

STAFF REPORT

TO: Board of Aldermen

DATE: June 3rd, 2003

PROJECT: Pacifica AIS

APPLICANT
And OWNERS: Carrboro Collaborative Development Association, Inc.
Green Equity, LLC.

PURPOSE: To acquire a Conditional Use Permit allowing a major subdivision of the property located at the eastern terminus of Hanna Street. The subdivision includes town homes, condominiums and single family detached residences. The development contains a total of 46 dwelling units.

EXISTING ZONING: R-10

TAX MAP NUMBER: 7.30..12

LOCATION: The western terminus of Hanna Street.

TRACT SIZE: 8.3 acres (360,600 sf)

EXISTING LAND USE: vacant

PROPOSED LAND USE: 26.100, Major subdivision consisting of the following uses:
1.111, single family detached
1.321, multi-family town homes (20% max > 3 bedrooms).
1.331, multi-family apartments (condominiums) (20% max > 3 bedrooms).

SURROUNDING
LAND USES: North: R-SIR, Bolin Forest Subdivision, single-family residential.
South: R-10, single-family Residential
West: R-10, vacant
East: R-10, single-family Residential

ZONING HISTORY: R-10 since 1973

ANALYSIS

Background

The Carrboro Collaborative Development Association has submitted an application for construction of a 32-lot, 46 dwelling-unit Architecturally Integrated Subdivision (AIS) on the parcel located at the eastern terminus of Hanna Street, (off of North Greensboro Street)(Attachment A). The Conditional Use Permit, if approved, would allow the creation of 27 town-home lots, 4 single-family-detached lots, and, 1 condominium lot (with 15 dwelling units) with associated infrastructure. The subject property is zoned R-10, Residential, contains 8.3 acres (360,600 sf) and is listed on the Orange County Tax Map as number 7.30..12. Before formal plans were submitted, the applicant prepared a concept plan as required by Section 15-50 of the LUO. The conceptual design process requires the designer to consider primary and secondary constraints on the site prior to locating structures or lots. The existing site is wooded with a mix of hardwoods and pines. It slopes to the north where it meets with Dry Gulch, a tributary to Bolin Creek along the northern property line. The concept plan responds primarily to slope limitations as the proposed density necessitates substantial tree removal.

General Layout, Density, Affordable Housing, Size-restricted Units

The layout shows a cluster of buildings with internal pedestrian circulation and common areas while automobile circulation is located around the edges of the project (Attachment A). The Common house, located in the center of development, is connected via breezeway to a smaller building. The Common house serves multiple functions including community kitchen/dining area, gathering area, and laundry facility. The smaller adjacent building will house a dedicated Homeowners Association (HOA) office as well as guest facilities. Common gardens with sheds, bicycle storage facilities, and minimal internal automobile circulation, are all components of this plan.

Density and Affordable Housing

The overall permissible density on the site is calculated using the adjusted gross density provisions of Section 15-182.3 Of the LUO. This method reduces the amount of total density permitted based upon the amount of certain site features such as steep slopes, rock formations, and utility easements. In the case of Pacifica this adjustment reduced the gross area used in the density calculation by 26,145 sf yielding a permissible density of 33 units.

Using the Residential Density Bonus provisions of Section 15-182.4, the applicant is permitted to build up to 150 % of the base density for the zoning district. Utilizing this provision, the maximum permissible density is 49 units. Of all the bonus units provided, at least one-half of them must remain affordable per the provisions of Section 15-182.4. Pacifica is taking advantage of the Residential Density Bonus in order to build and an additional six market-rate units, to do this they need to provide at least six affordable units. Pacifica is providing seven affordable units. The total density combined, amounts to 46 units.

Section 15-182.4 requires that the applicant provide assurance that the affordable units will remain affordable per the provisions of the ordinance. For this reason we require the applicant to identify and define the terms by which this agreement will be honored. To meet the requirements of the LUO a condition must be placed on the permit specifying that the *continued* affordability of the units (lots 5, 8, 13, 16, 20, 27 and 29) must be specified in the Homeowner's Association documents. These documents must be approved by the Town Attorney prior to construction plan approval, as represented by the following condition:

- The continued affordability of the units (lots 5, 8, 13, 16, 20, 27 and 29) must be specified in the Homeowner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance. These documents must be approved by the Town Attorney prior to construction plan approval.

Further, a condition must be placed on the permit stating that a 'certificate of occupancy' for the six (6) bonus 'market-rate' units may not be issued until such time as the seven affordable units (lots 5, 8, 13, 16, 20, 27 and 29) are constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance as represented by the following condition:

- Certificates of Occupancy for each of the six bonus 'market-rate' units may not be issued until such time as the corresponding affordable unit (lots 5, 8, 13, 16, 20, 27 and 29) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.

Size-Restricted Units

Per Section 15-188, every residential subdivision containing more than twenty-one units shall be developed so that 15% of the dwelling units (du's) contain not more than 1100 sf and 10% of the du's are not larger than 1350 sf. The current proposal exceeds this requirement in both areas providing 27 units no greater than 1100 sf (seven required), and seven units no greater than 1350 sf (five required). Per the requirements of the LUO, the lots for the size-restricted units are designated on the plans and are dispersed throughout the development.

To meet the requirements of the LUO, a condition must be placed on this permit and final plat stipulating that no additions or interior renovations designed to increase the heated square footage of the size-restricted units (lots 1, 5, 6, 13, 16, 19, 21, 24, 27, 28, 29, 32) 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.

- No additions or interior renovations designed to increase the heated square footage of the size-restricted units (lots 1, 5, 6, 13, 16, 19, 21, 24, 27, 28, 29, 32) 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.

Town staff realizes that the lot designations for affordable and size-limited units are subject to change. In such an instance, the applicant will need to submit the proposed changes to the Zoning Division for review. Should the changes be minor and, should the lot designations maintain compliance with the ordinance, staff will authorize such changes via an insignificant deviation.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to density, affordable housing density bonus and size-restricted units, subject to the conditions mentioned above.

Streets & Connectivity

General Alignment/Configuration

The proposed design terminates Hanna Street in a public “roundabout” which features an internal “truck apron” to facilitate movement of large vehicles. The roundabout is constructed with a ‘mountable’ curb and gutter perimeter off of which Pacifica has two access driveways (Attachment A).

The northern driveway leads to a small parking area and the southern driveway provides access via a private 24’ asphalt drive (with a 5’ sidewalk on the northern edge) to other parking areas. As the private drive proceeds, its width increases to 26’ so as to provide additional “on-street” parking over a small segment of its length. The design profile and alignment of the drive does not currently meet public street standards.

