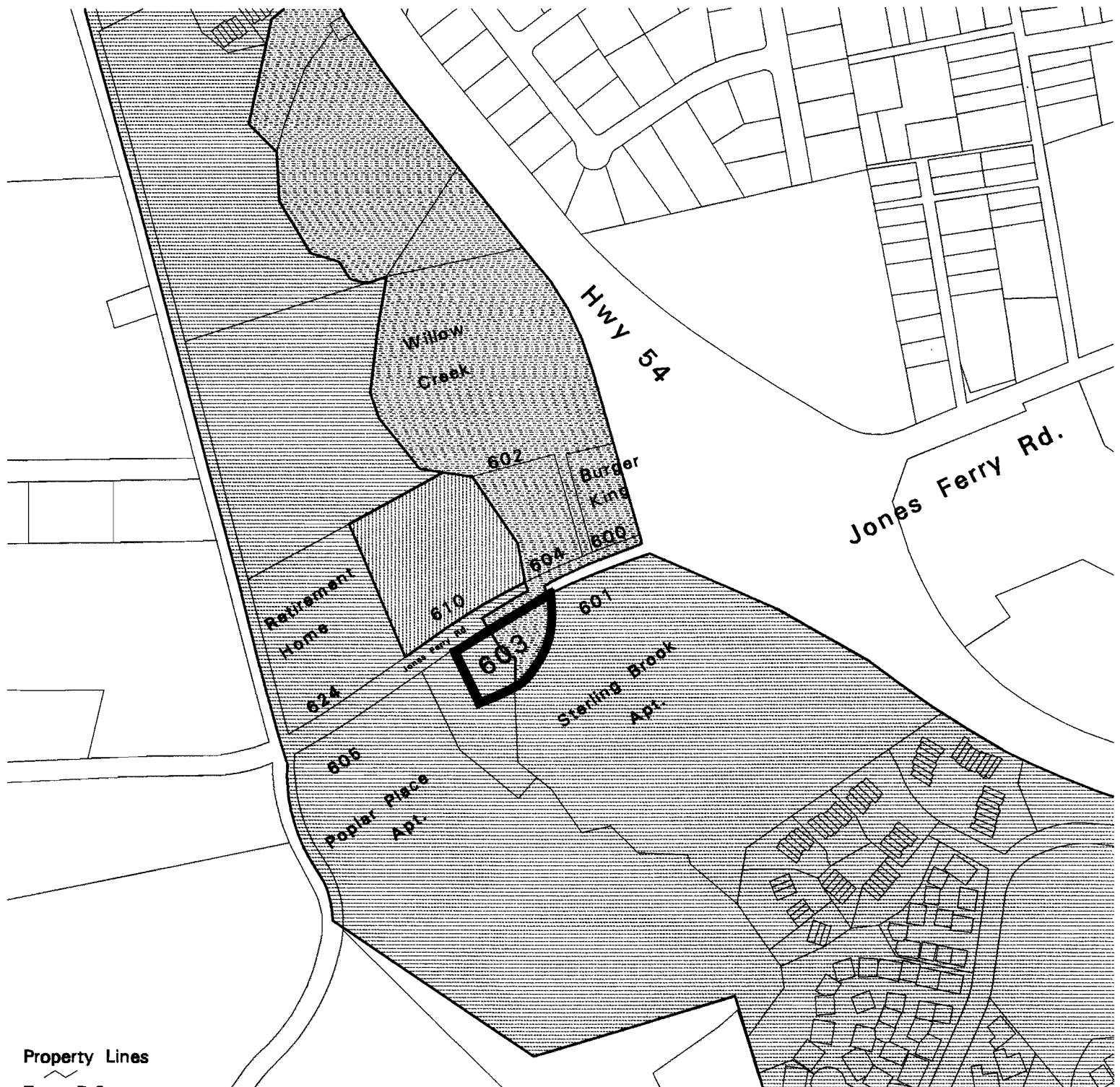
This is the 22 day of JULY, 19 94.

Samuel J. Heath Nancy B. Heath
(PETITIONER)

NOTE: Attach addressed envelopes (with postage) to all persons identified in paragraph 5.

Zoning Amendment

Heath Property - 603 Jones Ferry Rd.



Property Lines

Zone R-3

Zone R-3

Zone B-4

Zone B-4

Zone O

Zone O

Map prepared by Deborah Squires
GIS generated
Not to be used for conveyance



TOWN OF CARRBORO
PLANNING BOARD RECOMMENDATION
September 01, 1994

**A Petition for a Minor Map Amendment Rezoning One Lot
Located At 603 Jones Ferry Road From R-3 & B-4 To O (Office)**

MOTION WAS MADE BY JOHN RINTOUL AND SECONDED BY M.C. RUSSELL TO RECOMMEND THAT THE BOARD OF ALDERMEN APPROVE THE REZONING REQUEST AS PRESENTED ON THE PETITION.

The foregoing recommendation, having been submitted to a vote, received the following vote this 1st day of September, 1994:

AYES: 9 (Lackey, Leonard, Rodemeir, Russell, Cheek, High, Cohen, Rintoul, and Richardson)

NOES: 0

ABSENT/EXCUSED: 1 (Efird)

Robin Lackey, Chair

date

PLANNING DEPARTMENT

August 26, 1994

I, Lisa Bloom-Pruitt, certify that I did cause to have mailed, by first class mail, letters informing the owners of properties within 200 feet of the proposed parcel of the rezoning request. The letters contained information about a schedule and the proposal to rezone the currently split zoned parcel from B-4 (Outlying Concentrated Business) and R-3 (Residential, minimum 3,000 square feet per dwelling unit) to O (Office). The property is described on Orange County Tax Map 116..Lot 6A and is located at 603 Jones Ferry Road.

 08-26-94

Lisa Bloom-Pruitt
Senior Planner

August 26, 1994

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

**AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
ONE LOT (APPROXIMATELY 1.09 ACRES IN SIZE)
LOCATED AT 603 JONES FERRY ROAD FROM
R-3 (RESIDENTIAL, MINIMUM 3,000 SQUARE FEET PER DWELLING UNIT)
AND B-4 (OUTLYING CONCENTRATED BUSINESS) TO O (OFFICE)**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property located at 603 Jones Ferry Road; being described on the Orange County Tax Maps as Lot 6A of Tax Map 116, in the Chapel Hill Township; and being the area that is called out on the accompanying map, is hereby rezoned from R-3 (Residential, minimum 3,000 square feet per dwelling unit) and B-4 (Outlying Concentrated Business) to O (Office).

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted, this the 27th day of September 1994.

AYES:

NOES:

ABSENT OR EXCUSED:

STAFF REPORT

REQUEST:

To rezone a lot currently split zoned, R-3 (Residential, 3000 sf minimum lot size) on one portion and B-4 (Outlying Concentrated Business) on another portion to O (Office). See Figure 1 (attached) for location. Because only one property is involved, this is considered to be a minor map amendment.

PETITIONER(S):

Forrest T. and Nancy B. Heath (Joint Property Owners) requested this rezoning.

DESCRIPTION OF THE AREA:

As shown on the attached location map, the Heath property (Tax Map 116, Lot 6A) fronts Jones Ferry Road (South side of State Road 1005). The property is bound on the south, west, and east by Poplar Place and Sterling Brook Apartments, previously known as Woodbridge Apartments. Across Jones Ferry Road to the north and west are Willow Springs Long Term Care, a parcel zoned for an office building, and the Willow Creek Shopping Center.

The property is approximately 1.09 acres in size. A 30' sanitary sewer easement runs along the south east property line. There is a 30' access easement in the middle of the property where the two zoning classifications meet.

EXISTING LAND USE:

The property is currently vacant.

LAND USES & ZONING ADJACENT TO PROPERTY ON JONES FERRY ROAD:

South & East. Sterling Brook and Poplar Place Apartments are adjacent properties, zoned R-3 (Residential, 3,000 sf minimum lot size).

North & West. Across Jones Ferry Road is Willow Creek Shopping Center, zoned B-4 (Outlying Concentrated Business) and to the north west at 610 Jones Ferry Road is a property zoned O (Office) IN 1992. Willow Springs Long Term Care is at 624 Jones Ferry Road, zoned R-3 (Residential, 3,000 sf minimum lot size).

ZONING HISTORY OF THIS PROPERTY:

1973	R-20 Residential
1977	R-20 Residential
1981	R-3 Residential and B-4 Outlying Concentrated Business

COMPARISON OF ZONES:

R-3 Residential

R-3 Residential, Minimum of 3,000 square feet per Dwelling Unit, Multi-family, and Duplex:

Carrboro's R-3 zone is a residential zoning district that requires a minimum lot size of 3,000 square feet per dwelling unit, multi-family unit and duplex. The maximum density permitted under R-3 zoning is 14.52 units per acre.

Examples of uses permitted in the R-3 zone include: all single family and multi-family uses; group homes such as sororities and rooming houses; homes for the aged or disabled; boarding houses; nursing homes; child care homes; halfway houses; temporary homes for the homeless; elementary and secondary schools; churches, synagogues, and temples; libraries; community centers; private and public outdoor recreation facilities; nursing care institutions; emergency services facilities; agricultural, silvicultural, mining and quarrying operations; antennas and towers; nursery schools and day care centers.

O Office:

Carrboro's O zone is a relatively new zoning district created in 1991. The land across Jones Ferry Road at 610 was rezoned with the O (Office) designation in 1992. The intent of the O (Office) zoning district is to provide a location for low intensity office and institutional uses. This district is only applicable to parcels of 3 acres or less.

To ensure compatibility with existing residential uses certain performance standards must be met to mitigate potentially negative impacts of office development on surrounding residential development. These measures include:

- Rehabilitation of existing residential structures is preferred to new construction.
- Both street visibility and existing residential uses must be considered when locating parking areas.
- Type A screening is required between any non-residential use and adjacent properties.
- Construction materials and design features must be those commonly used in residential construction.
- Outdoor lighting must be designed and placed so that it does not illuminate neighboring properties.

The Office zoning classification allows residential uses and the minimum lot size is 7,500 square feet. This is equivalent to a residential density of 5.8 dwelling units per acre.

Examples of permitted uses in the Office zone include: all single family and multi-family uses; office, clerical, research, and service uses; freestanding automatic teller machines; churches, synagogues, and temples; libraries; indoor public or private recreation facilities; emergency services facilities; open air markets and horticultural sales with outside displays; nursery schools and day care centers.

NATURAL FEATURES

This vacant parcel has a generalized slope of 2 percent and has been cleared of trees. It drains to the south and currently has no drainage problems. Any development, commercial or residential, involving a large percentage of impervious cover will produce additional runoff. Mitigation would be required to avoid directing excessive runoff into Tom's Creek to the rear of the property. Tom's Creek is considered an intermittent stream that would require a flood-related setback under Carrboro's ordinance. The peak flow on existing residential development adjacent to the creek and east onto the Sterling Brook entrance will need to be monitored. This site is not located within the designated University Lake watershed.

TRANSPORTATION:

The number of average daily trips on Jones Ferry Road at the proposed rezoning site is approximately 10,000 trips based upon 1992 traffic counts. The section of Jones Ferry Road at the intersection of the new NC 54 Bypass was designed by NC Department of Transportation in 1989 based upon 1986 traffic counts of approximately 11,900 and projected to be 23, 200 in 2010. The road is nowhere near capacity. Due to development restrictions in the water shed, it is not likely to experience spillover effects in the future from the segment south of Smith Level Road.

The North Carolina Department of Transportation has widened Jones Ferry Road to a five-lane facility along its length from NC 54 Bypass to Willow Creek Shopping Center. However, the Board of Aldermen has not endorsed the widening of Jones Ferry Road to a five-lane facility with bike lanes and grade for sidewalks (northwest side of the road) from Willow Creek Shopping Center to Old Fayetteville Road.

This site is served by Chapel Hill Transit with a stop on Jones Ferry Road.

The Institute for Transportation Engineers suggests that the general office building category be used when estimating trip generation for an office building or buildings within a single development. For example, average vehicle trips (using two-way volume) would number among 150 to 246 trips during the workday, with morning and afternoon peak volumes among 21 and 33 trips per day at an office building of 10,000 square feet at which no more than 25 people work.

EFFECT OF REZONING:

This parcel is well suited for rezoning to Office zoning. The property fronts Jones Ferry Road and is bound on the southwest, south and east by Sterling Brook and Poplar Place Apartments (previously known as Woodbridge I and II). To the north and west across Jones Ferry Road are Willow Springs Long Term Care, an Office zoned parcel and Willow Creek Shopping Center. It is a busy location.

Given its relatively small size and location, this parcel is not particularly attractive for traditional single family development. However, a small office center may be successful. Traffic is a perennial concern along this stretch of Jones Ferry Road. Rezoning this entire property to B-4, a more intensive commercial zone would most likely add to the congestion.

In 1986, the Carrboro Development Review Committee found the portion of this property zoned R-3 unsuitable for rezoning to B-4. The Committee also found the area zoned B-4 in 1981, unsuitable for intense business uses, and recommended rezoning the B-4 portion to R-3. Furthermore, the Committee found, "While project management offices and some professional offices may fit in with the surrounding high density residential uses, the B-4 zone would allow more than this type of use". The Development Review Committee's findings were based on the zoning district classifications available in 1986 (that did not include an office zoning district).

An Office zoning district classification was introduced in 1991, and is now available for consideration. The Office zone represents a viable option, as somewhat of a compromise between the residential and commercial zoning choices. The Office zone classification is expressly for properties of 3 acres or less. Therefore, staff recommends that the Board of Aldermen consider this 1.09 acre property for the Office zoning designation.

STAFF RECOMMENDATION:

Staff recommends that the Board of Aldermen grant the petitioners' request and rezone both portions of the Heath property located at 603 Jones Ferry Road from B-4 (Outlying Concentrated Business) and R-3 (Residential, minimum 3,000 square feet per dwelling unit) to O (Office).

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

**AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE ONE LOT
(APPROXIMATELY 1.09 ACRES IN SIZE) LOCATED AT 603 JONES FERRY ROAD FROM
R-3 (RESIDENTIAL, MINIMUM 3,000 SQUARE FEET PER DWELLING UNIT) AND
B-4 (OUTLYING CONCENTRATED BUSINESS) TO O (OFFICE)**

Ordinance No. 13/94-95

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property located at 603 Jones Ferry Road; being described on the Orange County Tax Maps as Lot 6A of Tax Map 116, in the Chapel Hill Township; and being the area that is called out on the accompanying map, is hereby rezoned from R-3 (Residential, minimum 3,000 square feet per dwelling unit) and B-4 (Outlying Concentrated Business) to O (Office).

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 27th day of September, 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: September 27, 1994

SUBJECT: PUBLIC HEARING: TO REDUCE STREET RIGHT-OF-WAY STANDARDS FOR TOWN STREETS WITH CURB AND GUTTER AND TO PROVIDE SPECIFICATIONS FOR TURNAROUNDS AND ALLEYS

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: Ordinance Illustrations Turning Radius Requirements Planning Board Comments TAB Comments	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:

To consider an amendment to provide for "Alley" and "Turnaround" specifications and to change 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 for Town streets with curb and gutter. 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 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 attached ordinance amendment if approved will reduce the Town's right-of-way standards for the following streets with curb and gutter: subcollector streets to 52', local streets to 45', minor streets to 41', and the cul-de-sac right of way radius to 52'.
- The attached ordinance if approved will establish specifications for one-way alleys.
- The attached ordinance does not recommend any reduction in the pavement dimensions for cul-de-sacs since any further reduction would be problematic for maneuvering service vehicles such as garbage and fire trucks. Alternative turnaround facilities such as the T-Turn and the branch turn should be used in lieu of reducing the cul-de-sac pavement radius.
- The Board of Aldermen set this public hearing, on August 9, 1994, with the understanding that they would not make the final decision on the proposed amendments until after the neighborhood street design work shop process is concluded.

ANALYSIS:

Recently, the Town has received 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 possibility 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 verses 50'; and minor street with a 41' right-of-way verses 50'. The subcollector and local street right-of-way could possibility 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'.

The adjustment of the Town's right-of-way standards will primarily affect the existing setback distances from the front property or right-of-way line and allow structures to be constructed closer to the street. Adjustments in the street right-of-way width will create variations between existing and new right-of-way width standards, resulting in confusion in locating rights-of-way on site. The areas available to the public will be reduced which will require greater attention to detail for improvements made within the right-of-way. In most cases, the slopes along the outer sides of the roadway shoulders will be on private, rather than public, property.

Alleys have been recommended as a secondary access to property. this means of access should allow driveways to be eliminated from the "primary access" or local street, which would produce a less "automobile oriented" appearance. Town services such as garbage pickup may also be accommodated by the alley. The 16 foot wide alley (face to face) has been recommended since any width less than 16' will not be eligible for Powell Bill Funds.

A summary of the existing ordinance standards, staff proposals, and the Primrose proposals for street rights-of-way, alleys, and cul-de-sacs is provided in the following chart:

FACILITY	LAND USE ORDINANCE	STAFF PROPOSAL	PRIMROSE SUBDIVISION	
			ORIGINAL	8/94 REVISIONS
SUBCOLLECTOR R/W	60'	52'	40' TO 45'	50'
LOCAL R/W	50'	45'	40'	44'
MINOR R/W	50'	41'	35'	NONE
CUL-DE SAC R/W	60'	52'	32'	32.5'
CUL-DE SAC PAVEMENT	42'	42'	25'	25.5'
ALLEY R/W (ONE-WAY)	NONE	18'	35'	18'
ALLEY PVMT WITH C&G	NONE	20'	16'	15'
ALLEY R/W (TWO-WAY)	NONE	NONE		23'
ALLEY PVMT WITH C&G	NONE	NONE		20'

At the conclusion of this worksession, the Board of Aldermen requested the staff to coordinate a one-day charette 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 can not be approved as submitted. The Board of Aldermen set a public hearing, on August 9, 1994, with the understanding that they would not make the final decision on the proposed amendments until after the neighborhood street design workshop process is concluded. The Aldermen will receive a report on the organization of a facilitation workshop on September 13, 1994.

The attached ordinance proposes the following changes:

Section 2 amends the right of way requirements for minor, local, and subcollector streets and provides pavement width and right of way standards for alleys with curb and gutter;

Section 3 and **Section 4** amends the right of standards for cul-de-sacs with curb and gutter from a 60' radius to a 52' foot radius;

Section 5 includes specifications for alleys with curb and gutter and for turnarounds in appendix C;

Section 6 provides a definition of an alley;

Section 7 provides general lay out criteria for alleys; and

Section 8 amends Appendix C to provide design speed, sight distance, and center line radius standards for alleys.

Section 9 provides for the use of turnarounds on a permanent basis for specific situations.

⇒ An amendment was not proposed for reducing the pavement radius for cul-de-sacs since the minimum turning radius for several town vehicles such as fire trucks and garbage trucks is 42'. . Alternative turn around facilities such as T-Turns or branch turns should be used in lieu of reducing the cul-de-sac pavement radius. Turnarounds should only be used on a permanent basis under limiting circumstances such as narrow existing rights-of-way or due to topographic constraints.

