

# The *Winmore* Design Code

Revised April 28, 2003

## Table of Contents

	Page
INTRODUCTION .....	3
<u>SECTION I. – THE NEIGHBORHOOD</u> .....	3
ARCHITECTURAL STYLES .....	3
ARCHITECTURAL STANDARDS & ELEMENTS .....	5
PAINT .....	5
WALLS .....	5
FOUNDATIONS & PIERS .....	7
ROOFS .....	7
GUTTERS .....	8
SOFFIT AND FASCIA .....	8
PORCHES AND BALCONIES .....	9
DECKS .....	11
WINDOWS .....	11
DOORS .....	12
GARAGES AND ADUs .....	13
CHIMNEYS, CHASES, VENTS .....	14
GARDEN, RETAIN. WALLS & FENCES ..	14
SIDEWALKS .....	15
COLOR .....	15
OUTBUILDINGS .....	15
GENERAL, MISCELLANEOUS .....	15
LANDSCAPING REGULATIONS .....	16
TREE AND PLANT LIST .....	17
SITE REGULATIONS .....	18
BUILD-TO AREAS .....	18

GARAGES .....	19
DRIVEWAYS/ALLEYS .....	19
SIDEWALKS .....	19
 <b><u>SECTION II. - ARCHITECTURAL REVIEW PROCESS</u></b> .....	 20
APPROVAL OF ARCHITECTS, DESIGNERS & BUILDERS ..	20
REVIEW FEE .....	20
VARIANCES .....	20
CONSTRUCTION DEPOSIT .....	20
POWER TO ENFORCE .....	21
LIMITATIONS OF RESPONSIBILITY .....	21
PROCEDURE .....	21
 <b><u>SECTION III. - THE TOWN CENTER</u></b> .....	 22
ARCHITECTURAL STYLES .....	22
ARCHITECTURAL STANDARDS & ELEMENTS .....	22
PAINT .....	23
WALLS .....	23
FOUNDATIONS & PIERS .....	24
ROOFS .....	24
GUTTERS .....	25
CORNICE .....	25
PORCHES AND BALCONIES .....	26
DECKS .....	27
WINDOWS .....	27
DOORS .....	28
CHIMNEYS, CHASES, VENTS .....	29
GARDEN WALLS AND FENCES .....	30
SIDEWALKS .....	31
PARKING LOTS .....	31
COLOR .....	31
SIGNAGE .....	31
EXTERIOR LIGHTING .....	32
 GENERAL, MISCELLANEOUS .....	 32

#### Notice

The Design Code is binding on all parties having an interest in any portion of the community and each builder and owner is required to comply with the requirements set forth herein. This document may be updated or revised at any time.

## **INTRODUCTION**

Winmore will be a pedestrian friendly community with a town square, walking paths, open space and natural areas. Street widths, landscaping and the location of buildings have been carefully established to create attractive and gratifying public and private spaces.

Winmore will have two distinct, but interconnected areas: The Town Center and the Neighborhood. These areas are defined in the Master Deed Restrictions. The Town Center includes the area around the town square and its immediate vicinity. The buildings are intended for a variety of uses including commercial, office and residential. The Neighborhood is primarily residential, comprised of single family, detached houses and townhouses. For operational purposes, the residences in the Town Center shall be governed by the Neighborhood Association.

In order to maintain a community with an integrated and aesthetically pleasing look and feel, it is necessary to establish a Design Code that will give all components of the village a sense of belonging, while at the same time allowing for individual expression. The following sections set out the parameters under which all improvements must be designed. For clarity and simplicity, the Design Code is divided into Neighborhood and Town Center categories.

### **Notes:**

- 1) This document makes reference to the WDRB, which is the Winmore Design Review Board, which administers the Design Code and the Founder, which is the Winmore Land Management, LLC. The powers and responsibilities of these entities are set out in the Master Deed Restrictions
- 2) The "Village Mixed Use and Affordable Housing Vernacular Architectural Standards" as referenced in Section 15-141.2 (g)1.g. of the Town of Carrboro Land Use Ordinance may also be used as a guide. See Attachment A.

## **SECTION I. – THE NEIGHBORHOOD**

### **ARCHITECTURAL STYLES**

This section specifies the styles of architecture, which can be used for houses in Winmore. These are not meant to be absolutes from which one must copy, but depictions of building characteristics. For detailed descriptions of these styles please refer to A Field Guide to American Houses by Virginia and Lee McAlester or What Style Is It? A Guide

to American Architecture by John C. Poppliers, S. Allen Chambers, Jr., and Nancy B. Swartz.

Other styles may be considered based on architectural merit, including proportion, details and materials.

**Permitted Styles:**

Colonial  
Greek Revival  
Federal  
Georgian  
Queen Anne  
Shingle Style  
Stick Style  
Victorian  
Bungalows and Craftsman  
Regional Vernacular  
Carrboro Vernacular  
Four Square  
Period Houses

**Prohibited Styles:**

Contemporary ranch  
Split foyer  
Other conventional houses with multiple roof and wall lines

To assist lot owners, designers and builders in visualizing appropriately designed buildings, we recommend the following four plan books. The majority of the plans in these books would be readily approved with little or no modification required:

- 1) *Carolina Inspirations* by William J. Allison, Allison-Ramsey Architects, 1003 Charles Street, Beaufort, SC 29902, (843) 986-0559
- 2) *Garden Houses of the 1920s* by Lew Oliver, 15690 Hopewell Rd., Alpharetta, GA, 30075, (770) 594-8085 or 1-800-273-0371.
- 3) *In The Craftsman Style Plan Book* by Jill Kessenich and Tim Ashmore, Ashmore/Kessenich Design, Jill— Madison, Wisconsin (608) 213-4627, Tim—Portland, Oregon (503) 286-6258, [info@bungalowpros.com](mailto:info@bungalowpros.com), may be ordered through online store at <http://www.bungalowpros.com>

- 4) *TND Series Volume I* edited by R. John Anderson, Homestyles, 213 East Fourth Street, Fourth Floor, Saint Paul, MN 55101, (651) 602-5000
- 5) *TND Series Volume II* edited by Don Johnson, Homestyles, 213 East Fourth Street, Fourth Floor, Saint Paul, MN 55101, (651) 602-5000
- 6) *Traditional Neighborhood Homes Series* and *Traditional Neighborhood Homes: Outbuilding Collection* by Eric Moser, Moser Design Group, Inc., Rte #1, Box 801, Riverwalk Business Park, Ridgeland, SC 29936, (843) 379-5630, [www.moserdesigngroup.com](http://www.moserdesigngroup.com).
- 7) *Trinity Heights Plans*, by Milton Grenfell, Grenfell Architecture, 1100 South Mint Street, Suite 208, Charlotte, NC 28203, (704) 372-2916.

## **ARCHITECTURAL STANDARDS & ELEMENTS**

The goals of Architectural Standards & Elements are to define a common level of quality by which all plans are reviewed and to help define the architectural character of the community. These standards cover all aspects of buildings and lots. Variances may be allowed if the WDRB, in its sole discretion, determines that they are appropriate with architectural style.

Note: Where brick, stone or stucco are referred to in this document, it is not meant to include synthetic or cultured products and, in the case of stucco, EIFS.

### **Paint**

All interior and exterior paints should be latex and should be labeled "low emission" or low volatile organic compounds. Oil based paints are prohibited.

### **Walls**

#### **Acceptable Materials**

Wood clapboard, finished with paint or solid stain

Cedar shingles, finished with paint or stain

Fiber-cement ("Hardiplank" or equal) lap siding, finished with paint

Brick, traditional colors with minimal color blend

Stone

Stucco

High density vinyl or composite trim may be acceptable but should be submitted

for approval.

#### Prohibited Materials

Vinyl siding  
 Colorlok and other wood fiber composites  
 Aluminum siding  
 Exposed concrete block, including decorative block

#### Methods and Configuration

Wall materials must be appropriate for architectural style.

Generally, siding shall be horizontal with no greater than a 4" exposure, except that wood siding may have greater exposure, depending on thickness. Wood clapboard should generally not have more than 6" exposed to the weather. When using Hardi Board, wood or synthetic trim, always use SMOOTH SIDE OUT!

Multiple wall cladding materials are discouraged unless typical of the architectural style. Normally, walls should be built of no more than two materials and should only change material along a horizontal line such as a floor line or gable end. The heavier material should be below the lighter, i.e. brick below stucco.

All corner trim shall be 5" minimum in width and rest on top of the water table band.

All openings must have square to vertical proportion.

The cut edge of trim shall not be exposed to the front on any exterior trim.

Multiple wall cladding materials are discouraged unless typical of the architectural style.

Where brick is used on the front walls of a building it must wrap the exposed sides and rear.

Where stucco type materials are used, they shall have a background color and a complimentary trim color to include banding, window and door trim. Stucco shall have full trim detailing, raised a minimum of 1" from the background. Sand, smooth, or scratch finishes are acceptable. Lace or knock-down finishes are not acceptable.

## **Foundations & Piers**

### Acceptable Materials

Poured concrete (see Methods for covering)

Brick

Stone

### Prohibited Materials

Exposed Concrete Block

### Methods & Configuration

Finish floor must be 30" min. off existing grade except in live work and store front use area.

On sloping lots, step down foundations and resulting stepped bands should be avoided, unless the foundation is more than 6' tall, in which case one step will be allowed.

Fireplaces shall be supported by a foundation.

Exposed foundations must be covered by brick, stone or stucco on the all sides of the building.

Except for rear decks, all open areas between piers shall be screened with lattice (painted or stained), or brick. PVC lattice is not acceptable.

## **Roofs**

### Acceptable Materials

20 year or better asphalt or fiberglass shingles

Diamond shaped asphalt shingles

Standing seam, batten seam, or 5v galvalume

Copper

Slate or approved synthetic slate

Terracotta or cement tile

Corrugated metal

Flashing should be copper, anodized aluminum, vinyl or lead.

**Prohibited Materials**

Cedar Shakes

**Methods and Configuration**

Roof pitch shall be appropriate with style, generally 7:12 to 12:12. Porch roofs may be a minimum of 3:12. The main roof shall be symmetrical gable or hip. Multiple roof styles and shapes are discouraged on a single building unless typical of the style (for instance, Victorian). Trusses shall have integral eave returns that provide room for either a frieze board or an expressed lintel above the top story windows. Flat roofs may be permitted under upper level decks and porches or if hidden by a façade, railing, or parapet wall. Mansard roofs are not permitted.

Gable ends that tie to a shed shall have the fascia rest on top of the shed roof. There should not be a connection between the horizontal fascia and the angled fascia off rake unless crowns are matched at ends. Gable ends facing the street should overhang at least 1 ft.

Dormers should be functional, i.e. habitable. They should be a minimum of 3 ft. from building side walls. They should have hip or gable roofs with a pitch of 10:12 or a shed roof with a slope of 2:12. Dormers should not have any siding on the front. The face of the dormer should be all trim. All dormers should have the side walls built with studs turned on end (with sides facing out).

**Gutters**

All residential units must have gutters or another approved method of conveying rainwater from roofs to on-lot retention systems.

In general, half round gutters with round downspouts are preferred. Roman Ogee is acceptable if appropriate to architectural style. Metal chains may be used instead of downspouts.

**Soffit and Fascia****Acceptable Materials**

Wood, painted or stained  
Fiber-cement (Hardisoffit, Hardipanel)  
Bead board and exposed rafter tails.



Methods and Configuration

Eaves shall be appropriate for building style. In general, they should overhang a minimum of 24 inches with 36 inches preferred. Open, exposed rafters are preferred, although sloped soffits may be acceptable. Exposed purlins should be a minimum of 1-1/2 square inches.

Unacceptable Materials and Techniques

Aluminum and vinyl soffits.  
 "Pork chops"

**Porches & Exterior Balconies**Acceptable Materials

## Columns:

- Stone
- Wood, painted or stained
- High density synthetics (minimum 3/8 inch wall thickness), painted
- Brick
- Smooth or sand textured stucco

## Balustrades:

- Wrought iron or equal
- Wood, painted or stained

## Porch Floors:

- Tongue Groove Wood, painted or stained
- Concrete, smooth or broom finished
- Tile
- Brick pavers
- Premium decking board
- Synthetic material (at balconies only, above dry areas)

## Porch Ceilings:

- Wood, painted or stained
- Stucco
- Exposed rafters, painted or stained
- Exterior drywall
- Beadboard

### Prohibited Materials

Screen on front porches  
5/4 Treated decking

### Methods and Configuration

The bottom of the porch roof beam should be not less than 8'-6" off the finished decking. Generally the porch beam bottom matches the interior ceiling height.

Porches should be at least 10' and must be 8' minimum in depth.

Porches shall be a minimum of 24" above grade.

Balconies must be 6' minimum in depth.

Porch columns shall be at least 6" in diameter.

When using solid or boxed columns, the square column capitals (the abacus) should be no more than 2" in height unless designed otherwise. Do not use 2x4s.

The abacus should be centered on the beam above (the entablature) and reveal approximately 2" beyond width of entablature. Piers should be a minimum of 12"x12".

Round columns should be constructed with a proper bulge and taper (entasis). Correct proportions and profiles are available in *The American Vignola*. Nothing should be attached to a column. When using round columns, the second floor column should be narrower than the first floor column: for example bottom floor, 10" at base 8" at top and second floor 8" at bottom 6" at top for a two story porch.

Stacked columns shall have a centerline that extends through the second floor beam and column to the first floor beam and column. Columns shall be laid out to account for size variation with larger on the first floor to smaller on second.

**Beams shall be centered on column and adjusted accordingly.** Beams shall be no larger than the top of the throat of the column fully trimmed. This can be achieved by notching the column to allow for a reveal under the beam.

Balustrades shall have top rails with eased edges and bottom rails with eased edges or of rectangular section, centered on pickets (balusters).

Side and back porch piers shall be of masonry construction and not less than 12"x12"

When using turned pickets the top square portion of the picket should be have a length ratio of 1 to 1.6 vs. the length of the bottom square portion of the picket.

All rail posts shall not be less than a 6"x6".

The space between wood pickets should not exceed 2" when using 1 inch pickets or smaller. Larger wood pickets shall not exceed 4" on center. Metal pickets shall not exceed 3" on center. All front porch posts shall have a milled cap

## **Decks**

### Acceptable Materials

Wood, double kiln dried CCA treated that is painted or sealed  
 Western red cedar  
 Cypress  
 Trex or equal  
 Tech Deck or equal

### Methods and Configuration

Decks shall be located in rear or side yards (not street side)

Posts supporting decks shall be 6" by 6" or greater.

Decks must be 8' minimum in depths.

## **Windows**

### Acceptable Materials

#### **Frame & Sash:**

Wood  
 Clad wood windows  
 High Density Vinyl (Windsor or equivalent)

#### **Glazing:**

Clear glass  
 Beveled or stained

#### **Divided Lights:**

True divided light (TDL)  
 Simulated divided light (SDL), internal spacers required.

#### **Shutters:**

Must be operable or appear to be operable with hinges and shutter dogs.  
 Shutter dogs shall always be mounted to secure shutters at bottom.  
 Shutters should be sized to fill one-half of the adjoining window opening.

Prohibited Materials

Highly reflective glazing  
 Steel and aluminum windows  
 Sliding windows

Methods and Configuration

Windows shall be vertically proportioned, with a vertical proportion of at least 1.5 to 1, except that there may be one semicircular, round, oval or hexagonal window on each house. Panes should be of square or vertical proportions. Mullions and transoms (muntins) are encouraged. Windows shall have exterior trim casing with a minimum width of 3.5" on all walls. Brick veneer walls may be excluded from this requirement, provided that a decorative brick detail is substituted. No Brick Mold unless used with Brick veneer or stucco with returns back to the window. Shutters may be used, provided that they are installed with hinges and shutter dogs and fill the window opening.

Interior window casing shall be 3 1/2" minimum in width.

As a rule of thumb, unless specifically designed otherwise, plans should include 6'-2" windows on the first floor and 5'-2" windows on the second.

Windows and openings on upper floors shall be centered directly above the windows on the first floor. Windows and openings in gable ends shall be centered. All windows shall be a minimum 2 ft. from a building corner.

All interior windows should have stools and returned miter cuts back to the wall.

All window transoms must be 12" minimum in height.

Sill extensions should be mitered where sill meets the wall of the house unless approved otherwise.

Any counter-levered bay or oriel must be supported by brackets.

Bay windows should be made of trim lumber or Hardiboard and PVC Base Cap and should have a copper roof that is not painted or sealed so that it will age naturally.

Awnings should be rectangular without any side panels.

**Doors**Acceptable Materials

Solid wood with glazing and/or panels, painted or stained  
 Fiberglass with glazing and/or panels, painted.  
 Insulated metal with glazing and/or panels, painted.

Prohibited Materials

Flush doors.

Sliding patio or "atrium" type doors, unless at rear of house opening into a screen porch.

Paired doors on the front of a house.

#### Methods and Configuration

Main entry doors shall have the same exterior trim requirements as windows.

Head caps over doors and windows shall not extend beyond the furthest adjacent projection.

All casing around exterior doors shall be the same width (3 1/2" min.) on the sides and top.

Additional head trim should be applied as an extension of the casing.

Exterior doors with casing should always be lower than the windows. Doors with transoms can be at the same height.

Interior door casing shall be 3 1/2" minimum in width

All door windows shall be true or simulated divided light with between the panes spacers. No between the panes grids or snap in grids.

All door transoms must be 12" min. in height.

