

STAFF REPORT

TO: Board of Aldermen

DATE: October 17, 2002

PROJECT: A request for a Conditional Use Permit to allow a condominium development consisting of twenty-two (22) two-family apartments (Use 1.241) and one existing single-family dwelling (to remain) (Use 1.111) at 107 Jones Ferry Road.

APPLICANT/OWNER: Williams Construction Company
2600 Carver Street, Suite C
Durham, NC 27705

PURPOSE: To review a Conditional Use Permit request to construct a condominium development consisting of twenty-two (22) two-family apartments and one existing single-family dwelling (to remain) at 107 Jones Ferry Road.

EXISTING ZONING: Residential 7.5 (R-7.5)

TAX MAP NUMBER: 7.99.A.10 & 7.99.A.10A

LOCATION: 107 Jones Ferry Road

TRACT SIZE: 3.55 acres

EXISTING LAND USE: Use # 1.110 (Single-Family Dwelling)

PROPOSED LAND USE: Condominium Development – Consisting of 22 Two-Family Apartments (Use 1.241) and one Single-Family Dwelling (Use 1.111)

SURROUNDING LAND USES:
North: B-1(g), Retail and Office Uses
South: R-7.5, Single-Family Residences
East: B-1(g), PTA Thrift Shop & R-7.5, Apartments, Single-Family Dwelling, and Vacant property
West: R-7.5, Single-Family Residences

ZONING HISTORY: Residential 7.5 (R-7.5), Prior to and Since 1980

RELEVANT ORDINANCE SECTIONS:
15-182 – Residential Density
15-182.4 – Residential Density Bonuses for Affordable Housing
15-196 – Active Recreational Areas and Facilities Required

15-198 – Open Space

ANALYSIS

Background

Williams Construction Company has submitted an application (Attachment C) for a Conditional Use Permit (CUP) for construction of a condominium development to allow twenty-two (22) two-family apartments and one existing single-family dwelling (to remain) at 107 Jones Ferry Road (see site plan – Attachment A), for a total of twenty-three (23) dwelling units. The subject property is zoned R-7.5, Residential, contains 3.55 acres, and is listed on the Orange County Tax Map as numbers 7.99.A.10 & 7.99.A.10A. The 3.55 acres is equivalent to 154,545 square feet (sf). Permissible density for the project was calculated using the provisions of Section 15-182 of the Town of Carrboro Land Use Ordinance (LUO).

Using the density provisions [Section 15-182(a)] of the Land Use Ordinance (LUO), the overall density is calculated from 154,545sf, which yields an overall permissible density of 20 units (154,545sf/7,500sf per unit = 20 units). The 'residential density bonus provisions' of the LUO (Section 15-182.4) allow the applicant to apply for 'bonus' units above the density otherwise allowed. In this case, the applicant has included three (3) additional units, consisting of two affordable units and one market-rate unit. In order to take advantage of this provision, the affordable units must remain affordable for one hundred (100) years. A condition specifying the continued affordability of the unit must be included in the Homeowner's Association documents. These documents must be reviewed and approved by the Town Attorney prior to construction plan approval. As noted above, the proposed project is for twenty-three (23) units total.

One existing house, located adjacent to and facing Jones Ferry Road, would remain as a single-family dwelling. The additional twenty-two proposed units would be sited linearly near the western property line, beginning behind the existing house and extending to the south (Attachment A). Locations for the dwelling units were determined largely based on the shape of the subject property, which is rectangular in shape and only approximately 120-feet wide until the last 110-feet, where it widens slightly along a steep slope. Therefore, choices for locating dwelling units on the property were limited. The applicant is proposing eleven (11) two-family apartment buildings each containing two or three bedrooms, in addition to the existing single-family home, which would remain.

Parking and Traffic

Vehicular traffic to the twenty-three (23) units for the proposed Twin Magnolias Condominiums project would be served via a single vehicle accommodation area (driveway) leading onto the property from Jones Ferry Road. The curb cut for the driveway currently serving the existing house will be replaced with curb and gutter, and the driveway itself (along with the parking area) will be reclaimed as lawn area. Jones Ferry Road is a state-maintained arterial road, which handles approximately 12,000 vehicle trips per day, according to the most recent traffic count (conducted by NCDOT in 2001). The approximate number of daily trips remains unchanged since 1999. The proposed dwelling units are expected to add approximately 168 daily vehicle trips to Jones Ferry Road. Staff did request that NCDOT consider and comment accordingly if, in their opinion, the additional traffic generated by this development would negatively impact the

safety of the Jones Ferry Road/West Main Street intersection. NCDOT had no objections to the proposed driveway.

It should be noted that Planning Department staff and Public Works staff worked with the applicant to reduce the radius of the curb cut along Jones Ferry Road to increase the safety of the driveway. Reducing the curb radius should tend to reduce the speed of vehicles entering and exiting the site. Once on the site, the driveway extends in a straight line to the south to serve all the dwelling units. Near the last four (4) dwelling units, the driveway curves slightly to the west (in order to help preserve an existing oak tree on the neighboring property), before straightening again, to access additional parking spaces and the dumpster area. A 'turn-around' area also has been included to allow sanitation vehicles ample room in which to turn and exit the property without having to travel any significant distance in reverse (Site Plan, Attachment A).