ACTION REQUESTED:

The Board of Aldermen is requested to consider the amendments to the land use ordinance for reducing the right-of-way requirements for the following streets with curb and gutter: cul-de-sacs, subcollector, local, and minor streets. The Board is also requested to include new provisions for public alleys and turnarounds.

RECOMMENDATION:

The Administration recommends that the Board of Aldermen receive a staff report on the proposed amendments, recommendations from the TAB and Planning Board, and comments from the public. The staff supports adoption of the amendments at this time if the Board of Aldermen is so inclined. Otherwise the comments received at this public hearing should be referred to the neighborhood street design workshop.

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

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
REDUCE THE MINIMUM STREET RIGHT-OF-WAY STANDARDS FOR TOWN
STREETS WITH CURB AND GUTTER AND TO PROVIDE SPECIFICATIONS FOR
TURNAROUNDS AND ALLEYS**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. All article and section references contained in this ordinance refer to the Carrboro Land Use Ordinance, Chapter 15 of the Town Code.

Section 2. Subsection 15-216(b) is amended regarding street type, minimum right-of-way width, minimum pavement width, and sidewalk requirement to read as follows:

TYPE STREET	MINIMUM RIGHT-OF-WAY WIDTH	MINIMUM PAVEMENT WIDTH	SIDEWALK REQUIREMENT
MINOR	41'	20'	NONE
LOCAL	45'	20'	ONE SIDE
SUBCOLLECTOR	52'	26'	ONE SIDE
COLLECTOR	60'	34'	ONE SIDE
ARTERIAL	DOT STANDARDS	DOT STANDARDS	BOTH SIDES
ALLEY	20'	14' W/CURB & GUTTER	NONE

Section 3. Subsection 15-217(d), the first sentence is rewritten to read as follows: "The right-of-way of a cul-de-sac shall have a radius of 52 feet where curb and gutter is used and 60' without curb and gutter."

Section 4. Appendix C, Town of Carrboro Standards Drawing No. 16 is revised showing a 52-foot right-of-way radius requirement for a cul-de-sac with curb and gutter and a 60' right-of-way radius for a cul-de-sac without curb and gutter.

✓Section 5. Appendix C is amended by adding two Town of Carrboro Standard Drawings, No. 18 which depicts the specifications for an alley, No. 19 which illustrates a T-turnaround, and No. 20 which provides for a branch turnaround.

✓Section 6. Subsection 15-210(b) is amended by adding a new Subsection 15-210(b)(9) to read as follows:

- (9) Alley. A one-way service road providing a secondary means of public access to abutting property and not intended for general traffic circulation with a maximum length of 550 feet.

✓Section 7. Section 15-217 is amended by adding a new Subsection 15-217(g) to read as follows:

(g) Alleys shall not intersect with any arterials and shall meet the "Entrances to Streets" standards of Section 15-213. Alley radii at street intersections shall not be less than 15 feet. Alleys may run adjacent to lot line boundaries only and not parallel and adjacent to street right-of-way or front property boundaries. In determining conformance with Section 15-184(a), Setback Requirements, the right-of-way lines associated with alleys shall be regarded as lot boundary lines and not street right-of-way lines.

✓Section 8. Appendix C, Section C-1, Design Speed, Sight Distance, Centerline Radius, is amended by adding alley specifications to read as follows:

Design Speed	15 mph
Minimum Sight Distance on Vertical Curve	110'
Minimum Centerline Radius	90'

✓Section 9. Rewrite section 15-217(c) as follows:

(c) All permanent dead-end streets (as opposed to temporary dead-end streets, see subsection 15-214(d), shall be developed as cul-de-sacs in accordance with the standards set forth in subsection (d), unless construction of such cul-de-sacs is not reasonably possible given such factors as steep slopes or right-of-way limitations. Under such circumstances, the town may approve alternative designs that will provide a safe and convenient means for vehicular traffic to turn around (alternatives are suggested in Appendix C, Standard Drawing No. 19). Except where no other practicable alternative is available, such streets may not extend more than 550 feet (measured to the center of the turn-around).

✓Section 10. All provisions of any town ordinance in conflict with this ordinance are hereby repealed.

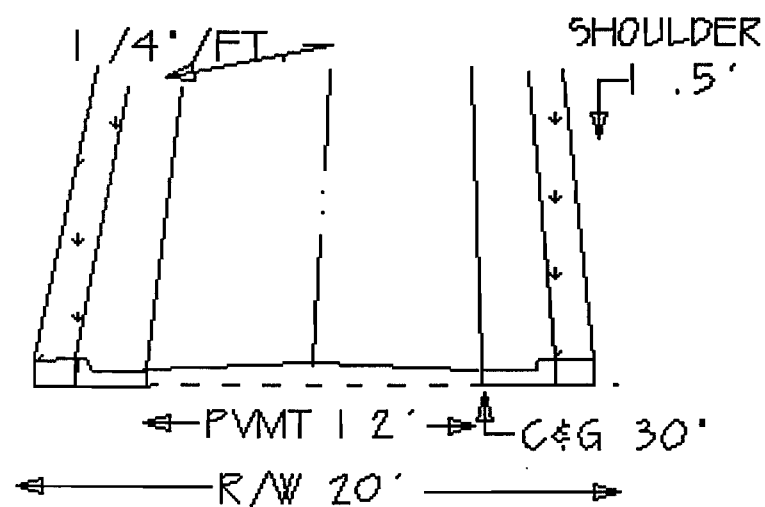
✓Section 11. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 1994:

AYES:

NOES:

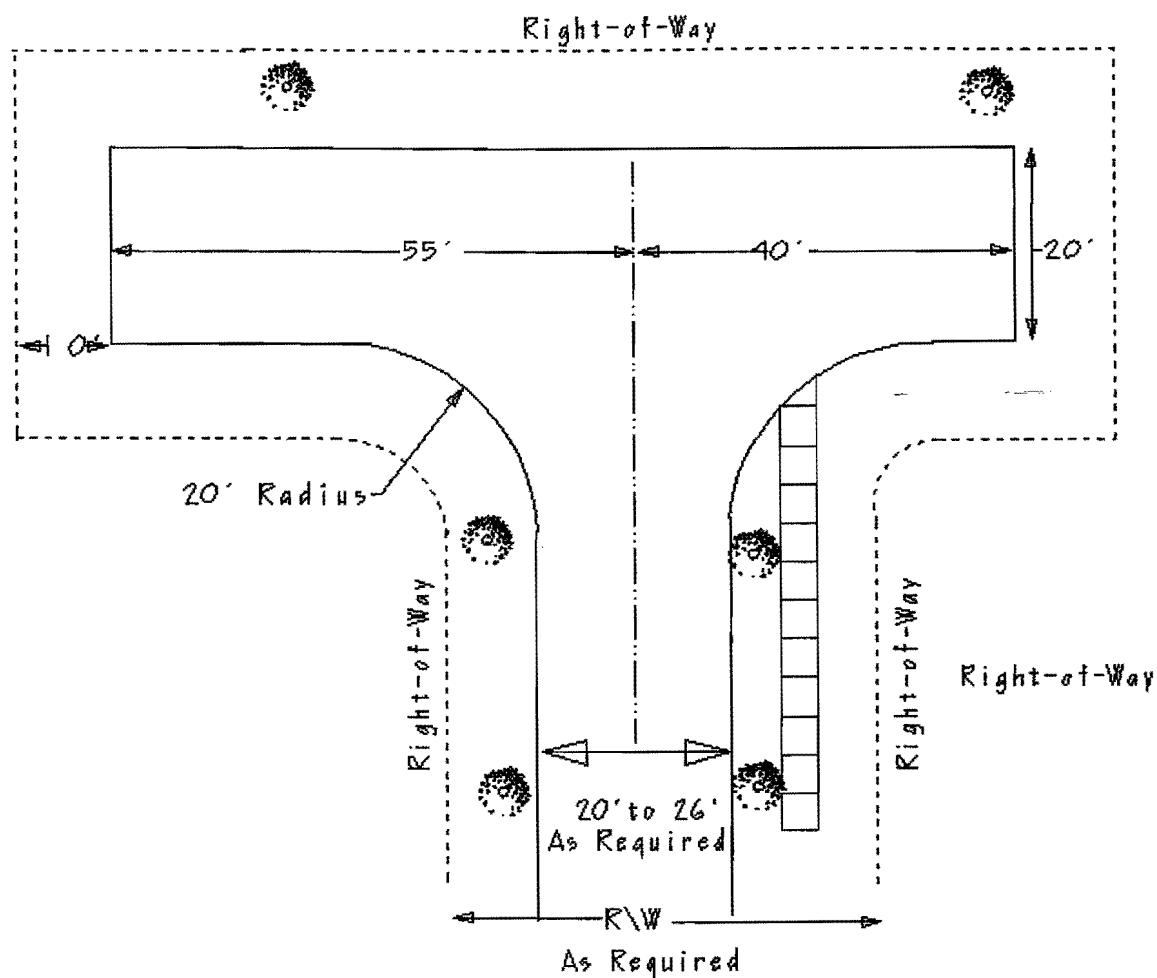
ABSENT/EXCUSED:



ALLEY W/CURB & GUTTER

TOWN OF CARRBORO

STD. NO. 18



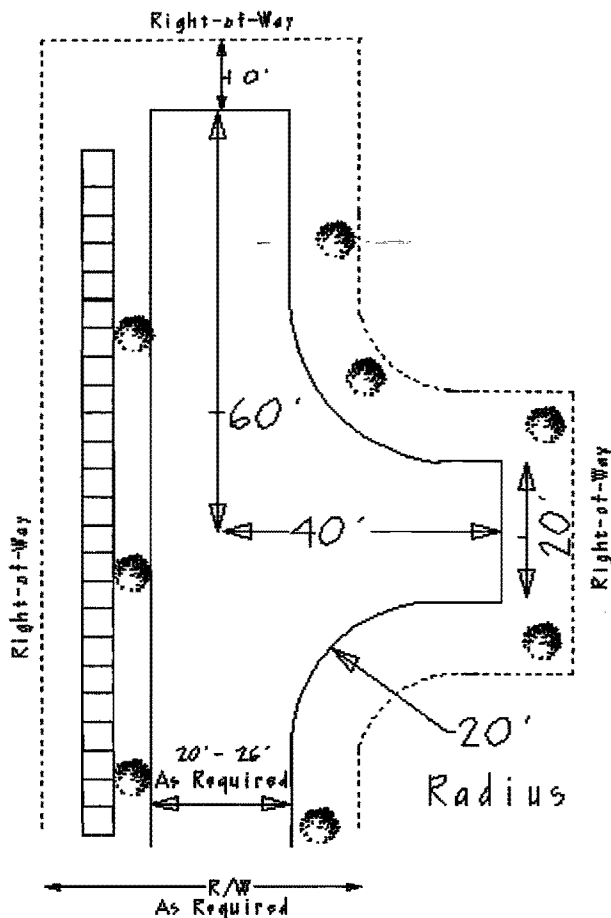
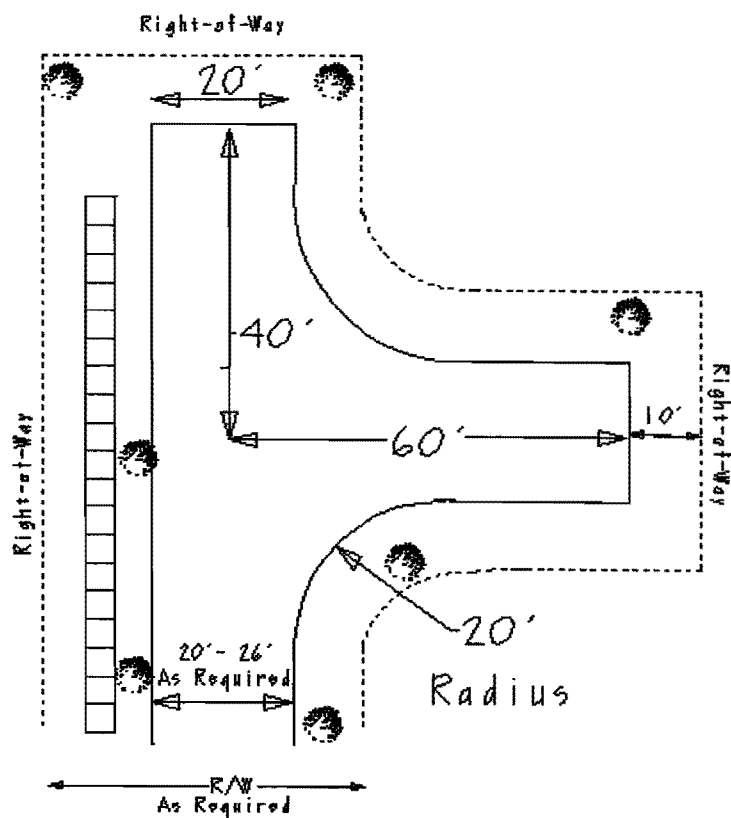
T-TURNAROUND

TOWN OF CARRBORO

STANDARD DRAWING NO. 19

NOTE: LEGS CAN BE REVERSED

IF A LEFT TURN IS DESIRED



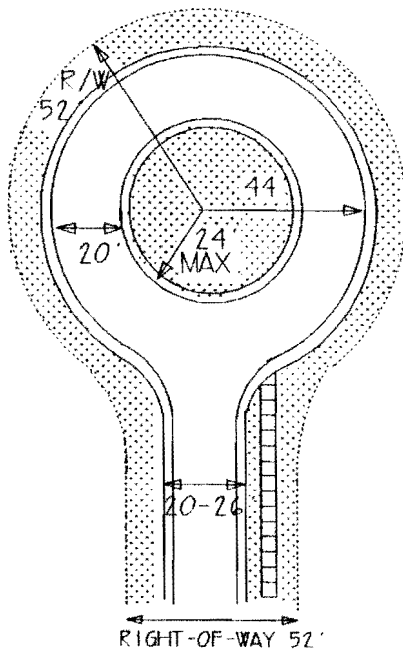
BRANCH TURNAROUNDS

TOWN OF CARRBORO
STANDARD DRAWING NO. 20

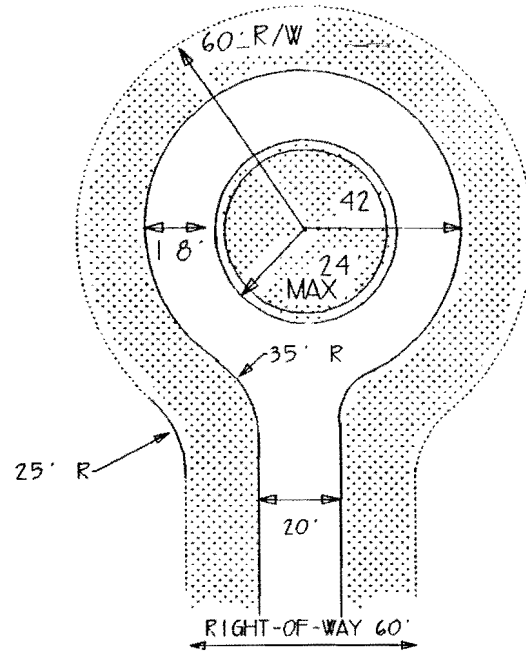
TOWN OF CARRBORO

STANDARD DRAWING NO. 16

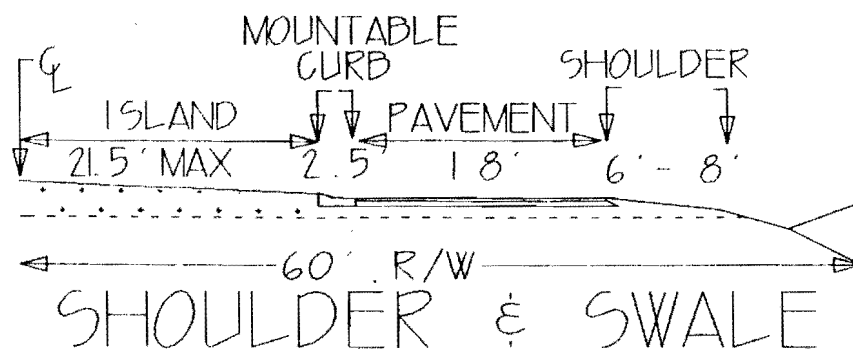
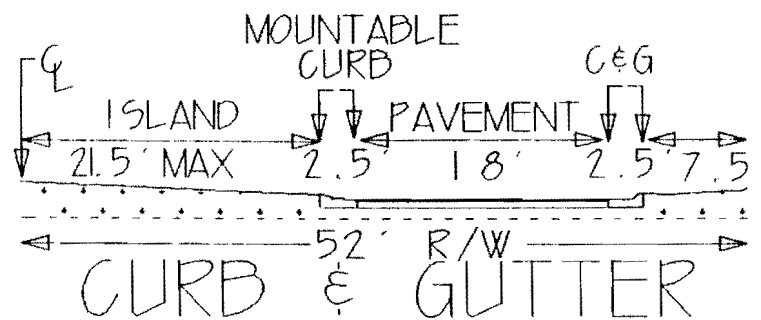
SYMMETRICAL CUL-DE-SAC WITH CENTER ISLAND