All doors shall be a minimum 2 ft. from a building corner.

#### **Garages and Accessory Dwelling Units**

##### Methods and Configuration

Accessory dwelling units shall be architecturally integrated as follows:

Accessory dwellings or outbuildings shall be designed to harmonize with the Carrboro vernacular architecture described above.

The gross floor area in the ADU shall not exceed 900 square feet.

Exterior fire-exit stairs are prohibited on any side of ADUs except at their rear.

All off-street parking for ADUs shall be located to the side or rear and shall be visually screened from adjoining properties and from all streets.

Double width garage doors are discouraged and shall not be allowed for front loading garages. When garage doors are on the front or street side of a building, they shall be recessed into an alcove, arbor or lattice screen. Garages shall be one or two car, and may be attached or detached. Three car garages shall not be permitted.

## **Chimneys, Chases, Roof and Wall Vents**

### Acceptable Chimney and Chase Materials

Stucco with cap or coping on masonry  
Brick  
Stone

### Methods and Configuration

Chimneys located at exterior walls shall extend to the ground. Chimneys cannot be counter levered. Chimneys should break and return to smaller width (minimum 2:1 proportion in plan) and all chimneys should have trim at the caps. Caps should conceal spark arrestors. Flues should not be taller than minimum code requirements. Chimneys and chases on street sides must be compatible with the building architecture, and truncation below the roof line is not allowed. Wall and roof vents shall be finished in a color compatible with the surrounding material, except that metal may be left unpainted. Low profile ridge vents are permitted. Mushroom vents should only be used where not visible from the street directly in front of the house. Skylights and solar units are permitted, but they should not be visible from the street, if feasible.

## **Garden & Retaining Walls & Fences**

### Acceptable Materials

Wrought iron or decorative metal, painted  
Vertical wood, painted or stained or unpainted treated  
Brick  
Stucco  
Stone  
Horizontal wood not visible from the street

### Prohibited Materials

Chain link and all other wire  
Exposed concrete block including "decorative" block at retaining walls  
Railroad ties  
Vinyl  
Metal

### Methods and Configuration

Picket fences and privacy walls or fences are required at rear alleyways and between houses. At or near common property lines, fences or walls shall present a simple surface to adjoining neighbor. Maximum height shall not exceed 6', except as allowed by variance. Compatibility with adjacent lots and buildings shall be carefully considered. Maximum height for fences within the required front yard is 42". All street-side retaining walls shall be faced with wood, brick, stone or non-synthetic stucco.

### **Sidewalks**

#### Acceptable Materials

Concrete, plain, colored, stained, stamped or exposed aggregate  
Concrete or brick pavers

#### Prohibited Materials

Gravel, except on paths and trails, in which case Chapel Hill gravel shall be used.

### Methods and Configuration

Sidewalks in the public right-of-way shall be 5' in width and conforming to all City requirements. At side and rear yards, decorative gravel, stepping stones and mulch paths are allowed and must be shown on the site plan.

### **Color**

All exterior finishes shall be carefully reviewed to ensure compatibility with surrounding buildings. Balconies, columns, porches, posts and shutters may be painted any color.

### **Outbuildings**

Outbuildings shall match the architectural style, color and material of the primary building. Portable sheds are not allowed.

### **General, Miscellaneous**

One-story buildings shall have a front porch, dormers, or both.

Satellite dishes, permanent grilles, hot tubs, sports equipment and permanent children's play equipment shall be located in rear yards.

No satellite dish with a diameter of greater than 3' shall be allowed.

Buildings on corner lots shall have the street side fully detailed in terms of windows and other architectural elements.

For sale/rent signs shall not be larger than 18" x 24".

### **LANDSCAPING REGULATIONS**

The purpose of these regulations is to help create an exterior community environment that is pleasant and inviting, while helping to provide privacy where desired. The general character may be either formal or informal, although the front yards will typically be of a more formal design. Window boxes are encouraged.

A landscape plan is to be submitted for each lot. All new trees should be shown. Trees on the street side of houses should be a minimum of 1 1/2" caliper.

All lots are to have street trees in the 8' planter strip (greenway) between the curb and sidewalk equally spaced 40 feet apart. Street tree locations will be predetermined by the developer and because of spacing some lots may require more than one tree while others may require none. Additional new trees are encouraged but not required. Healthy pre-existing trees should be protected and preserved to the greatest extent possible, as set forth separately in the Winmore tree protection plan. All yards are to have at least (to be determined) shrubs chosen from the approved Winmore plant list, (TBD) five gallon, (TBD) two gallon, and (TBD) one gallon, all in bark mulch beds. All plants need to be of specimen quality, disease and pest free. Alternative landscaping may be approved by submitted plan.

All front and street side yards must be sodded. Other side and rear yards may be seeded or sodded. Mulched areas are permitted. All lawn areas are to be maintained in a clean and neat.

It is the responsibility of each builder to see that once brought on site plants are adequately watered and cared for, planted properly, watered in, and that a watering schedule after installation adequate to maintain the plant continues until the property is legally transferred to its new owner.



## Approved Tree List

Street Trees**Large Street**

Willow oak	Quercus phellos
Red Oak	Quercus rubra
Sweet Gum	Liquidambar styraciflua 'Rotundiloba'

General Trees**Ornamental/Flowering**

American Holly	
Carolina Cherry-Laurel	
Crabapple	Malus spp.
Crape Myrtle	
Eastern Redbud	
Flowering Dogwood	Cornus florida
Golden Rain Tree	
Hawthorn	Crataegus spp.
Red Bud	Cercis canadensis
River Birch	
Serviceberry	

**Medium Shade**

Skyline Locust	Gleditsia triacanthos L. var. inermis 'Skyline'
----------------	--

**Large Shade**

Ginkgo (male only)	
Pin Oak	Quercus palustris
Honey Locust	
Laurel Oak	
Littleleaf Linden	
Northern Red Oak	Quercus rubra
Red Maple	
Red Oak (Eastern)	
Scarlet Oak	
Swamp White Oak	Quercus bicolor
Sweet Gum (rotundifolia)	
Tulip Poplar	
White Ash	Fraxinus americana
Willow Oak	
Green Ash	Fraxinus pennsylvanica

Red Maple

Acer rubrum or Acer x freemanii

**Coniferous**

Eastern Red Cedar

Juniperus virginiana

**The following plant species shall be prohibited:**

Akebia quinata  
Acer ginnala  
Acer platanoides

Chocolate vine  
Amur Maple  
Norway Maple

Certain Berberis species including

Berberis julianae

Wintergreen Barberry

All Cotoneaster species including

Cotoneaster microphyllus  
Cotoneaster horizontalis  
Crataegus monogyna  
Crataegus laevigata  
All Cytisus scoparius  
Eleagnus angustifolia  
Eleagnus umbellata  
Euonymus alatus  
Euonymus japonicus

Littleleaf Cotoneaster  
Rockspray Cotoneaster  
Singleseed Hawthorn  
English Hawthorn  
Scotch Broom  
Russian Olive  
Autumn Olive  
Winged Euonymus, Burning Bush  
Japanese Euonymus

All Ligustrum species including

Ligustrum lucidum  
Ligustrum vulgare  
Ligustrum sinense  
Ligustrum x vicari  
Lonicera maackii  
Lonicera nitida  
Lonicera tatarica  
Miscanthus sinensis  
Taxus cuspidata  
Vinca major

Waxleaf Privet  
European Privet  
Chinese Privet  
Golden Vicary Privet  
Bush Honeysuckle  
Boxleaf Honeysuckle  
Tatarian Honeysuckle  
Eulalia, Maiden Grass  
Japanese Yew  
Large Periwinkle

**SITE REGULATIONS**

Building placement and configuration will be carefully planned to achieve a neighborhood has a pleasing streetscape and provides a clear delineation between the public and the private realms. Lot regulations will provide a structure to achieve these goals. Each specific lot will be assigned the following:

### **A Build-to Range**

All primary residences are to be placed within a specific range of distance from the street curb in front of the house. This build-to range will be specified by lot. In the case of curved or angled front yards, at least one point of the house must be within the range. For all other lots, a minimum of 12 ft. must be within the build-to range, unless a variance is granted for a bay, turret or other feature of architectural merit. Porches and architectural projections may be allowed to be closer to the street. Please note that the build-to lines will be referenced from the curb, rather than from the right-of-way line (the lot line). In the event of a discrepancy between the curb and lot line, the lot line shall take precedence.

### **Side yard set backs**

Each lot will be assigned a side yard setback, which shall be a minimum. In the event of a discrepancy between fire codes or building codes and the minimum setback, the fire code or building code shall take precedence.

### **Garages**

Lots are specified to have either front loading or rear loading garages. In the case of front loaders, the side may also be considered for use if the lot location and architectural style affords that possibility. One of the goals of the Design Code is to de-emphasize the garage. Therefore, garages are to be set back from the front façade of the house a minimum distance greater than the distance of the front boundary of the build-to line from the curb.

### **Driveways/Alleys**

Front loading garages have conventional driveways with one curb cut per lot. Rear loading garages are accessed via a rear, shared lane (alley). All private driveways shall have a 4' x 4' flared approach, with a minimum 1" expansion joint at the street or alley connection.

### **Sidewalks**

In order to allow for the placement of street trees and to achieve a level of comfort for pedestrians, some public sidewalks will be placed further from the curb than the standard 4'.

## **SECTION II. - ARCHITECTURAL REVIEW POLICY AND PROCEDURE**

In order to ensure that the Design Code is implemented, a specific review process has been established. The review process is administered by the Winmore Review Board (WDRB), which consists of the Design Coordinator and up to 2 additional members. The WDRB reviews all new construction as well as all renovations. All submissions shall be approved, approved as noted, or disapproved. WDRB will normally respond within 30 days, but failure to do so shall not constitute approval. Approval may be denied if the submitted material is incomplete. WDRB may make inspections during the course of construction to assure compliance with the submitted documents. This section applies to both the Neighborhood and the Town Center.

### **Approval of Architects, Designers and Builders**

The WDRB retains the right to approve or disapprove any architect, designer or builder that it believes may not perform satisfactorily.

### **Review Fees**

A fee of \$100 is required for each Neighborhood review and \$250 for each Town Center review. This is to be submitted with the Construction Documents Review form. No fee is charged at the time of the Preliminary Review. All checks should be written to the Winmore Land Management, LLC.

\*NOTE: This applies to builders only and not to individual home owners.

### **Variances**

Variances may be granted based upon architectural merit or hardship, but shall not constitute a precedent for future variances.

### **Construction Deposit**

A construction deposit is required from the contractor for each lot to assure compliance with the submitted plans. The amount is \$500 for Neighborhood lots and \$1,000 for Town Center lots. The deposit shall be submitted before a Notice to Proceed is issued. The deposit shall be returned upon final inspection, provided that compliance is complete and unless it is required to clean up or repair common areas damaged due to construction. Contractor shall be notified in writing prior to the use of the deposit.

**Power to Enforce**

Should a violation occur, The Winmore Land Management, LLC, has the right to enforce the code by legal action, including injunction relief, which requires the owner to stop, remove, and/or alter any improvement in a manner that complies with the standards established by Winmore. The Winmore Land Management, LLC shall also be entitled to collect reasonable attorney's fees. Approval by the WDRB does not relieve an owner of his or her obligation to obtain any government or governmental board approvals or permits.

**Limitations of Responsibility**

The main purpose of the WDRB is to review submitted material in order to determine if the proposed construction meets the Winmore Design Code. WDRB does not assume any responsibility for structural integrity, existing site and soil conditions, governmental requirements, and the work of the owner's architect, designer, engineer or contractor.

**Procedure**

There are 3 phases to the review: Preliminary Review, Construction Document Review and Final Inspection. If an owner desires, the preliminary and construction document review may be combined, but this may result in additional plan work and expense to the owner. The WDRB is not responsible should such work and expense occur. All documents are to be submitted in duplicate. One approved set shall be returned following review.

The following forms shall be provided:

1. Preliminary Review Application
2. Construction Document Review Application
3. Final Inspection Application

**Preliminary Review**

This assures that the designer and owner understand the Design Code and may save time and expense and later stages of the process. If the applicant has a photograph or rendering a similar building, this is the appropriate stage to include it.

**Construction Document Review**

This is the final review prior to construction. In addition to the Construction

Document Review Application, the owner shall submit the Exterior Materials Schedule.

#### Final Inspection

This occurs upon receipt of the Certificate of Occupancy and completion of all work, including the required landscaping. It is to verify complete compliance. If approved, the construction deposit is returned at this time.

### SECTION III. – THE TOWN CENTER

This plan regulates many aspects of site and building design, including building size, height, uses and placement on the lot. It also includes a landscape, parking, walkway, signage and lighting plans. These plans are hereby made a part of the Design Code.

Additional requirements of the Design Code are presented here.

#### ARCHITECTURAL STYLES

In choosing architectural styles for the buildings in the Town Center, the goal is to create an area that is well integrated with the Neighborhood while establishing a “Downtown” character. The commercial versions of the acceptable residential styles are appropriate choices: Georgian Revival, Colonial, Federal, Victorian, and small Southern town early 20<sup>th</sup> century Vernacular. The rule of thumb in assessing architectural merit shall be to determine if the building suggests a turn-of-the-century to early to mid 1950’s Southeastern small downtown. Because many of the features of older buildings are obsolete or impractical, exact duplication is not expected. Depending on the locations of the specific buildings, broader interpretations may apply, and other styles may be considered based upon architectural merit. The pattern book shows some examples of both old and new buildings that could be appropriate for design models.

#### ARCHITECTURAL STANDARDS AND ELEMENTS

In the case of all materials and methods mentioned here, governmental regulations, including fire codes, accessibility, and other considerations shall take precedence. A listing of a permitted material shall not be construed as acceptable to regulating authorities, and compliance shall be the responsibility of the owner.

Note: Where brick, stone or stucco are referred to in this document, it is not meant to include synthetic or cultured products and, in the case of stucco, EIFS.

## **Paint**

All interior and exterior paints should be latex and should be labeled "low emission" or low volatile organic compounds. Oil based paints are prohibited.

## **Walls**

### Acceptable Materials

Wood clapboard, finished with paint or stain  
 Cedar shingles, finished with paint or stain  
 Fiber-cement (Hardiplank" or equal) lap siding, finished with paint  
 Brick, minimal color variation, traditional colors  
 Stone  
 Stucco  
 High density vinyl or composite trim may be acceptable but should be submitted for approval.

### Prohibited Materials

Aluminum siding  
 Vinyl siding  
 Color-lok and other wood composite materials

### Methods and Configuration

Wall materials must be appropriate for architectural style.

Generally, siding shall be horizontal with no greater than a 4" lap, except that wood siding may have greater exposure, depending on thickness. Wood clapboard should generally not have more than 6" exposed to the weather. When using Hardi Board, wood or synthetic trim, always use SMOOTH SIDE OUT!

Multiple wall cladding materials are discouraged unless typical of the architectural style.

All openings must have square to vertical proportion.

Where brick is used on the front of a building it must wrap all exposed sides of the building.

Where stucco type materials are used, they shall have a background color and a complementary trim color to include banding and windows. Stucco shall have full trim detailing, raised a minimum of 1" from the background. Sand, smooth, or scratch finishes are acceptable. Lace or knock-down finishes are not acceptable.

Arches shall be of masonry construction and be no less than 12" in depth. Keystones should be functional and should be shapes so sides align with radius of the arch.

### **Foundations and Piers**

#### Acceptable Materials

Poured concrete (see Methods for covering)

Brick

Stone

#### Prohibited Materials

Exposed Concrete Block

#### Methods & Configuration

Finish floor must be 30" min. off existing grade.

Fireplaces shall be supported by a foundation.

Exposed foundations must be covered by brick, stone or stucco on all sides of the building. In-form stamped and stained concrete, and other simulated brick and stone applications may also be acceptable with approval of a sample or photograph.

### **Roofs**

#### Acceptable Materials

30 year or better dimensional asphalt or fiberglass shingles

Diamond shaped asphalt shingles

Standing seam metal

Copper



Slate or approved synthetic slate  
 Membrane or built-up (for flat roof)  
 Terracotta or cement tile

#### Prohibited Materials

Corrugated metal.  
 5v metal  
 Cedar shakes

#### Methods and Configuration

All roofs shall be topped with low-pitched roofs with articulated parapets and cornices, or pitched roofs where fascias are emphasized and any roof dormers are functional.

Multiple roof styles and shapes are discouraged on a single building unless typical of the style (for instance, Victorian). Flat roofs are permitted under upper level decks and porches or if hidden by a façade. The façade requirement may be waived at the rear of the building. See Chimneys, Chases and Vents for details on equipment screening.

Dormers should not have any siding on the front. The face of the dormer should be all trim. All dormers should have the side walls built with studs turned on end.

#### **Gutters**

All residential units must have gutters or another approved method of conveying rainwater from roofs to on-lot retention systems.

In general, half round gutters with round downspouts are preferred. Roman Ogee is acceptable if appropriate to architectural style.

#### **Cornice**

#### Acceptable Materials

Wood, painted or stained  
 Decorative metal  
 Fiber-cement (Hardisoffit, Hardipanel)  
 Traditional stucco or properly installed one-coat stucco

Fypon

### Methods and Configuration

Eaves shall be appropriate for building style. Decorative cornice work and facades covering flat roof may include fiberglass and preformed materials, i.e., plaster elements, or Fypon.

