

STAFF REPORT

TO: Board of Aldermen

DATE: January 27, 2004

PROJECT: Pacifica AIS

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

PURPOSE: Carrboro Collaborative Development Association has submitted and application for making changes to the approved site plans. The changes involve the location of affordable housing units as well as the size of the units as well as site plan modifications. The applicant also wants to cap their contribution to the proposed Hanna Street sidewalk to \$50,000. The application has been processed as a minor modification to the existing CUP, which was issued on June 24th, 2003.

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

BACKGROUND INFORMATION

The Conditional Use Permit issued on June 24, 2003 for the Pacifica AIS permits a major subdivision consisting of 27 town-home lots, 4 single-family-detached lots, and, 1 condominium lot (with 15 dwelling units) with associated infrastructure (**Attachment C**). The applicant is seeking a *Minor Modification* to the approved CUP to make adjustments to the site plans, to remove the under- and above-ground water-storage cisterns and, to further negotiate their financial responsibility in the construction of a Hanna St. sidewalk (**Attachment A**). See attached for the applicant's complete list of site modifications (**Attachment D**).

INVENTORY OF PROPOSED CHANGES

Site Plan

Conditions seven (7) and sixteen (16) of the CUP require eleven parking spaces on the auxiliary lot to be removed and a fire access lane to Watters Road be provided. Because of these changes, slight adjustments in the site and grading plans are required (**Attachment D**). Note that Attachment D indicates that the stop signs were removed as a condition of the permit; this is incorrect and no such condition was stated. Should the applicant wish to remove stop signs, staff would require an authorizing letter from the project's engineer, whose professional stamp certifies the drawings.

Affordable Housing

The affordable housing units have been relocated within the development slightly, however, they are randomly distributed much as before; staff finds the new locations of the affordable units in compliance with the LUO.

The sizes of the affordable units have changed resulting in a net loss of 1180 square feet (sf) of building space devoted to affordable housing. The space is still distributed over seven units but results in a drop in the *average* square feet per unit from 1126 sf to 960 sf. Also, two of the units have been relocated in a stacked two-unit building within the condominium section of the site plan. In the original CUP, none of the affordable housing units were condominiums. Section 15-182.4 of the LUO governs the price point for affordable housing, but does not specify any size parameters for such housing.

Site Data

The applicant wants to renumber the units on the site plan which requires that the "affordable" and "size-limited units" as represented on the issued CUP be renumbered accordingly. The renumbering does not change the quantity of size-limited or affordable units, nor does it involve substantial relocation of the buildings; the new number designations correspond to the new mailing addresses for the units as prepared by the Town. For this reason, staff recommends that conditions three (3), four (4) and five (5) of the original CUP be modified as follows:

- That the seven units considered affordable be changed to: 107, 115, 131, 139, 149, 191, 193.
- That the twelve lots reserved for size-limited units be changed to: 107, 115, 131, 137, 147, 155, 159, 163, 171, 181, 191, 193.

Lighting

Attached are revised details for the proposed solar lighting fixtures (**Attachment E**). The fixtures present the same lighting intensity and footprint of the original fixtures but are unique in that they have an ornamental bicycle sculpture located on top of the pole and they relocate the battery to a ground vault instead of high on the pole. There are a total of six (6) fixtures adjacent to the driveway and parking areas; several of the decorated fixtures may be visible from neighboring properties. The LUO does not include specific standards for lighting on private property except for height and intensity. The Board is requested to consider this modification and either approve, approve with conditions, or deny the request.

If the proposed lighting design is approved, then staff recommends the following condition:

- That the solar lighting battery is sufficiently housed to protect public safety and the environment and, that structural information be provided to the Town to demonstrate the design's ability to withstand an 80 mph wind-load as required for structures by the North Carolina State Building Code.

Stormwater

When the Pacifica project was first presented to the Board, the staff report indicated that the proposed cisterns were dependent upon successful acquisition of an EPA 319 grant application. The applicant was not selected for the EPA grant and therefore the cisterns will be removed consistent with the information presented to the Board during the original permitting hearings. As stated in the original staff report, and as confirmed by the Town Engineer, removal of the cisterns does not jeopardize the project's compliance with the stormwater management standards of Sections 15-262 and 15-263 of the LUO. However, the cisterns would have yielded a higher standard of water quality treatment than the LUO requires. Note that the applicant states that they are on the EPA's "short-list" for the grant and may at some point in the future be funded and thus able to install the cistern system.

Hanna Ridge Sidewalk

The applicant is seeking to cap the sidewalk improvements specified for Hanna Street in Condition 14 to a maximum of \$50,000 as referenced in the attached letter, which the applicant has provided to justify the request (**Attachment F**). Also attached is an applicant letter dated June 9, 2003, requesting that the Board consider measures to reduce project costs so as to guarantee their \$50,000.

As a precedent, Staff notes that in condition two (2) of the Hanna Ridge CUP issued for the property in 1999, the applicant is required to contribute 50% to the total cost of the sidewalk's construction with the Town paying for the remainder (**Attachment I**). The Hanna Street sidewalk is currently shown on the list of sidewalk projects adopted by the Board of Aldermen at the January 13, 2004 meeting. This sidewalk is shown to be in the first of three bond sales authorized by the recently approved sidewalk and greenway referendum. Money for the Town's share of this project (\$55,564) has also been obtained from the Durham, Chapel Hill, Carrboro Metropolitan Planning Organization. Note that the condition placed on the CUP requires the applicant to pay 50% of the total cost of the sidewalk. The developer's cost for the sidewalk is not affected by the MPO contribution.

