

## BOARD OF ALDERMEN

ITEM NO. E(2)

### AGENDA ITEM ABSTRACT

MEETING DATE: March 11, 2003

**TITLE: Presentation of a Petition: Land Use Ordinance Text Amendment Regarding Public Easements over Private Roads and Using Unpaved, Grassed Strips Behind Parking Chocks**

<b>DEPARTMENT: Planning</b>	<b>PUBLIC HEARING: NO</b>
<b>ATTACHMENTS:</b> <b>A. Resolution</b> <b>B. Land Use Ordinance Amendment Request</b> <b>C. Applicable Land Use Ordinance Sections</b> <b>D. Letter from Giles Blunden</b> <b>E. Section 15-187 Architecturally Integrated Subdivisions</b> <b>F. Illustration of Parking space with grassed strip behind wheel stop</b>	<b>FOR INFORMATION CONTACT:</b> <b>Patricia McGuire, Planning Administrator -- 918-7327</b>

#### PURPOSE

Giles Blunden has submitted a request on behalf of the Carrboro Collaborative Development Association to amend the Land Use Ordinance for street connection requirements to be met by a public easement over a private road and for unpaved, grassed strips to be allowed behind parking chocks to reduce the paved area in parking lots. An overview of the request is presented. A resolution that sets a public hearing and specifies follow-up as noted by staff is recommended for the Board's adoption.

#### INFORMATION

The Carrboro Collaborative Development Association's (CCDA) plans for the Pacifica development are currently under review by Town staff. The CCDA has requested amendments to the Land Use Ordinance (*Attachment B*) that would revise ordinance provisions related to street connections/road standards and parking lot construction standards. The proposed amendments would allow:

- 1) When a public road is not practicable to provide a connection to an adjacent property, a private road, designed as close as practicable to public road standards, with an easement prescribed for public access may be used to achieve the connection.
- 2) The use of an unpaved, grassed, 3-foot strip behind the parking chocks (2.5 feet for compact spaces), ultimately reducing the paved area of each standard sized parking space by 25.5 square feet (16.75 square feet for compact spaces).

### Applicable Policies

Adopted policies which are pertinent to this issue include both policy statements within the Town's Land Use Ordinance and separate policy documents which have been accepted or adopted by the Board of Aldermen.

#### Land Use Ordinance

The requested amendment responds to six ordinance provisions, specified in Sections 15-217(a), 15-220(b), 15-293(a), 15-295 (b), 15-296(a), and 15-317 (d). Copies of these provisions are attached (*Attachment C*). These provisions require:

- 1) In an architecturally integrated residential subdivision, private roads may be used as long as no road intended to be private is planned to be extended to serve property outside of that development. To the extent practicable, all streets shall be interconnected.
- 2) Cul-de-sacs shall not be used unless the topography of the land does not allow a design that would make an interconnecting street practicable.
- 3) Parking spaces shall contain a rectangular area at least eight and one-half feet wide and nineteen feet long.
- 4) Parking areas shall be designed to prevent vehicles from extending over sidewalk, or bumping into adjacent vegetation, et cetera.
- 5) Parking areas shall be designed to prevent vehicles, the overhang from which is presumed to be 3.5 feet, from striking trees.
- 6) Vehicle accommodation areas shall be graded and surfaced with asphalt, concrete, or other material that will provide equivalent protection against potholes.

#### Carrboro Vision2020

The Town Services (1.4) and Transportation (4.0) sections of Carrboro Vision2020, adopted in December 2000, either directly or indirectly address the question of the appropriateness and desirability of street connections, or are presented below.

- 1.43 Carrboro should continue to provide a high level of police, public works and fire service to its citizens.

### **4.0 TRANSPORTATION**

The safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential. The public transit system serves to encourage non-auto travel and reduce congestion on existing roads. The town's Land Use Ordinance and economic development policies both address traffic flow in this expanding municipality.

- 4.12 The Town should continue to implement its connector roads policy.

#### **4.4 Established Roads**

- 4.41** As a general policy, established roads should be widened to accommodate bike lanes and sidewalks, but not to provide additional lanes for automobiles.

### Connector Roads Policy.

An excerpt from the Connector Roads Policy that has inspired several ordinance provisions related to connections between streets, neighborhoods and developments is included below:

The Policy's purpose was to ensure that old and new developments and businesses in the town would be connected to each other, both to disperse newly generated traffic and to give a sense of connectivity and unity to the town as it grows. The roads included on the Connector Roads Plan were intended to provide a backbone for a more intricate grid of smaller connector roads.

It is these elements of the Connector Roads Policy that inspired the TAB and staff to recommend and the Board of Aldermen to adopt a series of text amendments clarifying plans to connect places throughout the Town.