### **Porches & Balconies**

#### Acceptable Materials

##### Columns:

- Stone
- Wood, painted or stained
- High density synthetics (minimum 3/8 inch wall thickness), painted
- Brick
- Smooth or sand textured stucco

##### Balustrades:

- Wrought iron or equal
- Wood, painted or stained

##### Porch Floors:

- Wood, painted or stained
- Stained concrete
- Tile
- Brick pavers
- Synthetic material (at balconies only, above dry areas)

##### Porch Ceilings:

- Wood, painted or stained
- Stucco
- Exposed rafters, painted or stained
- Exterior drywall
- Beadboard

### Methods and Configuration

The bottom of the porch roof beam should be not less than 8'-6" off the finished decking. Generally the porch beam bottom matches the interior ceiling height.

Porch columns shall be at least 6" in diameter. Stacked columns shall have a centerline that extends through the second floor beam and column to the first floor beam and column. Columns shall be laid out to account for size variation with

larger on the first floor to smaller on second. **Beams shall be centered on column and adjusted accordingly.** Beams shall be no larger than the top of the throat of the column fully trimmed. This can be achieved by notching the column to allow for a reveal under the beam.

Balustrades shall have top and bottom rails with eased edges, centered on balusters.

Side and back porch piers shall be of masonry construction and not less than 12"x12"

All porch foundation openings other than arches must have wood venting continuous from the ground to the band.

## **Decks**

### Acceptable Materials

Wood, CCA treated or western red cedar.  
Trex or equal  
Tech Deck or equal

### Methods and Configuration

Decks shall be located in rear or side yards (not street side)

Posts supporting decks shall be 6" by 6" or greater.

Decks must be 8' minimum in depths.

## **Windows**

### Acceptable Materials

#### **Frame & Sash:**

Wood  
Aluminum clad or vinyl clad wood windows  
High Density Vinyl (Windsor or equivalent)

#### **Glazing:**

Clear glass  
Beveled or stained  
Lightly tinted

**Shutters:**

Must be operable or appear to be operable with hinges and shutter dogs.  
 Shutter dogs shall always be mounted to secure shutters at bottom.  
 Shutters should be sized to fill one-half of the adjoining window opening.

**Prohibited Materials**

Highly reflective glazing  
 Steel and aluminum windows  
 Sliding windows

**Methods and Configuration**

Windows shall be vertically proportioned, unless inappropriate for architectural style or not feasible because of interior limitations (cabinets, etc.). All window sashes shall be square to vertical in proportion. Mullions and transoms (muntins) are encouraged. All windows and doors shall have exterior trim casing of a minimum width of 3.5" on all sides. Brick veneer walls may be excluded from this requirement, provided that a decorative brick detail is substituted. No Brick Mold unless used with Brick veneer or stucco with returns back to the window. Stucco houses must have the stucco return back to window casing (in this case brick mould is acceptable). Certain other commercial glass assemblies may be allowed with approval of the WDRB.

**Doors****Acceptable Materials**

Solid wood with glazing and/or panels, painted or stained  
 Fiberglass with glazing and/or panels, painted.  
 Insulated metal with glazing and/or panels, painted.  
 Other commercial assemblies with approval of the WDRB

**Methods and Configuration**

All door windows shall be true or simulated divided light with between the panes spacers. No between the panes grids or snap in grids.

## **Chimneys, Chases, Roof and Wall Vents**

### Acceptable Chimney and Chase Materials

Stucco with cap or coping  
Brick  
Stone

### Methods and Configuration

Chimneys located at exterior walls shall extend to the ground. Chimneys and chases on street sides must be compatible with the building architecture, and truncation below the roof lines are strongly discouraged. Wall vents shall be finished in a color compatible with the surrounding material. At gable roofs, ridge vents are encouraged and mushroom vents should only be used where not visible from the street. Every effort shall be made to screen mechanical equipment from streets, parking and alleys.

## **Garden Walls & Fences**

### Acceptable Materials

Wrought iron or decorative metal, painted  
Vertical wood, painted or stained, only in the rear of buildings  
Brick  
Stucco  
Stone

### Prohibited Materials

Chain link and all other wire  
Exposed concrete block  
Vinyl

### Methods and Configuration

Garden walls should be a minimum of 8" thick with a cap overhanging at least 1". Privacy walls or fences are encouraged at rear alleyways, but must be minimum of 2' from the pavement. At or near common property lines, fences or walls shall present a simple surface to adjoining neighbor. Compatibility with adjacent lots and buildings shall be carefully considered.

## **Sidewalks**

### Acceptable Materials

Concrete, plain, colored, stamped or exposed aggregate  
Concrete or brick pavers

### Prohibited Materials

Gravel, except on paths and trails, in which case Chapel Hill gravel shall be used.

### Methods and Configuration

Sidewalks in the town center shall be no less than 6' in width.

Builders shall provide at least one trash can of approved design in each block;

Builders shall provide public benches of approved design at intervals of no greater than (TBD) feet on each block; and

Builders shall provide at least one bike rack on each block.

## **Parking Lots**

Parking lots larger than 19 spaces and/or 6,000 square feet in size shall have internal landscaping as well as landscaping on the edge of the lot.

## **Color**

All exterior finishes shall be carefully reviewed to ensure compatibility with surrounding buildings. Storefronts should be painted a gloss dark color. Muted colors are encouraged and excessively bright or harsh colors are not permitted. A trim color that differs from the siding color is encouraged.

## **Signage**

Free-standing signs are to conform to the Winmore development plan. All free-standing and wall mounted signs are to be approved by the WDRB prior to installation. Approval may be denied if the WDRB determines, in its complete discretion, that it is not compatible with the character of the area. Internally lighted signs are not allowed. Where lighting is needed it shall be by separate fixture,

directed to the face of the sign. Signs painted on storefront glass are encouraged. Approved awning signs are acceptable.

Per Carrboro ordinance, all signage shall: 1. Be affixed to building façade, canopy, or arcade; 2. Be located within the first story limit; 3. Be visible to both pedestrians and drivers; 4. Contain visual street numbers for each building; and 5. Utilize lighting conforming to applicable regulations.

### **Exterior Lighting**

Lighting shall be in accordance with the Winmore development plan. Buildings shall have wall mounted fixtures on all sides. All lighting fixtures and locations must be approved by the WDRB. Sconce lights or carriage type wall fixtures are preferred. Bare bulb fixtures are not permitted. Fixtures should be designed to block upward light pollution. In general, a larger number of lower intensity lights is preferred vs. fewer higher intensity lights.

### **GENERAL, MISCELLANEOUS**

Satellite dishes and other equipment shall be located in rear yards or on roofs where they are not visible from the street.

Buildings on corner lots shall have the street side fully detailed in terms of windows and other architectural elements. For example, if shutters used on the front they should also be used on the corner side.

Open-air markets and festivals may be held in any portion of the town square or the commons with the approval of the WDRB.

New multi-family and commercial buildings in storefront and townhouse use areas shall be subject to a maximum front setback (the "build-to" line) in order to maintain a strong sense of streetscape. Such buildings shall generally be of two-story construction (to the so-called "build-up" line) and shall be designed in accordance with the design standards of this chapter and any other applicable standards. To create a defined edge to the village's public space, new multi-family or commercial buildings should conform to a consistent setback from the street. Porches for multi-family or townhouse construction can extend beyond the build-to line. In addition, building faces, as well as a majority of the roof ridgelines should be parallel to the street.

The build-up line specifies a cornice height that establishes the prominent visual dimension of a building and defines its proportion in relation to the street. It

should vary, with no more than sixty (60) consecutive feet of the build-up line having a similar cornice or roofline, and be between one and two and one-half stories in height. A two-story build-up line can range from 20 to 25 feet above average ground level. Setback regulations are as follows: Front = no minimum required; maximum is 15 feet; Rear = 20 feet minimum; Side = Zero minimum lot lines are allowed, except at block ends or adjacent to alleys or pedestrian walks as required under block design requirements.

According to Carrboro ordinance, all storefront and townhouse use areas shall conform to the following:

They shall:

Include show windows on the ground level. Storefront windows are to be large and traditional in appearance and are to include low sills and high lintels.

Articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.

Include lighting in show windows, which is in conformance with other lighting regulations;

Project lighting on the sidewalk from about eight feet in conformance with other lighting regulations herein;

Present the principal entrance to the sidewalk. Alternatively, if the principle entrance faces onto an interior courtyard, the entrance to the courtyard must be presented to the sidewalk.

The façade of storefront buildings may be separated from the sidewalk surface by a landscaped strip of no greater than three feet, except as necessary to accommodate open-air, food service establishments.

The construction of open colonnades over a sidewalk adjoining storefront buildings may be permitted subject to an appropriate easement over the public right-of-way.

Materials in the exterior of buildings surrounding the greens shall be limited to a diversity of brick textures and colors, with wood being subject to the review of the Appearance Commission and the approval of the permit-issuing authority. Awnings are encouraged. Commercial grade windows and doors shall be used, with wood encouraged and other materials being subject to the review of the Appearance Commission and the approval of the permit-issuing authority.



Storefront buildings shall have at least 60 percent of their front facade parallel to the street.

The principal entrance shall be from the front sidewalk.

Storefront buildings fronting on the same street and located on the same block shall be attached, except as necessary to accommodate pedestrian ways.

The street treescape shall require:

The planting of species which branch above 8 feet to facilitate viewing of storefronts and signage.

The planting of trees every 30 feet to 50 feet depending on size so as to create a regular pattern of street trees through the area.

Winmore Land Management gratefully acknowledges source materials provided by

The Village of Cherry Hill, Columbia, MO  
Robert Turner, Habersham, Beaufort, SC  
Andres Duany, Duany Plater-Zyberk & Co.  
Traditional Neighborhood Development Partners, LLC

and

The Town of Carrboro

(a) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

**Section 15-325 Ultimate Issue Before Board on Amendments**

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a conditional use district, the Board shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. (AMENDED 05/25/99)
- (2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

**Section 15-326 Protests to Zoning District Changes.**

(a) If a petition opposing a change in the zoning classification is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the Board membership.

(b) To trigger the three-fourths vote requirement, the petition must: (AMENDED 11/26/85)

- (1) Be signed by the owners of twenty percent or more of the area either of (i) the lots included in a proposed change, or (ii) the lots within 100 feet of either side or the rear of the tract to be rezoned, or (iii) the lots directly opposite the tract to be rezoned and extending 100 feet from the street frontage of such opposite lots.

**STAFF REPORT**

**TO:** Board of Aldermen

**DATE:** May 22, 2003

**PROJECT:** Request for a Conditional Use Permit to Allow a Village Mixed Use (Use 32.000) Architecturally Integrated Subdivision (AIS) to create ninety-eight (98) Single-Family Lots (Use 1.111), sixty-six (66) Multi-Family Townhome Lots (Use 1.321), sixty-eight (68) Multi-Family Apartments (Use 1.331), and twenty (20) Commercial Lots (Various Uses Listed in Permissible Use Table) at 1400 Homestead Road

**APPLICANT:** Winmore Land Management  
310 ½ West Franklin Street  
Chapel Hill, NC 27514

**PURPOSE:** Winmore Land Management has submitted an application for a Conditional Use Permit to allow a Village Mixed Use Architecturally Integrated Subdivision (AIS) of ninety-eight (98) Single-Family Lots, sixty-six (66) Multi-Family Townhome Lots, sixty-eight (68) Multi-Family Apartments, and twenty (20) Commercial Lots at 1400 Homestead Road. The name for the project is Winmore.

**EXISTING ZONING:** R-20, Residential

**TAX MAP NUMBERS:** 7.109..11, 7.109..11C, 7.109..11D, and 7.109..15

**LOCATION:** 1400 Homestead Road (on four lots currently addressed as 1318 Homestead Road, 1400 Homestead Road, 1410 Homestead Road, and 700 Lake Hogan Road). Generally described, the site is located on the west side of Homestead Road between Lake Hogan Farms subdivision and High School Road (located northeast of the proposed entrance/exit point for the development)

**TRACT SIZE:** 65.85 acres

**EXISTING LAND USE:** Single-Family Dwelling (Use 1.111) at 1318 Homestead Road, All Other Lots Vacant

**PROPOSED LAND USE:** Village Mixed Use Development (Use 32.000) – A Village Mixed Use Architecturally Integrated Subdivision of 98

Single-Family Lots (Use 1.111), 66 Multi-Family Townhome Lots (Use 1.321), 68 Multi-Family Apartments (Use 1.331), and 20 Commercial Lots (All Uses Listed as Permissible in B-3T and O/A districts in Permissible Use Table as of 11/11/02)

**SURROUNDING  
LAND USES:**

North: R-20 – Single-Family Residences (Camden Subdivision and Lake Hogan Farms Subdivision), and Vacant Land (UNC Property)  
South: R-20 – Single-Family Residences and Vacant Land  
East: R-20 – Single-Family Residences and Smith Middle School Athletic Fields  
West: R-20 – Single-Family Residences and Vacant Land

**ZONING HISTORY:** R-20, since 1988; Orange County's jurisdiction prior to that

**RELEVANT**

**ORDINANCE SECTIONS:** 15-141.2 – Village Mixed Use District Established  
15-176.2 – Village Mixed Use Developments  
15-146 – Table of Permissible Uses  
15-50 – Site Planning Procedures for Major Subdivisions  
15-182.3 – Residential density in Certain Districts  
15-196 – Active Recreational Areas and Facilities Required  
15-198 – Open Space  
15-220.1 – Design Standards for Village Mixed Use Developments  
15-253 – Permissible Uses Within Floodways  
15-263 – Stormwater Management  
15-269 – Buffers in Northern Transition Area

**Background and General Layout**

Winmore Land Management has submitted an application (**Attachment D**) for a Conditional Use Permit (CUP) for a Village Mixed Use (VMU) Architecturally Integrated Subdivision (AIS) consisting of 98 Single-Family Lots, 66 Multi-Family Townhomes, 68 Multi-Family Apartments, and 20 Commercial Lots at 1400 Homestead Road. The property for this project, which is to be called Winmore, is currently zoned R-20, Residential, and must be granted a rezoning to VMU, Village Mixed Use District, before the CUP may be granted. The assembled property consists of four lots currently addressed as 1318 Homestead Road, 1400 Homestead Road, 1410 Homestead Road, and 700 Lake Hogan Farm Road. The corresponding tax map numbers, per the Orange County Land Records database, are: 7.109..11, 7.109..11C, 7.109..11D, and 7.109..15.

**Format of Staff Report:**

The staff report has been written presuming that the rezoning request of the property to VMU has been adopted by the Board of Aldermen, and analysis of the project for compliance with the Town of Carrboro Land Use Ordinance (LUO) has been done accordingly. If the rezoning request is denied, then the analysis would need to be revised. Some analysis is discussed in the context of 'use types' (Single-Family Areas, Storefront and Townhouse Areas, and Village Conservancy Areas), while other portions of the analysis are discussed in a more general context with regard to compliance with the LUO.

It should be noted that some areas of the development have been designed in a way that may be construed as differing from the language contained in the LUO. In these cases, the report will note the language from the LUO and offer analysis of how the project has been designed in this regard. Specific language in the LUO allows flexibility in the design of a VMU development. This language is found in Sections 15-176.2(a)(1) and 15-176.2(b). These sections of the LUO allow the Board of Aldermen to approve a CUP for a VMU development according to the design presented on the plans. In cases where this flexibility is necessary, the staff report will reference a condition that would be attached to the CUP specifically allowing the design as presented on the plans. The condition will be referenced in the report as 'condition #1' and would read as follows:

- That the Board of Aldermen hereby approves the development as presented, per Sections 15-176.2(a)(1) and 15-176.2(b) of the Land Use Ordinance.

Also of note within this report, references will be made within the text to suggested conditions that might be attached to the CUP, if granted. In almost all cases, the report will reference a 'condition #' and the reason for the condition will be explained, but the text of the condition will be reserved for the formal 'list of suggested conditions' under the Administration's recommendation for the project found at the end of the report. The report is being presented in this way to reduce the overall length of the report itself due to the large number of suggested conditions necessary for the project.

Lastly, the LUO contains provisions specifically related to the design of a Village Mixed Use development. These provisions are found in Section 15-176.2 of the LUO. Provided as **Attachment C**, please find a narrative explaining staff's view on whether the project as designed complies with the various sections of 15-176.2 of the LUO. This information is provided as a supplement to the information contained in the staff report, which will discuss the project in a broader and more general context. The attached narrative, it should be noted, does refer back to specific conditions contained in the staff report itself.

**General Site Layout:**

Winmore was designed using the 'four-step' approach to subdivision design found in Section 15-50 of the LUO. Section 15-50 of the LUO is designed to identify and inventory sensitive areas and to require that the designer consider all of the constraints of a site in developing the layout. In compliance with the requirements of Section 15-50, an on-site 'walk-about' was held with representatives of the Town's advisory boards, staff, and the developer. Following the 'walk-about', the developer prepared conceptual preliminary plans designed to protect the sensitive areas identified during the inventory and on-site walk. The end result is a conceptual preliminary plan that will satisfy the

design objectives found in Section 15-50(g) of the LUO, as shown on plan sheets 'Step 1, Step 1A, Step 1B, Step 1C, Step 2, and Step 3' of the attached plans (**Attachment A**). When items in Section 15-50(g) are in conflict, the designer must make difficult decisions based on the needs of the project and the impact of the alternative. The applicant submitted a narrative explaining their design choices for this project included as **Attachment E**. Staff has reviewed the narrative and finds that the reasons and justifications presented are valid.

