

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 24, 2003

**SUBJECT: CONTINUATION OF THE PUBLIC HEARING FOR THE PACIFICA
ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT, 130
HANNA STREET**

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: A. COST ESTIMATE FOR WATTERS ROAD IMPROVEMENTS B. UPDATED COST ESTIMATE FOR HANNA STREET IMPROVEMENTS C. HANNA RIDGE CUP DOCUMENTS D. EXCERPT FROM JUNE 3, 2003 STAFF REPORT REGARDING CONNECTIVITY E. MEMO FROM TOWN ATTORNEY PERTAINING TO HANNA RIDGE STUB-OUT. F. SUPPORTING SECTIONS FROM THE LAND USE ORDINANCE G. TRANSPORTATION PLANNER'S EVALUATION OF THE KIMLEY-HORN & ASSOCIATES TRAFFIC IMPACT ANALYSIS H. ADVISORY BOARDS SUMMARY RECOMMENDATIONS I. CONDITIONAL USE PERMIT WORKSHEET	FOR INFORMATION CONTACT: JEFF KLEAVELAND, 918-7332

PURPOSE

To continue the hearing that began on June 3rd, 2003 regarding the Pacifica Conditional Use Permit proposal. This project is a major subdivision on the property located at the eastern terminus of Hanna Street. The subdivision includes town homes, apartments and single family detached residences. The development contains a total of 46 dwelling units. At this time, the Board should continue to receive public comment, ask questions of staff and the applicant, and continue to consider the conditional use permit application.

INFORMATION

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 C). The Conditional Use Permit, if approved, would involve a major subdivision (Use 26.100) consisting of 27 town-home lots (Use 1.321), 4 single-family-detached lots (Use 1.111), and, 1 condominium lot (with 15 dwelling units) (Use

1.331) 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.

Additional Information as Requested by Board of Aldermen:

During the public hearing on June 10, 2003, Board members requested additional information related to the following topics:

- 1) Feasibility and costs of improvements to Watters Road: Attached is a cost estimate of improvements to Watters Road designed to improve pedestrian safety. The cost estimate is for the paving of Watters Road and the installation of an integral-pour sidewalk/curb with associated drainage structures on the north side of the road. This proposal does not include the gravel sidewalk concept mentioned at the public hearing due to safety and functional concerns (Attachment A).
- 2) Updated Costs of Hanna Street Sidewalk: Attached is the updated cost estimate of improvements to Hanna Street. The cost estimate is for repaving of Hanna Street and the installation of an integral-pour sidewalk/curb with associated drainage structures on the north side of the road (Attachment B).
- 3) Hanna Ridge CUP stub-out stipulations: Attached are the conditions from the Hanna Ridge CUP as well as a section of the approved site plan. Condition number six (6) of the Hanna Ridge CUP specifies that the developer “provide a stub-out to the east to the “Adams Tract” for possible future use as a second route of access to Hanna Ridge residents (Attachment C). The attached site-plan shows a portion of the private parking area and the location of the stub-out (Attachment C-2).
- 4) Mechanism for requiring right-of-way with reserved stub-out: A discussion of dedication of the public right-of-way and, reservation of stub-outs is included in the original staff report (Attachment D). In addition:
 - a) If the road is built to an approved Town Street Standard for sub-collectors and offered for dedication at the recordation of the final plat, the Town is not obligated to receive the offer of dedication. In this scenario, the road will no longer be private but would not yet be the responsibility of the Town either; the maintenance of the road would fall upon the Homeowner’s Association until such time that the dedication is accepted;
 - b) If the Board wishes to delay action on specifying the public/private nature of the road based upon an unfolding situation with preservation of the Adams Tract (such as a signed contract to purchase), the applicant could be given a pre-set period (90 days for example) wherein the plans could be modified accordingly. The situation however, would have to be resolved prior to final approval of construction drawings.
 - c) With regards to a stub-out to the Adams Tract, it is the Administration’s position that a stub-out should be required if a public right-of-way is required and, that a stub-out should be eliminated if a private drive is approved. The following information pertains to this conclusion.
 - i) When Hanna Ridge was approved in 1999, the justification for providing the stub-out on the private street was not for the purposes of providing public access *through* the property but as a means to provide multiple points of ingress and egress for the future residents of Hanna Ridge. The attached memo prepared by the Town Attorney for the Hanna Ridge supports this finding reasoning because the internal circulation of the Hanna Ridge streets are not conducive to functioning as a “through-route” (Attachment E). Planning staff however, recommended

against the stub-out to the Adams Tract, arguing that the connection would “more likely than not” function as a through-route between North Greensboro Street and Estes Drive Extension.