Alongside the driveway, parking spaces are provided, at a ninety-degree right angle, to serve all dwelling units. Specifically, sixty-one (61) parking spaces (58 standard spaces, plus 3 handicap spaces) are provided to serve the proposed 23 units (slightly more than 2.5 spaces per dwelling unit). The parking spaces are interrupted by planter islands approximately every five (5) spaces. Section 15-291 of the LUO only requires forty-six (46) spaces, so the project is well in excess of the requirement. In addition to the automobile parking spaces, the applicant has provided two bicycle racks, each designed to accommodate at least five (5) bicycles.

A five-foot (5') sidewalk has been included on the plans connecting to the existing sidewalk along Jones Ferry Road and extending to the south to serve all proposed dwelling units. In the area of the existing magnolia tree near the entrance, the proposed sidewalk would be a brick surface, with the remaining portion being concrete. Staff has noted the absence of a detail drawing for the brick sidewalk on the plans and therefore is recommending the following:

- That a detail drawing for the proposed brick sidewalk be included on the construction plans.

Also of note with regard to the driveway section of the project, staff requested, and the applicant has provided, a curb cut across from units 12 and 13. The curb cut was requested as a possible second means of access to the property, if the property to the east were redeveloped at some point in the future, and to provide a possible secondary means of access to the property now, if necessary during an emergency situation that prevented emergency service vehicles from accessing the property off Jones Ferry Road.

Lastly, staff discussed with the applicant the possibility of incorporating a public road into the site design in a way that might allow for continuance on an adjacent property at some point in the future. To that end, staff notes that the Board of Aldermen passed a text amendment, regarding Section 15-221(b) of the LUO, on June 25, 2002 that gives the Board the authority to require such a design (Attachment D). In discussing the matter, the applicant pointed to the shape (limited width) and terrain (steep slope at southern end) of the subject property in stating that they would not be interested in providing a public road as a part of this development. Further, they pointed out that an extensive amount of site design work had been completed prior to the adoption of the aforementioned text amendment. This information is summarized in a letter from the applicant (Attachment E, Comment #17). For the reasons cited (primarily based on the limited width of the property), staff is in general agreement with the applicant regarding this matter. However, staff would be remiss if we did not point out that the LUO does give the Board the authority to require that a public road be incorporated into the design of the project, per Section 15-221(b).

Conclusion:

The proposed project meets all requirements of the Land Use Ordinance pertaining to parking and transportation. However, staff is recommending the following:

- That a detail drawing for the proposed brick sidewalk be included on the construction plans.

Specimen Trees, Screening and Shading

Only two (2) specimen trees were identified on the site (a 42" magnolia tree and a 20" walnut tree). One of the two, the 20" walnut tree, is located in the proposed location of the first two-family apartment building, and therefore would have to be removed during construction. Town staff (both Planning Department staff and the Town Arborist) extensively discussed with the applicant the possibility of saving the existing 42" magnolia tree near Jones Ferry Road, and ultimately, it was determined that the tree could be saved by shifting the location of the driveway as far to the east of the tree as practicable. Some amount of trimming may be required so that vehicles may enter and exit the site without conflicting with the tree, but the tree will remain. One other specimen tree (26" oak) was identified on the adjacent property to the east very near the property line separating the two properties. As described earlier, the driveway has been shifted to the west in the area of this tree, so as to avoid the root zone of the tree during construction.

Outside of specimen trees, it should be noted that a tree line traverses the property approximately halfway into where the proposed buildings would be sited. The tree line is interrupted by an area of scrub trees and meadow, then begins again near the southern property line. As discussed in the applicant's 'tree removal justification' letter (Attachment F), numerous trees in the southern half of the property would be removed due to construction. Specifically, nine of the proposed units would be placed within the tree line, as would the associated vehicle accommodation area. Grading necessary for the project, the placement of a bioretention area (stormwater facility – further described below), and a proposed OWASA easement also would require the removal of some trees below the existing tree line. The applicant has shown a proposed tree line on the plans that reflects the situation. In an effort to save as many trees as possible, staff has discussed with OWASA the possibility of limiting the amount of clearing within the proposed OWASA easement within the open space area of the property. OWASA confirmed that they only require twenty-feet (20') of the easement to be cleared, even though their easement is shown at thirty-feet (30') wide. As a reminder, please note that the subject property is shaped in a way that limits where and how the site may be developed. With this in mind, staff evaluated the tree removal justification letter and finds that the reasons stated for removing the trees are consistent with the design of the site and with accepted planning and site design practices, as well as accepted methods for effective tree preservation. All trees to be retained are protected by tree protection fencing at the clearing limits.

In addition to the tree preservation efforts required of the applicant, the proposed project must meet the screening requirements of the LUO. The Twin Magnolias Condominiums site is bordered by single-family residences on the west side of the property, retail and office uses to the north, retail and multifamily uses to the east, and a single-family dwelling to the south. Per Section 15-308 of the LUO, two-family apartments are not required to provide a screen from any of the adjacent uses. However, it should be noted that the applicant is proposing a six-foot (6') high wooden privacy fence on the western side of the property behind units one through ten (1-10) to provide screening and privacy from the single-family residences to the west. The fence is proposed to end where the existing tree line begins in the rear yard of residences to the west.

Also, a substantial number of twenty-five foot (25') tall deciduous trees exist directly across the eastern property line. On the south side of the property, a portion of the existing tree line will be saved and will serve as a screen, even though screening is not required by the LUO.