The site was designed, first and foremost, in a manner that directed the majority of more intensive land uses away from Bolin Creek. As the plans illustrate, Bolin Creek, and the floodway, floodplain, and stream buffer associated with the creek constrain a large portion of the site. With the exception of one townhouse use area consisting of four (4) townhomes, which would be located in the southeast corner of the developed portion of the site, all land uses nearest the creek are proposed single-family lots. The townhomes are primarily located near the village core, but some number of townhomes are interspersed throughout the development to create a mix of housing types in various areas. The commercial area is located at the proposed center of the village south of the main village green. Additional details regarding site design are provided throughout the report.

#### **Density, Impervious Surface, Size-Restricted Units, & Permissible Uses**

The density calculation for the project is based on Sections 15-176.2(a), 15-176.2(b), and 15-182.3 of the Land Use Ordinance (LUO).

##### **Commercial Density & Permissible Uses:**

Section 15-176.2(a) establishes a maximum size for commercial areas (or storefront use areas) within a VMU of ten percent (10%) of the gross acreage or five acres, whichever is less. In this case, 38,672 square feet (0.887 acre) of commercial area is proposed, which is well within the five (5) acre commercial limit. Section 15-176.2(a)(8) limits the size of any particular enterprise to a maximum of 6,000 square feet (sf) per floor. A note has been included on the cover sheet of the plans to this effect.

The commercial area consists of twenty commercial lots plus one lot reserved for a possible future civic use (Use Category 5.000). As proposed, the CUP will permit any uses currently listed in the LUO's Table of Permissible Uses as 'allowed' within either a B-3T (Transition Area Business) or O/A (Office/Assembly) zoning district (**Attachment F**), except that 15-176.2(c)(1) specifically does not allow businesses with drive-throughs or businesses requiring loading or unloading during non-daylight hours. A note has been included on the cover sheet of the plans to this effect. The applicant did not wish to limit any of the uses now listed as permissible.

Section 15-176.2(a) provides the Board of Aldermen with the authority to disallow specific use types otherwise permitted in the B-3T and O/A zoning districts. Uses permitted in these districts generally include, but are not limited to, residential; retail (including outside display); office; manufacturing and processing (operations conducted

entirely within enclosed buildings only); civic; recreation and entertainment; restaurants and bars and nightclubs (including outside service and consumption); emergency services; dry cleaners and laundromats; and daycare facilities. Of particular note that the Board may want to consider disallowing are gas sales and auto repair shops; airports; and commercial antennas (any height). The development is not designed in a manner that would seem to be particularly well suited for gas sales, auto repair shops, or obviously an airport, and the Board may wish to consider specifically disallowing these uses. Also, the Board may want to give consideration to limiting in some manner the allowable residential uses in the commercial area. The applicant is seeking permission to specifically allow twenty (20) live/work units above the storefront areas (further described below under 'live/work units'), but nothing currently contained in the plans would limit the ability to use ground-level storefront spaces for residential uses.

It should be noted that the 'parking chart' provided on the cover sheet is only intended as an illustrative representation of the uses that may occur. A note to this effect has been included on the plans. The parking chart should not be construed to mean that only the uses listed therein are allowed on the site. Under the 'commercial summary' information, as described above, the applicant has listed as permissible "all uses allowed in the B-3T and O/A zoning districts." The illustrative parking chart is further described under 'parking' (below).

Specifically regarding the 'proposed civic use' lot, please be aware that the note included on the plans states that a 10,000 square foot, 2 story building would be allowed on the lot. No actual site design has been completed at this point for the civic use lot. Essentially, it is reserved for a civic use [permitted use category 5.000 (churches, libraries, art galleries, etc) – see **Attachment E**] at a maximum building area of 10,000 square feet and two (2) stories in height. Since site design has not been completed and has not been included as a part of the plans, anyone wishing to construct the civic use building will need to submit a separate Land Use Permit Application before the project could be constructed. The civic use would be deemed permissible under this CUP (if granted), although the design of this particular lot would be subject to a separate CUP review and approval process. To that end, staff is suggesting that 'condition # 2' be attached to the CUP.

Since all other commercial lots have been designed and presented at a level of detail typically associated with CUP approval, only building permits will be required to construct the other proposed buildings (subject to 'condition #34, described below under 'architecture'). However, if any building permit plans differ in a substantial way from the approved CUP plans, then a modification to the CUP would be necessary before the building permit could be issued.

### **Residential Density:**

Section 15-182.3 of the LUO requires that the amount of land found in certain types of sensitive areas (floodplain, steep slopes, etc.) be reduced by a 'density reduction factor'. This effectively reduces the number of permissible units on a site in an effort to alleviate some of the pressure on sensitive areas. In this case, out of the 65.85 acres of property, only 54.78 acres can be used to calculate the density permissible on the tract. Within a VMU development, density is calculated at 10,000 sf per dwelling unit allowed (based on

R-10 zoning), which in this case yields 238 dwelling units. The applicant is seeking permission to construct 212 dwelling units, consisting of 98 single-family units, 66 townhome units, and 48 affordable apartment units. Additionally, the applicant is seeking permission to construct up to twenty (20) storefront live/work apartment units and up to 98 accessory detached dwelling units (ADDs), as further described below.

Single-Family/Multi-Family Mix & Impervious Surface Limitations: The LUO does not specify what number of residential units should be single-family versus multi-family. In this case, 98 single-family lots are proposed and 134 multi-family units are proposed. The multi-family units include townhome units, apartment units, co-op apartment units, and storefront live/work units. Impervious surface limitations are prescribed by the LUO only for the single-family detached use area. Specifically, per 15-176.2(f)(5)(d) of the LUO, the total amount of impervious surface allowed on the single-family lots is fifty percent (50%) on average. The applicant has included a note on the plans stating as much. The note indicates, as required by the LUO, that the final allotment of impervious surface to each and every single-family lot shall be finalized prior to the approval of the final plat for the project. Once the final plat is approved and recorded, no further changes to the allocations may take place.

Affordable Units: As described above, the applicant is seeking permission to construct 48 affordable apartment units (Use 1.331). This represents twenty percent (20%) of the total number of units proposed, excluding ADDs as further described below. Typically, affordable units are requested in the context of a 'density bonus' allowing a number of units in a development in excess of what is otherwise permitted by the LUO. In this case, the applicant is not seeking to maximize the density allowed by the LUO, and therefore is not required to restrict as affordable any of the proposed units. Nonetheless, the applicant has voluntarily decided to restrict 48 units to meet the affordability criteria of the Section 15-182.4 of the LUO. To that end, staff recommends that 'condition # 3' be added to the CUP to ensure the affordability of 48 dwelling units within the development. In projects where the affordable units are allowed by 'density bonus,' staff usually suggests a condition restricting the receipt of certificates of occupancy for any market-rate bonus units to the actual provision of the affordable units. Such a condition is not suggested for this development since the units are being voluntarily restricted to meet the LUO's affordability criteria.

Twenty-four (24) of the affordable units will be contained within a single apartment building in the southwest corner of the property. An elevation drawing that is illustrative of the proposed apartment building is included on Page SP-4 of the project plans (**Attachment A, Page SP-4**). The other 24 units will be constructed on a lot reserved for co-op housing near the northwest corner of the property. The units are identified as multi-family apartments (Use 1.331) on the Master Plan for the project (**Attachment A, Page MP-1**). No actual site design has been completed at this point for the co-op housing area. Essentially, it is reserved for apartment housing at a density level of 24 units, with all 24 units being restricted as affordable units. Since site design for this area has not been completed and has not been included as a part of the plans, anyone wishing to construct these 24 units would need to submit a separate CUP application before the



units could be constructed. To that end, staff is suggesting that 'condition # 4' be attached to the CUP.

It should be noted that nothing in the approval of the CUP for this project, if granted, requires that any of the affordable units be built. As described above, the applicant is not maximizing the density allowed on the site; and therefore, staff is not suggesting that any certificates of occupancy be withheld until the affordable units are provided (as is normally done with market rate 'density bonus' units). It is hoped that all 48 affordable units will in fact be built, but staff would be remiss if we did not point out that nothing in the granting of this CUP, at this point, requires that any of the affordable units be built.

Lastly, a letter has been submitted by the applicant for your consideration regarding economic and social diversity, which is further described below under 'miscellaneous issues' (**Attachment Q**). The letter discusses the ways in which the project would promote and support affordable housing.

Live/Work Units and ADDs: The applicant also is seeking permission to construct twenty (20) apartment units above the commercial storefront units. These units, also referred to as 'live/work units,' are specifically permitted per Section 15-176.2(b)(1)(b) *in addition* to the number of units otherwise allowed in the development. Also of note, Section 15-176.2(b)(1)(c) specifically allows an accessory detached dwelling unit (ADD) to be constructed on any single-family lot within a VMU in addition to the number of units otherwise allowed in the development. Therefore, with 98 single-family lots proposed, it is possible that up to 98 ADDs may be constructed as well.

#### **Size-Restricted Residential Units:**

There are 232 units proposed as part of the proposed development (including the 20 storefront live/work units). Per Section 15-188 of the LUO, every residential subdivision containing twenty-one (21) or more units must ensure that 15% of the total number of units constructed are 1,110 sf or less and must further ensure that 10% of the total number of units are 1,350 sf or less. The applicant has met this requirement for the proposed project. Thirty-five (35) units must be 1,100 sf or less. The applicant has satisfied this requirement by restricting the size of the 24 unit affordable apartment building and the 24 affordable co-op units, for a total of 48 units at less than 1,100 sf (or 21% of the units). Twenty-three (23) units must be 1,350 sf or less. The applicant has satisfied this requirement by restricting the size of five (5) single-family units and 33 townhome units. Both the site plan and the preliminary plat plan sheets include 'hatching' indicating the locations of the size-restricted units. The 'size-restricted units' are evenly distributed throughout the project and are not isolated/segregated from the 'non-restricted units'. To meet the requirements of the LUO, a condition must be placed on this permit stipulating that no additions or interior renovations designed to increase the heated square footage of the size-restricted units can be approved/completed within the first year following the issuance of the Certificate of Occupancy (CO) per Section 15-188(e). This statement must also be included on the recorded final plat and reference the applicable 'size-restricted unit' lots. Condition # 5 is suggested to accomplish this requirement.

**Residential Permissible Uses:**

Within the single-family use areas, one single-family dwelling is generally allowed per lot, plus one ADD per single-family lot as described above under the density description. Also permitted, per Section 15-176.2(b)(2)(b)(1), are offices (as accessory uses) for not more than 2 full-time employee equivalents. The applicant has indicated a desire to allow such uses within single-family use areas within the development. The plans include illustrative representations of the types of single-family houses that would be built within the development (Attachment A, Page SP-8). The single-family units also would be architecturally restricted by the 'Winmore Design Code' as further described below under 'architecture.' It should be pointed out that no formal site design has been completed at this point for any of the single-family lots. Because of this, each single-family unit would be subject to receiving a zoning permit as well as a building permit before construction could begin. This is consistent with how other developments in Carrboro have approached this situation.

Within the townhouse use areas of the development, the following uses are allowed per Section 15-176.2(b)(2)(a)(1-8): personal or business services, offices, private clubs, restaurants, artist studios, guestrooms for lodging, medical clinics or facilities, and retail sales if in conjunction and on the same lot as a home occupation. The applicant wishes to restrict these uses, via the Homeowner's Association documents to be prepared for the project, in a way that will protect neighbors from some of the potential undesired uses occurring adjacent to themselves (**Attachment G**). Essentially, the private covenants will require anyone wanting to operate some of the aforementioned uses within a townhouse use area to seek formal permission from their neighbors. Staff had some concerns with possible future complaints about such uses and the applicant chose to restrict these uses in this way as a reaction to discussions with staff about the matter. Staff feels the restrictive language offered by the applicant is a sufficient way of ensuring that the neighbors are made aware of any potential request to make use of a property in a townhouse use area in some manner other than strictly as a residential use. It should be noted that enforcement of the provisions of the HOA will be a private matter. The Town will not have the authority to enforce such restrictions. The Board does have the authority under the LUO to specifically disallow any of the aforementioned uses in the townhouse use areas. If the Board feels that one or more of the listed uses would not be appropriate, then it may be appropriate to consider disallowing one or more of the uses. Again, it is the applicant's desire to allow the potential for any of the listed uses to occur within the townhouse use areas.

All of the townhome lots and the affordable housing apartment lot have been designed and presented at a level of detail warranting a CUP. Therefore, only a building permit will be required for the construction of such buildings (subject to condition #34, described below under 'architecture'). As clarification, if building permit plans are submitted for one or more buildings, and those plans differ in a substantial way from what has been represented on the attached CUP plans, then a modification to the CUP would be necessary before the building permit could be issued.

Lastly, it should be noted that the Property Owner's Association documents have not yet been prepared for the project for either the residential or commercial portions of the

project. To that end, staff is recommending that 'condition # 6' be attached to the CUP. A section entitled 'homeowner's association documents' has been added below (under 'miscellaneous issues') regarding a specific request on this topic made by the Board at its May 13, 2003 meeting.

**Conclusion:**

The LUO provisions related to density requirements, impervious surface, size-restricted units, and permissible uses for the Winmore project have been met by the applicant, subject to the conditions described herein.

**Streets & Sidewalks Information & Configurations, and Traffic Analysis**

**Street Configuration:**

Per Section 15-220.1 of the LUO, VMUs may be designed in accordance with road standards established in the North Carolina Department of Transportation (NCDOT) Traditional Neighborhood Development (TND) Guidelines. The applicant has chosen to do so in this case.

Public Works has reviewed and is now generally satisfied with the plans. The applicant met with Public Works recently to discuss what changes have been made to the plans in relation to their last review letter for the project. Public Works has indicated that the applicant has made the necessary changes to the plan, but they have still requested that 'condition # 7' be attached to the CUP to reiterate the need for the applicant to retain full compliance with Town and/or NCDOT road standards during the construction plan phase of the project. 'Condition #7' does reference one exception to Town and/or NCDOT road standards specifically related to the design of Olmsted Drive, which represents a hybrid of Town and NCDOT road standards. Olmsted Drive has been designed in this manner because the project engineer and Town engineer both feel that the design presented is the best manner in which to handle and treat stormwater flow from the eastern side of the street.

Vehicular traffic accessing the development will be served by one main ingress/egress point near the northeastern corner of the property (on the western side of Homestead Road). Additional 'connection points' are proposed along the northern, western, and southern sides of the property within the development, but these connections would only be made in the context of subsequent development submittals for the adjacent properties in their respective locations. At this point, the only way in and out of the property will be via the entrance/exit point off Homestead Road. This entrance/exit way, known as East and West Winmore Avenue, is shown in the general location of a 'proposed connector street' shown in the Town's adopted '*Connector Roads Policy*' and in the adopted '*Facilitated Small Area Plan for Carrboro's Northern Study Area*' (Map #6). The existing driveway is to remain and be converted to a pedestrian/bicycle trail as further described below under recreation. Until such time as street connections are provided on adjacent properties, this driveway would serve as a secondary means of entering and existing the property in case of an emergency situation causing the primary access point to be unusable.

Homestead Road: The applicant has included a note on the plans stating that they will construct a five foot (5') sidewalk along the western side of Homestead Road for the entire length of the Winmore property. Additionally, the applicant has indicated by way of a note on the plans a willingness to dedicate an additional twenty feet (20') of right-of-way to NCDOT for possible future improvements. This dedication, as the note indicates, will take place on the final plat for the project. Staff has noted that the 5' sidewalk as presented would extend outside of the right-of-way and slightly onto the neighboring property to the north. The applicant has stated that they wish to realign the proposed sidewalk so that it will fall completely within the existing right-of-way, and that they wish to declare an 'end-point' for the sidewalk construction they would be willing to complete. The end point, as requested, will be the point where NCDOT reasonably expects the location of a future crosswalk to be located leading across Homestead Road to High School Road. Given the request, staff is recommending that 'condition # 8' be attached to the CUP. Also note that the NCDOT driveway permit has not been issued for the Winmore Avenue entranceway to the project. Because of this, staff is recommending that 'condition # 9' be attached to the CUP. NCDOT typically does not issue a driveway permit until the construction plan stage. Staff usually chooses, however, to place a condition on the permit to make it clear that construction may not begin until it is issued.

In addition, the '*congestion management section*' (CMS) of NCDOT requested permission to see the plans late in the review process to determine possible off-site impacts such as the Homestead Road/High School Road intersection. NCDOT's District Office had been reviewing the plans throughout the process and had indicated an ability to grant a driveway permit for the project based on the design configurations shown on the plans. However, it is possible that the CMS will suggest to the district office that certain conditions should be met related to off-site improvements before the driveway permit is issued. Procedurally, this matter falls within the purview of NCDOT, not the Town of Carrboro, which is to say that NCDOT's District Office may or may not choose to withhold a driveway permit regardless of whether the Town has issued a CUP.

CMS informed staff that they had spoken to the traffic engineer who prepared the transportation impact report for the project to request some changes to the information. Staff and the applicant met with CMS to discuss the changes, after which point the applicant's traffic engineer revised the report and resubmitted. CMS is currently reviewing the revised report and will forward comments to the district office as soon as the review is complete. The Town also will receive a copy of the comments, which staff will share with the Board upon receipt. As noted above, NCDOT CMS may suggest to the district office that the applicant should bear some responsibility for roadway improvements off of the site, and the district office may require such improvements prior to issuing a driveway permit. Even though this is an NCDOT matter, staff did inform them of the upcoming public hearing for the project and did request a copy of their comments so as to share their views with the Board of Aldermen. To date, comments have not been received. If comments are received prior to the May 27, 2003 public hearing, then the comments will be distributed to Board members at the public hearing.