The most recent, and by staff's account, most current sidewalk cost estimate for the sidewalk project, as prepared by the Town Engineer, is attached (**Attachment H**). These estimates of \$111,128 and \$101,236 represent an economical solution to the sidewalk problem on Hanna Street; both prices are for the sidewalk installation on the low side of the street. The low estimate is for an integral curb and concrete

sidewalk design while the higher estimate is for curb and gutter with concrete sidewalk. Both estimates included the cost of two speed bumps which are not a condition of the Pacifica permit.

Various other estimates have been prepared, ranging from \$186,353 in the Inventory of Capital Needs, in the fiscal year budget of 2002-03, to \$89,266, one of the revised estimates for the Hanna Ridge CUP hearings. Each price represents a different scenario; whether the sidewalk is placed on the high side or low side of the road, whether curb and gutter is provided on both sides or just one side, whether an integral pour sidewalk is used instead of curb and gutter.

Staff recommends that the Board uphold the terms of original condition (number 14) of the permit which does *not* cap the applicant's contribution to the proposed sidewalk. The Board is requested to consider this modification and either approve, approve with conditions, or deny the request.

Elevations

Also, attached is an elevation of one of the condominium units (**Attachment J**). The building plans as shown in the original permit show only a representative plan of the building style. The attached elevation is to further inform the Board of the nature of the architecture but does not represent a departure from the style authorized in the original CUP. No Board action is requested in regards to these elevations.

MISCELLANEOUS

Citizen Comments

Attached is a letter from an adjacent property owner opposing several aspects of the applicant's request (**Attachment K**).

Public Hearing

It is within the purview of the Board of Aldermen to call a public hearing before rendering a decision on the requested changes. Specifically, with regard to Minor Modification requests, Section 15-64(b) of the LUO states the following: "Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification."

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached resolution (**Attachment L**) approving the Minor Modification to the Conditional Use Permit with the following conditions:

1. That the seven units considered affordable be changed to: 107, 115, 131, 139, 149, 191, 193.
2. That the twelve lots reserved for size-limited units be changed to: 107, 115, 131, 137, 147, 155, 159, 163, 171, 181, 191, 193.

Also, the Board is requested to make a decision regarding lighting. If the proposed lighting design is approved, then staff recommends the following condition:

3. That the solar lighting battery is sufficiently housed to protect public safety and the environment and, that structural information be provided to the Town to demonstrate the design's ability to withstand an 80 mph wind-load as required for structures by the North Carolina State Building Code.

Lastly, the Board is requested to make a decision regarding the requested cap on the applicant's contribution to the Hanna Street sidewalk at \$50,000. As a reminder, staff recommends that the Board uphold the terms of the original condition which states:

“That the developer shall reimburse the Town of Carrboro for 50% of the cost of designing and installing an integral pour sidewalk on the low side of Hanna Street extending from the Pacifica property to the intersection with North Greensboro Street.”

FILED Joyce H. Pearson
Register of Deeds Orange COUNTY, NC
BY

Deputy

Wendy R. Dixon

<p>PREPARED BY AND RETURN TO:</p> <p>TOWN CLERK TOWN OF CARRBORO 301 West Main Street CARRBORO, NORTH CAROLINA 27510</p>
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ORANGE COUNTY NORTH CAROLINA

TOWN OF CARRBORO CONDITIONAL USE PERMIT GRANTED

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

APPLICANT: Carrboro Collaborative Development Association, Inc.
OWNER: Green Equity, LLC
PROPERTY LOCATION (Street Address): 130 Hanna Street
TAX MAP, BLOCK, LOT(S): 7.30..12 <i>9779.70.4802 mab</i>
PROPOSED USE OF PROPERTY: Major subdivision consisting of the following uses: single-family detached, multi-family town homes, multi-family apartments (condominiums))
CARRBORO LAND USE ORDINANCE USE CATEGORY: 26.100, 1.111, 1.321, 1.331
MEETING DATES: June 3, 10, 24, 2003

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

TOWN OF CARRBORO
CONDITIONAL USE PERMIT (con't)
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- 2) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
- 3) 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 per the provisions of Section 15-182.4 of the Carrboro 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.
- 4) That 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 Carrboro Land Use Ordinance.
- 5) 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 and 32) can be approved/completed within the first year following the issuance of the certificate of occupancy per section 15-188(e) of the Carrboro Land Use Ordinance. This statement must also be included on the recorded final plat.
- 6) That streets be allowed to remain private per the specifications of the approved conditional use permit plans.
- 7) That the Board hereby allows a deviation from the parking requirements of Section 15-291(g) of the Carrboro Land Use Ordinance, finding that 73 spaces are sufficient to serve the Pacifica development. per Section 15-292(a) of the Carrboro Land Use Ordinance. The Board makes this finding based on evidence submitted by the applicant mentioning the development's demographic, close proximity to bus stops and the central business district and the considerable bicycle accommodations provided onsite as referenced in Attachments L and M of the staff report. In addition, that the eleven (11) western parking spaces of the 23-space auxiliary parking area be eliminated and that an emergency-only access drive be provided to the property from Watters Road. This drive is to include a collapsible bollard and an "all-weather" travel surface subject to the town's approval.
- 8) That the applicant modify the homeowner's association documents to include a notice to prospective residents disclosing the terms of the above-mentioned parking deviation.
- 9) That the applicant obtain a permit from NCDEHR/DEH Public Water Supply Section authorizing the operation of Pacifica's private water distribution system prior to construction plan approval.
- 10) 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.
- 11) That the applicant provide 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.
- 12) That the developer shall include a 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, bio-retention 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 the Town Engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowner's association documentation.