Public vs. Private Road

Note that, per 15-220(h) the Town may prohibit the creation of a private road if the creation of such a road would avoid the public street interconnection requirements set forth in 15-214 and 15-217(a) [(Section 15-220(h)]. Early on in the review of the project, the applicant was informed that the proposed private drive does *not* meet the connectivity requirements of the Land Use Ordinance in the following areas and because of this staff would be obligated to recommend to the Board *denial* of the project:

- ✓ The public street right-of-way has not been extended to a point where a future street connection is anticipated or proposed (Section 15-214(d));
- ✓ The roundabout is a de facto cul-de-sac. Cul de sacs shall not be used unless the topography of the land does not allow a design that would make an interconnecting street practicable (Section 15-217(a);
- ✓ The private road provided does not meet public street standards (Section 15-220(b-1);
- ✓ The private road indicates by way of a “stub-out easement” that it will be used to provide access to a property outside of the development (i.e. the Adams Tract) (Section 15-220 (b-3)).

Also related to whether or not a private street is acceptable in this situation, please note that the distance along Hanna Street to the center of the proposed roundabout from its

intersection with North Greensboro Street is about 1150 linear feet. This distance is in excess of the 1000 linear feet permitted for temporary dead-end streets [Section 15-214(d)] and is in excess of the 550 lf permitted for cul-de-sacs [Section 15-217(b)]. However, in both of these instances, the LUO allows longer distances if no practicable alternative exists. Staff feels that a practicable alternative is for the applicant to include a public street within a public R/W. Specifically, staff recommends that the applicant be required to incorporate a public street meeting the Alternative Public Street Standards of 15-216.1, as further described below.

If the Board chooses to allow the private street currently shown on the plans, then it would be necessary for the Board to make the following findings, per Section 15-220(b):

- ✓ The proposed development will have direct access onto a public street;
- ✓ No road intended to be private is planned to be extended to serve property outside that development; and
- ✓ The standards applicable to un-subdivided developments set forth in Section 15-221 and 15-222 are complied with.

With all of this in mind, the applicant prepared sketch plans showing a public street right-of-way built to sub-collector standards, stubbing-out to the eastern property line at the Adam's tract. However, it was evident that this proposal was in conflict with several design elements of the project. In response, the applicant wrote a justification letter for the proposed private drive while initiating a text amendment that might make a public road more feasible for the project (Attachment D). Further, the applicant has requested that the plans, as designed, be brought before the permit issuing authority for public hearing (Attachment E).

The text amendment sought by the applicant was designed to allow water quality BMP's to be installed directly adjacent to the edge of pavement. This approach, however, was determined by Town staff to be problematic. In response, Town Staff drafted an Alternate Public Street Standards text amendment, which the Board of Aldermen adopted on May 6th, 2003 (Attachment F). The text amendment provides two alternate street sections (sub-collector and local) that replace curb and gutter with drainage swales (Attachment G). To be granted permission to use these alternate street sections the project has to satisfy the following criteria:

- ✓ Involves the extension of, or connection to, existing Town streets, the construction specifications of which do not meet the minimum standards established in Section 15-216 in association with Section 15-210 Street Classifications;
- ✓ Preserves open space and minimizes land disturbance;
- ✓ Protects natural systems and preserves natural processes (including, but not limited to drainage ways, vegetation, soils, and other sensitive areas);
- ✓ Maximizes the incorporation of natural site elements (including, but not limited to, wetlands, stream corridors, and mature forests);
- ✓ Decentralizes and micromanages stormwater at its source to the maximum extent practicable;

- ✓ Includes a minimum of 15% affordable housing units as defined in Section 15-182.4(a).

Pacifica satisfies these criteria, though the applicant still desires to install private water-quality Best Management Practices (BMP's) within the public right-of-way (R/W). Due to street maintenance issues and the long-term structural integrity of the pavement, Town practice is to locate private BMP's *outside* of the R/W. For this reason, an encroachment agreement will be necessary to allow the devices within the public R/W, as described in detail below in the 'drainage' section of the report.

In guiding Carrboro's growth, Town policy supports the development of an interconnected matrix of public streets. With this in mind, and based on existing provisions of the Land Use Ordinance (LUO), staff recommended approval of the project is subject to the inclusion of a public street that meets the Alternative Public Street Standards of the Land Use Ordinance (LUO). Should the applicant agree to utilize the Alternate Public Street Standards, the Town Staff and Board have demonstrated a willingness to work with the applicant by utilizing special conditions on the permit. To begin with, a condition would need to be added to the CUP stating:

- That the private drive be replaced with a public right-of-way that meets the Alternative Street Standards of Section 15-216.1 of the Land Use Ordinance. The public street must be shown on the construction plans for the project and must meet all applicable requirements related to public streets.

Other related conditions are detailed in full in the Drainage and Grading section of this report.

CONCLUSION – The project fails to meet all the requirements of the Land Use Ordinance pertaining to public roads and connectivity. Because of this, the Administration recommends that the condition outlined above be attached to the CUP.

Traffic Analysis, Sidewalks & Pedestrian Easements

Existing Hanna Street

Vehicular traffic to the 46-unit project will be served by Hanna Street. The existing Hanna Street serves 26 dwelling units, with the construction of Pacifica, the street will serve 72 dwelling units. By ordinance streets serving between 26 and 100 units are defined as sub-collectors. Further, sub-collectors are defined as handling between 200 and 800 trips per day [15-210 (b-3)]. The existing Hanna Street does *not* meet the construction standards of the LUO for new sub-collectors. It provides a 60' R/W with pavement width of about 21 feet and drainage swales on both sides. Sub-collector standards require a minimum pavement width of 26 feet with curb and gutter and sidewalks located on both sides.

Using the Town's standard trip generation rates, Pacifica is estimated to generate 368 trips per day (based on 8 trips/day/unit). The Traffic Impact Analysis (TIA) prepared and

stamped by R. Michael Horn Professional Engineer of Kimley, Horn and Associates, predicts that the Pacifica project will create approximately 485 trips per day (Attachment H). This figure was obtained by collecting vehicle trip data from the Arcadia co-housing development and applying it toward Pacifica. The TIA concludes that Pacifica will not necessitate changes to Hanna or North Greensboro Streets in order to adequately serve the additional traffic. The report anticipates minor to moderate street delays during the peak morning and evening hours. In addition, the TIA concludes that the sight distances at the intersection of Hanna and North Greensboro meet with 2001 AASHTO design guidelines and are therefore acceptable. Note that Attachment H is in two parts, the first part is an amendment to the second part, the original TIA.