Parkway Design: The main entrance/exit roadway is proposed as a 'parkway' design including two one-way traffic lanes of twelve feet (12') each, as well as a possible separate 12' wide pedestrian/bicycle pathway that would be located adjacent to the parkway itself. The main road serving as an access point to the entire development does involve disturbance within the stream buffer for Bolin Creek. Disturbance for purposes of constructing a road is permissible under Section 15-269(f) of the LUO, so long as the Board chooses to grant the CUP for the project as proposed. In this case, the project could not be developed without the inclusion of a road in this general area since no existing roads stub out to any of the subject properties. Staff did consider and discuss with the applicant the possibility of upgrading the existing driveway for use as an entrance point to the development, but topography and sight distance concerns associated with the existing driveway and the curve in Homestead Road to the south were found to be problematic.

The applicant has provided two alternative designs for the parkway. The first, as detailed on plan sheet SP-3 (**Attachment A, Page SP-3**), shows only a five foot (5') sidewalk running adjacent to the southern side of the parkway. In this scenario, the existing driveway would become the primary means of access for bicycle traffic. This option is presented because it appears that it would minimize the amount of disturbance necessary in the stream buffer for construction of facilities. The other option, as detailed on plan sheet SP-3a (**Attachment A, Page SP-3**), includes a 12' pedestrian/bicycle trail. In this scenario, the existing driveway would still remain as an option for bicycle traffic, but a second alternative means of reaching and leaving the development by bicycle will be provided by the 12' wide pedestrian/bicycle trail running adjacent to the parkway. Staff has considered the positive and negative aspects of each option and hereby suggests that the Board choose to have the applicant build the 12' wide pedestrian/bicycle path adjacent to the parkway. While staff recognizes that this would involve more disturbance within the stream buffer, it is felt that the trail running alongside the parkway is an important element of the project for the continued long-term safety of bicyclists entering and exiting the site. Therefore, staff is recommending 'condition # 10' be attached to the CUP. However, if the Board desires to go with the 'sidewalk-only' option, then 'condition # 10' may be modified to read "Sheet 3" instead of "Sheet 3a."

Interior Roads: The parkway continues until the beginning of a bridge that would cross the Bolin Creek corridor. A conceptual design for this bridge has been included on plan sheet OR-7 (**Attachment A, Page OR-7**). While the rendering is only conceptual at this point, it is expected to be representative of what would actually be constructed at this location. If for some reason the design of the bridge changed substantially, a modification of the CUP would be necessary.

After crossing the bridge over Bolin Creek, one enters the 'village core' portion of the development. Staff discussed with the applicant the possibility of incorporating some type of traffic calming feature at this point in the development. A traffic calming feature was seen by staff as a way to calm traffic as you enter the residential portion of the development and, further down, the 'village core.' This request is seen as consistent with the language found in Section 15-217(g) of the LUO. The applicant responded by saying that the design of the road itself (i.e.: split, parkway design with narrow, single lanes),

would calm traffic. Further, the applicant suggested that the bridge crossing Bolin Creek also would calm traffic. After considering the matter, staff has decided it would be appropriate to recommend that a 'speed table' or other traffic-calming feature from the Town's Residential Traffic Management Plan be incorporated into the development at the construction plan level, which is represented by suggested 'condition # 11.'

From this point, a road network emerges that is somewhat rectilinear in shape, but turning as necessary to relate to existing topography as much as possible. The street network consists of a combination of both public and private facilities. Generally, the proposed public streets serve as a means to move traffic in and out of the development and to and from specific areas within the development. The proposed private roads generally are intended to serve as alleys (containing driveway access points) for the proposed dwelling units, with a minimum number of driveway connections being provided along public roads. Winmore Avenue and Abbey Road act as the central proposed roads that would serve the development. Winmore Avenue runs the length of the property in a east-west direction, while Abbey Road runs the length of the property in a north-south direction. The two roads converge at the central point of the development where a roundabout is proposed. The proposed roundabout includes a 'truck apron' to allow for safe and efficient movements by large vehicles including buses, large trucks, and emergency vehicles.

A total of three (3) new creek crossings is necessary as the project is currently designed, the first being a bridge crossing Bolin Creek as described above. The second involves the crossing of a tributary to Bolin Creek along West Winmore Avenue just to the west of the intersection of Winmore Avenue and Abbey Road, and the third involves a crossing of the same tributary along North Abbey Road just to the north of its intersection with Atterbury Street. The applicant has included on page D-8 of the plans a conceptual drawing for the bridge structures that would be used for the latter two (2) crossings (**Attachment A, Page D-8**). As stated above, if the design changes substantially from what is represented, then a modification to the CUP (if granted) would be necessary.

Separation Distance between Intersections and Alley Locations and Radii: Section 15-218 of the LUO generally requires that no two streets may intersect with the same street on the same side at a distance of less than 400 feet, that street intersections should coincide with one another whenever possible, and in no case should street intersections occur with the same street at a distance of less than 150 feet. Further, Section 15-217(f) of the LUO governs where alleys may be located within a development and includes a minimum turning radius for such alleys. At various locations within Winmore, one or more of these standards has not been met. These matters have been discussed extensively with the applicant. The applicant feels that the aforementioned standards work against the goal of creating a well designed, walkable community in that meeting these standards would create a standard road network, thereby fostering the use of motor vehicles instead of fostering a walkable community. Further, the applicant puts forth that Winmore has been designed in the manner it has precisely to cause vehicles to slow down to safely maneuver through the community. It is evident that the road standards included in the Town's LUO were written in the context of standard subdivision design and not in the context of a VMU/walkable community, and after discussing the matter at length,

staff is in favor of the project's design in this regard. Should the Board choose to agree, this matter would be covered by including 'condition #1' on the CUP (see **Attachment R**).

One specific intersection, Kiley Street/Winmore Avenue/Atterbury Street, was discussed in great detail. Particular attention was paid to this intersection because two public roads (Kiley Street and Atterbury Street) are intersecting with the main street serving the development (Winmore Avenue) approximately eighty feet (80') from one another, centerline-to-centerline. As discussion of the matter continued, it was agreed that the plans should include an alternative alignment, thereby giving the Board of Aldermen two choices during the public hearing for the project. To that end, please find an alternate alignment on plan sheet LP-4 showing Atterbury Street and Kiley Street directly aligned (no offset) at the point where they intersect with Winmore Avenue. The alternate alignment would result in a reduction in the possible size of the proposed 'civic use' lot. The applicant has stated a desire to leave the alignment as indicated on the site plan for the project versus the alternate alignment. They have stated that the alignment was specifically designed in the manner shown to serve a traffic calming function. In other words, by designing the subject streets with the approximate 80' offset, automobiles will be forced to pay particularly close attention to other traffic and pedestrians in the area, and will be forced to slowly leave either intersection. After discussing the matter, staff is in support of the original alignment, which would allow the offset. If the Board chooses to agree with staff in this regard, then the design choice would be allowed subject to the inclusion of 'condition # 1' on the CUP. However, the Board also must formally choose one design versus the other since two designs are included on the plans. Again, staff is recommending that the original design be allowed, and therefore is recommending that 'condition # 12' be attached to the CUP.

**Sight Triangle Easements:** Currently, the plans do show several street trees proposed within sight triangle easements (STEs) throughout the development. The applicant included a note on the plans stating that these trees would be 'limbed-up' to a height of six feet to ensure that the STE itself would not be obstructed by the trees. The Public Works Department has noted concerns with this approach and has suggested that that trees should be removed from the STEs altogether. To that end, staff is recommending 'condition # 13' be attached to the CUP.

#### **Sidewalks & Transit:**

**Sidewalks:** As described above, the parkway leading into the property includes two alternative designs: either a five foot (5') sidewalk or a twelve foot (12') pedestrian/bicycle trail, either of which would lead to the intersection with Olmsted Drive. From that point, and extending throughout the development, sidewalks would be provided along both sides of every public street, with the exception of the south side of Ruskin Drive where a sidewalk is only proposed along the north side of the street. The expansive network of sidewalks proposed should help to create a very walkable community as is intended for a VMU. Sidewalks are proposed to be 5' wide in all locations except where they coterminate with the proposed 12' pedestrian/bicycle pathway and within the village center. Specifically within the storefront and townhouse area at the village center, the sidewalks are proposed at six feet (6') wide, as required by

Section 15-176.2(f)(4)(f). Also of note, the village center sidewalks will be constructed with brick borders to match the existing sidewalks in downtown Carrboro as required by the LUO within a VMU. Lastly, the sidewalks proposed directly in front of the storefront uses are even wider. Beginning at the western edge of the commercial area, the sidewalks are proposed at approximately twenty feet (20') wide. As the commercial area turns to the northeast, the sidewalks widen to approximately forty feet (40') wide.

Various other sidewalk connections have been provided on the plans to complete an interconnected network of walkways throughout the development such as sidewalks along all sides of the proposed affordable apartment building, sidewalks in and around proposed 'village greens' and the 'village square,' a sidewalk connection between Winmore Avenue and the proposed 'civic use' area, and sidewalk connections between single-family lots to create open access points to the protected open space and pedestrian/bicycling trail. Of particular note, the plans currently include a notation stating that an 8' pedestrian way easement with 5' sidewalk would be provided between lots 8 and 9, and between lots 4 and 5. Currently, this note does not indicate whether the proposed easement would be public or private. Because of this, staff is recommending that 'condition # 14' be attached to the plans.

**Bus Stops:** The applicant has shown on the plans two locations for future Chapel Hill Transit bus stops. During the review process, the applicant did meet with Chapel Hill Transit to discuss possible service to the development, and the applicant had included a design configuration for both bus stops. Chapel Hill Transit stated that the development may be served by transit at some point in the future, but they could not identify when service would be available. For this reason, the applicant removed the design configuration for the bus stops from the plans in subsequent plan submittals in favor of on-street parking in the same area. The applicant did include a note on the plans that would reserve these spaces as future bus stops. Staff has discussed this matter at length, and while staff can appreciate the logic in removing the bus stop design configurations, staff is recommending that the Board require the applicant to put the bus stop configurations back on the plans at the construction plan stage. By doing so, the applicant will commit to actually building the bus stop locations according to the plans during road construction for the project, and the bus stops will be in place at such time when Chapel Hill Transit is able to serve the development. Staff feels that it is acceptable to use the bus stop areas as on-street parking in the interim time period and has suggested a condition ('condition # 15'), which, if the Board agrees with this recommendation, should be included on the CUP for the project.

#### **Traffic Analysis:**

The applicant employed a transportation engineering firm, Hall Planning & Engineering of Tallahassee, Florida, to complete a traffic impact analysis and to examine the impacts of the proposed development on the surrounding, existing road network. As noted above, NCDOT's Congestion Management *Section (CMS)* and Town staff requested changes to the report. The applicant's engineer has completed the requested changes and the report is currently being reviewed by *CMS*. Please note that the report analyzes the impacts of the Winmore proposal that is now under review (referred to as *Phase I* in the report) and also the proposed development of the former UNC tract to the north (referred to as *Phase*



II in the report). As the Board is aware, only Phase I is under consideration for a CUP at this time. However, staff has chosen to include both versions of the report in their entirety as information (**Attachment H**). The Phase I analysis, which represents the project under consideration at this time, concludes that project “will not cause the maximum service volume of Homestead Road to be exceeded.” The report also states that “when Phase II is approved, due to the additional residential trips generated, Winmore should contribute its fair share of necessary High School Road intersection improvement costs at that time.”

As noted previously in this report, NCDOT’s *Congestion Management Section* is reviewing the traffic analysis for possible off-site impacts, and they are expected to forward comments to staff soon. These comments will be forwarded to the Board upon receipt.

#### **Conclusion:**

The LUO provisions related to streets, sidewalks, and traffic for the Winmore project have been met by the applicant, subject to the conditions described herein.

### **Parking**

Parking for the project is proposed to be provided in a variety of ways including on-street parking, parking on individual lots and parking within proposed parking lots, as further described in the sections below. The parking plan for the storefront and townhouse use areas involves a ‘shared parking’ scheme largely in line with the language found in Section 15-297 of the LUO. This information is further described below under ‘commercial parking required’ and ‘multi-family parking required’ and in the information provided by the applicant in **Attachment I**. The information provided by the applicant is based on extensive research and technology known as ‘Smart Code.’ Essentially, the applicant inputs the land uses (both commercial and residential) proposed for the development and the technology determines the number of parking spaces should be needed to serve the development. The applicant stated that this same technology has been utilized for similar developments which have since been built, and that the parking within such developments has proven to be more than ample. The applicant has indicated that they may do some degree of redesign of ‘parking lot A’ (lot directly behind commercial area) at the construction plan level in order to increase the number of spaces provided. So long as the changes are not substantial in terms of design and so long as the changes cause an increase, not a decrease, to the number of spaces within the lot, staff may determine that the changes should be treated as an insignificant deviation to the CUP.’

**On-Street Parking:** Many proposed public streets show and would allow on-street parking. Specifically, all public streets measuring at least 26-feet (26’) wide potentially would include on-street parking. A chart has been included on the cover sheet of the plans denoting the expected number of parking spaces shown street by street. It was the applicant’s desire to build the streets within the development as narrowly as possible so that the streets themselves could serve a traffic calming function. To that end, the plans

included more narrow streets near the beginning of the review on which they were showing on-street parking spaces. Representatives from the Town's Fire Department and the Town's Transportation Planner held several meetings to discuss this matter and ultimately the applicant chose to widen many of the public, residential streets to a 26 foot (26') width. Twenty-six feet was decided upon because the North Carolina State Fire Code now requires an unobstructed area of twenty feet (20') for fire safety. This leaves a six foot (6') area that may be used for on-street parking and such areas have been denoted on the plans as on-street parking.

Also of note, per Section 15-176.2(4)(e)(2), the Board may allow on-street parking to count toward parking otherwise required of proposed uses within the commercial area of the development. The applicant has designed the plans accordingly and is requesting that the Board allow on-street parking to be counted in some situations as further discussed below. Should the Board choose to allow this, then the matter would be covered by attaching 'condition #1' to the CUP (see **Attachment R**).

Diagonal parking spaces have been provided along Philip's Square directly in front of the proposed commercial area. These spaces will be open for public use. Their primary intended use is to serve the commercial storefronts in the immediate area, but they may also serve as parking for people visiting the main public green.

Commercial Parking Required: Section 15-291 of the LUO governs the amount of parking required for specific uses. In this case, the applicant has proposed to allow all uses in the commercial area of the project that are listed as permissible in the Town's Permissible Use Table (**Attachment F**). For purposes of concluding that ample parking is being provided, staff requested and the applicant included on the cover sheet of the plans an illustrative breakdown of uses that may occur within the commercial area. As indicated in the chart, the applicant expects retail and office uses to be the primary users of the proposed commercial spaces. The chart also provides a showing of how parking will be allocated for the proposed civic use lot. The proposed parking scheme includes both the assignment of specific numbers of spaces to certain uses as well as the utilization of a shared parking scheme, as further described below.

Multi-Family Parking Required: The applicant proposes to provide parking for the multi-family uses in much the same way as for the commercial uses. That is to say, some multi-family uses have been assigned specific parking spaces while others must share spaces with other multi-family uses and with commercial uses. The applicant has submitted a detailed narrative explaining how the parking scheme will work and justifying the number of spaces proposed, included as **Attachment I**.

One other item related to multi-family parking is that a semi-circular parking lot has been proposed behind townhouse units 'T67-T73' in a lot identified as 'parking lot H.' Staff has noted that the design may not work well with relation to the proposed one-way traffic flow along Burroughs Lane. Because of this, staff is recommending that 'condition # 16' be attached to the CUP, which requires that a diagonal parking plan be presented for Lot H at the construction plan level.

Overflow Parking Area: In case the amount of parking proposed for the development is deemed insufficient over time, the applicant has included an 'overflow parking area' in the southwestern corner of the developed portion of the site (directly west of and behind the proposed affordable apartment building. It should be noted that the overflow parking area is located within a Duke Power Transmission Line easement. Duke Power has not officially sanctioned the use of the easement area for this purpose at this point. Because of this, the Administration suggests that a request to actually use the area would amount to a modification to the CUP for the development. To that end, staff is recommending that 'condition # 17' be attached to the CUP. Also, please note that staff is requesting that the 'multi-use field' note be removed from the overflow parking area. Staff had concerns with labeling the area as such given its location directly under a high-tension power line. To that end, staff is recommending that 'condition # 18' be attached to the CUP.

Parking in Garages to Count as 'Parking Provided': The applicant has indicated a desire to allow parking in garages to formally count toward the required number of parking spaces provided within all single-family areas and within some townhouse use areas. Section 15-291(g) of the LUO specifically states for single-family uses that parking must be provided outside of fully or partially enclosed garages. The applicant has stated that they feel this requirement works against the goal of providing a compact, walkable community oriented toward pedestrian versus automobile traffic, and the goal of keeping the overall amount of impervious surface on the site to a minimum (i.e.- additional parking spaces outside of garage would involve the placement of additional impervious surface on the site). Because of this, staff discussed with the applicant ways of providing the required parking for the project while not compromising the stated goals. It was decided that it would be acceptable to restrict the use of garage spaces for 'parking only' through the Homeowner's Association (HOA) documents that will be prepared for the project. In other words, the HOA documents will explicitly state that garages, if built on any property, must be used for parking. In doing so, if the garage is then utilized for some other purpose and parking becomes a problem in any particular area of the development, then the HOA could enforce the restrictions included in the HOA documents to require that the garage be utilized as parking to mitigate any potential parking problems that may arise. Since the HOA documents have not yet been prepared, staff is recommending that 'condition # 19' be attached to the CUP. Since this condition would contradict the language currently included in the Town's LUO, it should be noted that this allowance would only be permissible if the Board adopts 'condition #1' (see **Attachment R**).