Lastly, per Section 15-250 of the LUO, an eight-foot (8') gate/screen will be provided in front of the proposed dumpster, and a four-foot (4') wooden privacy fence will be provided behind the proposed recycling area.

Section 15-317 of the LUO requires a 20% minimum shading of the project's vehicle accommodation area (driveway/parking lot). In accordance with Appendix E-3 of the LUO, the project exceeds this requirement by including nine (9) laurel oak trees, one (1) serviceberry tree, and one (1) raintree, in addition to the retention of the existing 42" oak tree (Attachment A, Page L5). All proposed trees would be located along the vehicle accommodation area. The 30,972 sf of vehicle accommodation area requires 6,194 sf of shading. The total amount of shading provided amounts to 7,619 sf, which exceeds the requirements of the LUO. According to Appendix E, E-12, of the LUO, laurel oaks are considered nearly evergreen when used in the Piedmont region of North Carolina (they are listed under 'Evergreen Shade Trees'). Therefore, the proposed trees should provide some winter shading and winter color.

Conclusion:

The project does comply with all of the Land Use Ordinance requirements pertaining to tree protection, screening, and shading.

Utilities

OWASA water and sewer is available to the site, each from a different location. Water service would connect to an existing line in the Jones Ferry Road right-of-way. Sanitary sewer service would be provided via an eight-inch (8") line that would tie in to an existing line at the southern end of the property (Attachment A, Page UP4). Both lines would be contained in an OWASA easement that would run in a north-south direction from the north end of the property (i.e.- Jones Ferry Road) to the south end of the property. The easement would be thirty-feet (30') wide except where the water and sewer lines run parallel (in front of the dwelling units) where it would increase to forty-feet (40') wide, to accommodate the minimum separation distance required between lines. OWASA has indicated to the Zoning Division that it is acceptable for the project to receive a CUP at this point; however, OWASA staff did request that one recommendation be included on the permit. During the last plan review for the project, OWASA realized that the waterline is shown connecting to a line to be used for recycling water in the near future (referred to as a 'cogeneration line'). Other options for connection do exist in the Jones Ferry Road right-of-way, and OWASA is comfortable with a new connection being shown on the construction plans for the project. Therefore, per OWASA, staff recommends that the following condition be attached to the permit:

- That the construction plans must show the waterline connecting to a main line other than the cogeneration line in the Jones Ferry Road right-of-way.

All other utility services (electric, phone, cable, etc.) would be extended from Jones Ferry Road to serve the proposed units. Per Section 15-246 of the LUO, all utility extensions and services must be placed underground. The applicant has provided a note on the plans specifying that the development will comply with Section 15-246 of the LUO.

Eleven (11) pole-mounted, shielded lights are proposed at a height of 12-feet (12'), in compliance with the height limitation of Section 15-242(c) of the LUO. Each light is located in close proximity to one or more dwelling units. One light is proposed next to the existing house, one is proposed immediately south of the last proposed dwelling unit (#22), and the remainder would be located at various points directly in front of the dwelling units (Attachment A, Page LP5). Per Section 15-242(d), the foot-candle (fc) measurements of all proposed lighting may not exceed 0.2 fc at any property line. The applicant has provided fc measurements down to the 0.1 level on the plans, thereby showing compliance with Section 15-242(d).

As for town services, please note that the applicant has provided a fire hydrant, in accordance with a request by the Town of Carrboro Fire Department, approximately halfway into the development, between units eight (8) and nine (9). The Fire Department has approved the location of the hydrant, and the plans are in compliance with Section 15-249 of the LUO. Public Works has indicated that the proposed location and design of the dumpster facility is acceptable. The applicant also has included a recycling area on the plans, between proposed units twenty (20) and twenty-one (21).

Conclusion:

The project does comply with all of the Land Use Ordinance requirements pertaining to utilities; however, OWASA has requested that the following condition be attached to the CUP:

- That the construction plans must show the waterline connecting to a main line other than the cogeneration line in the Jones Ferry Road right-of-way.

Drainage, Grading, and Erosion Control

Section 15-263 of the LUO establishes storm water management criteria that must be met for each project requiring an SUP or CUP. Section 15-263 requires an evaluation of upstream and downstream water quality and water quantity impacts as a result of the proposed development. Mitigation measures designed to eliminate anticipated impacts should be implemented and explained. For the Twin Magnolias Condominiums project, drainage will be handled by a system of catch basins and yard inlets, designed to capture stormwater and direct it via an underground pipe system toward a proposed bioretention facility (approximately 3,682 sf in size) located approximately one-hundred feet (100') from the edge of the vehicle accommodation area. Stormwater would exit an eighteen-inch (18") pipe, at which point it would be routed into the bioretention area through a stone apron forebay area. After settling into and through the bioretention area, which would contain numerous plantings (see chart on Page LP5, Attachment A), the water would be routed via a pipe to an exit point, where it would be released in the direction of the southern property line at a rate found to be acceptable by the Town Engineer. An inlet pipe leading to a stormwater pipe vault also has been incorporated into the design in order to handle stormwater discharges associated with larger storm events. The stormwater vault pipe also releases water in the direction of the southern property line. The drainage system is designed so as not to cause stormwater-related damage to upstream or downstream properties. The proposed drainage plan has been reviewed by Town staff and the Town Engineer, and has been found to meet the required minimum specifications of the LUO. Additionally, the Town Engineer has reviewed and approved the drainage calculations for the proposed project as well as the 'Truth in Drainage' statement, as indicated in the attached letters from the Town Engineer (Attachment G). Town staff and the Town Engineer will continue to monitor the drainage system and the associated drainage calculations throughout the construction plan approval process and throughout construction.