Hanna Ridge Project

At the beginning of the review process, staff discussed with the applicant what had transpired during the public hearing for a project known as Hanna Ridge, formerly approved on this site. The Hanna Ridge CUP approved for this property in 1999 included a condition requiring an integral pour sidewalk within the existing R/W on the low side of Hanna Street, extending from Hanna Ridge to North Greensboro Street. Though this project was never realized, the condition arose out of the public hearing process. In essence, some of the discussion at the public hearing focused on the potential impact on public safety related to the number of units proposed. The Town Attorney wrote a memo to the Board regarding this matter in which he stated that the Board was not obligated to approve a density that may create a public safety concern. This memo is attached for your consideration (Attachment I). As a result, the Hanna Ridge applicant agreed to contribute up to 50% of the cost of the proposed sidewalk extension (Attachment J).

In response, the applicant included a note on the plans stating a willingness to contribute toward pedestrian infrastructure insofar as would not affect their ability to provide affordable housing. If evidence is presented at the public hearing for Pacifica related to similar public safety concerns, staff suggests that requiring a sidewalk along the entire length of Hanna Street, to terminate at the Pacifica AIS may be appropriate. For general reference, please find the attached cost estimate for the sidewalk improvement that was prepared by the Town Engineer in association with the Hanna Ridge Project (Attachment K). This estimate has been updated to current expected costs.

Pedestrian/Bicycle Easements

The plans show pedestrian/bicycle easements contained within existing and proposed utility easements along the northern and western property lines (Attachment A). The notes indicate that these easements are to be dedicated to the Town of Carrboro for public use. This offer of dedication will also need to appear on the final plat.

The plans have been submitted to NCDOT for review and returned with no comments since the project does not directly affect an NCDOT right-of-way.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Traffic Analysis, Sidewalks & Pedestrian Easements; however, staff is recommending the board give consideration to requiring a sidewalk extension if evidence presented at the public hearing warrants doing so.

Parking

The applicant is seeking flexibility in the parking requirement per section 15-292 of the LUO. The proposal shows the 46 dwelling units being served by a total of 71 parking spaces (1.5 spaces per dwelling unit); 27 of these spaces are compact which is less than the 40% maximum allowed by 15-293b. In addition, there are 13 visitor parallel spaces located along the north side of the private drive (these spaces are not counted toward their parking requirement). The LUO requires 84 spaces (1.8 spaces per dwelling unit). The applicant is providing a motorcycle pad and multiple bicycle spaces which qualify them for a parking reduction of 2 spaces. This brings the total parking requirement to 82 spaces.

The applicant has conducted a survey of future members (those with deposits) as to their individual household and transportation needs. The survey, taken by the Blunden-Piesse architecture firm, estimates 64 automobiles and 100 bicycles total will be owned by the future residents (Attachment L). In addition, they have submitted a member-signed petition (14 signatures) in support of this parking plan contending that the project's bicycle accommodations, it's proximity to a bus stop on North Greensboro Street, and the assessment that about a third of the Pacifica residents will be one person households, provides justification for the reduced parking (Attachment M). Per 15-292(a) the permit issuing authority may allow a deviation from the presumptive standards if it makes the following finding: that such a deviation is more likely to satisfy the standard set forth in 15-291(a). Section 15-291(a) requires that all developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles likely attracted to the development. Further, staff recommends that the parking arrangement be fully disclosed in the Homeowners Association Documents for future residents of the development.

For reference, Pacifica is located about 5600 feet from the intersection of Weaver and Greensboro Streets and about 2800 feet from the nearest bus stop.

CONCLUSION: The applicant is seeking a deviation from the presumptive parking standards of Section 15-291(g). Per 15-292(a), the Board is authorized to allow this deviation when it finds that:

- ✓ Such a deviation is more likely to satisfy the standard set forth in 15-291(a) (Section 15-291(a) requires that all developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles likely attracted to the development).

If the Board makes this finding, the Administration recommends the following conditions:

- That the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 71 spaces (excluding the parallel on-street parking) are sufficient to serve the Pacifica development. Per 15-292(a), the board makes this finding based on evidence submitted by the applicant mentioning the

developments demographic, close proximity to bus stops and the central business district and the considerable bicycle accommodations provided on site as referenced in Attachments L and M of the staff report.

- That the applicant modifies the Homeowners Association Documents to include a notice for prospective residents disclosing the terms of the above-mentioned parking deviation, and that the documents be resubmitted for review and approval by the Town Attorney.

Tree Protection, Street Trees, Landscape Plans, Screening and Shading

Tree Protection and Landscaping

The applicant has identified 88 existing "large" trees on site, however, none of these are considered rare. Large trees as defined by the LUO have a diameter of 18 inches or greater and are to be retained whenever possible (15-316). Due to the intensive nature of the development only 18 of these trees will be protected and the remaining 70 will be removed. A tree removal justification letter has been provided (Attachment N). Tree protection has been provided at the clearing limits for those trees specifically retained.

The landscape plan proposes 34 trees and 54 small trees/ shrubs. The plants are mainly distributed adjacent to parking areas and property lines where needed for screening. In addition, the five bioretention areas are planted with over 300 plants (shrubs, grasses, and perennials). The applicant used native plants entirely and none of the species are listed in the Town's Invasive Plant Species list (Appendix E-3 of the LUO)

Shading and Screening

Per 15-317 and Appendix E-3, the applicant is required to provide tree shading 20% of the total vehicle accommodation areas which in this case amounts to 20% of 26,275 sf or 5255 sf. The applicant exceeds this requirement, shading 7603 sf of vehicle accommodation area with 15 proposed shade trees. Two of the proposed shade trees are not listed in the Appendix E-3 "Large Trees for Shading" section, specifically the Water Oak and the Pecan. Upon consultation with the Town Landscape Superintendent however, it has been determined that these trees will be suitable shade trees.

In addition, the applicant must meet the screening requirements of the LUO. Specifically, a Type "C" Screen is required along all property lines shared with residential uses. For Pacifica this amounts to all of the property lines. A Type "C" Screen is composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The Type C screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. Through a combination of existing and proposed plantings as well as a split-rail fence adjacent to the irrigation pond, the applicant has fulfilled this requirement.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Tree Protection, Street Trees, Landscape Plans, Screening and Shading.