TOWN OF CARRBORO
 CONDITIONAL USE PERMIT (con't)
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13) 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 Carrboro Land Use Ordinance.

14) That the developer shall reimburse the Town of Carrboro for 50% of the cost of designing and installing an integral pour sidewalk on the low side of Hanna street extending from the Pacifica property to the intersection with North Greensboro Street.

15) That the developer prepare an open space management plan to be submitted with the constructions plans to be included as part of the homeowner's association documents.

16) That the private fire lane access ways remain free of obstructions during and after construction to ensure the ongoing safety of the residents of the development.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA
 ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

ATTEST:

Sarah C. Williamson
 Town Clerk
 NORTH CAROLINA-ORANGE COUNTY



THE TOWN OF CARRBORO

BY Michael B. Brough
 Interim Town Manager

I, Jane L. Tuohy, a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Michael B. Brough, Interim Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal this the 12 day of September, 2003.



Jane L. Tuohy (SEAL)
 Notary Public

My Commission Expires: 12-01-2003

TOWN OF CARRBORO
CONDITIONAL USE PERMIT (con't)
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I Paul Piersma, Principal of Green Equity, LLC,
do hereby acknowledge receipt of this Conditional Use Permit. The undersigned Principal do
further acknowledge that no work may be done pursuant to this permit except in accordance with
all of its conditions and requirements and that this restriction shall be binding upon them and their
successors in interest.

Paul Piersma Manager
Principal of Green Equity LLC

STATE OF NC
COUNTY OF Orange

I, Gena C. Wicker, a Notary Public for said County and State, do hereby
certify that Paul Piersma, Manager of Green Equity, LLC, a
limited liability company, personally appeared before me this day and acknowledged the due
execution of the foregoing instrument on behalf of the company.

Gena C. Wicker
Notary Public
3-24-08
(SEAL)
NOTARY PUBLIC
GENA C. WICKER
3-24-08

Witness my hand and official seal or stamp, this
The 10th day of Sept., 2003.

(Not valid until fully executed and recorded)

STATE OF NORTH CAROLINA
COUNTY OF ORANGE

The foregoing certificate of _____, Notary Public of the
designated governmental units is certified to be correct.

This the ____ day of _____, A.D., 2003.

Register of Deeds

By _____
Assistant/Deputy Register of Deeds

<p>PREPARED BY AND RETURN TO:</p> <p>TOWN CLERK TOWN OF CARRBORO 301 West Main Street CARRBORO, NORTH CAROLINA 27510</p>
--

Dear Jeff:

Below is a list of changes to Pacifica since the last CUP submittal

Changes due to "Conditions" of the CUP

Fire access and parking

- Parking lot at the south end of site was reconfigured to reduce the number of spaces
- Play field configuration change precipitated by fire truck requirements for access from Watters Road
- Existing Tree line moved to include more trees due reduced parking
- Fire access lane from waters road was added
- Chained access as opposed to break away bollards at fire marshals request
- Landscape plantings (adj. To parking lot)
- Open space calculations (due to parking lot/fire access)

Private road

- Easements added Adams access to existing home
- Easement changed for Rigdon to access existing home only
- 3 stop signs removed