Parking Aisle Widths: Section 15-294 of the LUO governs the required width of parking aisles within any development. The standards are largely based on an assumed width necessary to accommodate automobile maneuvering and traffic. Some of the proposed parking aisle widths within Winmore do not meet the standards put forth in Section 15-294. Staff has extensively discussed this matter with the applicant, who has put forth that the widths required by Section 15-294 would favor vehicular traffic over pedestrian traffic flow in many situations. The applicant has stated that the widths proposed for the development are sufficient to serve the uses proposed, and that vehicles will be able to enter and exit parking spaces and drive aisles safely at all locations with the widths

agreed upon during the review of the project. The applicant initially wanted to create even narrower parking aisle widths in many locations than are currently shown on the plans. It was decided that eighteen foot (18') parking aisles should sufficiently serve the proposed uses for this project, and the applicant has now included a minimum 18' standard for parking aisle widths within the development. For the most part, 18' aisles are only used where parking spaces are accessed from an alley and parking spaces are placed on only one side of the alley and the design is generally consistent with the language found in Section 15-294(d) of the LUO, which allows 18' aisles in certain situations. In addition, the staff has asked the applicant to consider diagonal parking in these spaces at the construction plan stage, which would bring the aisle widths into compliance with the LUO. While staff is comfortable with the proposed standards at this point, it should be pointed out that the widths included on the plans in some situations do not technically meet the requirements stated in the LUO. For this reason, the Board will need to attach 'condition #1' to the CUP to specifically allow the deviations (see **Attachment R**).

**Conclusion:**

All LUO requirements related to the number of parking spaces, access aisles, parking aisle widths, paving specifications, the number of handicapped spaces, etc., have been met by the applicant, subject to the conditions described herein.

**Tree Protection, Street Trees, Screening and Shading**

**Tree Protection:**

There are 347 specimen trees indicated on the proposed Winmore site (see **Attachment A, Page LP-1**). Per Section 15-316 of the LUO, specimen trees are those trees that are eighteen (18) inches or greater in diameter or are classified as 'rare'. Section 15-316 requires that specimen trees be preserved to the extent practicable. Site improvements will involve the removal of forty-seven (47) of the 347 specimen trees located on the site. The trees proposed for removal are located in areas requiring substantial grading, many of which are located within areas proposed as locations for streets. Other trees proposed for removal are located where either structures or the stormwater features are planned. The applicant has included a tree removal justification statement on sheet LP-4 of the plans. Additionally, the applicant has submitted a narrative (**Attachment J**) outlining the efforts the applicant has taken and will continue to take to save trees on the site. Given the large amount of primary and secondary constraints on the site, there were few 'buildable' areas where the applicant would not need to disturb some number of trees. As a result, specimen trees must be removed to allow for the construction of the proposed improvements. Staff has evaluated the tree removal justification letter and tree narrative letter and finds that the reasons stated for removing the trees are consistent with accepted planning and site design practices as well as accepted methods for effective tree preservation. Staff will look closely at one particular tree of note, #53 (a 42" Beech tree) during the construction plan phase. Of the trees to be removed, this is the largest. It may be possible to shift the proposed stub-out location of N. Abbey Road slightly to the west in order to save the tree. Staff has not yet analyzed the health of this tree to deem whether it is worthy of saving; however, due to its size and location, staff felt it would be

appropriate to mention in this report that efforts will be taken to slightly modify the road location on the construction plans in an effort to save this tree if it is deemed worthy of saving (based on an on-site inspection by the Town Arborist) and if it is reasonably possible to do so.

Concentrating on the remaining specimen trees, the majority of specimen trees being preserved for the proposed Winmore project are located within the protected open space area for the project. The trees are clustered in areas along both Bolin Creek and the tributary creek running east-west from Bolin Creek on the northern side of the property. Additionally, the specimen trees are located within large stands of existing trees. Maintaining specimen trees within larger wooded areas is more effective than attempting to maintain individual trees that once were part of a wooded environment. The vast majority of the protected open space will remain undisturbed, with the exception of the placement of stormwater related features (i.e.- sediment and erosion control devices and a new 'wetland' feature) and recreation facilities within the protected open space.

Tree protection fencing has been shown on the grading plan for the project (**Attachment A, Pages GP-(1-3a)**). The fencing will be installed in all areas where it is possible to save trees. However, it should be noted that many trees will be removed at a later date once the infrastructure for the project is in place and buildings begin to be erected. As clarification, please note that the applicant has proposed tree protection fencing around all blocks intended for future single-family lots. Once the final plat is recorded, builders will submit lot-by-lot plans showing how each lot will be developed. At that point, it may be necessary to remove large numbers of trees currently shown as preserved. In an effort to minimize such disturbance of existing trees, the applicant has included a note on the plans stating that "a landscaping standard of the HOA will state: hardwood trees on each lot shall be preserved to the extent practicable."

Also of note, after extensive discussion with staff, the applicant has chosen to only show tree protection fencing around specific trees in the area of the proposed main village green. The applicant chose to indicate that only certain trees would be maintained in this area so as to allow the creation of a useable, open space area to constitute the main village green. During construction, the applicant may be able to save more trees in this area than currently shown, but staff felt it would be misleading to present the entire village green area as a tree save area.

#### **Street Trees:**

The proposed Winmore project must comply with Section 15-315, Required Trees Along Dedicated Streets. Section 15-315 of the LUO requires either the planting of new or preservation of existing trees along all dedicated streets. The applicant has included a detailed planting plan showing the placement of new landscaping material designed to satisfy the requirements of Section 15-315 of the LUO. The proposed street trees consist of a mix of willow oaks, red oaks, white oaks, and sweet gums. It should be noted that staff typically requests that one third (1/3) of the proposed street trees be evergreen in variety for wintertime shading and color. In this case, staff did make the request of the applicant, but the applicant respectfully declined the request. The applicant did, however, include a note on the plans stating that "on each private lot, one third (1/3<sup>rd</sup>) of the

plantings shall be evergreen.” So a large number of trees within the development ultimately should be an evergreen species, thereby providing a large amount of wintertime shading and color. The note does not specify whether the trees must be evergreen or hardwood evergreen.

The proposed street tree plan does comply with the requirements of Section 15-315 of the LUO, but Public Works has indicated a desire to see the locations of some street trees changed on the construction plans. Specifically, as described above under discussion of streets, the plans currently show several street trees proposed within sight triangle easements (STEs) throughout the development. The applicant included a note on the plans stating that these trees would be ‘limbed-up’ to a height of six feet to ensure that the STE itself would not be obstructed by the trees. The Public Works Department has noted concerns with this approach and has suggested that that trees should be removed from the STEs altogether. Because of this, and as a reminder, staff is recommending ‘condition # 13’ be attached to the CUP.

To satisfy the requirements of Section 15-176.2(f)(8)(b) of the LUO (pertaining to street trees along private roads, i.e.: alleys), the applicant has included a note on the plans stating that “the developer shall plant a shade tree along the private alleys within 25’ of the centerline of the alleys.” By way of this note, a street tree will be located on the alley side of each proposed lot during construction.

The applicant also has included a note on the plans stating that they will submit a performance bond to satisfy the requirements of Section 15-176.2(f)(8)(g) of the LUO. All street trees must either be installed or bonded for prior to receiving final plat approval for the project.

Lastly, the applicant has included on the plans seventeen (17) willow oak trees alongside Homestead Road. It is staff’s understanding that NCDOT would object to the location of the trees within their right-of-way. Further, staff considered whether the location of these trees might possibly constitute a disturbance within the 100 foot (100’) undisturbed buffer along Homestead Road, per Section 15-312 of the LUO. Ultimately, staff concluded that the planting of the trees would not technically violate Section 15-312, since the trees would be located within the right-of-way. Therefore, staff is recommending that ‘condition # 20’ be attached to the CUP.

#### **Screening:**

As described previously, the applicant must maintain a 100 foot undisturbed buffer alongside Homestead Road. In this case, the applicant has done so with the exception of the main entrance/exit point intended to serve the development. As previously discussed, this entrance way off of Homestead Road is the only possible way to access the property for development purposes at this time and for the immediate future. The existing driveway will remain in place and serve as a pedestrian/bicycle connection point as well as a second means of ingress/egress in case of an emergency or if the main entrance were to become inaccessible.

Due to the locations of the other developed portions of the site, no other formal screening requirements exist, per Section 15-308 of the LUO. That is to say, none of the proposed uses along the edges of the development require screening from the existing uses. In fact, almost all of the surrounding properties are vacant at this time. The development is designed in such a way that the protected open space abuts areas where there are existing single-family houses adjacent to the property. The protected open space provides ample screening through the retention of existing trees.

Screening of the proposed dumpsters will be accomplished by way of a three-sided screen as shown on page D-3 of the plans (**Attachment A, Page D-3**). The proposed screen in conjunction with the location and configuration of the dumpsters will conform with the screening requirements of Section 15-250 of the LUO. Many developments in the Town's jurisdiction, however, contain four-sided dumpster screens that include a gate that may be opened and closed on the collection side of the dumpster. Again, the proposed screening does comply with the requirements of the LUO, but the Board may wish to consider discussing with the applicant the possibility of including a gate enclosure around the proposed dumpster facilities.

**Shading:**

The vehicle accommodation area shading requirements for this project are based on Section 15-317 of the LUO. Section 15-317 requires that shade trees capable of shading 20% of the vehicle accommodation area be provided. On Sheet LP-1 of the plans (**Attachment A, Page LP-1**), the applicant has included a chart that includes the details necessary to determine compliance with the requirements of Section 15-317. The chart does indicate that the applicant will comply with the shading requirements of the LUO for all proposed vehicle accommodation areas through the retention of some existing trees along with the planting of several trees. Trees selected for this purpose may be found in detail blocks on pages LP-2 and LP-3 of the plans (**Attachment A, Pages LP-2 and LP-3**).

**Conclusion:**

The LUO provisions related to the preservation of existing trees, the installation/preservation of street trees, the installation of screens and the installation of shade trees have been met by the applicant for the Winmore project, subject to the conditions described herein.

**Utilities, Lighting and Refuse Collection**

**Utilities:**

OWASA water and sewer is available to serve the proposed development through extensions of existing systems. The water line will be extended into the development from an existing twelve inch (12") line in the Homestead Road right-of-way. From there, the line will be routed throughout the development to serve all proposed uses. Lines are shown as stubbing out at the property lines on the north and south sides of Abbey Road as well as at the western end of Winmore Avenue so that service will be available for a subsequent development proposal on any of the adjacent properties. The sewer lines

needed to serve the development will connect to the existing outfall along Bolin Creek. Also of note, the Town requested that the applicant abandon the well and septic system currently serving the existing house on the property. The applicant has included a note on the plans stating that they will do so.

The proposed water and sewer connections have been reviewed by OWASA and do comply with their connection and extension policies. Additionally, the Town of Carrboro Fire Department has reviewed the proposed subdivision plans and has found that they meet the requirements of the LUO and the Town Code for fire hydrant placement. As with all subdivision projects, no framing is authorized on any of the lots until such time as an all-weather access surface has been installed to the satisfaction of the Carrboro Fire Department. This will be coordinated between the Zoning and Inspections Division and the Fire Department.

Other utilities, such as gas, electrical, telephone and cable television, will be provided within the public rights-of-way to serve the development. These utilities will be extended from the public right-of-way onto each of the lots. All of the utility providers have submitted letters indicating that they do have available capacity and will be able to serve the proposed units/lots.

#### **Lighting:**

Section 15-242 and 15-243 of the LUO govern the lighting required and allowed on a site. Section 15-243(c) specifies that site lights must be fifteen feet (15') or less in height and must be shielded or designed to direct light downward. The mounting height of the proposed site lights for Winmore is eight feet (8') and the lights are designed to direct light downwards. Section 15-243(d) of the LUO specifies that the 0.2 foot-candle illumination contour must be contained on the site. This requirement has been satisfied for the proposed Winmore project.

In addition to the site lights, Section 15-242(b) requires that streetlights be provided. In accordance with this section, the applicant has provided streetlights at sufficient locations and distances to meet the lighting policies of the Town's Public Works Department. Streetlights are shown on the plans at various locations along all public roads within the project. The applicant and the Public Works Department met on several occasions to discuss the possibility of placing a number of decorative streetlights where thirty foot (30') salt treated poles with cobra head fixtures (standard Town provided streetlight) would otherwise be placed. Public Works did agree to allow the placement of decorative lights in the development; specifically it was agreed that such lights could be placed around the main roundabout traffic circle for the project. Public Works stated that they would allow the placement of these lights within the Town's right-of-way, but the Town would not be willing to pay the additional cost associated with the lights. In summary, the developer (and the HOA for the longer term) pay the extra costs associated with the placement of these lights in the area. Once the lights are in place, the Town will determine the costs difference and the developer (and/or HOA) will be responsible for the additional costs. For context and precedent, please note that this agreement is very similar to the way the decorative lights at the entrance way to Lake Hogan Farms are handled. Public Works has been willing to enter into such agreements as a reasonable



way of allowing for some number of decorative lights to be located at important points of interest within the development. To date, the applicant still has included a note on Page UP-4 of the plans stating that the decorative lamps “will be supplied by the Town in four locations... at the roundabout.” Public Works did agree to the location of the lights, but has not agreed to pay all the costs associated with these lights. Because of this, staff is recommending that ‘condition # 21’ be attached to the CUP so that the matter may be resolved prior to construction plan approval.

The Public Works Department has found in the past that conflicts have arisen between the electrical provider and the Town as to where lights are proposed to be located on the project’s construction plans. Because of this, Public Works is now requiring a written statement from the developer and the electrical provider indicating that they will provide service for all locations shown on the construction plans for the project. Therefore, staff is recommending that ‘condition # 22’ be attached to the CUP to ensure that the developer submits this letter.

**Refuse Collection:**

The Town of Carrboro Public Works Department has reviewed the plans for solid waste management. The proposed project has four (4) sites for refuse dumpsters (one on the northern side of the affordable apartment building, two in the parking lot behind the commercial area, and one directly behind the townhomes on the northeast side of the village center). Each site contains one (1) trash dumpster, one (1) cardboard dumpster, and eight (8) recycling carts. The proposed dumpsters and dumpster pad approaches, as well as the dumpster screening (see discussion under ‘Screening,’ above), meet the requirements of the LUO and have been approved by the Solid Waste Division of Carrboro Public Works. Additionally, all 98 proposed single-family dwellings and 46 of the proposed townhouses will be served by roll-out cart service.

**Conclusion:**

The LUO provisions related to utilities, lighting, and refuse collection have been met by the applicant for the Winmore project, subject to the conditions described herein.

**Drainage, Floodplain/Floodway/Stream Buffer, Grading, and Erosion Control**

**Drainage:**

Sections 15-262 and 15-263 of the LUO require that stormwater runoff be managed in terms of water quantity and water quality. In order to address the water quantity and water quality issues, an on-site drainage system must be installed to direct water off the site in a uniform and safe manner. Section 15-262 of the LUO specifies that all developments shall be provided with a stormwater management system containing drainage facilities that are adequately designed and constructed to prevent the undue retention of surface water on the site. Furthermore, all drainage facilities must meet the specifications set forth in Appendix C and Appendix I of the LUO. Section 15-263 of the LUO contains requirements related to the downstream impacts that proposed developments may have on both water quantity and water quality.

The applicant proposes to install a stormwater management system on the site that will address all water quantity and water quality concerns. The proposed stormwater management system is designed to handle all on-site stormwater through a series of pipes, curb inlets, swales, stormceptors, and a new wetland feature. The Town Engineer (Sungate Design Group, PA) has reviewed the proposed plans and drainage calculations and has concluded that the project complies with the requirements of the LUO. Please note that according to the erosion control plan, the new wetland feature will function as a sediment basin throughout construction.

The vast majority of stormwater runoff on the site is captured by curb inlets and conveyed by a system of underground pipes to various outlet points around the site. All proposed pipes lead to a stormceptor system, which is designed to detain the water and allow for the settlement of solids out of the water prior to releasing the water in a timely and predictable manner deemed acceptable by the Town Engineer. Much of the site drains through the system of underground pipes to a proposed new wetland feature that will be located in the southeastern corner of the developed portion of the property. The proposed wetland feature is designed to retain stormwater. It does include an outlet device that will control stormwater in the event of a large storm event. If a large storm event occurs, then water will be conveyed to an outlet point near Bolin Creek only after passing through one of the aforementioned stormceptor systems, which will allow settlement of solids from the water.