Utilities, Fire Safety, Lighting and Refuse Collection

Water Systems and Sewer Systems

There are no combined water and sewer easements on the property. Sewer service will tie into an existing sewer main via a manhole located along Dry Gulch at the north end of the property. Within the two pedestrian corridors, a 30' OWASA sewer easement serves the adjacent homes. The applicant and OWASA have negotiated Landscaping Guidelines for this area so as to provide adequate access so as to prevent maintenance conflicts in the future. A 30' OWASA water easement follows the water main along the private drives with tees to two fire hydrants. Utilities falling within these easements will be maintained by OWASA. However, the water system continues beyond the OWASA easements, thereby becoming private. A private water system requires a permit for construction and operation from the state North Carolina Department of Environmental Health and Resources/Department of Environmental Health Public Water Supply Section. OWASA has instructed the applicant of this requirement (Attachment O) and has indicated that acquisition of this permit is not a foregone conclusion. Until the permit is granted, OWASA and the Town will not approve plans for construction. A condition to this effect shall be entered onto the permit. Further investigation into the probability of the permit being granted is ongoing. This report will be revised to reflect any new findings before the public hearing. For now, the following conditions are recommended:

- That the applicant obtains a permit from NCDEHR/DEH Public Water Supply Section authorizing the operation of Pacifica's private water distribution system prior to construction plan approval.

Per Section 15-246 of the LUO the plans specify that all electric, gas, telephone, and cable television lines are to be located underground in accordance with the specifications and policies of the respective utility companies.

As for fire access, the internal pedestrian circulation system has been designed to accommodate fire apparatus in several key locations by the addition of plastic structural base at the edges of the pedestrian path. This material can be planted with grass but it has enough structural bearing capacity when combined with the proper sub-grade, to support a fire truck. The plans as presented meet with the approval of the Town Fire officials. However, fire flow calculations and building-sprinkler design must be submitted and approved by the Town Engineer prior to construction plan approval. A condition to this effect shall be entered onto the permit.

- That fire flow calculations and building-sprinkler design must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.

Lighting

Two fire hydrants are proposed to serve the development. One is located near the small parking area adjacent to lot #17 and the other along the private drive near lot # 8. Per 15-

249, the hydrants are located so that every building in the development is not more than 500 feet from a hydrant.

The lighting plan shows a public street light at the roundabout and six (6) solar "shoe-box" area-lights, less than 15 feet in height, interspersed throughout the vehicle accommodation areas. In addition, each unit features a building-mounted light fixture. The combination of these measures indicates that there is sufficient lighting to ensure the security of property and the safety of the residents (15-242). Further, sufficient evidence has been provided to ensure that the lighting is not excessive and in no place is the measured light greater than .2 foot candles at the property line (15-243). In the event that the applicant revises the plans to create a public R/W instead of a private drive, additional street lighting may be required by public works.

Refuse Collection

Trash collection and recycling services will utilize roll-out containers and recycling bins located in three centralized sheds. The sheds are located so as to provide reasonable access by Town trucks. Waste management during construction will require the applicant obtain an Orange County Solid Waste Permit which requires that construction materials be segregated for recycling. Orange County is responsible for enforcement of the permits.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Fire safety, Lighting and Refuse Collection. The Administration recommends the conditions described above related to utilities.

Open Space, Recreation

Per the provisions of 15-198, every residential development is required to set aside at least 40% of the total area of the development in permanent open space. If the project is providing affordable housing, Section 15-182.4(c) allows the developer to make reductions in the open space requirement equal to twice the land area consumed by the affordable units, up to a maximum reduction of 10%. Using the reduction, Pacifica is required to set aside 36% of the total parcel area as open space. A small portion of the declared open space does not meet the Town standard in that it is less than 50 feet wide; removing this amount from the calculation, however, the development still exceeds the requirements by providing 43.3% open space.

Note that during the concept plan phase of the project, primary and secondary conservation areas as defined by 15-198 are identified and prioritized for protection prior to the locating of the building envelope. For this reason, the creek and its surround steep slopes proceeding southward provide the largest area of contiguous open space for the proposal. Other smaller open space areas are interspersed throughout the development.

The mix of housing types combines to give a recreation point requirement of 419 points per Section 15-196 of the LUO. The applicant exceeds this requirement by providing a Common/Club house, a 20,000 sf play field [15-198(d)] and play equipment (sand box, tether ball, swings)(Attachment A, page OR3). The playfield located in the southern

corner of the property is inclusive of some of the tree-line, though only the underbrush is to be cleared in these areas. As required, 5% of the amenities must be suitable for children under the age of 12; the applicant exceeds this requirement with the provision of the above-mentioned play equipment.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Open Space and Recreational facilities.

Drainage, Grading and Erosion Control

Drainage

Section 15-263 of the LUO establishes stormwater management criteria that must be met for any project requiring a CUP. In particular the applicant must meet stormwater runoff standards with respect to water quality and quantity and must demonstrate that the project will not cause upstream or downstream damages to other properties. In addition, the applicant must submit a “Truth in Drainage” statement (Attachment P). The Town Engineer has reviewed the drainage design for the proposed project and has determined that the design meets the requirements of the Land Use Ordinance with respect to drainage (Attachment Q). Should the applicant be required to install a public street, a modification to the plans may be required, necessitating further review.

Because of the project’s location with respect to Bolin Creek and the Dry Gulch tributary, it has been determined that detaining water on site will increase the peak flows of these drainages during storm events. For this reason, the stormwater system is designed to provide only water-quality treatment and not quantity. To this end, the design features several water quality features including bioretention areas, permeable paving, level spreaders, above- and below-ground cisterns, an irrigation pond and, filter strips. Note that the cisterns are designed to collect rainwater from roof drains. The stormwater plan has been designed with additional capacity (10,000 sf of impervious surface) so as to allow for future building/site additions. Further, Board of Aldermen have amended the LUO to include an alternate parking detail which removes a small amount of the vehicle-overhang-area in front of the parking chock so as to reduce impervious surface [15-296 (h)]. The combined goal of this system is to remove at least 85% of Total Suspended Solids from the first inch of a storm event.

Note that the bioretention areas are not designed to hold water for any extended period. The pond as well as the cisterns store water thereby reducing runoff. The cisterns are configured to be used for irrigation; however, no irrigation system is currently shown for the pond. Though the Town does not regulate irrigation systems, it is sensible for the applicant to develop a design so as to avoid installation conflicts with the proposed infrastructure. Also note that the cisterns are provided with overflow outlets draining to bioretention areas or level spreaders.

It is the Town’s practice to require that all stormwater-quality features be located outside of the public R/W and be maintained by the HOA. The Pacifica design includes elements that are not specifically allowed in the Alternative Public Street standards. Stormwater-

quality features including check-dams in swales and bioretention areas are located within the swales of the Alternative Street R/W.