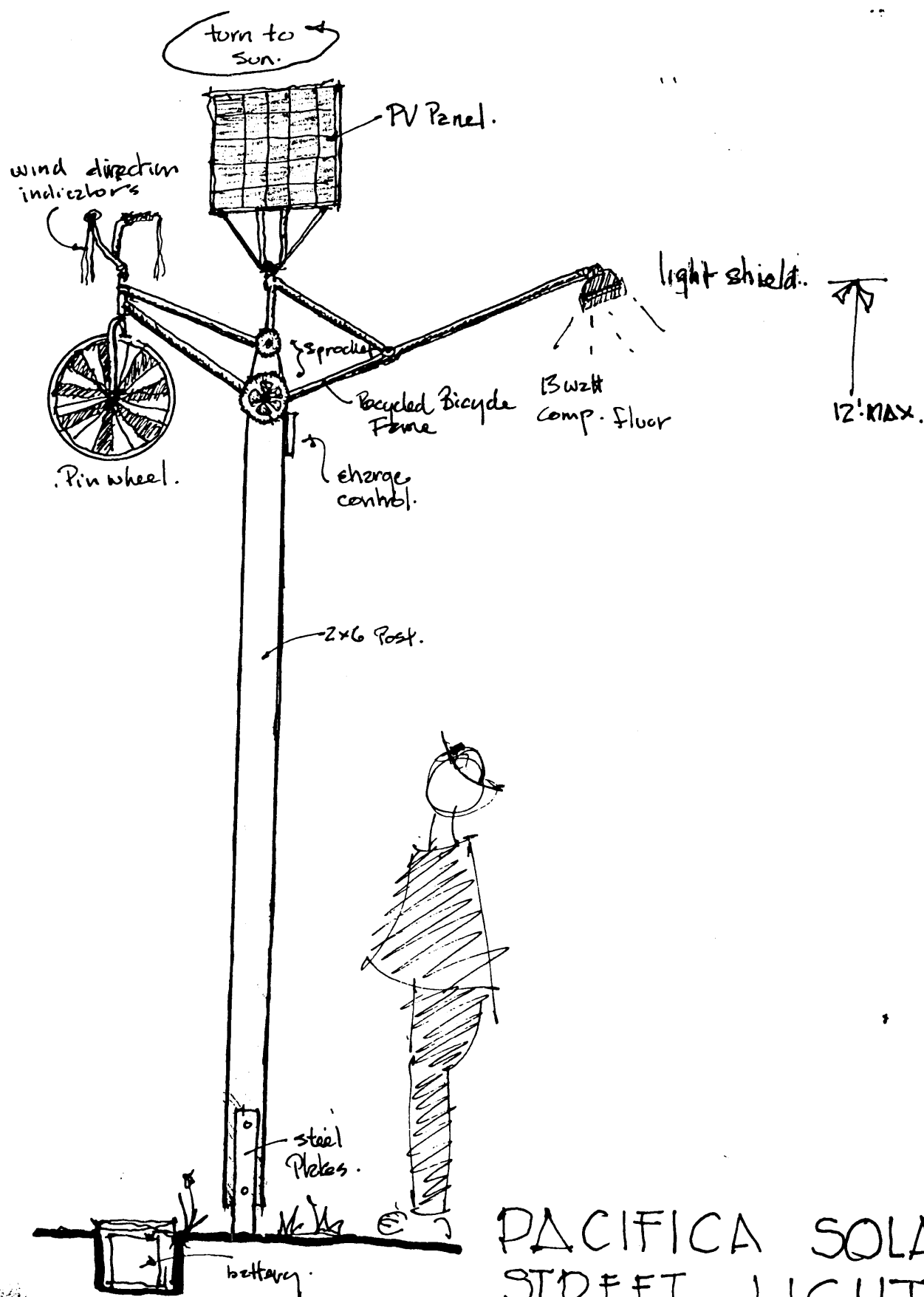
Changes due to lot selection process

- Renumbering of lots to include condominiums in numbering
- Changes in house sizes on various particular lots (see site plan lot description)
- Small grading changes to accommodate house changes above
- Parking spaces near Common House (2 compact to 2 standard)
- "Affordable" home lots moved but remained dispersed
- Size restricted lots moved and changed in number (still significantly above LOU requirement (see site plan lot description)

Other Changes

- Cisterns have been removed and storm-water calcs redone due to uncertainty of EPA 319 grant. These will be added back if grant is received (we are on thee short list)
- Phasing has been removed since all homes are sold
- Individual water meters have been removed due to resale clause in NC ordinance (master meters are still in place)
- Small swing to replace tetherball in play area (points still meet LUO)
- Level spreaders are longer
- Bioretention #5 increased to provide addition capacity for associated homes





CARRBORO COLLABORATIVE DEVELOPMENT ASSOCIATION, INC.

Justification letter for a fixed cost on the sidewalk

Dear Mayor and Board of Aldermen

I am requesting that the money for the Hanna street sidewalk improvements to be paid by CCDA to be set with a cap of \$50,000.

The reasons for this are as follows

1. This is what I erroneously thought was the condition.
2. Having a fixed amount reduces the amount of contingency (unknown costs) that would have to be held back and could not be applied to the project direct costs
3. Since Public works might be doing other improvements to the street at the same time it would eliminate the need for extra bookkeeping to keep up with exactly much time and cost went into the sidewalk portion of the design and construction.
4. The timing of the sidewalk construction may not coincide with Pacifica's closing which would mean bonding a certain amount to ensure completion. The bond would need to be higher than \$50,000 to cover unknown cost therefore setting aside additional funds that could be applied to amenities during construction.
5. We would like to do as many of the environmental Low Impact Design strategies as possible and planning for this would have to be reduced by the amount of the contingency.

Sincerely


Giles Blunden

CARRBORO COLLABORATIVE DEVELOPMENT ASSOCIATION, INC.

June 9, 2003

Mayor Mike Nelson
Board of Aldermen
Town of Carrboro
Town Hall
301 West Main Street
Carrboro, NC 27510

Dear Mayor and Board of Aldermen,

CCDA and Pacifica share the concerns of neighbors regarding the safety of pedestrians on Hanna Street. We agree that it would improve the walkability of the entire neighborhood if a sidewalk were put in on Hanna Street.

Other aspects of the road would seem to be enhanced by this also. Steep drop-offs on the shoulder would be eliminated and the sidewalk would provide a place for rollouts and yard waste that is not in the road. And, although this is perhaps not optimal, it would appear to provide less interference for traffic. If this were done in conjunction with the Town of Carrboro's scheduled road maintenance schedule for 2005, it would provide a more serviceable road.

Everyone has been working hard to balance providing affordable houses with minimum environmental impact. The future Pacifica residents would also like to support the construction of the sidewalk to confirm our intentions of becoming good neighbors. Hopefully this can be accomplished as equitably as possible for all concerned.

I cannot do a cost estimate with the accuracy necessary (0.7%¹) to predict the cost of the sidewalk in relation to the total project cost within the short time between board meetings. In lieu of this, I would like your help in resolving this. There are two ways that the Board of Aldermen can help Pacifica reduce existing projected costs that could then be applied to the sidewalk and address some of the neighbors' other concerns.

The first is not to require the designation of a right-of-way for the connector road until it is actually determined what it will connect to. This will reduce our redesign and re-review by approximately \$15,000.

¹ Using an estimate of \$50,000 for the sidewalk and \$7,000,000 for total project costs.

The second would be to allow the overflow parking area on the south side of the road to be grass on a structural base and not paved as is currently required by the ordinance. This would have the following benefits to Pacifica and neighbors:

- Somewhat less impervious surface
- Less heat island effect
- Less reflected noise from pavement to neighbors
- Higher aesthetic value
- Lower cost by \$25,000

The last benefit is most important because, again, this \$25,000 could be applied to the sidewalk on Hanna Street.