A substantial amount of minor clearing, excavation, and filling would be necessary for the creation of the driveway area, for the creation of building pads for the dwellings, and for the creation of a stormwater conveyance swale system on the western side of the dwelling units. Additionally, a substantial amount of excavation and clearing would be required for the creation of the proposed bioretention area and associated stormwater pipes. While these activities would involve a substantial amount of disturbance on the site, it should be pointed out that the applicant has designed the bioretention area in a way that should beautify the area to some degree, once the plantings mature. Town staff and the Town Engineer have reviewed the proposed grading plan and find that it meets the requirements of the LUO. Additionally, Orange County Erosion Control (OCEC) has granted preliminary erosion control plan approval to the project. OCEC will review the plans further at the construction plan stage.

Conclusion:

All of the Land Use Ordinance requirements pertaining to drainage, grading, and erosion control have been met by the applicant.

Recreation and Open Space

Recreation:

The Twin Magnolias Condominiums project is proposing to have a total of twenty-three (23) dwelling units. Two-family residences (Use 1.241) and single-family dwellings (Use 1.111) both require 10.39 recreational points per unit for a total of 238.97 recreational points ($23 \times 10.39 = 238.97$). The applicant is proposing to construct a gazebo on the site that will satisfy all of the required recreational points. The proposed gazebo would be 741 sf in size, which amounts to 241.6 recreational points, per Section 15-196 of the LUO, thereby exceeding the requirements of the LUO [$741 \text{ (sf)} \times .326 \text{ (points/sf)} = 241.6 \text{ points}$].

Section 15-196(f) of the LUO, in part, states that "play equipment suitable for children under 12 should comprise at least.... 5% of the points required for a multi-family development." For this project, the applicant pointed out that a children's play facility exists approximately 700 feet from the site (at Town Hall), and included a note on the plans accordingly, thereby seeking permission to not include children's facilities on the site. Former Recreation & Parks Director, Richard Kinney, reviewed the plans and indicated to the Zoning Division that he felt that this was an acceptable situation in this case, because of the site's proximity to the public facilities at Town Hall. Therefore, no children's play facilities are proposed for the site.

Also of note, the applicant has included a note on the plans offering a dedication of the area within the existing OWASA easement at the southern end of the property to the Town of Carrboro for use as a pedestrian and bicycle access easement. OWASA has indicated an acceptance of this arrangement. The applicant is not proposing to improve the easement area to any trail standard at this time, and the act of dedicating the property is not eligible for any recreation points. Therefore, staff only desires to point out the dedication at this time. The area currently acts as an informal pedestrian connection between Laurel Avenue and Old Pittsboro Road. If the Town should desire to make use of the trail in a formal way in the future, then the Town should be prepared to accept the offer of dedication at that time.

Open Space:

In addition to the recreation points that must be satisfied, the proposed project must comply with the forty percent (40%) open space provisions of Section 15-198 of the LUO. Section 15-

198(b)(4) of the LUO lists the primary constraints that must be included as open space. Section 15-198(e) specifies that all portions of the tract encompassing primary constraints must be included as part of the required 40% open space. Per the Town of Carrboro Natural Constraints Map and the assessment completed by the applicant, no primary constraints exist on the subject property. Section 15-198(b)(5) of the LUO lists the secondary constraints that may (but are not required to be) included as part of the 40% open space. The subject property does contain a secondary conservation area (moderate slope) along the southern edge of the property. All of the moderate slope area (17,753 sf) is contained in the open space area of the property.

Outside of constrained portions of the property, and with the exception of the lawn area in front of the existing house, the open space set aside for this project is all located on the southern half of the property (beginning at the end of the driveway and extending to the southern property line). As mentioned previously, the bioretention area has been designed so that it will blend into the open space. It will be furnished with numerous trees and shrubs and should become an attractive feature once the plantings have matured. Therefore, the surface area of the feature is counted toward the open space calculation for this project (as further described below). It should be noted that this calculation excludes exposed pipes, the forebay area, and any other features that detract from its naturalness. A detail drawing for the feature is included in the plans as evidence and to illustrate the expected appearance of the area upon maturity (Attachment A, Page BS13).

The actual amount of open space that must be set aside differs slightly from other projects because of the inclusion of two affordable units, as described herein. The total amount of open space that must be provided is slightly less than 40% of the total acreage, per Section 15-182.4(c) of the LUO. As Section 15.182.4 states, the amount of open space that must be set aside may be reduced by an amount equal to twice the land area consumed by the affordable units, subject to a maximum reduction of ten percent (10%). In explanation, 40% of the total acreage (3.55 ac) for this project amounts to 61,818 sf. Twice the amount of land consumed by the two (2) affordable units amounts to a 3,456 sf (0.08 acre) reduction, per Section 15.182.4(c). Therefore, the total area that must be set aside as open space for this project is 58,362 sf (or 1.34 acres), or thirty-eight percent (38%) of the property. In this case, the applicant is setting aside more than the minimum required by the LUO (38%), but slightly less than the 40% required of standard projects. Specifically, the applicant has set aside 61,161 sf (1.40 acres) of open space, or 39.6% of the property.