The Pacifica project has been designed utilizing Low Impact Development principles in order to maintain post-development stormwater volume and water quality at levels very close to pre-development. For these reasons the Board may wish to consider the conditions below which would allow the check-dams (and not the bioretention areas) to encroach in the R/W while providing recourse to the Town should these fail and compromise the roadway. .

- That Pacifica enters into an encroachment agreement with the Town regarding maintenance and care of private water-quality check-dams encroaching upon the public R/W prior to construction plan approval.
- That in the event of a failure of the private water-quality check-dams or a compromise of the street integrity adjacent to said BMP, the Town may elect at any time to remove the facilities and restore the R/W elements to the standard illustrated in Alternate Street Designs detail No. 27. Further, an adequate security must be submitted by the applicant prior to construction plan approval sufficient to cover the cost of reparations to the R/W area, including but not limited to the street itself, required as a result of damage created by the check-dams being located in the R/W. The cost to remove the check-dams and restore the integrity of the R/W shall be paid by the Homeowner's Association

Town staff does not recommend that the bioretention areas be allowed to encroach upon the R/W and recommends the following condition:

- That the two adjacent bioretention areas encroaching into the public right-of-way be relocated outside of the right-of-way so as not to compromise the roadway structure.

In addition, relative to the Town satisfying state requirements pertaining to the National Pollutant Discharge Elimination System (NPDES) Phase II permit, the following conditions are required on the permit:

- 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 stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
- That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), performance

evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.

As designed, the plan contains features that are dependent upon acquisition of an EPA 319 Grant. The Grant will provide funding for design services, underground water storage cisterns, and, pre- and post-occupancy monitoring and research (by NC State researchers). The project has been designed so that removal of the EPA sponsored measures will not effect its compliance with the Land Use Ordinance. The applicant will receive notice of their grant application status in August.

Grading

A substantial amount of clearing, excavation, cut, and fill is necessary to realize the site layout for Pacifica. Substantial site disturbance increases the importance of the Erosion Control plan. Also considering the compact design, the grading plan must be competently executed during construction in order for the stormwater system to function properly.

If the Board chooses to let the bioretention areas encroach on the right-of-way, staff advises that some "reserve areas/repair" areas be designated on the plans should these facilities compromise the public roadway. To that end, if a reasonable amount of time passes, and the Town Engineer is able to conclude that the reserve area should not be needed, then it is possible that staff may recommend a modification to the plans to allow for the deletion of the reserve area.

However, if the private drive is approved per these plans, Town staff and the Town Engineer have reviewed them and find that they meet the requirements of the LUO pertaining to grading, drainage and, erosion control.

Erosion Control

The project has been submitted for review by Orange County Erosion Control. To date the erosion control plan has not been approved. However, this is not grounds to deny the project as the applicant will not be authorized to begin construction until Orange County Erosion Control grants approval.

CONCLUSION – The project meets the requirements of the Land Use Ordinance pertaining to Drainage, Grading, and Erosion Control subject to the recommendations described above.

Miscellaneous

Per the requirements of Section 15-177, Architectural Standards for Major Subdivision, the applicant has addressed the recommended standards by providing to the Town a design narrative and building elevations (Attachment R). Per the provisions of Section 15-182.4 of the LUO (Attachment S), the following condition is recommended:

- That the affordable housing units conform to the town's recommended "Village Mixed Use and Affordable Housing Vernacular Architectural Standards" per Section 15-182.4 of the Land Use Ordinance.

The Appearance Commission did review the project with regard to the recommended condition. They did find that the project complies, as referenced in the attached minutes from the meeting (Attachment T).

The project is to be phased. Phase one will include the common buildings, all recreation facilities except the play field, 15 condominium units, 8 townhouses, and 3 detached single family units. Phase two includes the remaining 19 townhomes and 1 single-family-detached unit.

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. In response, please find attached a draft version of the homeowner's association documents (Attachment U). The Town Attorney has received and reviewed a preliminary version of the draft document, but still will need to review the final, proposed document before final plat approval.

Further, in the required mailing distributed by the Town to citizens within the 1000 foot notification area of the property, written comment is invited prior to both the Joint Review and Board of Aldermen meetings. Planning Division has received two such letters pertaining to this project. The letters are attached for your reference (Attachment V).

As for review of the project by the Town's Advisory Boards, two boards have completed their review (Appearance Commission and Planning Board), which leaves the Transportation Advisory Board and the Environmental Advisory Board (see Attachment W). Both boards have indicated that they should complete their review at their respective June 5, 2003 meetings. Recommendations will be forwarded to the Board following the meeting.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Architectural Standards and Phasing.

ADMINISTRATION'S RECOMMENDATION:

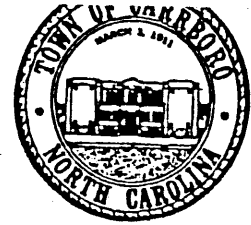
The Administration recommends that the Board of Aldermen approve the Conditional Use Permit for the Pacifica AIS subject to the conditions below. However, the Administration recommends denial if the applicant is unwilling to incorporate a public street as detailed in condition number four (4). Should the Board approve the CUP, the Administration recommends that the following conditions be attached to the permit. See the attached CUP worksheet for additional guidance (Attachment X)

1. The continued affordability of the units (lots 5, 8, 13, 16, 20, 27 and 29) must be specified in the Homeowner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance. These documents must be approved by the Town Attorney prior to construction plan approval.
2. Certificates of Occupancy for each of the six bonus 'market-rate' units may not be issued until such time as the corresponding affordable unit (lots 5, 8, 13, 16, 20, 27 and 29) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.
3. No additions or interior renovations designed to increase the heated square footage of the size-restricted units (lots 1, 5, 6, 13, 16, 19, 21, 24, 27, 28, 29, 32) 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.
4. That the private drive be replaced with a public right-of-way that meets the Alternative Street Standards of Section 15-216.1 of the Land Use Ordinance. The public street must be shown on the construction plans for the project and must meet all applicable requirements related to public streets.
5. That the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 71 spaces (excluding the parallel on-street parking) are sufficient to serve the Pacifica development. Per 15-292(a), the board makes this finding based on evidence submitted by the applicant mentioning the developments demographic, close proximity to bus stops and the central business district and the considerable bicycle accommodations provided on site as referenced in Attachments L and M of the staff report.
6. That the applicant modifies the Homeowners Association Documents to include a notice for prospective residents disclosing the terms of the above-mentioned parking deviation, and that the documents be resubmitted for review and approval by the Town Attorney.
7. That the applicant obtains a permit from NCDEHR/DEH Public Water Supply Section authorizing the operation of Pacifica's private water distribution system prior to construction plan approval.
8. That fire flow calculations and building-sprinkler design must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
9. That Pacifica enters into an encroachment agreement with the Town regarding maintenance and care of private water-quality check-dams encroaching upon the public R/W prior to construction plan approval.
10. That in the event of a failure of the private water-quality check-dams or a compromise of the street integrity adjacent to said BMP, the Town may elect at any time to remove the facilities and restore the R/W elements to the standard illustrated in Alternate Street Designs detail No. 27. Further, an adequate security must be submitted by the applicant prior to construction plan approval sufficient to cover the cost of reparations to the R/W area, including but not limited to the street itself, required as a result of damage created by the check-dams being located in the R/W. The cost to remove the check-dams and restore the integrity of the R/W shall be paid by the Homeowner's Association.