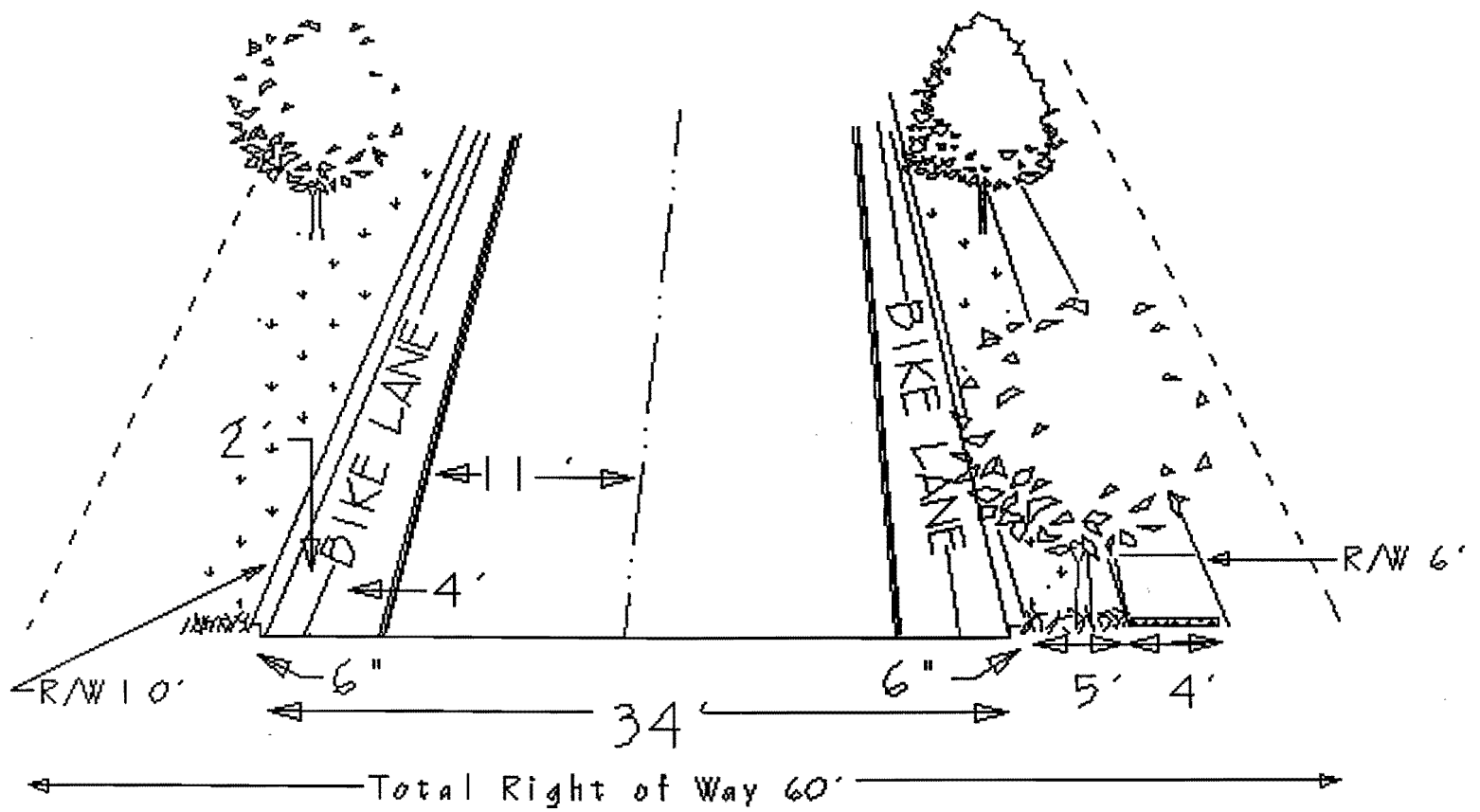
CUL-DE-SAC
WITH CURB & GUTTER



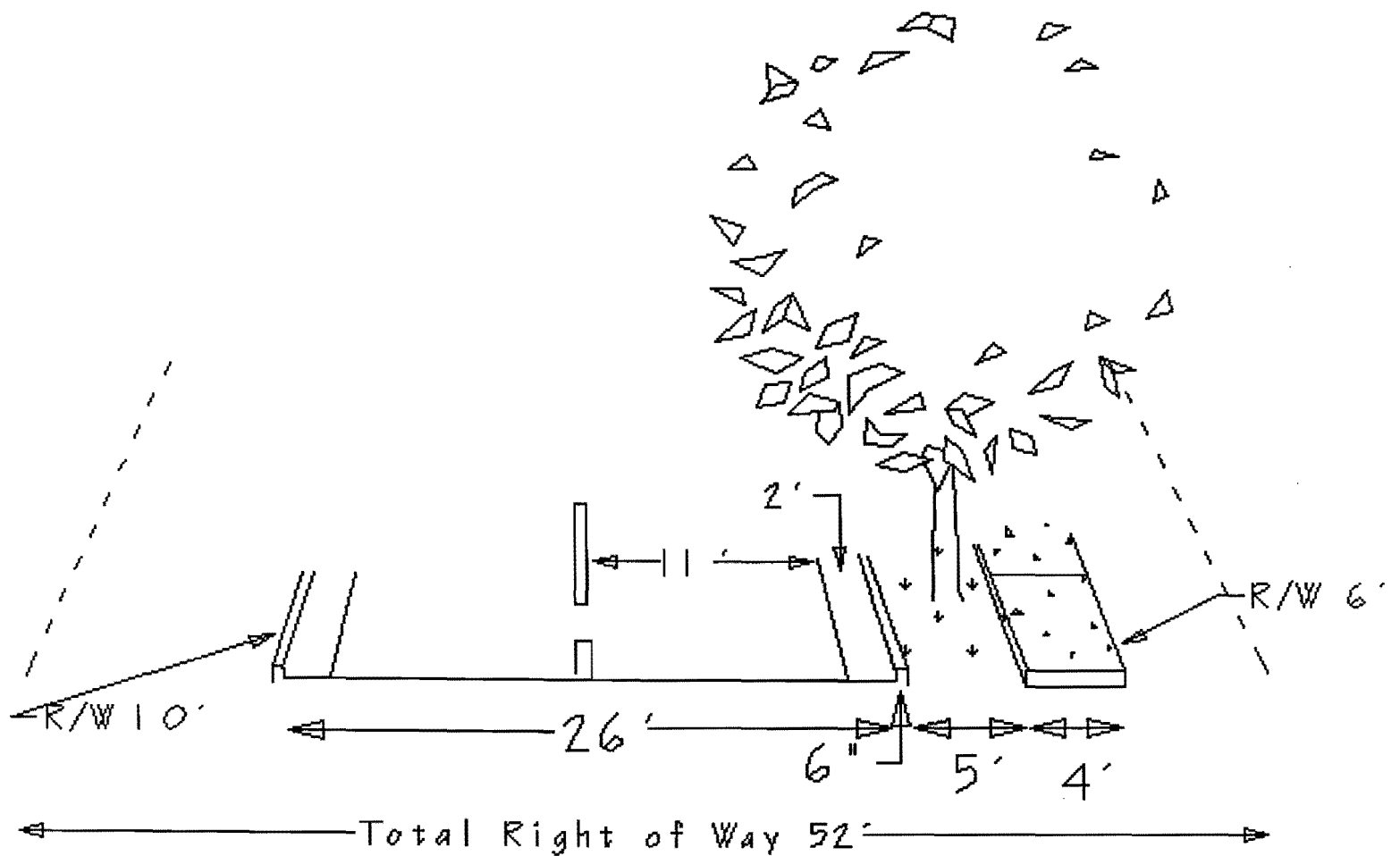
CUL-DE-SAC
SHOULDER & SWALE



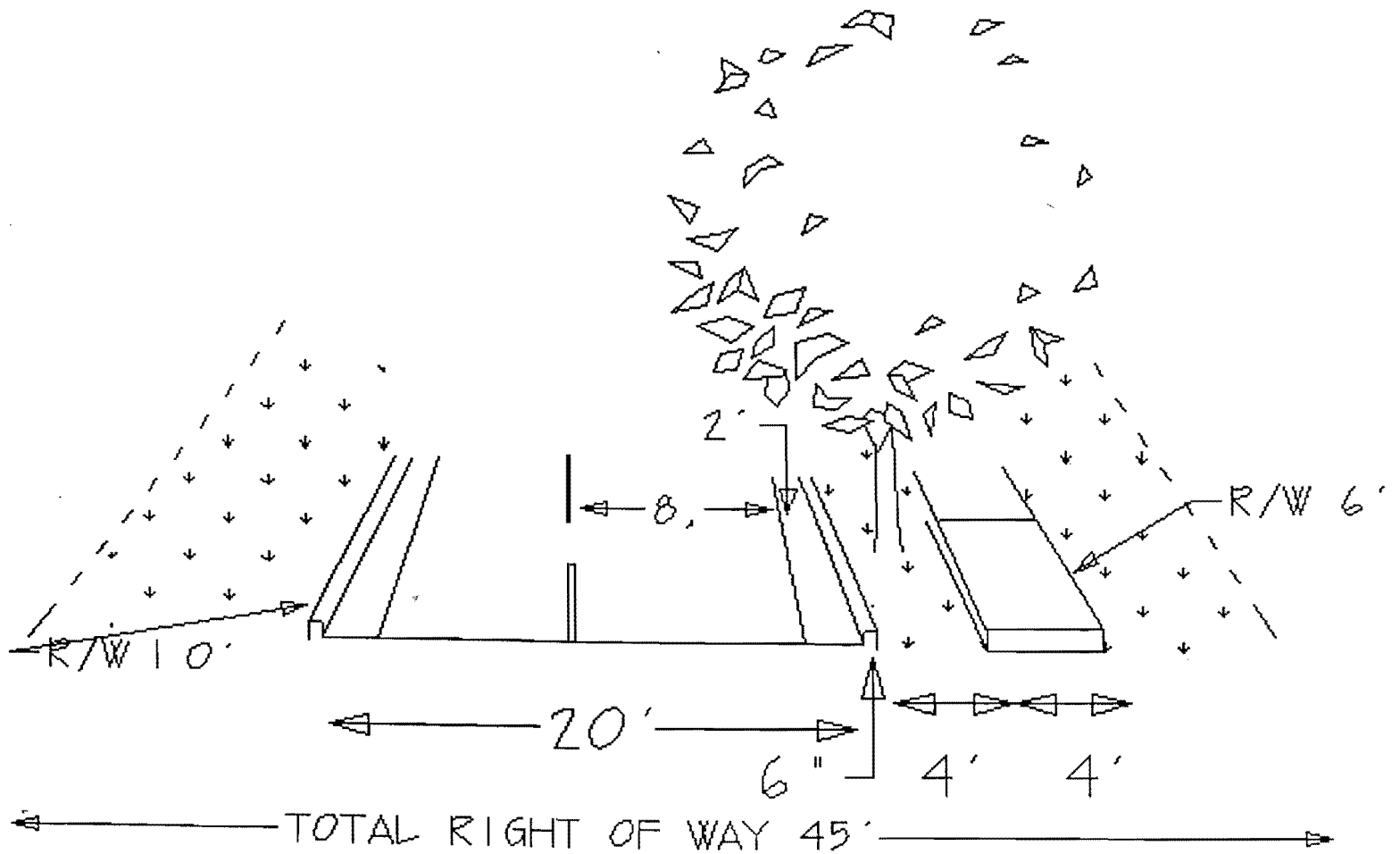
COLLECTOR STREET



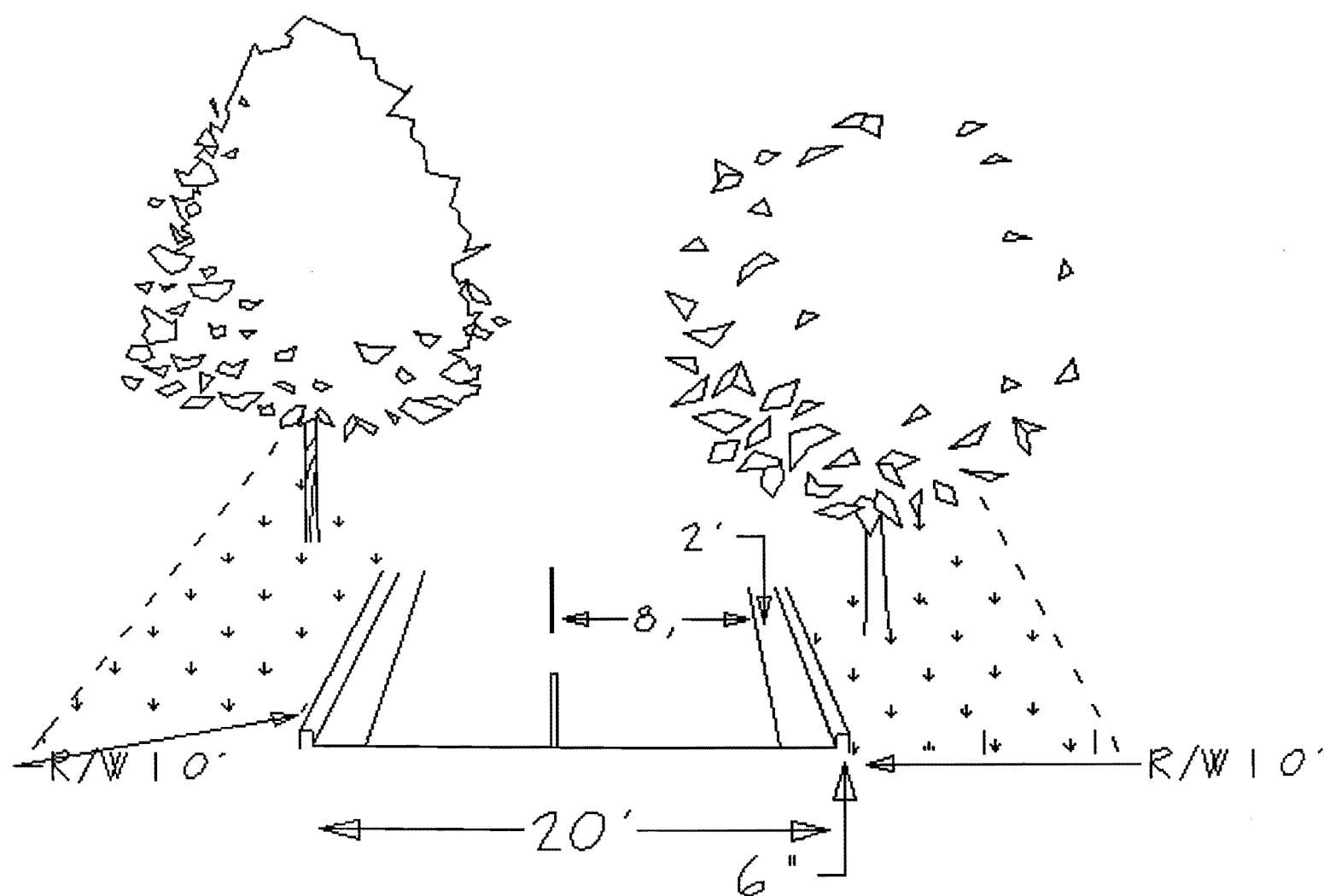
SUBCOLLECTOR STREET



LOCAL STREET

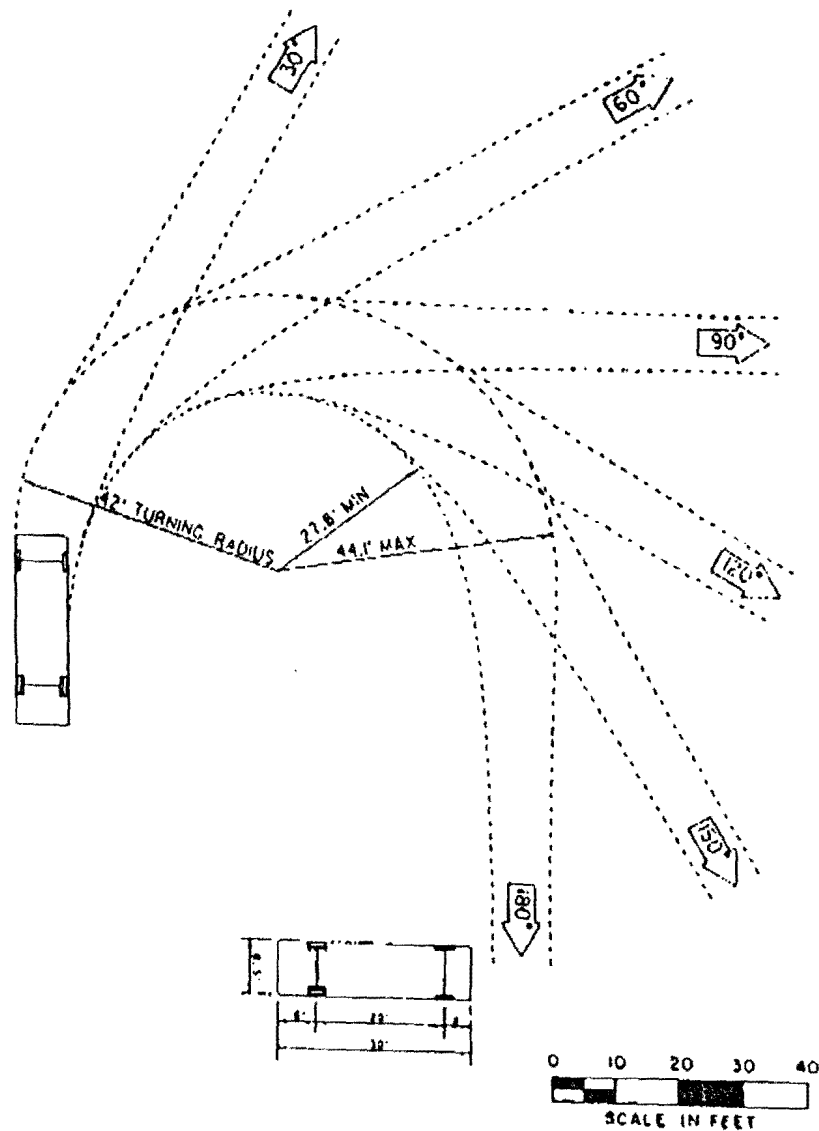


MINOR STREET



◀ Total Right of Way 41' ▶

THIS TURNING TEMPLATE SHOWS THE TURNING PATHS OF THE AASHTO DESIGN VEHICLES. THE PATHS SHOWN ARE FOR THE LEFT FRONT OVERHANG AND THE OUTSIDE REAR WHEEL. THE LEFT FRONT WHEEL FOLLOWS THE CIRCULAR CURVE, HOWEVER, ITS PATH IS NOT SHOWN.



Source: Texas State Department of Highways and Public Transportation

Figure II-2. Minimum turning path for SU design vehicle.

PHILIP
POST
&
ASSOCIATES

MEMORANDUM

To: Roy Williford, Planning Director
Lisa Pruitt, Senior Planner

From: Greg Shepard, Planner
Philip Post and Associates

Subject: Street Right-Of-Way Standards

Date: September 6, 1994

Thank you for your time at last Thursday's meeting to review the Town's proposed Ordinance amendment on street right-of-way standards. There were two important issues raised at the meeting which remain to be addressed:


1. An amendment was not proposed for reduced pavement radius on cul-de-sacs placed at the end of existing streets. The staff report suggested alternative T,Y, or L-shaped turnarounds; however, there was no ordinance proposed to make this possible. We strongly encourage you to create some minimum standards for such turnarounds or some general language which would allow some creative design solutions for emergency vehicle turnarounds.
2. Although we were pleased that the Town was taking a step forward by creating a street classification, definition and design standards for Alleys, there is some inconsistency in the proposed design standards. While we agree that the Design Speed for an Alley should be 15 MPH, the two other design criteria (Minimum Sight Distance on Vertical Curve and Minimum Centerline Radius) are standards normally assigned for streets with a 25 MPH Design Speed. We encourage you to re-examine your criteria and we offer the following for your consideration as the proposed ordinance:

Design Speed	15 MPH
Minimum Sight Distance Vertical Curve	110'
Minimum Centerline Radius	75'-90' Range

LUO AMENDMENT - "ALLEY" SPECIFICATIONS

Ms. Heidi Perry made a motion that, "the Transportation Advisory Board recognized possible benefits of reduced right of way, and would encourage the Board of Aldermen to consider revising the current Land Use Ordinance starting with as mentioned; but would recommend that the Board of Aldermen postpone any decision on the revision of the Land Use Ordinance until after the Neighborhood Roadway Design Workshop process is completed. The motion was seconded by Ms. Ellen Perry.

VOTE: Ayes(Lane, E. Perry, H. Perry, Taylor, Zaffron)
 Noes(None)



Alex Zaffron, Chairperson 9/16/94

The following ordinance was introduced by Alderman Jay Bryan and seconded by Alderman Jacquelyn Gist.

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE
TO PROVIDE SPECIFICATIONS FOR TURNAROUNDS AND ALLEYS**
Ordinance No. 12/94-95

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. All article and section references contained in this ordinance refer to the Carrboro Land Use Ordinance, Chapter 15 of the Town Code.