This appears to be as close to a win - win situation as we can achieve. If you see some other mechanism that we can use to achieve this, please do not hesitate to add it to the discussion.

If this is an acceptable solution, CCDA and Pacifica can guarantee a contribution of \$50,000 to the sidewalk construction on Hanna Street. CCDA does not want to be the lead designer on the sidewalk because of a perceived lack of trust of some of the Hanna Street residents that could complicate the process. The Town taking the lead on this would be appropriate since it is their right-of-way and their estimate of cost and the construction could be tied in with other minor improvements that could take place at the scheduled pavement maintenance.

I hope this is an agreeable solution. As you heard at the public hearing, the people who are going to live at Pacifica do want to be good neighbors, and do not want to push the burden of their being able to live in this neighborhood off on their future neighbors. Our hope is that the sidewalk can become a pedestrian ribbon that can connect the new neighbors with the existing neighbors. The sidewalk will provide access in two directions: one way to North Greensboro Street and the other way to the future Adam's Tract preserve.

Sincerely,



Giles Blunden
Principal

Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

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

May 14, 2003

Mr. Marty Roupe
Zoning Division
Town of Carrboro
301 West Main Street
Carrboro, NC 27510

Re: Revised Estimates – Hanna Street Sidewalk

Mr. Roupe,

We have completed the revised estimates you requested for Hanna Street. The estimates are not based on field survey data and there are no costs included for right-of-way.

Curb & Gutter with Concrete Sidewalk

	<u>High Side</u>	<u>Low Side</u>
Total	No Estimate	\$111,128

Integral Curb & Concrete Sidewalk

	<u>High Side</u>	<u>Low Side</u>
Total	No Estimate	\$101,236

If you have any questions or need further information, please contact me.

Sincerely,



William M. Hines, PE

Hanna Street - Estimate for Sidewalk

5/14/2003

C&G on low side with a 5' Sidewalk

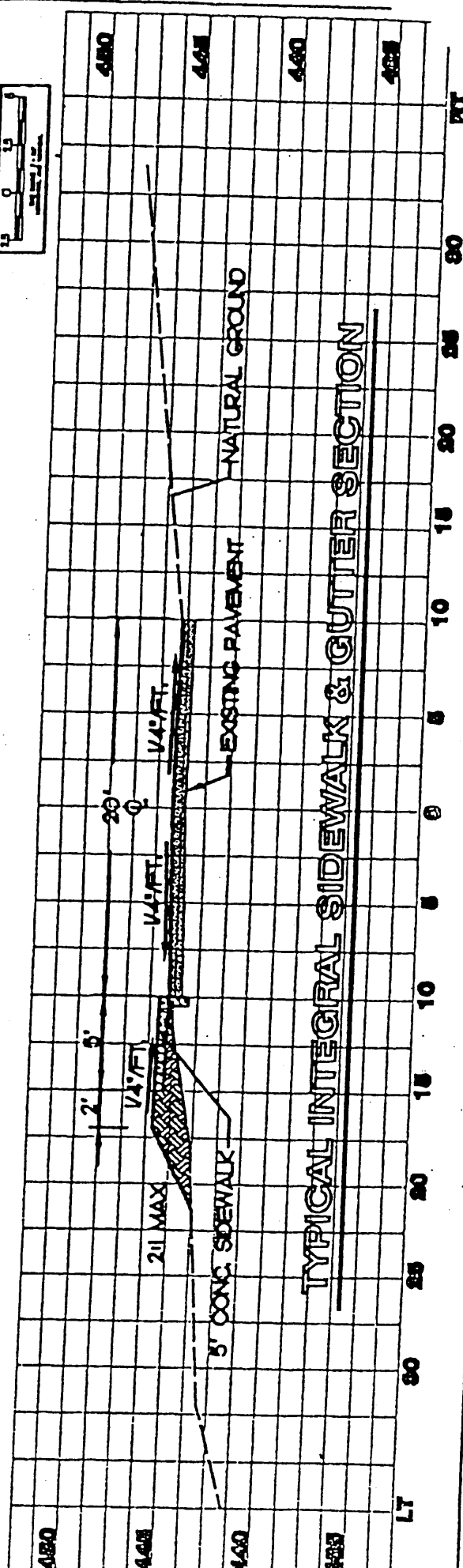
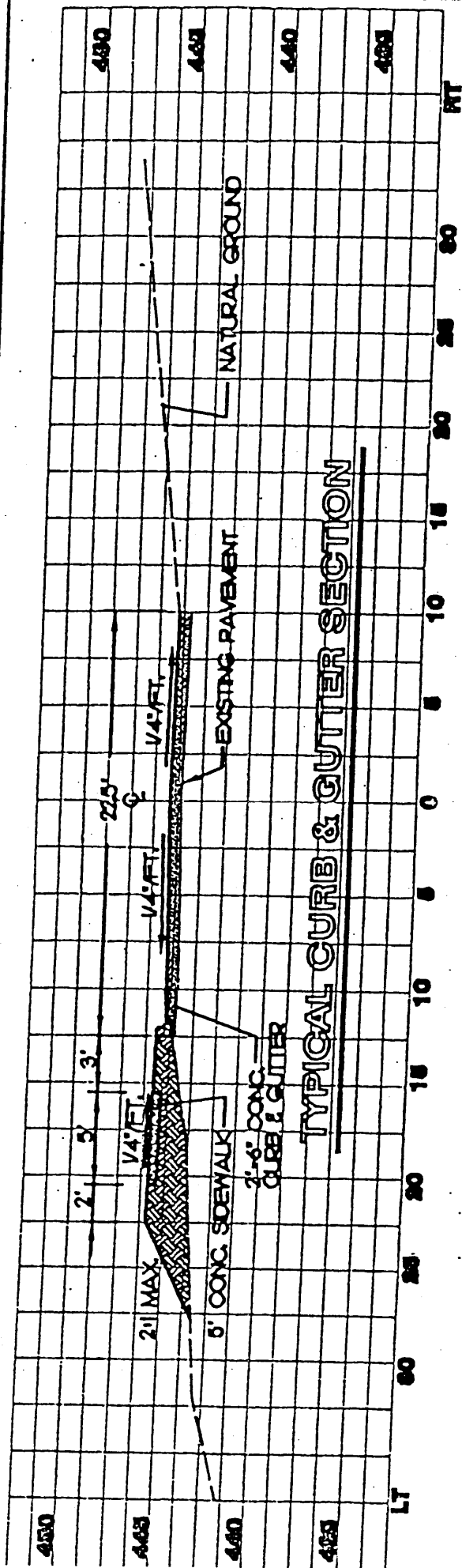
<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
30-inch Curb & Gutter	1100	LF	\$10.50	\$11,550.00
4-inch Sidewalk	611	SY	\$25.00	\$15,275.00
Concrete Retaining Wall	200	LF	\$77.75	\$15,550.00
Seeding & Mulching	7	MSF	\$50.00	\$350.00
Incidental Stone	52	TON	\$25.90	\$1,346.80
Speed Humps w/ Signs	2	EA	\$2,500.00	\$5,000.00
Catch Basins	2	EA	\$2,000.00	\$4,000.00
15-inch RCP	100	LF	\$24.75	\$2,475.00
Riprap Apron	4	TON	\$28.80	\$115.20
I-2 for Resurfacing	217	TON	\$48.10	\$10,437.70
Borrow Material	493	CY	\$11.10	\$5,472.30
Silt Fence	950	LF	\$2.00	\$1,900.00
Surveying	10	MD	\$350.00	\$3,500.00
Subtotal				\$76,972.00
Add Mobilization (5%)				\$80,820.60
Add Engineering (10%)				\$88,902.66
Add Contingency (25%)				\$111,128.33
Total				\$111,128.33