11. That the two adjacent bioretention areas encroaching into the public right-of-way be relocated outside of the right-of-way so as not to compromise the roadway structure.
12. 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 stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
13. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.
14. That the affordable housing units conform to the town's recommended "Village Mixed Use and Affordable Housing Vernacular Architectural Standards" per Section 15-182.4 of the Land Use Ordinance.

TOWN OF CARRBORO

LAND USE PERMIT APPLICATION

DATE: May 22, 2002FEE: \$2,380.00

APPLICANT: <u>Carrboro Collaborative Development Assoc.</u>	OWNER: <u>Green Equity, LLC</u>
ADDRESS: <u>103 W. WEAVER ST.</u>	ADDRESS: <u>312 RIDGE RD.</u>
CITY/STATE/ZIP: <u>CARRBORO, NC 27510</u>	CITY/STATE/ZIP: <u>DURHAM, NC 27705</u>
TELEPHONE/FAX: PHONE: <u>919.967.8505</u> FAX: <u>919.942.1881</u>	TELEPHONE/FAX: PHONE: <u>919.402.0043</u> FAX:
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>DEVELOPER</u>	TAX MAP(S), BLOCK(S), LOT(S): <u>7.30..12</u>
PROPERTY ADDRESS: <u>130 Hanna Street</u>	PROPOSED LAND USE & USE CLASSIFICATION: <u>Multi-Fam. Apt. 1.330</u> <u>Combined Use 2700, Multi-Fam. TH 1.320,</u>
PRESENT LAND USE & USE CLASSIFICATION: <u>UNDEVELOPED</u>	LOT AREA: <u>8.24</u> Acres <u>359,013</u> Square Feet
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): <u>R-10 (8.24 Acres)</u>	

# OF BUILDINGS TO REMAIN <u>0</u>	GROSS FLOOR AREA <u>0</u> square feet
# OF BUILDINGS PROPOSED <u>46 RESIDENTIAL / 1 COMMON HOUSE</u>	GROSS FLOOR AREA (of proposed building or proposed addition) <u>63,860 (estimated)</u> square feet
NAME OF PROJECT/DEVELOPMENT: <u>BOLIN CREEK CO-HOUSING</u>	

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

APPLICANT: [Signature]DATE: 4-01-02OWNER: [Signature]DATE: 06-01-02

Manager, Green Equity, LLC

CARRBORO COLLABORATIVE DEVELOPMENT ASSOCIATION, INC.

July 19, 2002

Mr. Jeff Kleaveland
Planner/Zoning Development Specialist
Town of Carrboro
Zoning Division
301 West Main Street
Carrboro, NC 27510

Dear Jeff,

In response to your letter of July 12, 2002, we present the following justification for our proposal of a private road with a stub-out connection to the Adam's Tract for the proposed Bolin Creek Cohousing subdivision.

Bolin Creek Cohousing neighborhood is being organized around the following four principles: affordability, community, diversity, and sustainability.

The Town of Carrboro Zoning Division staff has recommended the use of a public, sub-collector street for the Bolin Creek Cohousing project providing for the function of connecting to any future street on the adjacent property. The applicant appreciates the Town's requirement for connectivity and its request for the use of a public, sub-collector street to provide for this connectivity. However, in this case, the positive aspects of connectivity do not justify the negative impacts associated with the use of a public street on this lot.

Based on our review of the Town of Carrboro Land Use Ordinance (LUO), it is our understanding that a public road is not an absolute requirement, particularly if it would have negative impacts that outweigh the positive aspects. The applicant therefore proposes a stub-out, from a private road in the development, to the edge of the eastern property boundary to provide for future connection into the adjacent lot, currently known as the Adam's Tract. Further justification for this decision that is not in alignment with Zoning Division staff recommendation is provided below.

The LUO Section 15-220 (b) states that architecturally integrated residential subdivisions containing twenty-five or more units may be developed with private roads that do not meet the public street and sidewalk standards of the chapter as long as they meet certain conditions:

- This proposed development would have direct access onto a public street, Hanna Street.

- The Town of Carrboro Planning, Zoning & Inspections Department, states that there are currently no planned adjacent streets, private or public.
- The standards set forth in Section 15-221 require the facilitation of safe and convenient movement of motor vehicle and pedestrian traffic.
 - A narrow private road will slow traffic as well as allow for more appropriate and safer street crossings for pedestrian access between housing areas and recreation areas.
 - Sidewalks are proposed linking dwelling units with other dwelling units, the public street, and other on-site activity centers.
 - Proposed sidewalks are from five to eight feet in width and shall be constructed according to the specifications set forth in Appendix C, except where pervious pavers will be used for improved environmental desirability as well as design designation of a lower hierarchy path.
- The standards set forth in Section 15-222 require wheelchair ramps at intersections and other major points of pedestrian flow whenever curb and gutter construction is used. Curb and gutter are not proposed for this private road.

The LUO Section 15-221b (i) and (ii) states that whenever a lot is proposed to be subdivided and developed residentially for more than four dwelling units a street would be required running through the lot to provide a connection between *existing and planned* adjacent streets in accordance with the provisions of Sections 15-214 and 15-217. As stated above, the Town of Carrboro Zoning Division staff have confirmed that there is no existing or planned adjacent street associated with the adjacent Adams Tract.

The negative impacts of a public road on this project can be defined as affordability impacts, safety impacts and environmental impacts. These impacts are described in more detail as follows.

- According to Section 15-216c, a public, sub-collector street requires a minimum pavement width of 26 feet, 5-foot sidewalks on both sides of the street, and curb and gutter, all within a minimum right-of-way of 50 feet. Parking that counts toward the parking requirement for the development is not allowed within this 50-foot right-of-way. Therefore, additional drives connecting from this public street to parking areas will be required beyond this 50-foot right-of-way. Construction of a public, sub-collector street on this lot would result in:
 - An estimated net increase in impervious surface of 14,000 square feet as compared to a private road¹.
 - Increased stormwater runoff (**environmental impact**).