One particular stormwater feature, not currently shown on the plans, warrants some discussion. Specifically, the applicant proposed in earlier plan submittals to include a 'linear stormwater infiltrator system,' located beneath the proposed pedestrian/bicycle trail. The system proposed to capture any stormwater falling directly from the developed portion of the site toward Bolin Creek. It then would allow solids to settle out of the water before being released. Concerns were raised over this particular feature related to the type of soils present in the area. In short, it is possible, if the correct soils are not present, that the proposed feature might do more damage than good. The applicant has not yet conducted a detailed soils analysis of the area where the feature was proposed, and they are not opposed to the possibility of adding the feature at the construction plan level if it can be proven that the feature would be beneficial, not detrimental. In our conversations about the matter, the applicant has expressed willingness to further explore this matter during the construction plan review. They have asked that any condition added to the CUP in this regard allow for a modification of other stormwater facilities on the site at the construction plan level, if and when they can prove the viability of the aforementioned system. That is to say, if they ultimately do add the 'linear stormwater infiltrator system,' then they should be allowed to reduce the size of the proposed wetland feature or modify other stormwater features on the site, if, and only if, the Town Engineer confirms that they would still be in compliance with the requirements of the LUO. Staff is recommending that 'condition # 23' be attached to the CUP facilitate this option.

Additionally, staff and the applicant discussed the matter of who would be responsible for such a feature on the site. As further discussed below under 'recreation,' the pedestrian/bicycle trail is proposed to be located within a 30 foot (30') Town of Carrboro

Greenway easement. The proposed stormwater feature again would potentially be located underneath the pedestrian/bicycle trail. If the feature is included at the construction plan stage, a remaining question would be who is responsible for the maintenance of the feature. The applicant seemed to indicate during discussions of the matter that they (i.e.: the Homeowner's Association) would be willing to assume the maintenance responsibility for the feature. Therefore, staff recommends 'condition # 24' to assign maintenance responsibility should the feature be approved during construction plan review.

Lastly, please note that the Town Engineer (Sungate Design Group) does have some minor issues remaining that must be resolved prior to the public hearing for the project. The applicant has met with the Town Engineer, presented the necessary information, and formally submitted the information on Friday, May 23, 2003. The Town Engineer is reviewing the submitted information and should be prepared to comment at the public hearing. Generally, the engineer is comfortable with the plans as presented, and has said that it is acceptable for the project to move into the public hearing stage at this point; however, it may be necessary to attach additional conditions to the permit if one or more items are not fully resolved before the CUP is granted, if the Board chooses to grant the permit. The Town Engineer has submitted a letter describing where his review stands, which is included as **Attachment K**.

The Public Works Department has noted several locations where the proposed stormwater pipe system leaves the right-of-way area and enters onto what would become a private property. An easement must be provided on these properties for the placement of pipes in these locations and for purposes of long-term maintenance associated with the stormwater system. The Public Works Department has suggested that the applicant reconfigure the locations of the pipes wherever possible at the construction plan stage of the project by adding junction boxes and additional lengths of pipe where possible. Further, Public Works has stated that it is absolutely necessary for the applicant to include easements on the construction plans on any lot where it is necessary for a pipe to leave the public right-of-way. A condition ('condition # 25') to this effect is suggested for inclusion on the CUP.

Lastly, related to the stormwater system, please note that the Town is now required by the State to meet regulatory requirements of the National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Management Program. One of these requirements is to inventory and map all stormwater collection, conveyance and discharge structures within the Town's jurisdiction, and to keep the inventory and map current. The Town has inventoried the majority of existing structures and has included the data as a GIS map layer. In order to keep the data current, it is necessary to acquire GIS compatible, electronic as-built data from new developments. Therefore Staff recommends that 'condition # 26' be attached to the CUP.

**Floodway/Floodplain/Stream Buffer:**

Floodway/Floodplain: Please note that the project does contain FEMA regulated floodway/floodplain. Per Section 15-253 of the LUO, only certain uses are permitted within the floodway. Such permitted uses include the crossing of a floodway by a road,

the crossing of a floodway by a pedestrian path or hiking trail, and the creation of play areas. In the case of the Winmore project, there is some construction activity located within the FEMA designated 100-year floodway/floodplain for the purpose of creating the uses stated above. Specifically, the Winmore Avenue crossing of Bolin Creek will involve some work within the floodway/floodplain. Per Section 15-253(c) of the LUO, no filling or grading within the floodway/floodplain can occur without the approval of the responsible federal authority. It is possible that the placement of the bridge crossing and associated grading and filling as well as minor grading associated with the construction of the new wetland feature and the installation of stormceptor systems will necessitate the applicant receiving a CLOMR (conditional letter of map revision) and LOMR (letter of map revision) from FEMA prior to beginning any work. Even if the bridge design and installation does not necessitate a CLOMR/LOMR, it should also be noted that an edge of the proposed new wetland stormwater feature (discussed further below under 'stream buffer') extends slightly into the floodplain, which will necessitate that the applicant complete the CLOMR and LOMR process. The CLOMR and LOMR submittals will be coordinated by the Town Engineer. Staff discussed the process with the Town Engineer, who suggested that the CLOMR process typically does not begin until the construction plan phase. This is similar to how the process has been handled for other projects in Carrboro's jurisdiction. Because of this, staff is recommending that 'conditions # 27, and 28, and 29' be attached to the CUP.

As mentioned, the applicant is also proposing to locate a pedestrian path/hiking trail and a portion of two playfields within the FEMA designated 100-year floodway/floodplain. The installation of these features, however, should involve no grading or filling. With that in mind, and understanding that the uses are allowed per Section 15-253 of the LUO, additional review and approval by FEMA is not needed.

Also of note, the applicant is proposing to leave in place an existing driveway and bridge within the same area of the development. Specifically, both features currently serve the existing single-family house on the property and would be left in place to serve as a pedestrian/bicycling trail as well as to serve as a second means of ingress/egress to the development should an emergency situation occur where the main entrance way (Winmore Avenue) were not accessible for some reason. The applicant is proposing to pave the existing gravel driveway with asphalt, but no additional width is proposed. Therefore, since no modification to the stream crossing is proposed, no additional review and approval by FEMA is warranted.

Stream Buffer: There are multiple stream buffers located on this site. Specifically, stream buffers are established for the project, per Section 15-269 (Buffers in Northern Transition Area) of the LUO, along Bolin Creek and along the tributary creek running east-west along the northern portion of the site and running north-south along the western edge of the property. The stream buffer for Bolin Creek, specifically, extends a varying distance (minimum distance of 100 feet) from the established FEMA floodplain demarcation based on the amount of slope in any given area. The applicant has calculated and demarcated on the plans the Bolin Creek stream buffer to the satisfaction of the Town Engineer as illustrated on the plans. The stream buffer for the tributary creek is established as a sixty foot (60') wide buffer (thirty feet per side) per the Northern

Transition Area Stream Buffer Map, which is found in the Town's LUO, and also is illustrated on the plans.

For this project, there is disturbance proposed within the stream buffers. Specifically, the applicant has proposed to install roads, sidewalks, a sewer line, multiple recreation facilities, a new wetland feature, stormceptor systems, and erosion control devices (during the construction stage of the project only) within stream buffer areas. Section 15-269(f) does specifically authorize the permit-issuing authority to allow the crossing of such stream buffers for the installation of roads, sidewalks, sewer lines (in certain situations described by the LUO, which are applicable in this situation), and bikeways.

Regarding the other proposed uses (recreation facilities, wetland, stormceptors, and erosion control devices), the ordinance does not specifically state whether such uses are permissible. The language contained in Section 15-269(e) states that "the existing natural vegetation in a buffer area... shall not be disturbed in any way that would reduce the buffer area's effectiveness in achieving the objectives set forth in subsection (a). In addition, buffer areas from which the vegetative cover does not exist, has been removed, or is inadequate shall be planted or otherwise provided with vegetative cover or devices, sufficient to allow the buffer area to accomplish the objectives set forth in subsection (a). Subsection (a) discusses the desirability of removing sediments and pollutants, as well as reducing velocity and causing dispersion of water.

Recreation Facilities within Stream Buffer: Staff considered at length the applicable language in relation to the uses proposed by the applicant and determined that all of the proposed uses should be found as acceptable within the stream buffers. Specifically, staff considers the proposed hiking trail to be very similar to a bikeway in nature and desirability, and a bikeway is explicitly allowed per Section 15-269(f). The applicant is also proposing to leave the existing house in place, even though it is located within a stream buffer, and convert it to a clubhouse use for the residents of the development. Staff notes that this house is existing, not proposed, and therefore we have concluded that the mere conversion of its use would not constitute a change to the buffer area's effectiveness. That is to say, the buffer would not be any less effective post development as compared to its predevelopment effectiveness. The existing driveway, currently serving the house, would also remain in place and be converted to a bicycle trail, which again is allowed per Section 15-269(f). The existing parking area at the northwest end of the driveway would also remain as a parking area to serve the clubhouse only on occasions where a function at the clubhouse necessitated delivery of goods or services. Again, staff considered the matter and determined that the buffer would not be any less effective post development as compared to its predevelopment effectiveness. Lastly, one (1) of the two (2) proposed playfields would partially extend into the stream buffer (see playfield #2, eastern side). Though some number of trees would have to be removed to create the playfield, vegetation (i.e.- grass cover) would be established and retained as a part of its creation. Therefore, staff feels that a playfield can be created in this area while still allowing the buffer area to perform the objectives of Section 15-269(a). Should the Board conclude that the uses are not consistent with the LUO, staff recommends that they still be allowed per recommended 'condition #1' (see **Attachment R**).

Stormwater Features in Stream Buffer: In evaluating the proposed wetland feature, stormceptors, and erosion control devices, staff determined that they are specifically designed to accomplish the objectives put forth in Section 15-269(a), and therefore, would not reduce the buffer area's effectiveness.

A few of the single-family lots (Lots 1, 65-67 and Lots 78, 81, and 82) are constrained by small amounts of stream buffer as currently platted. Though these areas are shown on private lots, builders and future property owners will not be allowed to disturb these specific areas on each respective lot. The applicant has included a note on the plans stating that "buildable area restricted from stream buffer" on all such accounts. This note must also be included on the final plat for the project.

#### **Grading:**

The site has been designed largely to follow the existing contours of the land, but some amount of grading will be necessary for the installation of infrastructure to serve the project. Specifically, road elevations tie into existing contours throughout the project, and additional grading will be necessary at many roadway intersections throughout the site. A significant amount of grading would be necessary on the northeast and northwest sides of West Winmore Avenue bridge crossing. Further, some grading will be necessary to create surfaces level enough to serve as proposed parking lots. During construction on individual lots, significant grading may be necessary in order to ensure that stormwater is directed off the individual lots in the manner and direction anticipated. Conceptual grading plans for lot areas have been included on Sheet GP-2 of the plans to illustrate where stormwater from individual lots should flow (**Attachment A, Page GP-2**).

Grading will also be necessary outside of the portion of the site developed for commercial and residential purposes. Specifically, the installation of East Winmore Avenue as an entrance to the development will require significant grading especially on its southern side leading to the bridge crossing Bolin Creek. As discussed earlier under 'parkway design,' the proposed design including a pedestrian/bicycle trail will involve more grading than the option only including a sidewalk alongside the parkway.

Grading will also be necessary for the installation of sediment traps and the wetland feature. As detailed on the plans, the wetland feature will include a berm approximately ten feet (10') high around its perimeter. Cutting and filling will be necessary to create the berm to contain the wetland feature. The area gently slopes toward Bolin Creek. The area will be rough graded during the installation of infrastructure for the project so that it could be utilized as a sediment basin until an appropriate time when it will be converted to the proposed wetland feature.

In summary, the Town Engineer has reviewed the grading plan and finds that it is a reasonable plan.

As noted on the plans, it will be necessary to obtain temporary construction easements for multiple locations around the development to install the infrastructure as shown on the plans. Generally described, the temporary easements must be obtained where roadways

and alleys are to be constructed in close proximity to adjacent properties. Because of this, staff is recommending that 'condition # 30' be attached to the CUP.

**Erosion Control:**

Per Section 15-264 of the LUO, the project must receive an erosion control permit issued by the Orange County Erosion Control Officer prior to beginning construction. To date, this permit has not been issued; however, based on an analysis of the proposed plans, the Orange County Erosion Control Office has indicated that an erosion control permit can be issued (**Attachment L**). The erosion control permit is usually issued as part of the construction plan approval.

**Conclusion:**

The LUO provisions related to drainage, floodway/floodplains, drainage, stream buffers and erosion control have been met by the applicant for the Winmore project, subject to the conditions described herein.

**Open Space and Recreation**

**Open Space:**

Pursuant to Section 15-198 of the LUO, all subdivisions must provide 40% open space. The 40% open space must meet the minimum standards described in Section 15-198 of the LUO and must come from primary and/or secondary constraints, first, then other areas can be considered. In the case of Winmore, the 40% open space requirement has been satisfied. Forty percent (40%) of the site (65.85 acres) equals 1,147,317 sf (26.34 acres). The applicant has submitted plans showing the preservation of at least 1,202,815 sf (27.61 acres), or 41.92 percent (41.92%). The open space consists of floodway/floodplain areas, stream buffer areas, hardwood and other wooded areas, moderate and steep slopes, rock formations, the Homestead Road buffer, and other natural open space areas (such as the main village green, and other green park areas within the development). The applicant has removed from the open space calculations any features that act as an encumbrance within the open space areas such as the wetland feature, clubhouse, Duke Power electric towers, roads, etc). As a result, the open space provisions of the LUO have been met for the proposed Winmore project.

More of the property is set aside as open space than this number at first indicates. Specifically, the applicant has chosen to remove the two proposed playfields for the project from the open space calculations. The playfields are still proposed to be located with the protected open space area of the project, will be maintained permanently as open space areas, and essentially do act as open space. However, they have not been included in the calculations showing how much of the property is set aside as open space. This matter is further discussed below under 'recreation.'

**Recreation:**

**Points Required:** In addition to required open space areas, the project must provide active recreation areas to serve the residents of the proposed subdivision. The amount of required recreational points is based on the number of units permitted in the subdivision.

Per Section 15-196 of the LUO, multi-family residences must provide a variable rate of between 5.94 and 11.81 points per unit, depending on the number of bedrooms, and single-family dwellings must provide 10.39 points per unit. Additionally, in this case, staff requested that the applicant consider the provision of recreation facilities for the potential ADDs. Since the ADDs are explicitly allowed in addition to the regulated units, are discretionary in nature, and may or may not be built, it was not entirely clear whether the developer should have to provide recreation facilities for the units. After discussing at length ways of approaching this matter, it was decided that the applicant should have to provide for what was seen as a reasonable estimation of the number of ADDs that may be built (70%). The 70% threshold was based on research of a project located in Durham where ADDs also may be built in a discretionary manner. For that project, approximately 70% of the possible ADDs have been constructed. Further, it was decided that the 'points factor' requirement for the ADDs should be the same as is required for single-room occupancy units elsewhere in town (2.97 points/unit), since it is anticipated that the ADDs will function very similarly to single-room occupancy units.

In all, the number of recreational points required for the project totals 2,606.71 (see chart on cover sheet of plans for detailed breakdown). The proposed Winmore project has provided recreational amenities totaling 3,467 points. Per the LUO, 172 points should be provided specifically intended for children under twelve (12) years of age. In this case, the applicant has provided children's facilities totaling 303 points, as further described below.

Facilities Provided/Children's Facilities: The recreational amenities consist of two (2) children's play areas, each containing two (2) swing sets and playground equipment, two (2) trails (one hiking trail and one pedestrian/bicycle trail), a clubhouse, and two (2) playfields. The first children's play area will be located between lots 52 and 53, south of Zacman Lane and north of Della Street. It includes a 1,632 sf 'play area' within a 5,810 sf public green. The second children's play area will be located within the protected open space near Bolin Creek. Specifically, it is located near the existing parking area that serves the proposed clubhouse. It is 1,970 sf in size. Again, both areas contain two swing sets and the playground equipment detailed on plan sheets OR-4 through OR-7 (Attachment A, Pages OR (4-7).

Greenway/Hiking Trail: The proposed hiking trail will be constructed of four inches (4") of compacted ABC gravel and will be seven feet (7') wide. This trail meanders through the protected open space along Bolin Creek and the tributary creek, as illustrated on the plans. The other trail (pedestrian/bicycle), which is identified on the plans as "the greenway trail," runs the length of the property north to south, and is located alongside the developed portion near the edge of Olmstead Drive south of Winmore Avenue and along the backside of lots 63-73. It continues along a portion of Atterbury Street before extending to the northern property line along Abbey Road. This trail is proposed as a twelve foot (12') wide asphalt path. It was decided during the review of the project that the best location for the facility would be in the location described, as far away from Bolin Creek as possible while still in the protected open space. A note has been included on the plans stating that the "final plat will include the dedication of a thirty foot (30') easement to the Town of Carrboro." The purpose of this dedication, as has been



discussed with the applicant, is to establish a permanent greenway along Bolin Creek that is and will remain open for public use, consistent with the Town's *Parks and Greenways Master Plan* as well as the *Facilitated Small Area Plan for Carrboro's Northern Study Area*. If the offer of dedication is accepted by the Town, then the Town will be the responsible party for maintenance and liability within the area. Currently, the dedication offer as shown on the plans will extend to the beginning of the parking area near what will become the clubhouse. The applicant has indicated a willingness to continue the offer of dedication along the entire length of the existing driveway so that public access will be permanently guaranteed from Homestead Road. To that end, staff is recommending that 'condition # 31' be attached to the CUP.

A striping plan has not yet been provided for the proposed pedestrian/bicycle trail. Because of this, staff is recommending that 'condition # 32' be attached to the permit, which requires a detailed striping plan to be approved prior to the construction plan approval for the project as well as assurance the separation devices will be included where roads and trails come together at bridge crossings to ensure pedestrian and bicycle safety when in close proximity to vehicles.