Section 2. Appendix C is amended by adding ^{three} ~~two~~ Town of Carrboro Standard Drawings, No. 18 which depicts the specifications for an alley, No. 19 which illustrates a T-turnaround, and No. 20 which provides for a branch turnaround.

Section 3. Subsection 15-210(b) is amended by adding a new Subsection 15-210(b)(9) to read as follows:

- (9) Alley. A one-way service road providing a secondary means of public access to abutting property and not intended for general traffic circulation with a maximum length of 550 feet.

Section 4. Section 15-217 is amended by adding a new Subsection 15-217(g) to read as follows:

(g) Alleys shall not intersect with any arterials and shall meet the "Entrances to Streets" standards of Section 15-213. Alley radii at street intersections shall not be less than 15 feet. Alleys may run adjacent to lot line boundaries only and not parallel and adjacent to street right-of-way or front property boundaries. In determining conformance with Section 15-184(a), Setback Requirements, the right-of-way lines associated with alleys shall be regarded as lot boundary lines and not street right-of-way lines.

Section 5. Appendix C, Section C-1, Design Speed, Sight Distance, Centerline Radius, is amended by adding alley specifications to read as follows:

Design Speed	15 mph
Minimum Sight Distance on Vertical Curve	110'
Minimum Centerline Radius	90'

Section 6. Rewrite section 15-217(c) as follows:

(c) All permanent dead-end streets (as opposed to temporary dead-end streets, see subsection 15-214(d)), shall be developed as cul-de-sacs in accordance with the standards set forth in subsection (d), unless construction of such cul-de-sacs is not reasonably possible given such

factors as steep slopes or right-of-way limitations. Under such circumstances, the town may approve alternative designs that will provide a safe and convenient means for vehicular traffic to turn around (alternatives are suggested in Appendix C, Standard Drawing No. 19). Except where no other practicable alternative is available, such streets may not extend more than 550 feet (measured to the center of the turn-around).

Section 7. All provisions of any town ordinance in conflict with this ordinance are hereby repealed.

Section 8. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 27th day of September, 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. E(1)

AGENDA ITEM ABSTRACT

MEETING DATE: September 27, 1994

SUBJECT: ArtsCenter Proposal for Funding

DEPARTMENT: Administration	PUBLIC HEARING: YES ____ NO <u>x</u> __
ATTACHMENTS: Letter from the ArtsCenter; Resolution	FOR INFORMATION CONTACT: Robert Morgan, 968-7706

PURPOSE

The ArtsCenter would like to purchase its facility. To accomplish this goal it has launched a fund-raising campaign. As part of this campaign the ArtsCenter is asking the Town of Carrboro for a ten-year funding commitment. The purpose of this agenda item is to consider this request.

ANALYSIS

Attached is a request from the ArtsCenter asking the town to commit to appropriating \$15,000 each year for the next ten years. The town has been appropriating funds to the ArtsCenter for thirteen years in the range of \$7,500 to \$15,000. Actual appropriations by year is as follows:

HISTORY OF ARTSCENTER APPROPRIATIONS

1982-83	\$ 8,000
1983-84	10,000
1984-85	10,000
1985-86	7,500
1986-87	11,000
1987-88	15,000
1988-89	15,000
1989-90	15,000
1990-91	15,000
1991-92	15,000
1992-93	11,250
1993-94	11,250
1994-95	15,000
<hr/>	
	\$ 159,000

The Mayor and Board of Aldermen are limited by State Statute as to how it can bind future Boards in matters of discretionary legislation. The Town Attorney has prepared a resolution that the Board can consider to address the ArtsCenter's request. This resolution indicates the Board's intent, but does not legally bind the Board or future boards. The resolution also reflects the Board's past commitment to the ArtsCenter and that this request for future funding is in line with present appropriations.

The ArtsCenter has indicated that this commitment is a key in putting a package together to purchase its facility. This commitment also helps the town in long range financial planning by capping the appropriation at \$15,000 during this ten-year period.

RECOMMENDATION

Since the Board has supported the ArtsCenter during the last thirteen years, has appropriated \$15,000 on several occasions and since the proposed resolution is not legally binding and would allow the Board to use reasonable judgment in making an annual appropriation, the town administration recommends adoption of the resolution with the understanding that the \$15,000 annual contribution is also considered a cap on this appropriation.

ACTION REQUESTED

To adopt the attached resolution.



300-G East Main St., Carrboro, NC 27510 *919-929-2787*

22 September 1994

Carrboro Board of Aldermen
Town Hall
Town of Carrboro, NC 27510

Dear Board Member:

The Town of Carrboro has been a crucial element in the revitalization of The ArtsCenter. Without the town's support, it would have been impossible for the center to leverage the many grants it has received during the past few years that made its programming possible.

We are very grateful to the town, the mayor and the citizens of Carrboro for their continued advocacy, participation and financial backing. We hope you are proud of our achievements and that your faith in us has been rewarded.

As you know, The ArtsCenter has launched a campaign to purchase its facility. For that purpose, Carrboro, Chapel Hill and Orange County have all increased their contributions. Because of this increase other donors understand the importance of The ArtsCenter to this community and they have also pledged support.

Potential donors consistently look to Carrboro's commitment level of giving as a sign of public pride and recognition of the services The ArtsCenter gives the community. If we can count on your continued support, The ArtsCenter will be able to purchase its facility and begin improving and strengthening its programs.

We ask that the Town commit to \$15,000 each year for the next 10 years. We understand that there are legal limitations to the type of commitment the town can make. Therefore, the town attorney is preparing a resolution that suggests wording that will be acceptable under these legal limits.

Please consider the enclosed resolution and make our dream a reality. Thank you.

Sincerely,

Eileen M. Helton
General Manager

cc: ArtsCenter Advisory Council
ArtsCenter Board of Directors
File

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

**A RESOLUTION EXPRESSING THE INTENT
OF THE BOARD OF ALDERMEN TO MAKE ANNUAL
APPROPRIATIONS TO THE ARTSCENTER
FOR SERVICES RENDERED
IN THE AMOUNT OF \$15,000
Resolution No. 8/94-95**

WHEREAS, the Board of Aldermen has, every fiscal year since 1982-83, made an appropriation to the Carrboro ArtsCenter in return for recreational and other services performed for or offered to Carrboro residents; and

WHEREAS, the amount of such annual appropriation has ranged from a low of \$7,500 to a high of \$15,000; and

WHEREAS, the ArtsCenter now seeks to purchase the leased building where it currently conducts its programs and activities; and

WHEREAS, to assist it in obtaining the financing necessary to acquire this building, the ArtsCenter has requested the Board of Aldermen to express its current intent to continue to make annual appropriations to the ArtsCenter in the amount of \$15,000 for a period of ten years.

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

Section 1. The Board of Aldermen hereby expresses its intent that the town will continue for a period of ten years; beginning with fiscal year 1994-95, to appropriate to the ArtsCenter, in return for services rendered, the sum of \$15,000.

Section 2. While this resolution expresses the good faith present intent of the current Board of Aldermen, the Board acknowledges that it cannot bind future Board members in the exercise of their governmental discretion, including discretionary appropriations. Thus, the Board recognizes that this resolution is not intended to and does not constitute a legally binding commitment on the part of the Town of Carrboro to appropriate funds to the ArtsCenter.

Section 3. This resolution shall become effective upon adoption.

The following resolution was introduced by Alderman Jacquelyn Gist duly seconded by Alderman Hank Anderson.

**A RESOLUTION EXPRESSING THE INTENT OF THE
BOARD OF ALDERMEN TO MAKE ANNUAL APPROPRIATIONS
TO THE ARTSCENTER FOR SERVICES RENDERED
IN THE AMOUNT OF \$15,000
Resolution No. 8/94-95**

WHEREAS, the Board of Aldermen has, every fiscal year since 1982-83, made an appropriation to the Carrboro ArtsCenter in return for recreational and other services performed for or offered to Carrboro residents; and

WHEREAS, the amount of such annual appropriation has ranged from a low of \$7,500 to a high of \$15,000; and

WHEREAS, the ArtsCenter now seeks to purchase the leased building where it currently conducts its programs and activities; and

WHEREAS, to assist it in obtaining the financing necessary to acquire this building, the ArtsCenter has requested the Board of Aldermen to express its current intent to continue to make annual appropriations to the ArtsCenter in the amount of \$15,000 for a period of ten years.

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

Section 1. The Board of Aldermen hereby expresses its intent that the town will continue for a period of ten years; beginning with fiscal year 1994-95, to appropriate to the ArtsCenter, in return for services rendered, the sum of \$15,000.

Section 2. While this resolution expresses the good faith present intent of the current Board of Aldermen, the Board acknowledges that it cannot bind present or future Board members in the exercise of their governmental discretion, including discretionary appropriations. Thus, the Board recognizes that this resolution is not intended to and does not constitute a legally binding commitment on the part of the Town of Carrboro to appropriate funds to the ArtsCenter.

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 27th day of September, 1994:

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

Noes: Frances Shetley

Absent or Excused: None

BOARD OF ALDERMEN

ITEM NO. E(2)

AGENDA ITEM ABSTRACT MEETING DATE: September 27, 1994

SUBJECT: Resolution Authorizing the Sale of Items of Town Surplus Personal Property by Public Auction

DEPARTMENT: Administratives Services	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS: Resolution	FOR INFORMATION CONTACT: Roger Thorne, Purchasing Officer

PURPOSE

To authorize by resolution the sale of items or lots of items of surplus Town personal property.

SUMMARY

A public auction is recommended to dispose of most surplus personal property in the Town's possession and unclaimed items in the custody of the Police Department. Some items that do not meet minimum bids at the auction or for which a better price might be obtained by another method of disposal will be sold by sealed bid or negotiated sale, as approved by the Town Manager.

A resolution by the Board declaring the property to be surplus is required prior to disposal.

ANALYSIS

If approved, this auction would facilitate removal of many surplus items and enable the Town to better utilize space presently taken by these items, as well as generate revenue.

ADMINISTRATION'S RECOMMENDATIONS

To authorize sale of these items by public auction on October 22, 1994 or at a later date by other method approved by the Town Manager and permitted by the General Statutes if there are no bidders for a particular item, if amounts bid do not meet appropriate minimum amounts, or it is felt that a better price for the item might be obtained by utilizing a procedure other than public auction.

NOTE: The auction, if approved for Town surplus property, would also include 43 bicycles and assorted other unclaimed items or lots of items in the custody of the Police Department. These items are to be sold pursuant to N.C. General Statute 15-22.

ACTION REQUESTED

Approval of a resolution authorizing the sale of surplus Town personal property.

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

**A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION
OR OTHER METHOD APPROVED BY THE GENERAL STATUTES
OF SURPLUS TOWN PERSONAL PROPERTY AND UNCLAIMED
PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT**

Resolution No. 7/94-95

WHEREAS, Article 12 of the General Statutes, Chapter 160A, authorize the Town to dispose of personal property; and

WHEREAS, the Town is authorized to dispose of unclaimed personal property in the possession of the police department pursuant to G.S. 15-12; and

WHEREAS, the Town desires to dispose of certain items of surplus property and unclaimed personal property in the possession of the police department.

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

Section 1. The following items of Town personal property are hereby declared surplus:

- Two (2) Dictaphones
- One (1) Royal Calculator
- One (1) Silver-Reed Printer
- One (1) NEC Pinwriter P2200
- One (1) Electric Cash Register
- One (1) Telephone Answering Machine
- One (1) Samsung EGA Monitor and Video Card
- One (1) External Tape Back-Up
- One (1) 1979 Chevy Pick-Up (Truck #79, VIN#1CL2398114219)
- One (1) Asphalt Paving Machine
- One (1) Printer Stand
- One (1) TG-8036 Digitizer
- Four (4) Swivel Chairs
- One (1) 1975 Plymouth Sedan (Car #111, VIN#RK41G5A168258)
- One (1) Lanier/Edisette 1977
- Two (2) Motorola Portable Radios with Recharges
- Four (4) Motorola FM Radios with rechargers
- One (1) Bearcat Scanner
- Twenty (20) Play Mats 30"x36"
- One (1) Ball Hopper
- One (1) Megaphone
- One (1) Sony Radio/Tape Player
- One (1) Panasonic Cassette Player
- One (1) Gas Detector/Alarm
- One (1) Wireless Intercom
- One (1) Staple Gun
- One (1) Desk Return.
- Two (2) Volleyball Standards

Section 2. The following items are in the possession of the Carrboro Police Department and have remained unclaimed for a period of at least 180 days (30 days for bicycles). Notice of this unclaimed property having been published on September 4, 1994, all persons who claim any interest in the following property shall be allowed thirty days to present such claim to the police department. If not claimed, such property shall be sold as provided in this resolution.

<u>Quantity</u>	<u>Description</u>	<u>Sale #</u>
1 each	Bicycle - Falcon men's 10-spd, grey	
1 each	Bicycle - unknown men's 12-spd., blue/yellow	
1 each	Bicycle - Murray men's 18-spd., blue	
1 each	Bicycle - Diamond Back Sorrento men's 18-spd., yellow	
1 each	Bicycle - Murray women's 5-spd., blue	
1 each	Bicycle - Murray Discovery women's 18-spd., black	
1 each	Bicycle - Peugeot men's 18-spd., black	
1 each	Bicycle - Huffy Mountain System frame men's 18-spd., grey/yellow	
1 each	Bicycle - Schwinn men's 10-spd., blue	
1 each	Bicycle - Sears 11" girl's 1-spd., red	
1 each	Bicycle - Solar Wind men's 1-spd., black	
1 each	Bicycle - Raleigh Chill men's 18-spd., silver	
1 each	Bicycle - unknown women's 1-spd., blue	
1 each	Bicycle - Schwinn Sprint men's 10-spd., blue	
1 each	Bicycle - Huffy Sequoia men's 18-spd., aqua	
1 each	Bicycle - Huffy Dash women's 10-spd., silver/red	
1 each	Bicycle - Western Flyer women's 10-spd., blue	
1 each	Bicycle - Free Spirit men's 14-spd., blue	
1 each	Bicycle - Murray Mt. Classic men's 18-spd., grey	
1 each	Bicycle - Free Spirit Hot Trail boy's 12-spd., blue/yellow	
1 each	Bicycle - Peugeot men's 10-spd., silver	
1 each	Bicycle - Diamond Back Viper CB boy's 1-spd., silver	
1 each	Bicycle - Huffy Savannah women's 10-spd., blue	
1 each	Bicycle - Viscount men's 10-spd., grey	
1 each	Bicycle - Ross Bexel Flyer men's 1-spd., yellow	
1 each	Bicycle - Iverson men's 10-spd., blue	
1 each	Bicycle - Performance Model 704 men's 18-spd., green	
1 each	Bicycle - Centurion LeMans women's 12-spd., sand	
1 each	Bicycle - Roadmaster Emerald Springs women's 18-spd., green	
1 each	Bicycle - Schwinn World Sport women's 10-spd., red	
1 each	Bicycle - Fuji men's 10-spd., maroon	
1 each	Bicycle - Huffy 626 men's 12-spd., white/black	
1 each	Bicycle - Schwinn men's 10-spd., blue	
1 each	Bicycle - Nishiki men's 10-spd., black	
1 each	Bicycle - Huffy Spirit men's 18-spd., black	
1 each	Bicycle - Murray Flexor boy's 1-spd., blue	
1 each	Bicycle - unknown men's 10-spd., black	
1 each	Bicycle - Giant Attraction men's 18-spd., blue	
1 each	Bicycle - Huffy Eagle Pass men's 10-spd., yellow	
1 each	Bicycle - Specialized Hard Rock men's 18-spd., blue	
1 each	Bicycle - Huffy Omni men's 10-spd., blue	

- 1 each Bicycle - Kent BMX Aggressor boy's 1-spd., white
- 1 each Bicycle - Gitane Grand Sport frame men's 10-spd., green
- 4 each Basketballs
- 4 each Baseball gloves
- 1 each Batting glove
- 1 each Child's bicycle helmet
- 1 each Suzuki Power Wheels
- 1 each Happy II model 320001 portable kerosene heater
- 1 each Jensen power amplifier
- 1 each set unknown brand speakers
- 1 each Toro sprinkler control
- 1 each Kodak VR35 camera
- 1 lot makeup Tote, purse
- 1 each plastic beach chair
- 1 each picnic basket
- 1 each cooler
- 3 alarm resets
- 2 lots various watches and wallets
- 1 lot various cassette tapes and CDs
- 2 lots flashlights and assorted tools
- 2 U.S. flags
- 1 each security/cash box
- 1 lot three (3) stuffed toys
- 4 lots assorted suitcases, backpacks, and duffle bags
- 1 lot three (3) "lunchbox" coolers
- 3 lots total of fifteen (15) caps
- 4 lots total of twelve (12) jackets
- 3 lots total of thirteen (13) sweatshirts
- 4 lots total of twenty-one (21) long or short sleeved shirts
- 4 lots total of eighteen (18) shorts or trousers
- 1 lot total of three (3) sweatpants
- 2 lots total of ten (10) pairs of shoes
- 1 each tire
- 1 lot Grab-bag (1 pair earrings, 1 book, eyeglass case, eyeglass case with glasses)

Section 3. The Town Manager shall be and is hereby authorized to dispose of the surplus personal property listed in Section 1 and the unclaimed property listed in Section 2 at public auction in accordance with statutory requirements.

Section 4. A public auction shall take place on Saturday, October 22, 1994 at 10:00 a.m. at the Carrboro Public Works Facility.

Section 5. The terms of the sale shall be to the highest bidder for cash (items specifying a minimum bid price shall be to the highest bidder equaling or exceeding the established minimum). All sales shall be designated final on the day of the auction.

Section 6. All items shall be sold on an "as is" and "where is" basis and the Town makes no guarantee of merchantability or any other implies or express warrantee and assumes no responsibility for any of the items.

Section 7. It shall be a condition of the sale that all items purchased shall be picked up and removed from the premises of the Public Works facility by 1:30 p.m. on the day of the auction. Purchasers shall bear sole risk of loss of any items remaining on said premises past such time.

Section 8. If any of the property listed in this resolution is not sold at the public auction, the Purchasing Officer is hereby authorized to sell said surplus property by sealed bid, private negotiated sale or other appropriate manner authorized by the General Statutes and approved by the Town Manager.

Section 9. This resolution shall become effective upon adoption.

The forgoing resolution having been submitted to a vote, received the following vote and was duly adopted this 27th day of September, 1994:

Ayes:

Noes:

Absent or Excused:

The following resolution was introduced by Alderman Randy Marshall and duly seconded by Alderman Hank Anderson.

**A RESOLUTION AUTHORIZING THE SALE BY PUBLIC AUCTION
OR OTHER METHOD APPROVED BY THE GENERAL STATUTES
OF SURPLUS TOWN PERSONAL PROPERTY AND UNCLAIMED
PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT**

Resolution No. 7/94-95

WHEREAS, Article 12 of the General Statutes, Chapter 160A, authorize the Town to dispose of personal property, and

WHEREAS, the Town is authorized to dispose of unclaimed personal property in the possession of the police department pursuant to G.S. 15-12; and

WHEREAS, the Town desires to dispose of certain items of surplus property and unclaimed personal property in the possession of the police department.