Conclusion:

All of the Land Use Ordinance requirements pertaining to recreation and open space have been met by the applicant.

Architecture/Exterior Design and Affordable Dwelling Units

The proposed buildings all are one or story two-family apartment buildings (Attachment H). The buildings essentially are duplexes, with each proposed building containing two dwelling units. Various materials are proposed for the façades of the buildings, including brick, clapboard, and shingle sidings, and the rooftops would be a shingle surface.

Specifically regarding the affordable units within the project, please note that Section 15-182.4 (Attachment I – Residential Density Bonuses for Affordable Housing), in part, states that the affordable units must conform to the town's recommended "Village Mixed Use and Affordable Housing Vernacular Architectural Standards" document. Because of this, staff took the proposed

design before the Appearance Commission for a review of the matter. The Appearance Commission found that the affordable units are compatible with the Village Mixed Use and Affordable Housing Vernacular Architectural Standards. Minutes from the meeting are attached (Attachment J).

Again, two affordable units are proposed (unit 18 and unit 22). These units are allowed per Section 15-182.4, which allows additional dwelling units within a project up to 150% of the number of units otherwise allowed. Additionally, as a 'match,' the applicant is allowed two (2) additional market-rate units (one for one match, one affordable unit provided = one additional market-rate unit allowed) for providing the two affordable units. However, in this case, the applicant is only proposing to include one bonus market-rate unit because of limited site availability. Therefore, the project contains a total of three units above the density otherwise allowed, consisting of two affordable units and one market-rate unit (total of 23 units instead of 20).

The applicant has been discussing with Orange Community Housing & Land Trust (OCHLT) the possibility of transferring ownership of the units to OCHLT. As an alternative to doing so, it is possible for the property owner to ensure the continued affordability of the units via restrictive covenants. At this point, a final decision has not been made regarding the way in which affordability will be administered. To provide assurance to the Town of Carrboro that the units in fact will remain affordable, and to provide assurance that the units will be provided in a manner consistent with the provisions of Section 15-182.4 of the LUO, staff recommends that the following condition be attached to the permit:

- That a 'certificate of occupancy' for the bonus 'market-rate' unit may not be issued until such time as the two affordable units (unit 18 and unit 22) are constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance, nor until arrangements have been made to assure the continued affordability of the two affordable units, again consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.

Conclusion:

The LUO does not contain provisions for architectural design features. However, it should be noted that the Town of Carrboro Appearance Commission has found the affordable units to be in compliance with the Town's Village Mixed Use & Affordable Housing document. Regarding the bonus affordable units, staff recommends that the following condition be attached to the permit:

- That a 'certificate of occupancy' for the bonus 'market-rate' unit may not be issued until such time as the two affordable units (unit 18 and unit 22) are constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance, nor until arrangements have been made to assure the continued affordability of the two affordable units, again consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.

Miscellaneous

Neighborhood Information Meeting:

A neighborhood informational meeting (Attachment K) was held on October 16, 2001. At the meeting, various issues were discussed mostly pertaining to traffic issues and the proposed density of the project. It should be noted that a member of the Board of Aldermen requested that the applicant conduct an additional neighborhood meeting to further discuss issues pertaining to

the proposed project. The applicant was notified of this request at which point they chose to individually contact the person who had initiated the request. Subsequently, the applicant indicated to staff that they were handling the request via individual contact in lieu of conducting another full neighborhood information meeting.

Letters from Citizens:

A nearby property owner submitted a letter to staff identifying concerns with the proposed project (Attachment L). A copy of the letter was passed on to the applicant. Staff suggested to the applicant that they might want to conduct a traffic impact study to address the concerns outlined in the letter. The applicant chose to not do so. As mentioned previously, staff requested that NCDOT consider the project and inform the Town if they had concerns. No concerns were conveyed from NCDOT.

The Zoning Division received additional letters on October 18, 2002, which are also included as a part of Attachment L.

Homeowner's Association:

The applicant has not yet provided a copy of homeowner's association documents to the Town, but does plan to do so. The documents must be reviewed and approved by the Town Attorney prior to their recordation with the Orange County Register of Deeds. Because the documents have not been submitted, staff recommends the following:

- That Homeowner's Association documents be reviewed and approved by the Town Attorney prior to construction plan approval.

RECOMMENDATION

The Administration recommends that the Board of Aldermen approve the Conditional Use Permit request to allow a condominium development, consisting of 22 two-family apartments (Use 1.241) and a single-family dwelling (Use # 1.111) (to remain on the property), to be located at 107 Jones Ferry Road, subject to the following conditions:

1. That a detail drawing for the proposed brick sidewalk be included on the construction plans;
2. That the construction plans must show the waterline connecting to a main line other than the cogeneration line in the Jones Ferry Road right-of-way;
3. That a 'certificate of occupancy' for the bonus 'market-rate' unit may not be issued until such time as the two affordable units (unit 18 and unit 22) are constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance, nor until arrangements have been made to assure the continued affordability of the two affordable units, again consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance; and
4. That Homeowner's Association documents be reviewed and approved by the Town Attorney prior to construction plan approval.