- ii) Since the issuance of the Hanna Ridge CUP, the Land Use Ordinance has been amended (June 25, 2002) to strengthen the connectivity requirements of the ordinance by the addition of subsection 15-220(h), which reads as follows: “Notwithstanding the other provisions of this section, 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 Sections 15-214 and 15-217(a)” (Attachment F).
- iii) Should the Adams Tract become a public property, a private road through Pacifica development will act to limit the public access needed for its use, maintenance and enjoyment, particularly for residents living to the west and northwest.
- iv) Should the Adams Tract be developed, it is advantageous for a development to have multiple points on ingress and egress so as to moderate traffic impact. A private road through Pacifica would effectively prohibit this access yet would provide full enjoyment of the public preserve to residents of Pacifica only. If this public access is considered of importance for whatever reason, it is not possible to make the finding in 15-220(b) that would allow the private road.

- 5) Feasibility of removing the additional parking area: Staff concludes that removing the 23-space parking lot (located along the southwestern quadrant of the site) would not be advisable. Pacifica is already seeking a deviation from the parking requirements of the Land Use Ordinance by serving the 46 dwelling units with 71 spaces as compared to the 84 spaces required by Section 15-291. As such, the deviation requires the applicant provide sufficient evidence to justify the parking reduction (which they have provided); removing an additional 23-spaces, would require additional justification. Note that the on-street parking provided along the entry drive cannot be counted toward the parking requirement if it is a public right-of-way. Regardless, the following points also prohibit removal of the parking lot:
 - a) Traffic counts (projections) are not appreciably lower than a typical development.
 - b) Overflow to Hanna Street is not possible.
 - c) Overflow to other areas of the site that may damage stormwater BMP's.
- 6) Evaluation of Kimley-Horn and Associates traffic analysis: Attached is the Town Transportation Planner's evaluation of the Kimley-Horn and Associates Traffic Impact Analysis (Attachment G).

Additional Information as Requested by Applicant

During the public hearing on June 10, 2003, the applicant requested additional information related to the following topic:

- 1) Alternative paving of the 23-space lot: Regarding the feasibility of allowing an alternative paving of the 23-space parking lot, Appendix D of the LUO gives the Public Works Director the authority to allow alternate paving materials in parking areas so long as the required levels of structural stability are achieved.

Additional Information Provided by Staff

Information on the following topics is provided for the Board's reference:

- 1) Deviations of the proposed private drive from the public standard: The proposed private drive for the Pacifica AIS deviates from the Town's Alternative Street Standard for Sub-collector in the following areas.
 - a) The width of the drive varies along its length
 - b) There are stormwater and structural encroachments located within the right-of-way
 - c) There are sections of the roadway that direct water over the roadway contrary to the specifications of the ordinance.
- 2) Board actions if it concludes that significantly lesser density is required to permit the project: Should the Board conclude that the project needs a significant decrease in density in order to approve the project the applicant may be required to submit a new application if the Board concludes that the changes constitute a major modification [15-104(b)]. The Board may request to see a revised plan to make this determination.
- 3) Response to Mayor's comment regarding using the local road standard to serve the development: Mayor Nelson expressed an interest in Pacifica road being built to "local" street standards (20 foot wide pavement section built within a 43-47 foot right-of-way). Staff has the following comments:
 - a) The current private drive is sized to provide on-street parking along one segment (26 feet); A street built to local standards is not wide enough to provide on-street parking.
 - b) Parking will need to be prohibited along a local street so as to allow sufficient access of emergency vehicles.
 - c) By ordinance [15-210 (b)(2)] a local street is designed to serve at least ten but not more than 25 dwelling units. Pacifica is proposing 46 units.

RECOMMENDATION

At this time, the Board should continue to receive public comment, ask questions of staff and the applicant, and continue to consider the conditional use permit application.

Should the Board move to vote on the permit, 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.

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. The management of these units will be given to Orange County Community Housing and Land Trust or the Town Manager at the time the Certificate of Occupancy is issued. 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.
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.
15. That an emergency-only access drive is provided to the property from Watters Road. The drive is to include a collapsible bollard and an "all-weather" travel surface subject to the Town's approval.