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

Section 1. The following items of Town personal property are hereby declared surplus:

- Two (2) Dictaphones
- One (1) Royal Calculator
- One (1) Silver-Reed Printer
- One (1) NEC Pinwriter P2200
- One (1) Electric Cash Register
- One (1) Telephone Answering Machine
- One (1) Samsung EGA Monitor and Video Card
- One (1) External Tape Back-Up
- One (1) 1979 Chevy Pick-Up (Truck #79, VIN#1CL2398114219)
- One (1) Asphalt Paving Machine
- One (1) Printer Stand
- One (1) TG-8036 Digitizer
- Four (4) Swivel Chairs
- One (1) 1975 Plymouth Sedan (Car #111, VIN#RK41G5A168258)
- One (1) Lanier/Edisette 1977
- Two (2) Motorola Portable Radios with Recharges
- Four (4) Motorola FM Radios with rechargers
- One (1) Bearcat Scanner
- Twenty (20) Play Mats 30"x36"
- One (1) Ball Hopper
- One (1) Megaphone
- One (1) Sony Radio/Tape Player
- One (1) Panasonic Cassette Player
- One (1) Gas Detector/Alarm
- One (1) Wireless Intercom
- One (1) Staple Gun
- One (1) Desk Return.

Two (2) Volleyball Standards

Section 2. The following items are in the possession of the Carrboro Police Department and have remained unclaimed for a period of at least 180 days (30 days for bicycles). Notice of this unclaimed property having been published on September 4, 1994, all persons who claim any interest in the following property shall be allowed thirty days to present such claim to the police department. If not claimed, such property shall be sold as provided in this resolution.

<u>Quantity</u>	<u>Description</u>	<u>Sale #</u>
1 each	Bicycle - Falcon men's 10-spd, grey	
1 each	Bicycle - unknown men's 12-spd., blue/yellow	
1 each	Bicycle - Murray men's 18-spd., blue	
1 each	Bicycle - Diamond Back Sorrento men's 18-spd., yellow	
1 each	Bicycle - Murray women's 5-spd., blue	
1 each	Bicycle - Murray Discovery women's 18-spd., black	
1 each	Bicycle - Peugeot men's 18-spd., black	
1 each	Bicycle - Huffy Mountain System frame men's 18-spd., grey/yellow	
1 each	Bicycle - Schwinn men's 10-spd., blue	
1 each	Bicycle - Sears 11" girl's 1-spd., red	
1 each	Bicycle - Solar Wind men's 1-spd., black	
1 each	Bicycle - Raleigh Chill men's 18-spd., silver	
1 each	Bicycle - unknown women's 1-spd., blue	
1 each	Bicycle - Schwinn Sprint men's 10-spd., blue	
1 each	Bicycle - Huffy Sequoia men's 18-spd., aqua	
1 each	Bicycle - Huffy Dash women's 10-spd., silver/red	
1 each	Bicycle - Western Flyer women's 10-spd., blue	
1 each	Bicycle - Free Spirit men's 14-spd., blue	
1 each	Bicycle - Murray Mt. Classic men's 18-spd., grey	
1 each	Bicycle - Free Spirit Hot Trail boy's 12-spd., blue/yellow	
1 each	Bicycle - Peugeot men's 10-spd., silver	
1 each	Bicycle - Diamond Back Viper CB boy's 1-spd., silver	
1 each	Bicycle - Huffy Savannah women's 10-spd., blue	
1 each	Bicycle - Viscount men's 10-spd., grey	
1 each	Bicycle - Ross Bexel Flyer men's 1-spd., yellow	
1 each	Bicycle - Iverson men's 10-spd., blue	
1 each	Bicycle - Performance Model 704 men's 18-spd., green	
1 each	Bicycle - Centurion LeMans women's 12-spd., sand	
1 each	Bicycle - Roadmaster Emerald Springs women's 18-spd., green	
1 each	Bicycle - Schwinn World Sport women's 10-spd., red	
1 each	Bicycle - Fuji men's 10-spd., maroon	
1 each	Bicycle - Huffy 626 men's 12-spd., white/black	
1 each	Bicycle - Schwinn men's 10-spd., blue	
1 each	Bicycle - Nishiki men's 10-spd., black	
1 each	Bicycle - Huffy Spirit men's 18-spd., black	
1 each	Bicycle - Murray Flexor boy's 1-spd., blue	
1 each	Bicycle - unknown men's 10-spd., black	
1 each	Bicycle - Giant Attraction men's 18-spd., blue	
1 each	Bicycle - Huffy Eagle Pass men's 10-spd., yellow	
1 each	Bicycle - Specialized Hard Rock men's 18-spd., blue	

- 1 each Bicycle - Huffly Omni men's 10-spd., blue
- 1 each Bicycle - Kent BMX Aggressor boy's 1-spd., white
- 1 each Bicycle - Gitane Grand Sport frame men's 10-spd., green
- 4 each Basketballs
- 4 each Baseball gloves
- 1 each Batting glove
- 1 each Child's bicycle helmet
- 1 each Suzuki Power Wheels
- 1 each Happy II model 320001 portable kerosene heater
- 1 each Jensen power amplifier
- 1 each set unknown brand speakers
- 1 each Toro sprinkler control
- 1 each Kodak VR35 camera
- 1 lot makeup Tote, purse
- 1 each plastic beach chair
- 1 each picnic basket
- 1 each cooler
- 3 alarm resets
- 2 lots various watches and wallets
- 1 lot various cassette tapes and CDs
- 2 lots flashlights and assorted tools
- 2 U.S. flags
- 1 each security/cash box
- 1 lot three (3) stuffed toys
- 4 lots assorted suitcases, backpacks, and duffle bags
- 1 lot three (3) "lunchbox" coolers
- 3 lots total of fifteen (15) caps
- 4 lots total of twelve (12) jackets
- 3 lots total of thirteen (13) sweatshirts
- 4 lots total of twenty-one (21) long or short sleeved shirts
- 4 lots total of eighteen (18) shorts or trousers
- 1 lot total of three (3) sweatpants
- 2 lots total of ten (10) pairs of shoes
- 1 each tire
- 1 lot Grab-bag (1 pair earrings, 1 book, eyeglass case, eyeglass case with glasses)

Section 3. The Town Manager shall be and is hereby authorized to dispose of the surplus personal property listed in Section 1 and the unclaimed property listed in Section 2 at public auction in accordance with statutory requirements.

Section 4. A public auction shall take place on Saturday, October 22, 1994 at 10:00 a.m. at the Carrboro Public Works Facility.

Section 5. The terms of the sale shall be to the highest bidder for cash (items specifying a minimum bid price shall be to the highest bidder equaling or exceeding the established minimum). All sales shall be designated final on the day of the auction.

Section 6. All items shall be sold on an "as is" and "where is" basis and the Town makes no guarantee of merchantability or any other implies or express warrantee and assumes no responsibility for any of the items.

Section 7. It shall be a condition of the sale that all items purchased shall be picked up and removed from the premises of the Public Works facility by 1:30 p.m. on the day of the auction. Purchasers shall bear sole risk of loss of any items remaining on said premises past such time.

Section 8. If any of the property listed in this resolution is not sold at the public auction, the Purchasing Officer is hereby authorized to sell said surplus property by sealed bid, private negotiated sale or other appropriate manner authorized by the General Statutes and approved by the Town Manager.

Section 9. This resolution shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 27th day of September, 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. E(3)

AGENDA ITEM ABSTRACT

MEETING DATE: September 27, 1994

SUBJECT: Planning Board Recommendation On Open Space Zoning Ordinance

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES _____ NO _____	
ATTACHMENTS: Planning Board Recommendation Recreation Commission Recommendation Open Space Ordinance	FOR INFORMATION CONTACT: Robin Lackey, Planning Board Chair or Lisa Bloom-Pruitt, 968-7714	
THE FOLLOWING INFORMATION IS PROVIDED:		
(X) Purpose	(X) Summary	(X) Analysis
(X) Recommendation	(X) Action Requested	

PURPOSE

The purpose of this item is to receive and review the Planning Board's recommendation on the ordinance amendment to the open space zoning provision that was formally requested by the Aldermen on June 28, 1994, during their open space work session.

SUMMARY

After review and discussion of open space zoning during a work session on June 28, 1994, the Board of Aldermen formally referred the ordinance amendment to the Planning Board.

ANALYSIS

The Board of Aldermen first discussed open space zoning during their June 22, 1993, meeting at which time staff submitted a report. The Board reviewed the staff report and requested that a worksession be scheduled to allow further discussion of open space concepts and review information from other municipalities that have open space ordinances and/or regulations.

At a work session on January 04, 1994, the Board of Aldermen reviewed and discussed ordinances and/or regulations from other jurisdictions that have open space requirements.

The Board continued its January 4th discussion of open space zoning on January 25, 1994. Staff provided a report addressing the concerns and questions raised by the Board of Aldermen during their January 4th work session and asked the Aldermen to consider some of the open space issues offered in the report. The Board discussed the report and requested the Town Attorney to draft an ordinance amending the open space provision of the Land Use Ordinance.

On May 17, 1994, the Town Attorney presented a memorandum and a draft ordinance amending the open space provision of the Land Use Ordinance. The Board of Aldermen requested that a work session be scheduled and directed staff to solicit information from the Boards of Realtors and planning staff members of the jurisdictions contacted in January 1994. The Board of Aldermen also requested that local Realtors and the Board of Realtors here in Carrboro and Chapel Hill be contacted. The staff contacted the local Home Builders Associations for a different perspective, as well.

Prior to soliciting the information from the others jurisdictions, Carrboro staff members first answered two questions internally to establish a "base-line" understanding for comparative purposes. The questions included:

What is Open Space Zoning?

Open space zoning is a type of cluster development in which the development is required to be concentrated on a portion of the total tract and the remainder is left as permanent open space. Open space zoning techniques were originally conceived to preserve active agricultural lands under pressure for conversion to residential use. They were specifically designed for use in rural areas. However, these techniques are now being used in some suburban areas to combat suburban sprawl and preserve non-agricultural open space.

Does Carrboro Have Open Space Zoning?

The Carrboro Land Use Ordinance (LUO) already allows cluster development in residential zoning districts. Carrboro's cluster development option *requires open space set-asides* in residential developments. However, the associated open space set-asides are far smaller than those typically found in open space zoning ordinances or regulations designed to *preserve rural* character and/or *agricultural land*. Furthermore, none of Carrboro's existing cluster development regulations are mandatory.

Information was solicited from each community regarding elements of the proposed open space zoning ordinance amendment including:

- the 25% difference between the amount of open space preserved and a 50% requirement;
- the impact of an [50%] open space requirement on housing costs and
- the impact of an [50%] open space requirement on Carrboro's housing needs;
- the demand for single family homes on "small lots" verses large lots in Carrboro.

A summary of comments regarding open space programs was prepared, as requested by the Board of Alderman. Further study of open space ordinances throughout the country revealed some interesting trends, results, and thoughts on the developer's/Realtor's reaction to open space zoning. The primary recommendations from other communities for successful implementation of an open space ordinance were:

- close coordination with developers for their input and recommendations;
- teaching the concept of open space to the public and developers; and
- developing a comprehensive plan/policy and a rationale for the open space ordinance.

The following observations were also noted:

- successful programs make their open space ordinance an *option*;
- education is viewed as an essential component of a successful program;
- the open space concept is marketable and has been quite successful in other parts of the country.

Therefore, it was recommended that Carrboro pursue an open space ordinance, develop a rationale for identifying open space and provide a policy explaining the benefits of open space zoning.. It was further recommended that this process be done closely with developers and residents in order to dispel any misunderstandings and myths about open space zoning.

RECOMMENDATION

On June 28, 1994, the Administration recommended that if the Board of Aldermen wished to amend the LUO by adopting an open space zoning ordinance amendment as a development option/requirement that the open space ordinance first be formally referred to the Planning Board for further discussion and inclusion (along with the Parks Master Plan) as part of the SAPWG's report on future growth.

After discussion on June 28, 1994, the Board of Aldermen formally referred the open space zoning concept and draft ordinance amendment to the Planning Board for their review and recommendation. The Planning Board reviewed the open space information and the draft ordinance amendment on July 7, 1994, and made the attached recommendation.

ACTION REQUESTED

The Administration would like the Board of Aldermen to review the attached Planning Board Recommendation and direct staff on how the Aldermen would like to proceed.

PLANNING BOARD RECOMMENDATION

July 07, 1994

REVIEW OF THE PROPOSED OPEN SPACE ORDINANCE

THE FOLLOWING MOTION WAS MADE BY DAN LEONARD AND SECONDED BY JOHN RINTOUL:

THE PLANNING BOARD ENCOURAGES THE BOARD OF ALDERMEN TO DO THE FOLLOWING BEFORE IT PROCEEDS TOWARDS THE DRAFTING AND IMPLEMENTATION OF AN OPEN SPACE ORDINANCE:

1. Receive the report from the Parks Plan Management Group.
2. Make a clear determination of what it wants to accomplish with an open space ordinance.
3. Identify areas and/or types of areas that the Board of Aldermen wants to preserve.
4. Discuss the distinction between *open space* and *recreation areas*.
5. Hold an open meeting (public hearing) to received citizen input regarding these matters.

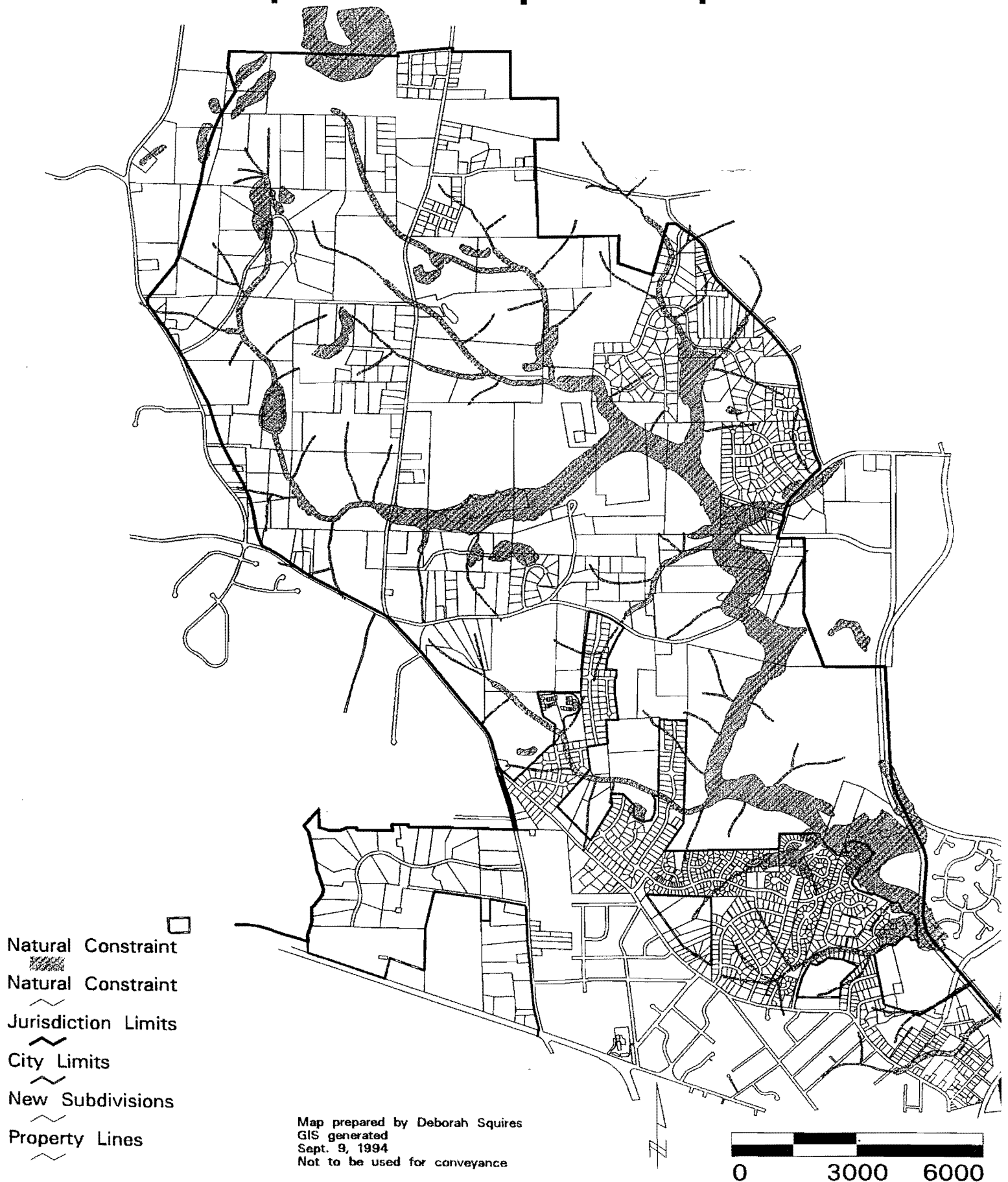
THE PLANNING BOARD BELIEVES THAT AN OPEN SPACE ORDINANCE, AND THE PERCENTAGE OF OPEN SPACE REQUIRED UNDER IT, SHOULD BE BASED ON WELL THOUGHT OUT OBJECTIVES.

THE PLANNING BOARD REMAINS AVAILABLE TO THE BOARD OF ALDERMEN TO DISCUSS AND/OR REVIEW THE FOREGOING MATTERS.

VOTE: AYES 7 (Leonard, Cheek, Cohen, Efird, Lackey, Rintoul, Rodemeir); NOES 0; ABSENT/ EXCUSED 3 (Richardson, High, Russell).

Lisa Brown Smith for Robin Lackey 07-07-94
Robin Lackey, Chairman (date)

Natural Constraints Proposed Open Space



MEMORANDUM

TO: Mayor and Board of Aldermen

FROM: Doris J. Murrell, Chair *DM*
Recreation and Parks Commission

REGARDING: Open Space Ordinance

DATE: September 22, 1994

The Recreation and Parks Commission has reviewed the proposed Open Space Ordinance over the past several months. At our September meeting the Commission asked that I relay the following motion to you.

That the Recreation and Parks Commission encourages that the following be taken into consideration in discussing the proposed Open Space Ordinance.

1. That the Comprehensive Recreation and Parks Plan being developed is for recreation and park facilities and will not serve as an open space plan.
2. There should be developed a community consensus regarding the definitions of open space and recreation/park areas to establish the symbiotic relationship between the two.

We feel that open space is primarily a Planning Board issue, but many of our members feel that there is some confusion in the community that recreation/park areas and open space are one and the same. Active recreation parks require construction such as parking facilities, comfort stations, ball fields and tennis courts. These are just some of the developed areas within the context of a well-designed park that would appear to be in conflict with the definition of open space. If all recreation/park areas were included in the definition of open space (as such, a subset of the whole open space concept), then there would be no conflict. However, we see potential problems and have concern for the need for consensus building in defining open space in the Town of Carrboro.

The Recreation and Parks Commission hopes that this motion and explanation will provide additional information and be of some help in your deliberation on this matter.

MICHAEL B. BROUGH & ASSOCIATES

MEMORANDUM

TO: Mayor and Board of Aldermen
FROM: Michael B. Brough *MBB*
DATE: April 21, 1994
RE: Open Space Ordinance Revisions

Pursuant to the board's request, attached is a draft of an ordinance amending the open space provisions of the town's land use ordinance. What follows is a section by section analysis of this ordinance.