Clubhouse: The applicant proposes to convert the existing house on the property into a clubhouse recreation facility intended to serve the residents of the development. The house is located within the Bolin Creek stream buffer, but as described under the stream buffer discussion above, the applicant is not requesting permission to increase the footprint or otherwise change what is already there. That is to say, the house would simply be converted from its current use to a clubhouse. The applicant is also proposing to retain the existing parking area behind the house. As a clubhouse recreation facility, there is not a parking standard, per se, that must be met. The existing area can serve four (4) vehicles, which should be sufficient for purposes of dropping-off and picking-up goods and services related to functions held in the building (vehicles would use the existing driveway, which would be converted to a pedestrian/bicycle trail, to get to and from the house). This area could also be utilized as a parking area for disabled individuals attending functions at the clubhouse, but the primary way of getting to and from the clubhouse is intended to be by foot or bicycle, as the clubhouse is intended to serve the individuals living within the community. A bicycle rack has been included near the clubhouse.

Playfield Locations and Descriptions: The applicant has proposed to include two playfields within the development. The first is labeled as a soccer/playfield, at 29,000 sf in size, will be located to the west of the existing house between the house and Bolin Creek. The area is primarily clear at this point and should involve little to no removal of existing trees in order for it to function as a useable soccer/playfield. It should be noted that this 'soccer field' does not meet the nationally-recognized standard for such fields, but is labeled as such to represent that the topography of the area and general configuration of the field allows such uses to take place in the area.

The other proposed playfield is 85,300 sf in size, and is located to the north of Bolin Creek between the creek and the proposed Winmore Avenue. As has been discussed during the review process, this field is intended to act as a 'natural play field,' which is to

suggest that it be constructed in a manner similar to that described during the Morgan Ridge townhome project approved by the Board of Aldermen in 2001. One specimen tree exists within the area demarcated as a playfield, and will be avoided. A number of smaller trees in the area will have to be removed in order to accommodate the creation of a playfield. If the Board chooses to approve the project with this field, Town staff will work in the field with the developer to determine what trees need to be removed during construction in order to create the field.

The applicant has stated a desire to remove the fewest number of trees possible in order to leave the playfield areas in their natural state to the greatest extent possible. To that end, please find attached photos and descriptions of the area intended for 'playfield #1,' and photos and descriptions of a park area in Durham, which visualizes the type of playfield that applicant desires to create as 'playfield #2' (**Attachment M**).

Per Section 15-198(d)(3) of the LUO, playfield(s) should be located so that ninety percent (90%) of the units within the development are within 1,500 feet of a field. For this project, the applicant has located fields such that seventy-eight percent (78%) of the proposed units are within the 1,500 foot radius. As further discussed below under 'playfield size requirements,' the applicant has indicated an ability to locate one or more additional fields on the site. If the Board desires, then a condition may be placed on the permit stating that the applicant must identify one or more additional playfields so as to comply with Section 15-198(d)(3). If, however, the Board is comfortable approving the project as proposed with regard to the location of the playfields, then 'condition #1' will address the matter (see **Attachment R**).

Lastly, staff discussed with the applicant during review of the project the possibility of committing to caring for and maintaining the proposed playfields without the use of chemical fertilizers or pesticides. The applicant has expressed a willingness to commit to the idea, but the Winmore Homeowner's Association document will need to include the language so as to bind future property owners to the commitment. To that end, staff is recommending that 'condition # 33' be attached to the CUP.

**Playfield Size Requirements:** Regarding the proposed playfields for this project, it should be noted that a calculation based on the number of units proposed for the development, per Section 15-198(d) of the LUO, determined that 120,240 sf of playfield are technically required for the development. As designed, the applicant has included 112,500 sf of playfield area. Should the Board choose to approve the project as designed, then 'condition #1' would reflect the Board's desire to allow the development with the playfield square footage provided (see **Attachment R**). The applicant has noted that there are other areas on the site where playfield areas potentially could be created. If the Board desires to see additional playfield square footage within the development, then a condition could be placed on the permit requiring that additional playfield area be identified for the project at the construction plan level. Conversely, if the Board is comfortable with doing so, it should be noted that the applicant has stated a willingness to delete playfield #2 from the plans altogether or to modify the design plans for playfield #2, at the Board's request. The applicant has noted that the Smith Middle School Athletic Fields are located directly across the street from the proposed development, and

wishes for the Board to consider this when reviewing the amount of playfield provided in the project's design.

Public Accessibility to Recreation Facilities: Staff discussed at length with the applicant during the review process the inability for the Town to ensure public access to private recreation facilities. To that end, the applicant has voluntarily included a note on the plans stating that "all public open spaces, parks, playfields, and hiking trails shall be owned, liable, and maintained by Winmore HOA, and shall be open, available, and accessible for use by the general public." With this note, the public is ensured access and usability of all open spaces and recreation facilities included in the development. Further, the Town does not have to assume responsibility for liability and/or maintenance issues with regard to the open space and recreation facilities. One exception to this would be the proposed greenway easement and facilities located therein, should the Board choose to accept the offer of dedication at some point in the future. Staff feels that the plans should include the offer of dedication to ensure that the Town could modify the facilities provided therein at some point in the future, if necessary, as the Bolin Creek Greenway begins to take shape. Should future residents, through the HOA, desire to change this agreement, a modification of the CUP would be necessary.

**Conclusion:**

The LUO provisions related to open space and recreational amenities have been met by the applicant for the Winmore project, subject to the conditions described herein.

**Architecture/Exterior Design**

The applicant has included illustrative architectural renderings for the commercial areas, townhouse areas, and single-family areas. Specifically, commercial and townhouse renderings (including the proposed affordable apartment complex) are included on plan sheets SP-4 through SP-6, and the single-family renderings are included on plan sheet SP-8. While the renderings are not intended to act as exact, binding representations of what will be built, they are expected to represent what will be built on the site. Any significant deviation from what has been presented on the plans will require a modification to the CUP. Per Section 15-176.2(f)(4)(m), all proposed storefront and townhouse buildings are subject to review by the Appearance Commission and approval by the permit-issuing authority. Since the applicant has included illustrative architectural renderings and a 'design code' (see below) consistent with the requirements stated in the aforementioned section of the LUO, staff recommends that the permit-issuing authority approve of the proposed designs as represented. However, this recommendation is not intended to suggest that the Appearance Commission should not review building plans for the individual buildings. Consistent with this recommendation, staff suggests that 'condition #34' be attached to the CUP.

Further, the applicant has submitted, to become as part of the record, the Winmore "Design Code." The code essentially puts in writing the architectural details and architectural types currently represented on the plans. According to the applicant, all

individuals building in the development will be bound by the code. The code is available on the Town's website at the following address:

<http://townofcarrboro.org/pzi/cdrsm.htm>

Board members wishing to view the document are encouraged to visit the website, but paper copies can be made available upon request.

### **Miscellaneous Issues**

**Neighborhood Information Meeting:** The developers of the Winmore project held a formal neighborhood meeting at Town Hall on November 28, 2001. The applicant submitted to staff the appropriate form certifying that property owners within 1000-feet of the property were invited. The neighborhood meeting was held in order to discuss the scope of the project and to address any concerns or questions from the surrounding neighborhoods. Please note that this meeting is not required in the LUO but is rather a tool implemented by the Town in an attempt to foster a cooperative spirit between the developer and the neighborhood. Seventeen (17) people attended the meeting and the primary issues of concern relayed to the developer were: traffic impacts, overall density of project, and stormwater impacts, primarily related to the project's proximity to Bolin Creek.

**Green Builder Program Handbook:** "Green building" is a concept that sets guidelines for building design and construction that employ energy efficiency, use of non-toxic and recycled building materials, and environmental sustainability. The developer has proposed as part of its plan to require all builders on the development to adhere to "green builder" guidelines that were included as part of the project submittal and that each building would have to receive certification under this program. The developer states that the proposed green builder program has been adapted with permission of the South Face Institute, from their green builder program called the EarthCraft House Program, which was developed in conjunction with the Atlanta Homebuilders Association. The program handbook is available on the Town's website at the following address:

<http://townofcarrboro.org/pzi/cdrsm.htm>

Board members wishing to view the document are encouraged to visit the website, but paper copies can be made available upon request.

**Homeowner's Association Documents:** At its May 13, 2003 meeting, the Board of Aldermen stated that they would like to receive, if possible, a copy of the homeowner's association (HOA) documents to review in advance of the public hearing for the project. Staff immediately contacted the applicant to explain the Board's request. Unfortunately, the HOA documents had not yet been prepared. However, the applicant did submit information relating to what the HOA documents will say. This information is attached for your consideration (**Attachment N**). As a reminder, 'condition #6' currently would

require that the Town Attorney review and approve the formal documents before final plat approval.

Comments from Citizens: Staff has received comments from multiple citizens related to the project. These comments are included for your consideration as **Attachment O**. The applicant has responded directly to one of the letters submitted, as found in **Attachment P**.

Economic & Social Diversity: A letter has been submitted by the applicant regarding the topics of economic and social diversity (briefly mentioned above under 'affordable housing') (**Attachment Q**). The letter discusses the ways the project would promote and support affordable housing as well as social diversity including, but not limited to, their willingness to voluntarily restrict 48 dwelling units in a manner consistent with the affordable housing density bonus provisions of the LUO (Section 15-182.4).

Review of Project by Town's Advisory Boards: The project was presented on May 1, 2003 to the following advisory boards: Planning Board, Transportation Advisory Board, Appearance Commission, Environmental Advisory Board, and Northern Transition Area Advisory Committee. Given the size of the project, all advisory boards chose continue their review at a subsequent meeting or meetings before adopting a recommendation statement. The Board of Aldermen acknowledged the need for the advisory boards to have sufficient time to review the project at their May 6, 2003 meeting when the public hearing date for the project was set. To date, the Appearance Commission and the Environmental Advisory Board both have completed their review of the project. Please find their recommendation statements attached (**Attachment Q**). Recommendation statements from the other advisory boards will be submitted to the Board upon receipt.

## **RECOMMENDATION:**

The Administration recommends that the Board of Aldermen approve the request for a Conditional Use Permit to allow a Village Mixed Use (Use 32.000) Architecturally Integrated Subdivision (AIS) to create ninety-eight (98) Single-Family Lots (Use 1.111), sixty-six (66) Multi-Family Townhome Lots (Use 1.321), sixty-eight (68) Multi-Family Apartments (Use 1.331), and twenty (20) Commercial Lots (Various Uses Listed in Permissible Use Table) at 1400 Homestead Road, subject to the following conditions:

1. That the Board of Aldermen hereby approves the development as presented, per Section 15-176.2(a)(1) and 15-176.2(b) of the Land Use Ordinance;
2. That a proposed civic use is hereby permissible on the 'proposed future civic use' lot as a part of this development, but that any project proposed to be constructed on the 'proposed future civic use' lot shall be subject to a separate CUP review and approval process;
3. That arrangements are made to assure the continued affordability of forty-eight (48) units within the development. Specifically, the twenty-four (24) units proposed in the affordable apartment complex and the twenty-four (24) units that may be proposed at a later date on the 'co-op' lot (Lot #99) both shall be restricted in a manner that is consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance. The

- restrictions must be reviewed and approved by the Town Attorney, and must be in place prior to final plat approval;
4. That 24 apartment units (Use 1.331) are hereby permissible on the 'co-op' lot (Lot #99) as a part of this development, but that any project proposed to be constructed on the 'co-op' lot will be subject to a separate CUP review and approval process;
  5. That no additions or interior renovations designed to increase the heated square footage of the size-limited units can be approved/completed within the first year following the issuance of the Certificate of Occupancy (CO) per Section 15-188(e). This statement must also be included on the recorded final plat and reference the applicable 'size-limited unit' lots;
  6. That 'Homeowner's Association (HOA) Documents' (for both the residential and commercial portions of the project) be reviewed and approved by the Town Attorney prior to final plat approval, and that the HOA documents include the language found in Attachment G to the staff report regarding potential non-residential uses in townhouse use areas;
  7. That all cross-sections shown on the construction plans shall show utility line locations for all proposed utilities, that all proposed roads and bridges shall comply with Town of Carrboro and/or NCDOT TND road and bridge standards, and that full compliance shall be demonstrated on the construction plans for the project, except where specific deviations to those standards are permitted by the granting of this CUP for Olmsted Drive, which represents a hybrid of Town standards and NCDOT standards;
  8. That the applicant realign the proposed sidewalk on the construction plans so that it will fall completely within the existing NCDOT right-of-way, and that the 'end-point' for the sidewalk construction shall be where NCDOT reasonably expects a future crosswalk to be located leading across Homestead Road to High School Road;
  9. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval;
  10. That the Board of Aldermen chooses the parkway design presented on Sheet 3a of the plans, and that the parkway design including the 12' wide pedestrian/bicycle path be included on the construction plans;
  11. That a 'speed-table' or other traffic calming feature from the Town's Residential Traffic Management Plan be added to the plans at the construction plan stage, on Winmore Avenue, immediately to the west of the Bolin Creek bridge crossing;
  12. That the Board of Aldermen chooses the originally proposed alignment of Kiley Street and Atterbury Street, allowing an offset between the intersections where they intersect with Winmore Avenue;
  13. That all sight triangle easements be free of street trees and other obstructions and be shown as such on the construction plans;
  14. That the construction plans and final plat for the project include a 'private' label for the proposed 8' pedestrian way easements between lots 4 and 5 and lots 8 and 9;
  15. That the construction plans for the project shall include design configurations for the two proposed bus stop locations and that the developer shall build the

- bus stops during road construction for the project. Further, the Board finds acceptable the use of the future bus stop locations as on-street parking areas until such time as Chapel Hill Transit provides service to the development;
16. That the applicant provide a diagonal parking plan for Lot H on the construction plans, consistent with the one-way traffic flow pattern presented for Burroughs Lane;
  17. That the applicant must receive approval of a minor modification to the CUP before making use of the proposed 'overflow parking area' identified on the project plans, and that the applicant must obtain formal permission from Duke Power to make such use of the area before obtaining modification approval;
  18. That the 'multi-use field' note be removed from the proposed 'overflow parking' area on the construction plans;
  19. That the Homeowner's Association documents for the project shall include language specifically providing that on residential lots the required number of off-street parking spaces, including spaces in enclosed or partially enclosed garages, will be maintained for use as parking spaces;
  20. That, if NCDOT deems it necessary, the proposed 17 willow oak trees alongside Homestead Road not be included on the construction plans;
  21. That the applicant modify the lighting plan to the satisfaction of the Public Works Department with regard to the developer and homeowner's association being responsible for the additional costs associated with the placement of decorative lights around the main roundabout traffic circle prior to construction plan approval;
  22. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
  23. That the applicant further explore the possibility of including a 'linear stormwater infiltrator system' in the project, and that the stormwater feature may be included on the construction plans if the Town Engineer and Town's Environmental Planner are satisfied with evidence presented by the applicant with regard to the workability and potential success of such a system on the site. If the feature is approved, then the applicant shall be allowed to modify the other stormwater features on the site at the construction plan level, so long as the Town Engineer confirms that the final stormwater related aspects of the plan do comply with the requirements of the LUO;
  24. That if the 'linear stormwater infiltrator system' is approved, then the applicant shall include notations on the construction plans for the project establishing that the Winmore Homeowner's Association will be responsible for the maintenance of the feature, even though it is contained within a Town of Carrboro Public Access Easement;
  25. That the applicant reconfigure the proposed locations of stormwater pipes wherever possible, so that pipes are contained within the public right-of-way, or that the applicant include stormwater easements on the construction plans and on the final plat on any lots that still contain any portion of the public stormwater piping system;
  26. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if

some features are not yet in place at the time of the recording of the final plat, mylar and digital as-builts for the project. Digital as-builts should be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files should include all layers or tables containing storm drainage features. Storm drainage features should be clearly delineated in a data table. The data should be tied to horizontal controls;

27. That a "No Rise Certification" will be obtained by the developer from FEMA through the CLOMR (Conditional Letter of Map Revision) process for the Bolin Creek crossing prior to the construction plans being approved;
28. That if a Letter of Map Revision (LOMR) must be obtained from FEMA, that such letter must be obtained prior to final plat approval;
29. That a 404 National Wetlands Permit from the US Army Corp of Engineers and a 401 Water Quality Certification from NCDENR's Division of Water Quality be obtained by the developer prior to the construction plans being approved;
30. That the applicant must obtain all necessary temporary construction easements and permanent easements related to the project before construction plan approval, and that all easements shall be labeled appropriately on the construction plans and, for permanent easements, on the final plat;
31. That the 30' Town of Carrboro Public Access Easement be extended the entire length of the existing driveway so as to provide a possible public access point to the greenway from Homestead Road, and that this extension be shown on the final plat for the project;
32. That the applicant must receive approval of a detailed striping plan for the proposed pedestrian/bicycle trail prior to construction plan approval, and that the cross-section and striping plan must be shown on the construction plans. Additionally, the construction plans must show separation devices where roads and trails come together at bridge crossings to ensure pedestrian and bicycle safety;
33. That the Winmore Homeowner's Association documents shall stipulate that the playfields included in the development shall be cared for or otherwise maintained without the use of chemical fertilizers or pesticides;
34. That when building permit plans for each storefront and townhouse use building are submitted, the plans shall be forwarded to the Appearance Commission for review prior to the issuance of the building permit.