TOWN OF CARRBORO

LAND USE PERMIT APPLICATION

Attachment C



DATE: September 24, 2001

FEE: \$1660

APPLICANT: Williams Construction Co.	US/OWN: Hometown Equity, Inc.
ADDRESS: 2600 Carver Street, Suite C	ADDRESS: 104 C Jones Ferry Road
CITY/STATE/ZIP: Durham, NC 27705	CITY/STATE/ZIP: Carrboro, NC 27510
TELEPHONE/FAX: PHONE: 919-427-8672 FAX:	TELEPHONE/FAX: PHONE: 919-968-0862 FAX: 919-967-3386
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract to purchase	TAX MAP/BLDG/USE LOT/ID: 7.99.A.10 9778-75-6363
PROPERTY ADDRESS: 107 Jones Ferry Road	PROPOSED LAND USE & USE CLASSIFICATION: 1.331 and 1.310
PARENT LAND USE & USE CLASSIFICATION: 1.310 multi-family conversion	LOT AREA: 3.55 ACRES 154,545 Square Feet
ZONING DISTRICT (TOWN MAP) WITHIN LUCE (Including Overlay District): R 7.5	
# OF BUILDINGS TO REMAIN: (1) existing house retained	GROSS FLOOR AREA:
# OF BUILDINGS PROPOSED: (20) two-story condominiums	GROSS FLOOR AREA (of proposed building or proposed buildings):

NAME OF PROJECT/DEVELOPMENT: Penny Lane

TYPE OF REQUEST	INFORMATION REQUESTED (Refer to Attached Key)
SUBDIV. FINAL PLAT	1, 13, 19, 21, 23, 31, 33, 34, 36
CONDITIONAL USE PERMIT (CUP)	1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36
CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
SPECIAL USE PERMIT (SUP)	1, 3, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36
SUP MODIFICATION	SAME AS SPECIAL USE PERMIT (SUP)
ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36
ZONING PERMIT (Building) Residential Infill & Additions	9, 10, 22, 24, 34, 36 (also see "Building Permit Review - Residences Only" checklist)
SIGN PERMIT	1, 10, 13, 14, 17, 20, 36
VARIANCE	4, 5, 10, 20, 29, 34, 36 Attachment A
APPEAL	4, 5, 36, Attachment B
SPECIAL EXCEPTION	1, 3, 5, 8, 10, 20, 35, Attachment C

APPLICANT:

Theresa S. Whitson
 Theresa S. Whitson
 For Hometown Equity, Inc.

DATE: 9/21/01

OWNER:

Theresa S. Whitson
 Theresa S. Whitson
 For Hometown Equity, Inc.

DATE: 9-24-2001

LUO Text Amendment Adopted by the Board of Aldermen on June 25, 2002:

Section 15-221, Road and Sidewalk Requirements in Unsubdivided Developments, was amended by rewriting the following section:

(b) Whenever (i) a lot is proposed to be developed residentially for more than four dwelling units or non-residentially in such a fashion as to generate more than 40 vehicle trips per day, and (ii) if the lot were to be subdivided, a street would be required running through the lot to provide a connection between existing or planned adjacent streets in accordance with the provisions of Sections 15-214 and 15-217(a), then the developer shall be required to construct and dedicate the same street that would have been required had the property been subdivided.

(AMENDED 6/25/02)

Attachment "E"



ARCHITECTURE
ENGINEERING
PLANNING
CONSTRUCTION

1000 Corporate Drive
Suite 101
Hillsborough, NC 27278
919.732.3883 phone
919.732.6676 fax

July 31, 2002

Marty Roupe
Development Review Administrator
Town of Carrboro
301 West Main Street
Carrboro, NC 27510

Re: Twin Magnolias Condominium Site Plan

Marty:

The following are our responses to the items notes as "remaining", "modified" or "new" from your letter dated July 30, 2002, numbered to match your comments.

General Comments:

8. The District Engineer for DOT issued an approved driveway permit on July 22, 2002. His letter was cc: to the Town of Chapel Hill, which may be where the original paperwork went. I have attached a copy.
- * 17. A public road is not proposed for this development. This property is approximately 120' in width for the first 1000', and would not accommodate the dimensional requirements of a public road and a public Right-of-Way. In addition, the terrain at the South end of the property is steep and wooded, making a continuation of the road impractical. Extensive site design was done prior to the adoption of the ordinance amending Sections 15-220 and 15-221 of the LUO. The applicant is proposing to add a valley gutter at a location on the East property line to provide emergency access should the adjacent property be developed in the future. *The foregoing statement constitutes our official justification statement.*
18. A revised Tree Removal Justification letter is attached.
19. The cross-section illustration will be included in the final CUP submittal.
20. We recognize the requirement of additional postage, and have forwarded this item to the developer.

Please contact me if you have any questions.

Thank You,

A handwritten signature in cursive script that reads "Parker Sniffen".

Parker Sniffen, PLS
Project Manager
The Sear Brown Group

Penny Lane Condominiums
Conditional Use Permit Application

Tree Removal Justification Letter

July 31, 2002

Town of Carrboro Planning Staff
Town of Carrboro Aldermen

This Narrative is provided to explain our proposal to remove a specimen tree existing on the 3.55 acre tract shown on the Penny Lane Condominiums Conditional Use Permit Plans.