Section 1.

This section is the heart of the ordinance and completely rewrites section 15-19~~8~~ of the existing ordinance.

Subsection (a).

This subsection sets forth the reasons why the town wants open space to be preserved. This subsection is important because the preservation of open space may serve many different kinds of objectives, and the types of open space that the ordinance permits to be counted as fulfilling its requirements depends upon these objectives. For example, if one purpose that open space serves is to preserve certain vistas free from buildings, then golf courses can serve that objective and should be counted as open space, even though they are not "natural" areas and may not be available for actual use (i.e. physical occupancy) except by paying customers. The same may be said for certain historically or archaeologically significant areas, including cemeteries.

Subsection (b).

Subdivision (1) of this subsection contains the basic definition of open space from the existing ordinance, except that it drops the existing requirement that areas be left in their natural or undisturbed state or otherwise landscaped. Given the remaining provisions and the high percentage of open space required under the ordinance, this provision was not deemed necessary. Subdivision (2) precludes future use of the technique whereby developers establish "buffer strips" around or between lots in such a manner that, for all intents and purposes, such areas will be treated as part of the lots they adjoin. Subdivision (3) clarifies that certain types of open spaces can be used to fulfill the requirements of the ordinance, even though in a technical and legal sense they do not satisfy the "accessibility" criteria. If the minimum required percentage of open space were to be reduced substantially, utility easements, cemeteries, and golf courses might be excluded.

Subsection (c).

This establishes the 50% open space requirement the board requested. The practical effect will be that developers who wish to continue to develop residential subdivisions containing lots that meet the basic minimum lot sizes of the zoning districts in which they are located will lose nearly half the density presently available. To obtain the maximum permissible density under the ordinance, the developer will have to use the architecturally integrated subdivision approach, either dropping the lot sizes of all lots to an average of one half the standard minimum lot size or developing a combination of patio homes, townhomes, and single family detached homes on larger lots.

Subsection (d).

This and the following two subsections establish the "mandatory set asides" for certain types of open space areas. Subsection (d) requires the creation of play fields in developments containing at least 50 lots or dwelling units. This subsection is designed to respond to the now apparent deficiencies in available play space for children within such developments as Fair Oaks and Quarterpath Trace.

Subsection (e).

This subsection already appears in the existing ordinance.

Subsection (f).

This subsection was included under the assumption that the board might conclude that areas identified in the Inventory of Natural Areas and Wildlife Habitat of Orange County were sufficiently unique and important that they should be set aside as open space in developments where they are located.

Subsection (g).

This subsection is designed to ensure equity (and support the legal validity of the ordinance) by providing that no development will be required to set aside more than 50% of the development tract as open space, even if the development happens to contain large areas of the type that the ordinance requires to be set aside.

Subsections (h) and (i).

One of the very difficult issues in this ordinance involves the determination of what areas within a development tract the developer either may or must set aside as open space. This subsection and subsection (i) attempt to strike a balance that will assure that the town obtains "quality" open space while providing the developer with sufficient flexibility to design the development in a way that it remains economically viable.

Subsection (j).

This subsection exists in the present ordinance, except that the exemption applies under the existing ordinance to developments containing less than 25 dwelling units.

Section 2.

This section merely clarifies the existing section 15-199 but is essentially the same as the current ordinance.

Section 3.

This section amends section 15-200 of the ordinance to broaden the requirement for dedication to areas shown on any officially adopted town park or greenway plan. A new subsection (b) is also added to clarify that the developer cannot be required to dedicate or set aside open space in excess of the 50% requirement.

Section 4.

This section reduces the exemption level for the provision of recreational facilities from 25 dwelling units to 15 dwelling units.

Section 5.

This clarifies that the town has the option of not requiring bike and pedestrian paths along streams when such paths would be environmentally undesirable or economically unfeasible.

Section 6.

This clarifies the circumstances under which open space areas can also be counted as recreational facilities. Facilities such as play fields sit right on the border line between "open space" and "recreational facilities." Because it is clearly more expensive to provide open space in the form of an improved play field than it is to provide other types of open space, it seems appropriate to allow the developer to use these areas to meet both requirements.

Sections 7 and 8.

These sections repeal the provisions now found in the sections of the ordinance dealing with cluster subdivisions and architecturally integrated subdivisions that spell out certain categories of open space that must be set aside when the developer takes advantage of the cluster subdivision or AIS provisions. These provisions no longer seem necessary or desirable in view of the rewritten provisions of section 15-198. Again, the utility of these provisions depends upon an understanding of what open space is and the purposes it is designed to serve. For example, the watershed buffer areas required under section 15-265 are obviously important, but those buffers must be established and will serve their intended purpose irrespective of whether they are included in commonly held open space. Requiring such areas to be part of the development's open space merely assures public access to them, which may not be desirable from the perspective of the developer or the town.

Section 8.

Section 8 also revises the way in which density is calculated for architecturally integrated subdivisions by requiring that 15% of the development tract area be subtracted before the density calculation is applied to the remainder. This removes the "density bonus" inherent in the present AIS provisions by requiring that the approximate percentage of the subdivision that would typically be devoted to street rights-of-way be taken out of the development tract before determining density. This also allows the elimination of the "reasonably practicable" qualification to the requirement set forth in subsection (c) that the amount of land "saved" by creating lots that are smaller than the basic standards be set aside as open space.

Section 9.

This is boiler plate.

Section 10.

This section provides that the new open space provisions will not apply to developments that have previously submitted applications. This is certainly a choice that the board must make, but it is apparent that the new provisions are almost certain to require the complete redesign of any project originally designed under the existing ordinance.

Draft #2, 5/13/94

AN ORDINANCE AMENDING THE OPEN SPACE REQUIREMENTS
OF THE LAND USE ORDINANCE

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-198 of the Carrboro Land Use Ordinance is rewritten to read as follows:

Section 15-198 Open Space.

(a) The Board finds that when land is developed for residential purposes, the public health, safety, and welfare are best served when substantial portions of the tracts so developed remain as common open space. The preservation of such open space areas serves the following important objectives, to the benefit of the residents of such developments as well as the general public:

- (1) Preservation of open vistas, providing relief from an urban landscape;
- (2) Preservation of environmentally sensitive lands;
- (3) Preservation of habitat for wildlife;
- (4) Preservation of historically or archaeologically significant areas;
- (5) Provision of areas for passive recreation, such as walking or jogging.

(b) For purposes of this section:

- (1) Open space refers to an area that:
 - a. Is not encumbered with any substantial structure;
 - b. Is not devoted to use as a roadway, parking area, or sidewalk;
 - c. Is not part of any privately owned lot that is used or intended for use for residential purposes.
 - d. Is legally and practicably accessible to the general public or to the residents of the development where the open space is located.
- (2) Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space within the meaning of this section unless such areas:

- a. Are at least 50 feet in width and capable of functioning as a substantial visual buffer; or
 - b. Are configured and/or improved (e.g. through the installation of trails) in such a way as to be conducive to actual use for passive recreational purposes (i.e. walking or jogging) by residents of the development where located.
- (3) The following areas shall be regarded as open space if such areas satisfy at least the criteria set forth in subdivision (1) a, b, and c of subsection (b) of this section:
- a. Utility easements located outside of street rights of way;
 - b. Cemeteries located on a tract prior to its development;
 - c. Golf courses constructed as part of a residential development (exclusive of buildings, parking areas and maintenance areas). However, if an area described under subsection (e) exists within a development, such area may be included within a golf course only if such area remains legally and practicably accessible to the public or the residents of the development.

(c) Except as otherwise provided in subsection (j) and Section 15-203, every residential development shall be developed so that at least fifty percent (50%) of the total area of the development remains permanently as open space.

(d) Subject to subsection (g), every residential development containing at least 50 lots or dwelling units shall contain, as part of its required open space, one or more areas that are relatively flat, well drained, grassed, and otherwise well suited for use as a play field:

- (1) Each such area shall contain a minimum of 20,000 square feet configured in such a manner as to be useful as a play field.
- (2) Every development covered by this subsection shall set aside in one or more play fields meeting the criteria of this subsection a minimum of 400 square feet of area per lot or dwelling unit within the development.
- (3) Play fields provided under this section shall be located with due regard for the safety and convenience of those using such facilities as well as the welfare of residents living nearby.

- (4) Play fields constructed to meet the requirements of this subsection may be used by the developer to satisfy the active recreational requirements set forth in Section 15-196 as well as the open space requirements of this section. However, the recreation points assigned to such play fields shall be based upon the actual cost of constructing such play fields, exclusive of land costs.

(e) Subject to subsection (g), if the tract where a residential development is proposed contains any portion of a stream designated on the adopted stream classification map of Carrboro, then the tract shall be developed so that the development designates as open space the area within an average perpendicular distance of sixty feet from the edge of the floodway of the stream, if the floodway is designated on the "Flood Boundary and Flood Map" prepared by the U.S. Department of Housing and Urban Development, or sixty feet from the centerline of the stream, where the floodway is not designated on this map.

(f) Subject to subsection (g), if a tract where a residential development is proposed contains any portion of an area identified in the Inventory of Natural Areas and Wildlife Habitat of Orange County, then such area shall be designated as open space.

(g) A developer shall not be required to set aside as open space under the provision of subsections (d), (e) and (f) more than the minimum required percentage of open space set forth in subsection (c). If the sum total of open space otherwise required under the provision of subsections (d), (e) and (f) exceeds fifty percent of the development tract, then the permit issuing authority shall allow the developer to set aside a smaller area of open space under subsections (d), (e) and (f), individually or collectively, so that the developer is not required to preserve as open space more than fifty percent of the development tract.

(h) If the area of open space required to be preserved under subsections (d), (e) and (f) does not exceed twenty-five percent of the area of the development tract, then the permit issuing authority may require that the developer set aside from among the following categories an amount of open space equal to the difference between the amount of open space preserved under subsections (d), (e) and (f) and twenty-five percent of the area of the development tract:

- (1) Wooded areas;
- (2) Vistas along entrance ways to the town;
- (3) Streams, ponds, wetlands and floodplains;
- (4) Areas containing slopes in excess of fifteen percent;
- (5) Other areas containing unusual natural features (such as major rock formations);

(6) Other environmentally, historically or archaeologically significant or unique areas.

(i) Except as otherwise set forth in this section, the choice as to the areas to be set aside as open space shall remain with the developer.

(j) Subdivided residential developments of less than fifteen dwelling units are exempt from the requirements of this section unless the town agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made. Subdivided residential developments exempted by this subsection from the requirement of providing usable open space shall be required to make a payment in lieu thereof to the town's open space and recreational facilities fund in accordance with Section 15-203 if the town determines that it will be possible to provide usable open space areas that are reasonably expected to benefit or serve the residents of such developments. For purposes of this subsection, the term "developments" shall have the same meaning as is set forth in subsection 15-196(d)(3).

Section 2. Section 15-199 of the Carrboro Land Use Ordinance is rewritten to read as follows:

Section 15-199 Ownership and Maintenance of Recreational Facilities and Open Space Not Dedicated to the Town.

(a) Unless the town requires that recreational facilities or open space be dedicated to the town or agrees to accept an offer of dedication voluntarily made by the developer (see section 15-200), such recreational facilities and open space shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in Section 15-201. If such recreational facilities and open space are not publicly dedicated, they shall be made available to all residents of the development under reasonable rules and regulations established to encourage and govern the use of such facilities and open space by the residents without payment of separate optional fees or charges other than membership fees in a homeowners' association. Such facilities and open space may be made available to a limited extent on a fee basis to persons who are not residents of the development where such facilities or open space are located, so long as such use does not become so extensive as to remove the facilities and open space from the category of an accessory use to a residential development and transform the use to a separate principal use classification (see use classification 6.000) under the Table of Permissible Uses.

(b) The person or entity identified in subsection (a) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

Section 3. Section 15-200 of the Carrboro Land Use Ordinance is rewritten to read as follows:

Section 15-200 Dedication of Open Space.

(a) If any portion of any tract proposed for residential development lies within an area designated on any officially adopted town plan as a park or as part of the greenway system or bikeway system, the area so designated (not exceeding the maximum percentage of the total lot area the developer is required to leave as open space under subsection 15-198(a)) shall be included as part of the area set aside to satisfy the requirements of Section 15-198. This area shall be dedicated to public use.

(b) If the sum of any area required to be dedicated pursuant to subsection (a) plus areas required to be set aside as open space under subsections 15-198 (d), (e), and (f) exceeds fifty percent of the area of the development tract, then the permit issuing authority shall allow the developer to set aside a smaller area of open space under subsections 15-198(d), (e), and (f), individually or collectively, so that the developer is not required to preserve as open space more than fifty percent of the development tract.

(c) If, in a tract proposed for residential development, a higher percentage of that tract lies within an area designated as provided in subsection (a) than the percentage of the tract that must be left as usable open space under subsection 15-198(a), the town may attempt to acquire the additional land in the following manner:

- (1) The developer may be encouraged to resort to the procedures authorized in Section 15-186 or 15-187 and to dedicate the open space thereby created; or
- (2) The town may purchase or condemn the land.

Section 4. Subsection 15-196(d)(2) is amended to read as follows:

- (2) Subdivided residential developments of less than fifty dwelling units.

Section 5. Subsection 15-196(e) is rewritten to read as follows:

(e) If the proposed development contains land subject to the provisions of 15-198(e), then a bike and pedestrian path that has the potential of connecting with similar type facilities on adjoining tracts that also have lands subject to the provisions of 15-198(e) shall be provided within this area, unless the permit issuing authority concludes that such a bike and pedestrian path would be environmentally undesirable or economically unfeasible.

Section 6. Section 15-196 is amended by adding a new subsection (h) to read as follows:

(h) When the cost of the land associated with recreational facilities is included in calculating the recreational points for such facilities under this section, then such land may generally not also be credited toward the fulfillment of the mandatory open space requirements set forth under Section 15-198. Exceptions to this policy are as follows:

- (1) Play fields, including without limitation baseball fields, soccer fields, and football fields;
- (2) Bike and pedestrian paths constructed pursuant to subsection (e) of this section. (Only the area that is within the width of the dedicated easement for the bike and pedestrian area is subject to the double counting provision.)

Section 7. Subsection 15-186(d) is repealed and subsections (e), (f), and (g) are redesignated as (d), (e), and (f) respectively.

Section 8. Section 15-187 is amended by deleting subsections (d) and (e), redesignating subsections (f), (g), and (h) as (d), (e), and (f), respectively, and rewriting subsections (b) and (c) to read as follows:

(b) The maximum number of dwelling units in an architecturally integrated subdivision shall be determined by first subtracting fifteen percent of the area of the development tract and then calculating the density on the remainder in accordance with the provisions of section 15-182.

(c) The amount of land "saved" by creating lots that are smaller than the standards set forth in section 15-181 shall be set aside as open space except that in no case shall a development be required to preserve more than fifty percent of the development tract as open space.

Section 9. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 10. This ordinance shall become effective upon adoption, but its provisions shall not apply to any development that has submitted a permit application and paid the appropriate application fee before the effective date.

BOARD OF ALDERMEN

ITEM NO. E(4)

AGENDA ITEM ABSTRACT

MEETING DATE: September 27, 1994

SUBJECT: Preservation and Protection of Bolin Creek

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ____ NO <u>X</u>
ATTACHMENTS: Staff Report Orange-Chatham Sierra Club's Stream Watch - Statement	FOR INFORMATION CONTACT: Lisa Bloom-Pruitt, 968-7714 Chris van Hasselt - Sierra Club
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose (X) Summary (X) Analysis (X) Recommendation (X) Action Requested	

PURPOSE

The purpose of this item is for the Board of Aldermen to:

- receive a staff report on Alternatives for Protecting and Preserving Bolin Creek;
- receive a statement from the Sierra Club;
- view a slide presentation on Bolin Creek.

The staff report focuses on stream buffers and linear greenways; and how they compare with existing development programs in Carrboro. This item was requested by the Board of Aldermen at their 1994 Planning Retreat.

SUMMARY

The Carrboro Board of Aldermen recognize the value of preserving and protecting the Town's existing resources. The Aldermen requested staff to review and present techniques and alternatives for preserving and protecting Bolin Creek.

Stream Buffers and Greenways are the most widely discussed alternatives for creating an open space corridor along a watercourse. Buffers or Greenways may be used for areas along and/or adjacent to physical improvements or natural drainage facilities and/or drainageways.

Stream Buffers are designed to preserve and protect various components of a community's natural resources within and along watercourses. Components that may be monitored and regulated include: water quality; water clarity/sedimentation levels; stream bank erosion; and wildlife habitats. There are several benefits derived from regulating development with stream buffers, as well as, preserving and protecting resources within environmentally sensitive areas. Benefits include preservation of water quality, watercourse carrying capacity, watercourse erosion and sedimentation control, flood hazard mitigation, wildlife and plant life habitat preservation.

Greenways were originally conceived as a way to preserve and protect creeks, streams and rivers from the adjacent use of lands under pressure for conversion from raw undeveloped or agriculturally used land to residential uses. Open space preservation techniques were intended for use in areas left in their "natural state." However, greenways are now being used in urban areas to combat the negative impacts of sprawl on limited community resources and satisfy multiple objectives.

Bolin Creek is viewed as a public resource. How the creek is used will determine its future value to the public. Establishment of a Greenway along the water course may have a water quality benefit as well as a social and economic benefit. Areas along Bolin Creek were identified on a list of significant natural areas in 1986 and 1987.

Multiple objectives may be met by creating a Greenway along Bolin Creek. The administration recommends that the Land Use Ordinance be amended to encourage the multiple use concept with regard to greenway development. Bolin Creek may serve as a model for how natural areas can be protected and preserved while at the same time accommodating transportation and recreation needs of Carrboro's citizens.

ANALYSIS

Refer to the attached staff report.

RECOMMENDATION

The Administration recommends that the water quality monitoring program be continued. The program is designed to assess the health of the Bolin Creek stream flow and to establish an inventory of the biological, chemical, and physical qualities of Bolin Creek.

The Administration recommends that if the Board of Aldermen wishes to change the LUO by adopting an amendment to the Open Space development requirements, that Greenways and Stream Buffers be an explicit part of the LUO amendment.

The Administration recommends that the Open Space Zoning Ordinance amendment recommendation from the Planning Board be discussed and included as part of the SAPWG's report on future growth dealing with open space(stream buffers) and greenways (passive recreation) along with the Parks Master Plan (active recreation) recommendations due in October.

ACTION REQUESTED

The Administration requests that the Board of Aldermen discuss this item and indicate what action they wish staff to take. Staff further requests that the Aldermen formally refer the Greenway and Stream Buffer information to the Planning Board for incorporation into the Small Area Planning Work Group's comprehensive plan for the northern growth area.

STAFF REPORT

The State Department of Environment, Health, and Natural Resources, Division of Environmental Management (DEM) conducted benthic monitoring in February and April, 1993 along Bolin Creek. Results of this study indicate that the portion of the Upper Bolin Creek Basin under Carrboro's jurisdiction had moderately reduced benthic population. DEM reported that bank erosion was moderate. This information is an indication that water quality and stream health along Bolin Creek in Carrboro are good.