### **LUO Amendment Request**

The applicant offers the following reasons for the proposed amendments with discussion provided in the text that follows:

- 1) A public road may not be practicable because
  - a. It may be impracticable to manage stormwater from the road at the property edge without a drainage easement (in some cases this type of easement may not be reasonably obtainable).
  - b. The added cost of a public road may limit the ability to provide affordable housing provided under the Affordable Housing Density Bonus.
  - c. Curb and gutter and storm drainage requirements may be inconsistent with the 'no damage' clause of the LUO (Section 15-263(a)).
  - d. While one of these constraints by itself might be possible to overcome, the additive nature of multiple constraints may make the use of a public connector road impracticable.
- 2) There is no need for bearing capacity in the area of the vehicle overhang since the wheels of the vehicles stop at the chock.
  - a. Less impervious surface results in reduced storm water run off, reduced accumulation of chemical pollutants from automobiles, reduced cost, which allows for more affordable homes, reduced heat island effect, an effect that adds to increased ambient air temperature and increased ozone.
  - b. Additional filter strip increases the capacity for removal of suspended solids, nitrates, phosphate, and other pollutants.

Proposed Public Easement over a Private Road. Adopted policies clearly call for public street connections for a number of reasons. Section 15-221, amended most recently in May 2002, addresses the Town's policies toward connecting streets, neighborhoods, and places. The 2002 amendment clarified the Town's interest in neighborhood connections via public streets, by disallowing private streets to be used as a means of avoiding the requirement for connecting. The rule of thumb on whether or not it is impracticable to connect streets depends on the community's overall plan for transportation and development. In Carrboro, as the desire to connect neighborhoods and places has been more fully integrated into land use regulations, requirements for street connections have been relaxed only when it has been clearly not beneficial to do so.

Town staff has evaluated this issue and is not in support of the creation of a public easement over a private street. Practically speaking, the chances are good that the owners of a private street supporting

public use will sooner or later be inclined to request that the Town bear responsibility for the cost of maintenance and repair of the private street. Depending on the street specifications, maintenance schedules and costs for the private street are likely to be greater than those of other public streets.

Town staff proposes an alternative street standard for consideration that 1) addresses situations where development patterns will likely preclude an existing street from ever being modified to meet Town standards, and 2) may include elements that will balance development impacts with other Town goals. Staff recognizes the importance of Low Impact Design, the increasing options for street standards, i.e. "green streets" that include environmentally beneficial stream crossings and other features, and the responsibilities for maintaining and enhancing water quality, i.e. requirements of the NPDES Phase II program and will seek to minimize water quality impacts in accordance with Town goals and obligations

In a Development Review meeting on February 19<sup>th</sup>, the applicant indicated that there are no objections to allowing the public vehicular, pedestrian, and bicycle access through the property and so long as a street standard could achieve their project goals, there was no opposition to a public street, per se. In light of this comment, staff and the applicant agreed to explore ways to achieve both the Town's desire for public access and neighborhood/place connections and the applicant's desire for cost-effective and environmentally beneficial infrastructure. The applicant contacted staff on February 26, 2003 and indicated a desire to stay focused on the request for connection requirements to be met by public easements over private roads. A copy of the communication and the Architecturally Integrated Subdivision provisions of the Land use Ordinance referenced in that letter are attached (*Attachments D and E*).

Grass Strips Behind Parking Chocks. The Land Use Ordinance currently defines standards for the construction of a parking space, which accommodates most vehicles and which will allow the safe movement of citizens and vehicles in parking areas. The paving requirement is linked to level of use. Using a residential multiplier of two spaces per unit, ten spaces could support five homes. Five residential units can be estimated to generate, averaging the multi-family and single-family rates, 45 trips per day. At this level of use, unpaved areas can experience fairly rapid degradation, resulting in higher maintenance costs, and higher levels of debris in travel ways and stormwater conveyances.

In considering this change, staff has determined that some variation in the design standard for a private parking space may be accommodated. The applicant has submitted a detail of a parking space that incorporates the requested change. Further evaluation of the notes included on the detail is needed. At the present time it appears that some modification to the requirements for construction and maintenance considerations will be necessary. A detail of the grass strip is attached (*Attachment F*).

The Board of Aldermen has several options for further action, including:

- 1) Taking no action and leaving ordinance provisions as they are. If the Board chooses this option, it is recommended that the application fee be returned in full.
- 2) Directing staff to prepare a draft ordinance, as has been requested, setting a public hearing and referring the draft ordinance to the Planning Board and Orange County to make recommendations or comments.
- 3) Directing staff to prepare a draft ordinance in response to this request and includes the alternative approach discussed by staff (modified public street standard) and the parking chock/parking area standard. It will also be necessary to set a public hearing and refer the ordinance as in #2 above.

It is necessary to refer any draft ordinance amending the text of the Land use Ordinance to the Planning Board and to Orange County. The Board may also wish to refer this matter to the Transportation Advisory Board and the Environmental Advisory Board for recommendations.

### **FISCAL IMPACT**

Should the Board of Aldermen direct staff to prepare a draft ordinance, staff time for ordinance development will be required. A public hearing will incur administrative and advertising costs associated with preparing for and holding the hearing.

### **RECOMMENDATION**

The Administration recommends that the Board that the Board of Aldermen adopts the attached resolution that direct staff to prepare a draft ordinance per Option 3.