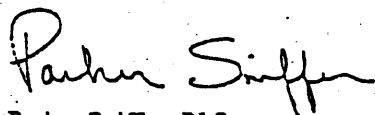
The tree we are proposing to remove is a mature walnut, approximately 20" DBH. It is directly behind the existing house in an existing graveled parking area. Two condominium units are planned for this area, and the tree is positioned midway between the property line and the entry road such that there is not room to reduce unit size or relocate in any direction. This location is appropriate for housing units because of its proximity to parking, utilities and public sidewalks. The walnut is a relatively common species to residential areas in and around Carrboro.

There is a steep slope behind the walnut (and the existing garage) that must be lowered in order to provide safe grade for vehicular access to the rest of the property. Protecting the walnut would prevent us from lowering this grade and reduce the total number of units on the site by two without a commensurate reduction in other necessary infrastructure (paving, utilities, grading, etc.).

It should be noted that we have taken all reasonable measures to preserve the large magnolia at the front of the property, positioned between the existing house and the East property line. The proposed paved entry drive may intrude upon the tree's dripline, but we are in agreement with the Town that the tree is worthy of the attempt to save it.

As explained in our Environmental Impact Statement, the design of this development is congruous with the vegetation on the existing site, as most of the grading and construction is located on the flat, open fields behind the existing house. Numerous hardwoods and pines within the proposed Open Space are protected by our development plan. A landscaped Bio-Retention Area of approximately 3682 sq. ft. is proposed within the Open Space, adjacent to the area to be cleared by the proposed 30' OWASA sewer easement. Construction of this required stormwater quality feature, the sewer outfall and required recreation amenities will require the clearing of a number of maples, oaks and pine trees averaging 10" diameter. These species are numerous on this site and not on the Town's protected list. The Bio-Retention revegetation plan includes 14 new deciduous or evergreen trees and 45 shrubs.

Thank you for your consideration of this issue.



Parker Sniffen, PLS
Sear-Brown Group
(919) 732-3883

Attachment "G"

**Sungate Design Group, P.A.** ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

915 Jones Franklin Road • Raleigh, NC 27606 • Phone 919.859.2243 • Fax 919.859.6258

October 17, 2002

Ms. Jane L. Tuohey
Program Support Assistant II
Zoning Division
Town of Carrboro
301 West Main Street
Carrboro, N. C. 27510

Re: CUP for Penny Lane Condominiums

Dear Ms. Tuohey:

We received a revised Truth In Drainage Statement from Mr. James Parker of Sear Brown for Twin Magnolias Development dated 10/15/02. Following are the comments from our last review annotated to reflect this review:

Paragraph 2.

1. There may be back up of stormwater at the yard inlet on the western property line which would affect adjoining properties if it becomes clogged.

This comment has been satisfactorily addressed.

2. How does the post development flow compare with the pre development flow?

This comment has been satisfactorily addressed.

Paragraph 3.

3. Will the quantity of runoff or the peak rate of runoff or both be reduced?

This comment has been satisfactorily addressed.

4. Has the increase in quantity of runoff been taken into account when considering erosion and flood damage?

This comment has been satisfactorily addressed.

Att. G-2

5. See #2 above.

This comment has been satisfactorily addressed.

Paragraph 5.

6. Was the USDA-NRCS/EPA Handbook of Constructed Wetlands used in the final design?

This comment has been satisfactorily addressed.

7. Give justification for further filtration being provided by "the vegetative area between the outfall and the receiving stream".

This comment has been satisfactorily addressed.

I would recommend that the Truth In Drainage Statement be approved. If you have questions or need further information, please contact me.

Sincerely,



W. Henry Wells, Jr., PE

cc: James W. Parker, Jr., PE

A4.6-3

**Sungate Design Group, P.A.** ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

915 Jones Franklin Road • Raleigh, NC 27606 • Phone 919.859.2243 • Fax 919.859.6258

October 17, 2002

Ms. Jane L. Tuohey
Program Support Assistant II
Zoning Division
Town of Carrboro
301 West Main Street
Carrboro, N. C. 27510

Re: CUP for Penny Lane Condominiums

Dear Ms. Tuohey:

We have completed our eight review of the CUP plans for the above referenced project. The plans were prepared by Sear-Brown and are dated 10/11/01 and sealed 9/24/02. The plans were received in our office on 10/15/02. The Stormwater Calculations are dated 10/11/01 revised 8/1/02 and sealed 9/24/02. Following are our comments from the initial submittal annotated to reflect this review:

1. Stormwater quality and quantity have not been addressed.

Stormwater Quantity

Time of concentration for the post development condition should include the actual time of concentration for inlet CB 1. Travel time through the pipe system should be added on to this value.

This comment has been satisfactorily addressed.

The 100-year post development storm should be modeled.

This comment has been satisfactorily addressed.

The orifice plate detail could not be located.

The orifice plate detail was located on Sheet DD 12.

How will storms that produce runoff in excess of 1" be conveyed nonerosively from the site?

This comment has been satisfactorily addressed.

Att. G-4

A complete structural analysis of the proposed detention basin will have to be provided at the construction plan phase.

This comment does not have to be addressed until the construction plan phase.

The proposed openings grate on the detention basin behind the dumpster pad appears to be too large from a safety standpoint.