5/14/2003

Hanna Street - Estimate for Sidewalk

Integral Curb & Sidewalk on low side

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Price</u>	<u>Amount</u>
Integral Curb & Sidewalk	1100	LF	\$25.00	\$27,500.00
Concrete Retaining Wall	150	LF	\$77.75	\$11,662.50
Seeding & Mulching	4	MSF	\$50.00	\$200.00
Speed Humps w/ Signs	2	EA	\$2,500.00	\$5,000.00
Catch Basins	2	EA	\$2,000.00	\$4,000.00
15-inch RCP	100	LF	\$24.75	\$2,475.00
Riprap Apron	4	TON	\$28.80	\$115.20
I-2 for Resurfacing	217	TON	\$48.10	\$10,437.70
Borrow Material	300	CY	\$11.10	\$3,330.00
Silt Fence	950	LF	\$2.00	\$1,900.00
Surveying	10	MD	\$350.00	\$3,500.00
Subtotal				\$70,120.40
Add Mobilization (5%)				\$73,626.42
Add Engineering (10%)				\$80,989.06
Add Contingency (25%)				\$101,236.33
Total				\$101,236.33



TYPICAL SECTIONS

HANNA ROAD
CARBORO, NC

DESIGNED BY: J. L. BROWN, INC.
CHECKED BY: J. L. BROWN, INC.
DATE: 10/1/00

DATE	BY

NORTH CAROLINA

ORANGE COUNTY



TOWN OF CARRBORO

CONDITIONAL USE PERMIT GRANTED

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

APPLICANT: Andrews & Associates, Inc.
OWNER: Andrews & Associates (Home Town Equity)
PROPERTY LOCATION (Street Address): 130 Hanna Street
TAX MAP, BLOCK, LOT(S): 7.30..12
PROPOSED USED OF PROPERTY: Residential – An Architecturally Integrated Subdivision of Townhomes and Single-Family Detached Lots
CARRBORO LAND USE ORDINANCE USE CATEGORY: 1.321 and 1.110
MEETING DATES: June 22, August 17 and September 7, 1999

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be pointed out specifically to the administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

1. The proposed stormwater detention basin be eliminated and the resultant 'saved' area be incorporated into the undisturbed open space area required for the site, to the extent practicable. Some of the area currently used for the stormwater detention basin may be needed for erosion control measures.
2. That the developer design and construct an integral pour sidewalk within the existing right-of-way on the low side of Hanna Street, extending from the Hanna Ridge development to Greensboro Street, subject to the understanding that, upon completion, the Town will reimburse the developer fifty percent of the direct cost incurred by the developer in the design and construction of this sidewalk. The design of the sidewalk shall be subject to review and approval by the Town and the design and construction of the sidewalk shall be completed prior to final plat approval for Hanna Ridge.
3. That the lighting plan for the Hanna Ridge project be designed with light fixtures no taller than 15' and that the 0.2 foot-candle illumination contour is adhered to at the property line per Section 15-243 of the LUO.
4. That the proposed sewer outfall line and easement be relocated towards the west (towards the existing 30' storm drainage easement) to the greatest extent allowable by town and OWASA policies including having the two overlap in order to reduce clearing of trees along these easements.