Creation of Stream Buffers and Greenways are the two most widely discussed alternatives for identifying an open space corridor along a watercourse for preservation and protection.

Stream Buffers may be designed to preserve and protect various components of Carrboro's natural resources within and along watercourses. These components include: watershed protection; water quality; drainage/stormwater controls; rate of runoff due to built upon and impervious surfaces; stream bank erosion control; preservation of fragile wildlife and plant life habitats; and floodplain hazard mitigation. There are several benefits derived from regulating development with stream buffers as well as preserving and protecting environmental resources within the following areas:

AREA	BENEFIT
University Lake watershed	Preserve the water quality of the town's current drinking water supply;
Jordan Lake watershed	Protect water quality of the Town's potential future drinking water supply;
All watercourses	Preserve watercourse carrying capacity;
	Protect watercourse from erosion and increased sedimentation;
	Protect water course from changes in water quantity due to adjacent development of land and changes in the amount of impervious surfaces;
Regulatory floodplain areas	Protect citizens and property from flood hazards;
	Maintain floodplain hazard mitigation efforts;
Environmentally sensitive areas	Preserve fragile wildlife and plant life habitats;

Greenways were originally conceived as a way to preserve and protect creeks, streams and rivers from the adjacent use of lands under pressure for conversion from raw undeveloped or agriculturally used land to residential uses. Open space preservation techniques were intended for use in areas left in their "natural state." However, greenway are now being used in urban areas to combat the negative impacts of sprawl on limited environmental resources.

The North Carolina Greenways Advisory Panel Report to the Governor, May 1994 defines a greenway in the following way:

"A greenway is linear open space established along either a natural corridor, such as a river front, stream valley or ridge line, or manmade overland feature such as abandoned railroad right-of-way, canal, scenic road or other route. They may be located within urban and rural areas, and provide public access to the scenic, and natural lands and waters of North Carolina": The panel further defines the full scope and function of Greenways: "Greenways may protect the essential functions of natural eco-systems by preserving the land, water, and habitat of these systems. As an environmental land management and environmental education tool, greenways: conserve native trees and vegetation; allow critical floodplain land to remain open; provide areas for management of urban stormwater; protect sensitive wetlands; maintain natural filtering abilities of creek and streams to improve water quality; provide secure nesting and breeding areas for wildlife; and filter pollutants from our air." Continuous greenways can provide opportunities for alternative transportation that does not pollute. They also link people with natural and community resources such as schools, parks, retail, and commercial areas, nature reserves, places of employment, cultural features, and historic sites. Greenways function as buffers between conflicting land uses for physical separation and noise abatement."

The panel goes on to say, "Greenways can provide opportunities for recreation, offering an essential link with the outdoors. They do not discriminate and appeal to all age groups, both sexes, and all nationalities. They improve the quality of life within communities and serve as a source of pride for all people who are associated with their development. Greenways maintain the ambiance and close knit feeling of small town America - restoring "main street" - by providing residents of local neighborhoods with places for strolling, social interaction, and family outings".

Bolin Creek is viewed as a public resource. How the creek is used will determine its future value to the public. Establishment of a Greenway along the water course may have a water quality benefit as well as a social and economic benefit. Areas along Bolin Creek were identified on a list of significant natural areas in 1986 and 1987. The significant natural areas were included as part of the Orange County Natural Areas Inventory prepared by Steve Hall and Dawson Sather. The Bolin Creek portion of the report is included in its entirety below.

Bolin Creek Natural Areas

A scenic stream valley in the Chapel Hill quadrant of Orange County. The site is currently in good condition but *is subject to extreme development pressure*. This narrow upland stream is one of the few remaining stream corridors and thus serves as an important *greenway* in a highly developed area.

During the last ten years, this relatively narrow upland stream valley has been encroached upon by development at an ever-increasing pace. Nonetheless, it remains wooded throughout its length, with some areas remaining in fairly good condition. The forest cover is composed primarily of mixed hardwoods along the narrow bottomland and lower slopes, grading into dry-mesic oak-hickory forest on areas farther above the stream. The boundary drawn for this natural area encompasses the stream bottom to the confluence with the unnamed tributary from Calvander, along with an area of upland oaks in the northeast corner. This area has been popular with local hikers for years, and is well known as one of the most attractive walking areas within the Chapel Hill-Carrboro town limits. This site is the best remaining natural area along Bolin Creek. One of the most outstanding aesthetic features is the small bluff just upstream from the Southern Railway trestle, where the stream takes a 90 degree bend. Above this rocky bend, the forest is dominated by beech trees (*Fagus grandifolia*) and other hardwoods which descend the creek. Devil's bit (*Chamaelirium luteum*), trillium (*Trillium catesbei*), dwarf-crested iris (*Iris cristata*), spring beauty (*Claytonia caroliniana*), windflower (*Thalictrum thalictroides*), and bluets (*Houstonia caerulea*) are some of the wildflowers that can be seen here in the spring. A trail continues uphill from here, passing through relatively mature mixed mesic hardwood forest. Species seen along this bottom are tulip poplar (*Liriodendron tulipifera*), cherrybark oak (*Quercus falcata* var. *pagodaefolia*), white oak (*Q. alba*), red oak (*Q. rubra*), willow oak (*Q. phellos*), sweetgum (*Liquidambar styraciflua*), pignut hickory (*Carya glabra*), and mocknut hickory (*C. tomentosa*). On the small upland area in the northeast corner of the site, dry oaks, including post oak (*Quercus stellata*) and blackjack oak (*Q. marilandica*) dominate the canopy.

The Bolin Creek area had been used by UNC zoologists for years as a salamander research site, especially a large deep pool located along a tributary. It was here that the four-toed salamander (*Hemidactylium scutatum*) was found, along with the spotted salamander (*Ambystoma maculatum*), marbled salamander (*A. opacum*), and several other species of amphibians (Stenhouse, 1984). Unfortunately, this *pool has been destroyed by the construction of a sewer-line*, as has much of the adjoining bottomland required for foraging by the adults of this species. Many additional species normally associated with mature hardwoods may also have disappeared, particularly such low-nesting birds as the ovenbird (*Seiurus aurocapillus*), hooded warblers (*Oporornis formosus*). All of these are sensitive to the effects of forest fragmentation. Deer sign is also noticeably missing, although this species usually does well in disturbed habitats (the abundant dog tracks suggest a possible explanation).

On the positive side, many animals do still occur here, particularly those that occur in younger or more open forest. These include the flicker (*Colaptes auratus*), great crested flycatcher (*Myiarchus crinitus*), phoebe (*Sayornis phoebe*), brown-headed nut-hatch (*Sitta pusilla*), pine warbler (*Dendroica pinus*), rufous-sided towhee (*Pipilo erythrophthalmus*), and goldfinch (*Carduelis tristis*). Even barred owls (*Stryx varia*) and hairy woodpeckers (*Picoides villosus*) persist since they are species which require extensive woodlands. Several smaller animals may be capable of surviving into the future so long as *some minimum of the mature mesic hardwoods remains uncut*. The regionally rare purseweb spider (*Sphodros* sp.) is a good example of this group of animals.

Biologically Significant Sites

1. Fauna

Black vulture (Coragyps atratus)

The northern end of Lake Hogan Farm Rd. serves as an annual winter roost for approximately thirty birds.

Orange County, NC An Inventory of Sites of Cultural, Historical, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County. 1986.

Multiple objectives may be met by creating a greenway along Bolin Creek. The administration recommends that the Land Use Ordinance be amended to encourage the *multiple use concept* with regard to greenway development. Bolin Creek may serve as a model for how natural areas can be protected and preserved while at the same time accommodating transportation and recreation needs. The design of the Bolin Creek Greenway may take many forms, including any combination of passive recreation trails without any improvements, to including trail amenities such as benches, trash containers, picnic tables, signs, etc. The design of the project should be based on the communities stated objectives for this project. Areas to be considered prior to design include:

Environmental protection and development impact mitigation objectives

There is a range of techniques available to preserve and protect environmentally sensitive areas. The appropriate technique to employ depends on the specific area of concern. These are the two most frequently mentioned and considered the most important issues to address with the design of a greenway along Bolin Creek. A statement from the Orange-Chatham Sierra Club's Stream Watch members is attached.

Water quality issues

It is generally known and accepted that the maintenance of natural areas along streams protects water quality. However, a scientifically based study of natural buffer widths necessary for maintaining water quality has not been found for reference. There is no single, scientifically defensible methodology for determining the appropriate width of stream buffers. The most stringent buffer standards are applied to buffers along streams feeding water supplies. Watershed buffer standards may be as wide as 100 feet or as narrow as 30 feet for low density options. Carrboro's stream buffer standards meet or exceed the state or federal requirements as stated in the Flood hazard protection section of this report.

The Administration *recommends* that a study of natural buffer widths necessary for maintaining water quality be completed and the results applied in the Land Use Ordinance buffer requirements.

Passive and active recreation activities

A greenway may be designed to accommodate a wide range of users and satisfy multiple objectives. Passive recreation opportunities seem to be the most frequently identified uses of greenways.

Opportunities for Education

Bolin Creek has been used as an environmental laboratory in the past as mentioned in "An Inventory of Sites of Cultural, Historical, Recreational, Biological, and Geological Significance in the Unincorporated Portions of Orange County". A wide range of environmental education programs may be established, re-establish or extended (as the case may be) for all age groups in Carrboro.

Integration With Existing Transportation Systems

Traditional linear transportation systems are typically defined by road networks. The potential for a conflict between road networks and linear greenways is inevitable. To resolve these potential problem their is the opportunity to include trails along portions of the greenways to develop an integrated, intermodal transportation system. The trails may serve as alternative transportation corridors designed to link a multi-modal transportation system. together . With the passage of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, there is an emphasis on multi-modal transportation improvements that includes projects for bicycles and pedestrians. The Durham-Chapel Hill-Carrboro Thoroughfare(Transportation) Plan should include an element that addresses Carrboro's Greenway Plans as part of a multi-modal transportation approach to urban mobility.

Relationship to the Existing Sewer Systems

Sewer lines typically follow stream flows where they use the same gravity flow characteristics. Here in North Carolina, most greenways are also established along watershed/stream flows. In fact this is the case along Bolin Creek. OWASA has already placed sewer lines within the Bolin Creek watershed. However, this does not preclude development of a greenway along the Bolin Creek sewer easement. Carrboro and OWASA can work together to accommodate a joint sewer line and greenway project.

Primary Issues Associated with Preserving Areas Along Bolin Creek

Preservation from an environmental stand point. There are currently federal, state and local regulatory requirements and existing ordinances that address the environmental aspects of creating a greenway. There have been no challenges regarding the adequacy of regulations concerning watershed protection, erosion control and sedimentation, floodplain hazard mitigation techniques or local stream buffer requirements that do not allow development in specific areas for public health and safety reasons. There is some concern and indication that monitoring and enforcement should be increased. These concerns may be addressed with the water quality monitoring program and enforcement of the Town's development requirements.

Required dedication and public access. Issues relating to whether or not linear open space is preserved as common open space and whether or not the public has access to that open space is left to the developer. Federal, state and local regulatory policies can not require access to the open space held in common or require dedication of a specific open space area to the town for public use.

Stream preservation and protection techniques may include the following:

- restrict all development from occurring in the floodplain;
- require a minimum set back of a structure from a stream buffer;
- restrict development from occurring within a 50' stream buffer from center line;
- make clustering *mandatory* or provide *incentives* for clustering;
- restrict development to a percent of all tracts;
- provide density bonuses for leaving water courses in their natural state;
- require linear greenways to be kept in *permanent open space* (regardless of ownership);
- restrict development from occurring on steep slopes (15% or greater)
(a good example is what Carrboro requires in the watershed.)

A Comparison of stream preservation and protection techniques with Carrboro's Existing Regulations

Many of the stream preservation and protection objectives and techniques listed above are provided for and are already being implemented in Carrboro.

The Carrboro Land Use Ordinance (LUO) already requires a buffer that coincides with FEMA floodplains; a 50' buffer along 100' to 1 mile stream basins; and a 15' buffer along narrower streams and/or creeks. The LUO allows cluster development in residential zoning districts to reduce the impact of development and requires that open space be set aside based on physical constraints. Buffers are mandatory however, none of the existing cluster regulations are mandatory, but become defacto due to the Town's open space and buffer requirements. The open space pattern that emerges as a result of these set-asides is scattered.

LUO Options for Open Space/Clustered Development

Carrboro's requirements for cluster subdivisions are found in Section 15-186. Developers are allowed to create lots that are smaller than the minimum required if the land which is saved is put into open space. Thus, developers cannot create more lots than would otherwise be permitted under the basic zoning. Developers cannot downsize lots any further than the minimum square footage's listed in the Town Code. There is no density bonus or incentive provided to specifically entice developers to use the clustered development option other than to deal with a physically constrained site.

In addition to simple clustering, Carrboro also allows Architecturally Integrated Subdivisions (Section 15-187). This development option allows developers to set their own lot sizes and setbacks within the project. Developers cannot use the AIS option to create more lots than would otherwise be permitted under the basic zoning, so once again the land which is saved goes into open space. Standard setback requirements apply for those portions of the tract abutting land which is not part of the subdivision.

Carrboro also offers a Planned Unit Development (PUD) zoning district (Section 15-139) which is designed to combine different zoning districts in one project. A planned unit development may have residential, commercial and manufacturing elements contained within a single project. In the residential portions of a PUD cluster, the AIS options may be used.

LUO Requirements for Open Space and Recreational Facilities

The Land Use Ordinance requires that residential developments provide both active recreational facilities and open space for the residents of that development. A point system is used to determine the required number of recreational facilities. Developers may choose to provide sufficient recreational facilities on site or may provide a payment-in-lieu to the Town for the development of public recreation facilities within a reasonable distance of the development. Many developers choose to combine these two options, providing some recreational facilities on site and satisfying the remainder of the required recreation points with a payment-in-lieu. Specific requirements for recreational facilities can be found in Article XIII and Appendix G of the Carrboro Land Use Ordinance.

Section 15-198 of the Land Use Ordinance requires that residential developments provide open space which is usable for passive recreation, such as walking or jogging. Residential developments with a density of more than 2 units per acre must provide 15% of the total tract as *usable open space*; developments with a density of less than 2 units per acre must provide 5% of the total tract. This is in marked contrast to many rural open space zoning programs which can require as much as 80% of the tract to remain as open space.

Land which is to be set aside as *usable open space* must meet certain *requirements*. At a minimum the land for open space must:

- not have any substantial structures on it;
- not be used as a roadway, parking area, sidewalk or waste disposal field;
- be able to be *used for passive* recreation;
- left in its *natural or undisturbed state* except for minimal improvements which allow passive recreation uses; and
- be *accessible* to the residents of the development.

The requirement that land used as open space remain in its *natural or undisturbed state* and be available for use as passive recreation assumes that the open space is held in common or has been dedicated to the public.

The LUO gives certain categories of *land preference* for use as open space such as:

- land which is part of a *designated stream buffer* or *flood hazard area*, including *floodways and floodplains*;
- land which has slopes in excess of 15%;
- environmentally sensitive lands such as those listed in the Inventory of Natural Areas and Wildlife Habitat of Orange County, NC; and
- wooded areas (although this can be waived under certain conditions)

Carrboro's Experience with the Voluntary Cluster Development Option

Carrboro has offered cluster development options for a decade. In that time nearly every single family development built in Carrboro has been clustered to some degree. Some projects such as Fair Oaks, Spring Valley, and Quarterpath Trace have been tightly clustered using the architecturally integrated subdivision (AIS) option. Others such as Cobblestone, Bolin Forest, Berryhill, and Wexford have been clustered to a much smaller degree.

In many cases developers have resorted to cluster development in order to get the maximum number of lots out of difficult sites and have downsized lots only to the degree necessary to achieve the maximum number of lots. Carrboro's cluster options have worked well as a method of dealing with difficult sites. However, the cluster development option has not been used to increase or locate the amount of open space for any purpose other than dealing with scattered, site specific physical constraints.

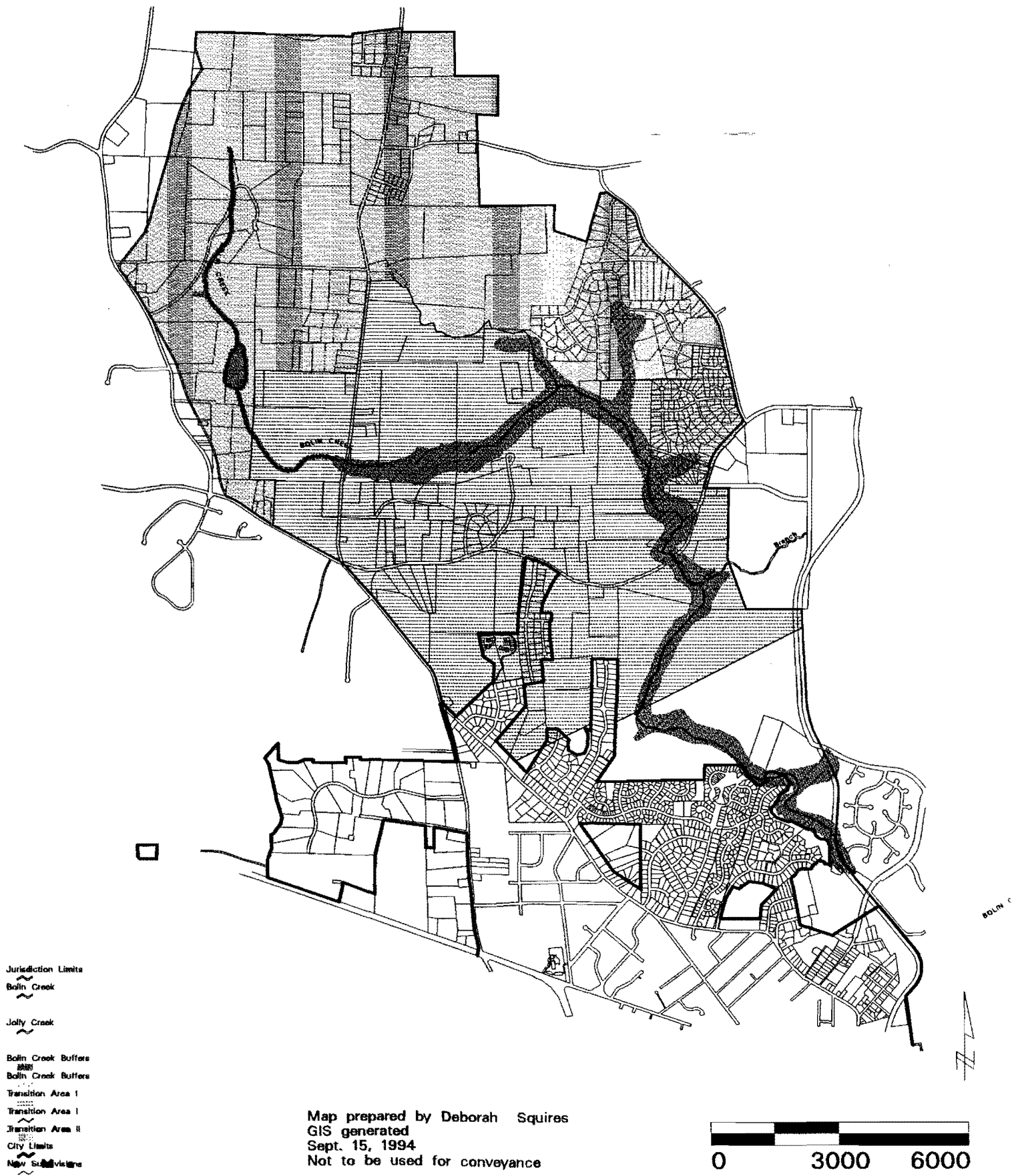
The Future of Open Space Preservation and Protection in Carrboro?