The detention basin has been moved and the opening grates are no longer proposed.

Additional comments from 7/30/02 review:

The orifice coefficient 6.0 for the orifice in the detention basin appears to be extremely high.

This comment has been satisfactorily addressed.

How were stage storage and stage discharge relationships computed?

This comment has been satisfactorily addressed.

Discharges from the 3 inch orifice could not be duplicated.

The 3-inch orifice has been enlarged and the discharges from the new orifice appear to be reasonable.

Stormwater Quality

The bioretention area appears to be depressed approximately 4.5 feet below natural ground. Investigate ways to raise the area.

This comment has been satisfactorily addressed.

How will sheet flow into the bioretention area be achieved? The outlet velocity from the 15" pipe will not be dissipated by the sand structure shown on the plans.

This comment has been satisfactorily addressed.

It is not clear if the bioretention area will be underlain with a sand bed. If it is not to be underlain, the sizing of the area should be based on 7% of the drainage area.

This comment has been satisfactorily addressed.

An under drain system with adequate outlet is required.

This comment has been satisfactorily addressed.

SDG



Att. G-5

Details of the bioretention area should be shown on the plans.

This comment has been satisfactorily addressed.

The Bioretention mulch should be double shredded hardwood mulch, not hardwood chips.

This comment has been satisfactorily addressed.

Buffer grass strip around bioretention should be sod (instead of seeded) to help prevent silt from contaminating planting soil.

This comment has been satisfactorily addressed.

The Bioretention Construction Sequence refers to diversion measures shown on an erosion control plan. Please provide details of these measures.

This comment has been satisfactorily addressed.

Clethra Japonica is not on the approved list of plant materials.

This comment has been satisfactorily addressed.

Juniperus Communis and Juniperus Horizontalis are both dry mesic and therefore are not recommended for installation in Bioretention areas.

This comment has been satisfactorily addressed.

Relocate Juniperus Virginia that is located over 60" RCP. Juniperus Virginia should be planted on periphery or side slopes of bioretention areas.

This comment has been satisfactorily addressed.

Does the bioretention spillway need stone lining as shown on the emergency spillway schedule?

This comment has been satisfactorily addressed.

It is not clear how the level spreader proposed at the outlet of the 18" pipe will work. It appears that the water will flow around the level spreader.

This comment has been satisfactorily addressed.

Why is runoff in excess of the first inch being diverted to the bioretention area if the area is not to be used for detention?

This comment has been satisfactorily addressed.

SDG



Att. G-6

A planting plan and soil requirements need to be included in the plans.

This comment has been satisfactorily addressed.

2. The yard inlet, YI-3 needs to be analyzed to ensure that there is no backup of water off the property during the 100-year storm.

This comment has been satisfactorily addressed.

3. The detail for Yard Inlet should indicate that steps will be required where depth exceeds 3 feet.

This comment has been satisfactorily addressed.

4. There is no detail shown for Catch Basins

This comment has been satisfactorily addressed.

5. A detail needs to be shown for the swale located on the west side of the property.

This comment has been satisfactorily addressed.

6. Calculations need to be submitted for the sizing of the 8' base ditch.

The 8' outlet ditch has been eliminated from the plans.

7. The note on sheet GP6 specifies TOC std. Curb inlets. All drainage is to be designed and constructed to NCDOT Standards.

This comment has been satisfactorily addressed.

8. It does not appear that CB 4 or 5 are intercepting any stormwater. The super elevation in the parking lot changes just before CB 5.

CB 4 has been eliminated. CB 5 still does not intercept any stormwater.

9. The proposed 442 contour does not appear to tie in to the existing 442 contour on the east side of the property.

This comment has been satisfactorily addressed.

10. It is not clear how the dumpster area is to drain?

This comment has been satisfactorily addressed

Att. G-7

11. Drainage in the area between the units needs to be addressed.

This comment has been satisfactorily addressed.

12. It appears that the impervious area on the southwest portion of the property has been significantly increased. How will the associated increase in discharge be handled on-site?

This comment has been satisfactorily addressed.

13. HGL computations for all drainage systems will be required at the construction plan stage.

Additional comments based on 4/3/02 review:

14. A storm drainage box needs to be added on Jones Ferry Road west of the entrance to the site and piped to the existing storm drainage system east of the site.

The entrance is now proposed to be a drive cut which will eliminate the need for the drainage box.

Additional comments from August 25, 2002 review:

15. The Stormwater Calculations and all plan sheets need to be sealed by Mr. Parker or other qualified professional preparing the work.

This comment has been satisfactorily addressed.

16. The plan sheets submitted (SW-10, BP-11 and DD-12) does not constitute the entire set of plans for the project. The complete set should be submitted for review.

This comment has been satisfactorily addressed.

17. A "Truth in Drainage" Statement needs to be submitted for approval. The statement should be brief and concise.

This comment has been satisfactorily addressed.

Additional comments based on this review:

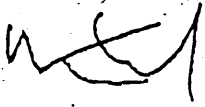
18. Pre development discharges could not be located in the drainage calculations submitted. Please submit a complete package for the review.

This comment has been satisfactorily addressed.

Att. G-8

Based on the above findings, I would recommend that the CUP plans be approved. If you have questions or need further information, please contact me.

Sincerely,



W. Henry Wells, Jr., PE

cc: James W. Parker, Jr., PE