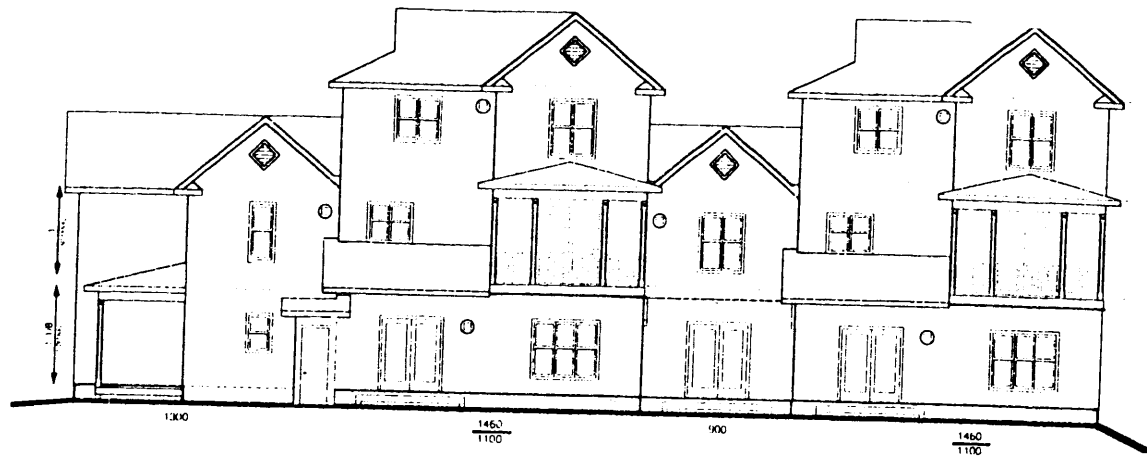
TOWN OF CARRBORO
CONDITIONAL USE PERMIT (con't)
Page #2

5. That to the extent practicable, the amount of parking be increased so that the resultant equation requires two and one-half (2 1/2) parking spaces per one (1) townhome unit and that any resultant increase in vehicular surface area be shaded per Section 15-317 of the LUO. It is further recommended that the proposed additional parking spaces be located along the private road so that they face the interior of the site and not be located in the vicinity of the proposed stormwater detention basin area.
6. 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.
7. That the two lots facing Watters Road (Lots B and C) be combined with just one house being constructed on this new lot.
8. That the proposed waterline loop from Watters Road be retained on an easement to be located to the western edge of the property or at such location as is agreed to by the adjacent property owners, OWASA and the developers.
9. That proposed townhome units 25-28 be reduced to two, single-family units.
10. That the town's Public Works Department approve the selection of shade trees (in accordance with Appendix E of the Carrboro Land Use Ordinance) for the parking areas as an alternative to honey locusts.
11. That the developers reimburse the Town for 50% of the direct cost of the installation by the Town of two speed humps on Hanna Street prior to final plat approval.
12. That crosswalks be placed from the townhomes to the dumpster locations. The crosswalks must include curb cuts for handicapped access to sidewalks.
13. That construction traffic be limited based on school bus operation hours when school is in session should school schedules coincide with construction.
14. That the applicant provide facilities for recycling within, or by, the two dumpster areas.
15. That the applicant install a landscape screen of a height to diminish the brightness of taillights as seen from Bolin Forest, all in accordance with the town's land use ordinance.
16. That pedestrian access be dedicated to the town across the northernmost side of the property.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

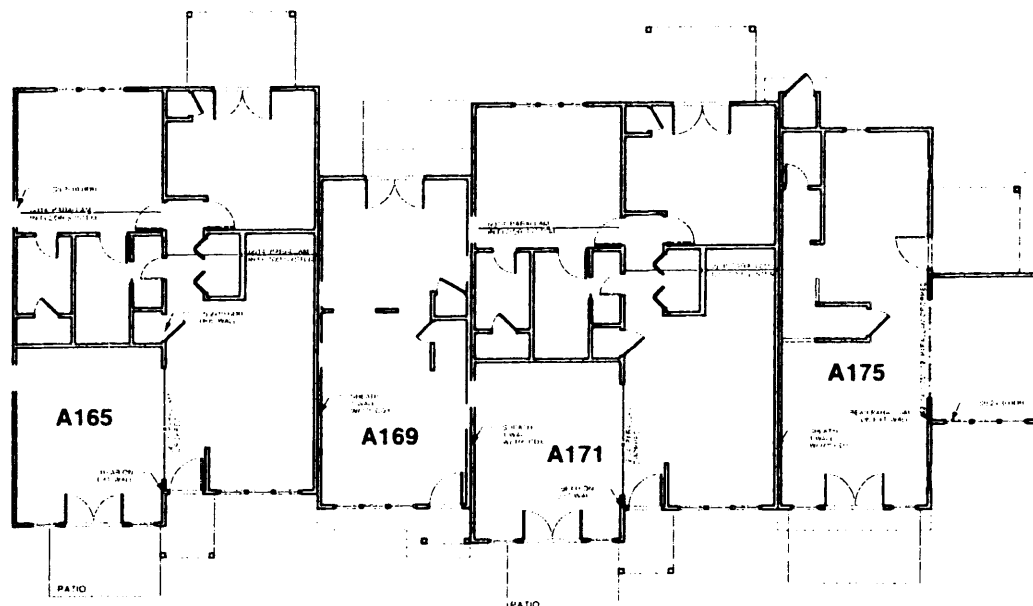
If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.