If the Board decides to amend the current LUO in order to have a more complete open space zoning option that includes stream buffers and/or greenways, it should consider policy questions that deal with protection and preservation of areas such as Bolin Creek before the open space ordinance amendment is adopted. Issues which should be discussed further include:

- What are we trying to preserve through the use of open space development techniques--stream buffers/greenways for passive recreation, environmentally sensitive areas, endangered species; water shed/water quality? All of these?

- Are stream buffers and erosion control measures the best way to achieve our specific preservation goals or are specific zoning restrictions needed?
- Can the dedication of open space be *mandatory* for Stream Buffers?
- Should Greenways and Stream Buffers be required throughout Carrboro's jurisdiction or only in the northern transition area?, and What about requirements for areas requesting annexation?
- What level of protection/preservation should be required of commercial and/or industrial uses ?

Bolin Creek



Roughly one year ago, the Orange-Chatham Sierra Club's Stream Watch group adopted Bolin Creek. Our group has taken on the task of monthly water quality monitoring, periodic streamside cleanup, and a regular program of recreational outings along Bolin Creek. We have also taken an interest in development issues that affect the creek, as well as investigating historical uses of Bolin Creek. We are encouraged that both Chapel Hill and Carrboro have taken an interest in maintaining and improving the integrity of Bolin Creek with the hope that future comprehensive plans, land use ordinances, and transportation management proposals take the health of Bolin Creek into consideration.

The central focus of Stream Watch is our water quality monitoring. On a monthly basis, we monitor the temperature, rate of flow, pH, nitrate and phosphate content, dissolved oxygen and turbidity of Bolin Creek. We currently have two water testing sites, one in Carrboro by the railroad tracks on Estes Drive, and one in Chapel Hill by the Community Center. Future plans include an expansion of our water testing program to include other locations in Chapel Hill and Carrboro.

Together, these water quality measures give a general picture of the health of Bolin Creek. While our testing is not rigorous enough to pinpoint specific pollution sites or causes of water quality problems, they are good indicators of the relative health of the stream. Participation in the Stream Watch program has been an educational experience for our volunteers, most of whom do not have a background in water quality issues.

In learning about water quality, we have begun to understand some of the threats to the health of the stream, especially those from non-point source pollution such as erosion, runoff from paved surfaces, and negative consequences of stream channeling.

The Bolin Creek watershed, however, is not a pristine wilderness area. Bolin Creek has been utilized for the benefit of the community for as long as Chapel Hill and Carrboro have existed. For example, the stream was used as a mill stream even in the earliest days of Chapel Hill history. Today Bolin Creek is still important to the community in that Owasa uses its easement rights to Bolin Creek for sewage transport. And the watershed is used as a part of a greenway and park system. So while it is impractical to provide Bolin Creek protection normally given to pristine wilderness areas, every effort should be made to preserve the water quality of Bolin Creek as well as its potential for passive recreational use.

Toward this end, both Carrboro and Chapel Hill need to insure that development does not impinge on the wetland areas of Bolin Creek. Additionally, channeling and covering of Bolin Creek should be disallowed from future development plans. This kind of development has already been used in Chapel Hill. Eastgate shopping center, for example, is built on top of a channeled stream.

Furthermore, developments within the Bolin Creek watershed should provide adequate silt runoff prevention measures, including holding ponds to catch silt that would otherwise run into Bolin Creek. When silt fences are used, town officials should inspect those fences to make sure that they are maintained properly.

Finally, roadways should be required to have storm drains to catch roadway runoff from draining into Bolin Creek. When roads, such as Estes Drive, that do not have storm drains are resurfaced, transportation budgets should be expanded to include the addition of storm drains whenever possible.

The Orange-Chatham Sierra Club's Stream Watch group strongly supports any measures to protect and enhance the Bolin Creek watershed for future generations. Town efforts to protect Bolin Creek must be assessed to ensure their effectiveness, and the health of Bolin Creek will be the measure of their success. We believe our water quality testing program is a way citizens can participate in ensuring the health of Bolin Creek. Our volunteers would welcome expertise, guidance, and material support from the town of Carrboro in continuing our efforts. Together, participation of citizen volunteers and a commitment from local government can insure that Bolin Creek will be cherished for years to come.

BOARD OF ALDERMEN

ITEM NO. E(5)

AGENDA ITEM ABSTRACT MEETING DATE: September 27, 1994

SUBJECT: Approval of Conditional Use Permit/Hogan Farm Settlement

DEPARTMENT: Attorney	PUBLIC HEARING: YES ____ NO <u>x</u> __
ATTACHMENTS: Consent Judgment, Conditional Use Permit	FOR INFORMATION CONTACT: Mike Brough, 929-3905

PURPOSE

This matter is before the Board of Aldermen for final issuance of the conditional use permit for the Hogan Farm development.

ANALYSIS

The Board authorized the Town attorney to submit a proposed judgment to the Orange Superior Court in order to resolve the pending litigation challenging the denial by the Board of the conditional use permit for the Hogan Farm development. Under the consent judgment, the Board is required to issue a conditional use permit consistent with the site plan and conditions approved by the Board at its meeting on August 9, 1994. The consent judgment also requires that the plans required by Appendix A of the Land Use Ordinance be submitted by the developer. The consent judgment was signed by Judge Gordon Battle on August 13, 1994, and the appropriate plans have been submitted.

RECOMMENDATION

The administration recommends that the Board issue the conditional use permit for the Hogan Farm development.

COPY

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 94 CVS 814

ROBERT C. HOGAN, SR., ROBERT
C. HOGAN, JR., LUANN BUCHANAN HOGAN,
BRADLEY W. YOUNG,
THOMAS E. BAINBRIDGE, ELEANOR H.
BAINBRIDGE, WILLIAM C. HOGAN,
WILLIAM F. HOGAN, AND
REDFOOT & WEBER CONSTRUCTION
COMPANY, a corporation,

Petitioners.

vs.

THE BOARD OF ALDERMEN OF
THE TOWN OF CARRBORO

Respondent.

CONSENT ORDER

This matter is before the Court upon petitioners' Petition for Writ of Certiorari, filed on May 26, 1994, seeking review of the denial by respondent of a conditional use permit. The Court issued its Writ of Certiorari on May 26, 1994.

It appears from the record that petitioners filed a Request for Land Use Permit (the "Request") dated November 2, 1993, asking that respondent, the Board of Aldermen of the Town of Carrboro, issue a conditional use permit for a residential development on certain property located within the Town of Carrboro's planning jurisdiction, such development to be known as Lake Hogan Farms. Respondent denied the Request pursuant to a document entitled "Conditional Use Permit Denied," which was filed with the Planning Department of the Town of Carrboro on April 28, 1994.

The parties have now agreed that this action should be resolved by remanding this matter to the Carrboro Board of Alderman

for issuance of a conditional use permit consistent with the site plan and conditions attached hereto as Exhibits A and B, respectively. Therefore, it appearing to the Court that the parties have consented to such disposition of this matter and that issuance of a conditional use permit in accordance with the site plan and conditions attached hereto would be consistent with the Carrboro Land Use Ordinance;

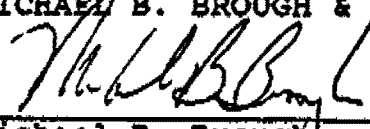
IT IS HEREBY ORDERED that this matter be remanded to the Board of Aldermen of the Town of Carrboro and that within two (2) weeks after submission by petitioners of the additional documents required by Appendix A of the Carrboro Land Use Ordinance, the Board shall issue a conditional use permit authorizing the development of the Lake Hogan Farms project in accordance with the site plan and conditions attached hereto as Exhibits A and B.

This 13th day of August, 1994.



Superior Court Judge

CONSENTED TO:

MICHAEL B. BROUGH & ASSOCIATES


Michael B. Brough
Attorneys for Respondent
Suite 800-A
1829 E. Franklin St.
Chapel Hill, N.C. 27514
(919) 929-3905

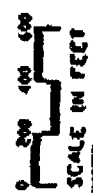
POYNER & SPRUILL


Robin T. Morris
Attorneys for Petitioners
3600 Glenwood Avenue
P.O. Box 10096
Raleigh, N.C. 27605-0096
(919) 783-6400

CLIENT: CAROLINA AMERICAN L.L.C.
DATE: 2.10.2007
PROJECT: 123 BLACKBERRY LN
PROJECT: LAKE HOGAN FARMS

PROJECT: LAKE HOGAN FARMS
PROJECT: 123 BLACKBERRY LN
PROJECT: 123 BLACKBERRY LN

PROJECT: LAKE HOGAN FARMS
PROJECT: 123 BLACKBERRY LN
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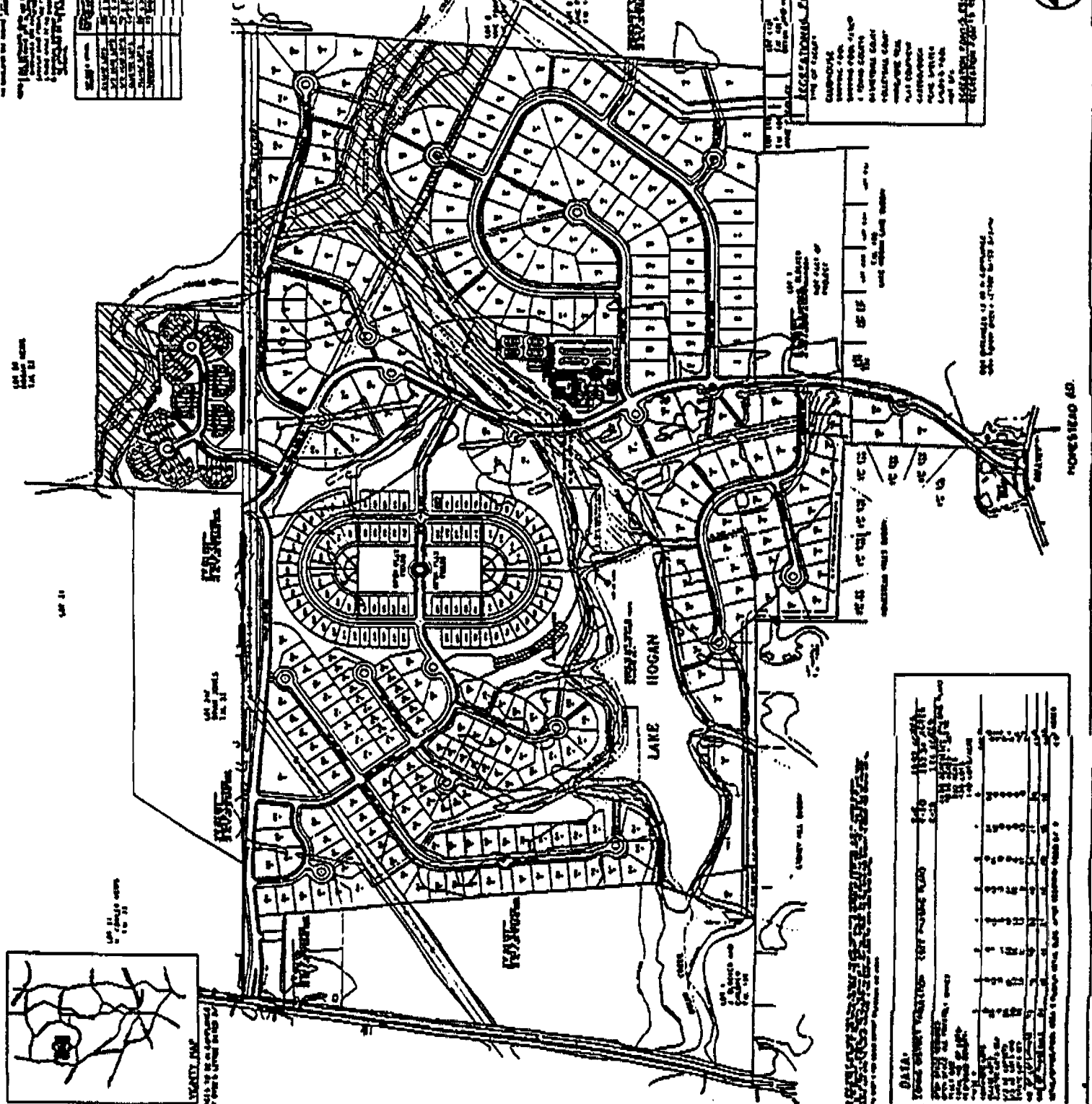
SCALE IN FEET
0 200 400 600 800

VEGETATION FORS.		QUANTITY	PLANT	PLANT QUANTITY
1	100 SCALE SOUTHEAST	100	100 SCALE SOUTHEAST	100
2	100 SCALE NORTHEAST	100	100 SCALE NORTHEAST	100
3	100 SCALE WEST	100	100 SCALE WEST	100
4	100 SCALE EAST	100	100 SCALE EAST	100
5	100 SCALE SOUTHWEST	100	100 SCALE SOUTHWEST	100
6	100 SCALE NORTHWEST	100	100 SCALE NORTHWEST	100
7	100 SCALE SOUTHWEST	100	100 SCALE SOUTHWEST	100
8	100 SCALE NORTHWEST	100	100 SCALE NORTHWEST	100
9	100 SCALE SOUTHWEST	100	100 SCALE SOUTHWEST	100
10	100 SCALE NORTHWEST	100	100 SCALE NORTHWEST	100

SHEET INDEX

SHEET	DESCRIPTION
1	SITE PLAN
2	PHYSICAL PLAN
3	UTILITY PLAN
4	LANDSCAPE PLAN
5	EXISTING CONDITIONS
6	100 SCALE SOUTHEAST
7	100 SCALE NORTHEAST
8	100 SCALE WEST
9	100 SCALE EAST
10	100 SCALE SOUTHWEST
11	100 SCALE NORTHWEST

DATE	TIME	LOCATION	VEGETATION	PLANT	QUANTITY	PLANT	QUANTITY
10/10/54	10:00	100 SCALE SOUTHEAST	100	100 SCALE SOUTHEAST	100	100 SCALE SOUTHEAST	100
10/10/54	10:00	100 SCALE NORTHEAST	100	100 SCALE NORTHEAST	100	100 SCALE NORTHEAST	100
10/10/54	10:00	100 SCALE WEST	100	100 SCALE WEST	100	100 SCALE WEST	100
10/10/54	10:00	100 SCALE EAST	100	100 SCALE EAST	100	100 SCALE EAST	100
10/10/54	10:00	100 SCALE SOUTHWEST	100	100 SCALE SOUTHWEST	100	100 SCALE SOUTHWEST	100
10/10/54	10:00	100 SCALE NORTHWEST	100	100 SCALE NORTHWEST	100	100 SCALE NORTHWEST	100
10/10/54	10:00	100 SCALE SOUTHWEST	100	100 SCALE SOUTHWEST	100	100 SCALE SOUTHWEST	100
10/10/54	10:00	100 SCALE NORTHWEST	100	100 SCALE NORTHWEST	100	100 SCALE NORTHWEST	100
10/10/54	10:00	100 SCALE SOUTHWEST	100	100 SCALE SOUTHWEST	100	100 SCALE SOUTHWEST	100
10/10/54	10:00	100 SCALE NORTHWEST	100	100 SCALE NORTHWEST	100	100 SCALE NORTHWEST	100



DATE	FROM	TO	BY	REVISION
1.10.2007	1.10.2007	1.10.2007	1.10.2007	1.10.2007
2.10.2007	2.10.2007	2.10.2007	2.10.2007	2.10.2007
3.10.2007	3.10.2007	3.10.2007	3.10.2007	3.10.2007
4.10.2007	4.10.2007	4.10.2007	4.10.2007	4.10.2007
5.10.2007	5.10.2007	5.10.2007	5.10.2007	5.10.2007
6.10.2007	6.10.2007	6.10.2007	6.10.2007	6.10.2007
7.10.2007	7.10.2007	7.10.2007	7.10.2007	7.10.2007
8.10.2007	8.10.2007	8.10.2007	8.10.2007	8.10.2007
9.10.2007	9.10.2007	9.10.2007	9.10.2007	9.10.2007
10.10.2007	10.10.2007	10.10.2007	10.10.2007	10.10.2007

CONDITIONS FOR CONDITIONAL USE PERMIT**EXHIBIT B**

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.
5. That additional information be submitted to, and approved by, the Town's consulting engineer for lots 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 (ie.-- 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 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.
13. That the final plat 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. If the developer applies for a permit from the State in a timely manner, but the State does not issue the permit within the 60-90 day period, the Board would cooperate reasonably with the developer in extending the time in which to obtain the permit.
14. That public access will be provided along the Public Service Company of N.C., Inc. easement south of Lots 28 and 31 from the Bolin Creek Trail to the eastern property line of the tract with curb cuts.
15. That a note be placed on the plans that the six-foot paved trail will be constructed by the developer as shown with the pavement material to be approved by the Board of Alderman prior to construction plan approval for Phase I.
16. That the following road stub-outs be continued to the property line: (a) the stub-out south of the Old 86 entrance; and (b) the stub-out shown between Lots 352 and 353.
17. That the developer 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.

18. That the 50-foot bike/pedestrian trail easement be shown on the plans to clearly differentiate the public access trails from other private trails. [Shading has not been labeled.]
19. That the open space (acreage and percentage) and the number of lots be recalculated.
20. That the applicant show on the Phase 1 construction drawings the area that will be needed during Phase 1 east of the dam for the temporary collection of stormwater.

NORTH CAROLINA

ORANGE COUNTY

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: Brad Young, Young-Jewell & Associates

Owners: William F. Hogan, Etal, Robert C. Hogan, Sr., Luann Buchannan Hogan, Redfoot and Weber Construction Company, Thomas E. and Eleanor H. Bainbridge

Property Location: North of Homestead Road, around the existing Lake Hogan Farm Road

Tax Map 109 Block -- Lots 2,3,4,5,5A,6,6A,24,25

Proposed Use of Property: To allow construction of 420 single-family detached dwelling units in seven phases on 310 acres of land.

Carrboro Land Use Ordinance Use Category: 1.110

Meeting Dates: March 22, April 19, August 9, August 23, August 29, September 27, 1994

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 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.
5. That additional information be submitted to, and approved by, the Town's consulting engineer for lots 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 (ie.--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).

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18. That the 50-foot bike/pedestrian trail easement be shown on the plans to clearly differentiate the public access trails from other private trails. [*Shading has not been labeled.*]
19. That the open space (acreage and percentage) and the number of lots be recalculated.

20. That the applicant shown 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.

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.