¹ This is contrary to the suggestion noted within the Environmental Review Comments from the Town of Carrboro (dated July 16, 2002) for the first submittal of the CUP: "3. Developer is encouraged to minimize the area required for stormwater control unit by reducing impervious surface area and maximizing the use of on-site infiltration to reduce the requirements for stormwater runoff control."

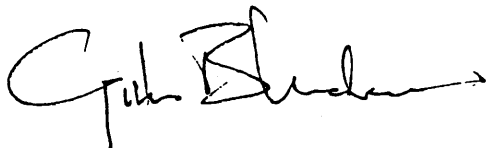
- Increased heat island effects and therefore increased ambient air temperatures (**environmental impact**).
 - Net increase in stormwater facility costs (**affordability impact**).
- Inability to treat stormwater from the public street through bioretention (**environmental impact**)¹.
- An estimated net increase in resource use of 8,200 ft³ base course stone, 1,500 ft³ asphalt, and 1,200 ft³ concrete (**environmental impact**).
- An added probable opinion of cost of \$90,000. Divided amongst 39 market-rate units, this would result in an increased cost to each homeowner of approximately \$2,300 (**affordability impacts**).
 - Affordability would be reduced by 1 to 1.5% for each household.
 - The ability for the applicant to provide housing that meets Orange County affordable housing guidelines would also be impacted should the market not support the additional \$2,300 per unit for the 39 market-rate lots.
- Increased costs as well as night sky radiation due to the considerable number and type of street lighting required for a public street (**affordability and environmental/aesthetic impact**).
- The LUO guidelines for public streets do not allow for sufficient control of pedestrian crossing design to provide for safe crossing in this development. A public street would not meet the safety needs of this development (**safety impacts**).
 - A public street on this lot would reduce the applicant's ability to meet a primary objective of this cohousing development, to provide for a 'pedestrian-friendly' environment.
 - Children would be crossing a wide public street in order to get to the play field. A private street will allow for more design control to reduce automobile speed and increase pedestrian security.
- Due to the dimension requirements for a public, sub-collector street right-of-way (50 feet) (**environmental impacts**):
 - The entire development may have to shift down the slope toward the north and Dry Gulch Creek, thereby reducing the proposed buffering of the stream as well as conservation of large hardwood trees on the site.
 - The areas for recreation and open space on the site will be reduced.

There is also an outside chance that the Adams Tract Preservation Committee would be successful in putting the property into some type of conservation ownership and the above-mentioned impacts would not only occur but for no connectivity gain.

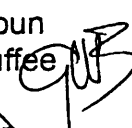
From the perspective of connectivity, it would appear that the proposed private connection to the Adams Tract would allow the 46 new home owners access in both directions, one through a possible new Adams Tract Road built to suitable standards and relieve Hanna Street of a portion of the traffic from the applicants proposed neighborhood.

Again, I emphasize, in the case of this development and its particular circumstances the negative impacts on affordability, safety, and the environment caused by the use of a public street to achieve connectivity far outweigh the benefits. We, therefore, propose for the Bolin Creek Cohousing project the use of a private street with a stub-out connection to the adjacent undeveloped lot.

Sincerely,



Giles W. Blunden

cc: ~~Michael Nelson, Mayor
Jacquelyn Gist
Joal Hall Broun
Diana McDuffee
Alex Zaffron
Mark Dorosin
John Herrera~~ 

Future Homeowners of Pacifica
c/o Carrboro Collaborative Development Association, Inc.
103 W. Weaver St.
Carrboro, NC 27510
919-967-8505

April 25, 2003

Roy Williford
Planning Director
Town Hall
301 W. Main Street
Carrboro, NC 27510

Dear Roy:

We, the future residents of Pacifica, are asking specifically to have the CUP request for Pacifica on the Public Hearing agenda for June 3rd.

CCDA has been working diligently with the town staff on our behalf for the last month to resolve the connector road to everyone's satisfaction. And, all review comments for the Pacifica CUP have been complete, to our knowledge, since March 27, 2003.

Since the public hearing may have an impact on the number of homes that can be built in Pacifica, it is extremely urgent to get to the public hearing to get this resolved prior to the Board's summer break.

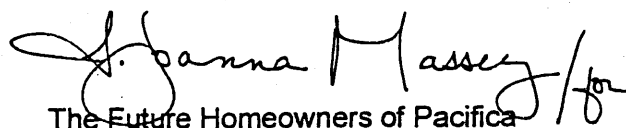
We would like to proceed to the public hearing without the 'public' connector road if that is what it will require to get on the agenda in June. That might mean that the public road design would become a "condition" of the permit.

It is our greatest concern that if the public road standard that CCDA is working on with staff (as a text amendment) is included prior to going to public hearing it will push us into another set of design reviews that will prevent us from making the June 3rd date as well as prevent us from resolving the density issues prior to the Board's summer break.

We very much want to work with the town to provide an appropriate connector road. And we would like to do this without being penalized for this at the cost of another 3 to 4 months of reviews. Our plans have been in the review process 15 months as of June 3rd.

If there is anything else we can do to help with this process, please let us know. You can contact us through CCDA, Inc. at the address above.

Most sincerely,


The Future Homeowners of Pacifica

Cc: Mike Brough, Interim Town Manager/Town Attorney
Mike Nelson, Mayor

CHARGES ISSUED

Charges were issues to David Deming, a recent appointee to the Transportation Advisory Board, and to Kathleen Buck, a recent appointee to the Environmental Advisory Board.

→ **PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO PROVIDE FOR ALTERNATIVE PARKING AREA AND PUBLIC STREET STANDARDS**

The Board of Aldermen directed staff to prepare a draft ordinance in follow-up to a request from the Carrboro Collaborative Development Association to amend the Land Use Ordinance for street connection and parking lot construction requirements and set a public hearing for May 6, 2003. It was necessary for the Board of Aldermen to receive public comment prior to taking action on the draft ordinance.

Trish McGuire, the town's Planning Administrator, made the presentation.

Aldermen Broun requested the dollar amount for sidewalk maintenance.

Giles Blunden, Carrboro Collaborative Development Association principal, provided the history of the request and gave an overview of the proposed road and right-of-way structure.

At Mayor Nelson's request, Trish and Chris Peterson, Public Works Director, spoke on staff concerns about the proposal.

Mayor Nelson requested that staff draft an ordinance amendment regarding inclusion of features within the right-of-way that would be considered by the Board on June 3rd when the public hearing on the Pacifica project is held.

Joanna Massey, working with Mr. Blunden and future Pacifica resident, spoke on bio-retention plans.