BUILDING A NORTH ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING A SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



BUILDING A GROUND FLOOR PLAN
SCALE: 1/8" = 1'-0"

114 Watters Road
Carrboro, NC 27510
December 23, 2003

Mayor Michael Nelson
Board of Aldermen
Carrboro Town Hall
301 West Main Street
Carrboro, NC 27510

RE: Minor Modifications Request for Pacifica, January 13, 2004

Mayor Nelson and Aldermen:

We would like to address the request by Giles Blunden for Minor Modifications to the Conditional Use Permit for Pacifica. Mr. Blunden has requested, among other items, a \$50,000 cap on Pacifica's contribution to the design and construction of the sidewalk that runs the entire length of Hanna Street.

As a preliminary measure, we would like to request that Alderman Chilton recuse himself from any debate concerning the Pacifica project. It is our understanding that Mr. Chilton is in business with Thomas Whisnant. Mr. Whisnant has a long-standing involvement with this project and its predecessor, Hanna Ridge. It was explained to us by Giles Blunden at the Dispute Settlement Center in January 2002 that Mr. Whisnant and his then partner, Mr. Dickie Andrews, would continue to be involved in the Bolin Creek Cohousing project, later renamed Pacifica. Mr. Whisnant stands to profit from the Pacifica development and decisions concerning it. Andy Sachs conducted the sessions which were also attended by Steve Rose and Bonnie and Mike Lowery.

With respect to Mr. Blunden's request for a contribution cap of \$50,000, please review the approved Conditional Use Permit, Item 14:

"That the developer shall reimburse the Town of Carrboro for 50% of the cost of designing and installing an integral pour sidewalk on the low side of Hanna Street extending from the Pacifica property to the intersection with North Greensboro Street."

Please also review Mr. Blunden's letter (enclosed) to the Board, dated June 9, 2003. In this letter, requests are made for changes and approval of said changes to save approximately \$50,000 to enable a sidewalk contribution with no additional financial sacrifice.

The Board awarded Mr. Blunden a Conditional Use Permit with all of his requests: removal of the connector stub-out to the Adams Tract (\$15,000 savings), changing design of overflow parking (\$25,000 savings). In addition, Mr. Blunden was awarded a private street through his community.

We would like to request that the town engineer, Sungate Design, provide an estimate of cost savings awarded to the developer by switching from a public road to a private street. It is reasonable to assume that a substantial sum was saved on these infrastructure costs. This sum is added to the \$40,000 already garnered as savings from the items outlined above.

The actual cost of the design and construction of the integral pour sidewalk seems to be something of a mystery. The discussed cost for the 2003 CUP hearings was \$101,236

Low Side (Sungate Design letter to Marty Roupe, May 24, 2003, Attachment "K" in Staff Report for Pacifica). The same town engineer, Sungate Design, provided estimates in 1999 (enclosed) for the Hanna Ridge project ranging from \$140,047 to \$175,472. It should be noted that these estimates are "revised" and lowered from earlier, no longer available estimates. It is amazing that construction of the same sidewalk has decreased in cost over a four year period.

By the town's own estimates (enclosed) from the published "Five Year Plan, Inventory - Capital Needs", page 14-7, the sidewalk on Hanna Street should cost \$186,353. This is quite different from the \$101,236 estimate that Mr. Blunden wants to work with and limit his contribution to \$50,000. It is clear that 50% of any estimate does not equal \$50,000.

In conclusion, we would like the taxpayers of Carrboro to be apprised of the total of already-awarded cost savings granted to Mr. Blunden by modifications to Pacifica awarded during the CUP process. These cost savings include removal of the connector road stub-out, revisions to overflow parking, reduction in required parking by granting a private street with on-street parking, and, most importantly, savings provided by construction of a private street instead of a curb and gutter, wider public road.

We feel the above-mentioned total is important for two reasons. First, this total represents savings already awarded to Mr. Blunden. Second, these savings represent a minimum amount that Mr. Blunden can contribute before he begins to go beyond what he had initially budgeted for infrastructure costs.

We feel that the taxpayers of Carrboro should not be made to provide more cost savings to Mr. Blunden and his development. Any further contribution takes money away from other sidewalk projects which are equally as important. Many of the listed sidewalk projects serve a far greater sector of Carrboro's population. For example, Estes Drive, Smith Level Road, South Greensboro Street and Old Fayetteville Road all have high pedestrian use, far higher than Hanna Street.

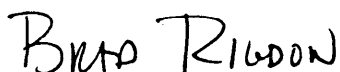
Please consider carefully how precious taxpayer money will be spent. Everyone agrees that the Hanna Street sidewalk needs to be built. Like all expensive necessities of life, no one wants to pay for it. The correct decision is the one you have already agreed upon. We urge you to stick with your original plan of a 50% contribution to design and construction. It is a fair solution to a difficult problem.

Thank you for your careful attention to this complicated matter.

Sincerely,



Deborah Rigdon



Brad Rigdon

ATTACHMENT L

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE PACIFICA AIS ALLOWING CHANGES TO THE SITE LAYOUT, AND LOCATION OF AFFORDABLE HOUSING UNITS

Resolution No. 105/2003-04

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Pacifica Architecturally Integrated Subdivision located at 130 Hanna Street on June 24th, 2003; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Conditional Use Permit that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Aldermen finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approve the minor modification to the Pacifica Architecturally Integrated Subdivision located at 130 Hanna Street allowing the applicant to modify the stormwater management system by removing the cisterns, to make minor changes to the parking layout and lot numbering, to make minor changes in the location of the affordable housing, to change some of the house sizes, and to add access easements to two neighboring properties subject to the following conditions:

1. That the seven units considered affordable be changed to: 107, 115, 131, 139, 149, 191, 193.
2. That the twelve lots reserved for size-limited units be changed to: 107, 115, 131, 137, 147, 155, 159, 163, 171, 181, 191, 193.