Stephen Trimel, Pacifica co-housing community, spoke in favor of proposed stormwater treatment design and asked the Board to accept the plan as proposed.

Ginger Long, member of co-housing community, spoke in favor of the proposed amendment.

Andy Hinkey, member of co-housing community, spoke of the member's enthusiasm to maintain right-of-way.

Linda Hauf, a resident of Bolin Forest, expressed concern of the Board giving up stormwater management control. She stated that there would be no accountability for CUP enforcement. She asked the Board to slow down and consider the impact on Bolin Creek and hold off on the Pacifica and Winmore public hearing.

Jane Biasey, a future Pacifica resident, stated that the Pacifica community is based on sustainability, diversity, affordability and community

MOTION WAS MADE BY ALEX ZAFFON AND SECONDED BY JACQUELYN G TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOHN HERRERA TO ADOPT THE ORDINANCE ENTITLED, "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FOR ALTERNATIVE PARKING AREA STANDARDS AND ALTERNATIVE STREET DESIGN REQUIREMENTS IN CONJUNCTION WITH LOW-IMPACT DEVELOPMENT, AFFORDABLE

HOUSING, AND CONNECTIONS TO EXISTING RIGHTS-OF-WAY THAT DO NOT MEET STREET CLASSIFICATION STANDARDS, AS AMENDED TO ADD THE FOLLOWING LANGUAGE TO SECTION 15-216.1(B)(1): ...OR STRUCTURAL EQUIVALENT AS APPROVED BY THE TOWN ENGINEER. IN ADDITION, THAT NOTE 2 ON STANDARD DRAWING BE AMENDED TO STATE: "PERMIT ISSUING AUTHORITY MAY ELIMINATE SIDEWALK REQUIREMENT ON EITHER SIDE (NOT BOTH) OF SUBCOLLECTOR." VOTE: AFFIRMATIVE SIX, ABSENT ONE (MCDUFFEE)

REQUEST TO SET PUBLIC HEARINGS: WINMORE VILLAGE MIXED USE CONDITIONAL USE DISTRICT REZONING AND WINMORE VILLAGE MIXED USE ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT

Winmore Land Management, LLC has submitted a petition to rezone 65.85 acres from R-10 to Village Mixed Use Conditional Use District and has also submitted an application for a conditional use permit to allow a Village Mixed Use Architecturally Integrated Subdivision. The Administration recommended that the Board of Aldermen set public hearings for review of these matters on May 27, 2003 and refer the petition and application to advisory boards for recommendations.

Trish McGuire, the town's Planning Administrator, made the presentation.

Nancy Salmon, a resident of the NTAA, urged the Board to give advisory boards more time to review the plans. She also stated that she thinks the plans are incomplete.

Steve Kimsley, a Lake Hogan Farms resident, requested that the Board delay the hearing on Phase I until more detail known on Phase II to understand Phase II impact – look at total project.

Brian Boyce, a resident of the NTAA, asked the Board to give advisory boards the time needed for thorough review of the project.

The following resolution was introduced by Alderman Jacquelyn Gist and duly seconded by Alderman Alex Zaffron.

A RESOLUTION CALLING A PUBLIC HEARING ON WINMORE VILLAGE MIXED USE
CONDITIONAL USE DISTRICT REZONING AND WINMORE VILLAGE MIXED USE
ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT
Resolution No. 158/2002-03

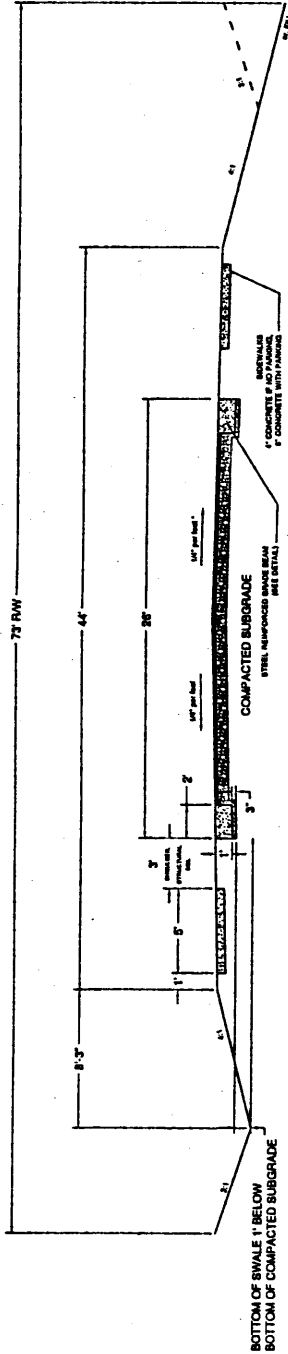
WHEREAS, the Carrboro Board of Aldermen must receive public comment on requests for rezonings and applications for conditional use permits; and

WHEREAS, Winmore Land Management, LLC has submitted a petition for rezoning and an application for a conditional use permit for the Winmore Village Mixed Use development.

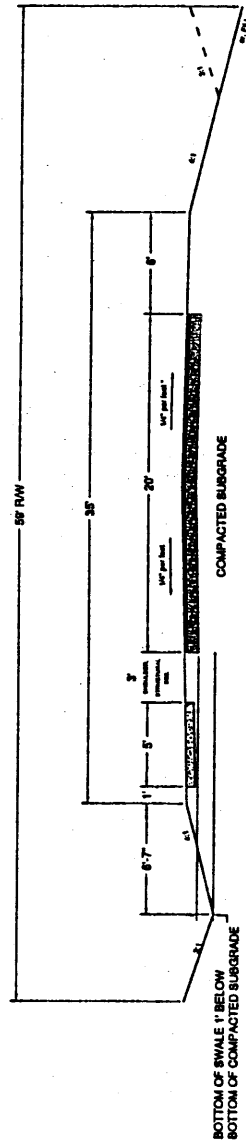
NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing for May 27, 2003 to receive public comment on these requests;

BE IT FURTHER RESOLVED that the rezoning petition and the application for a conditional use permit be referred to the Planning Board for recommendations.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 6th day of May, 2003:



Subcollector (parking may be permitted on one side)



Local (no parking permitted)

- NOTES:
1. Super-elevation on the road cross-section may be permitted at the discretion of Public Works and the Town Engineer in such cases that no concentrated or overland flow crosses the road from the high side of the super-elevation.
 2. Permit issuing authority may eliminate sidewalk requirement on either side (not both) of subcollector. RW width may be reduced so long as uniform RW includes sufficient area for the standard shoulder and swale and so long as a uniform RW is maintained.

