

BOARD OF ALDERMEN

ITEM NO. (2)

AGENDA ITEM ABSTRACT

MEETING DATE AUGUST 22, 2006

SUBJECT: CONTINUATION OF THE PUBLIC HEARING OF THE JONES PROPERTY ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT, LOCATED AT 8112 OLD NC 86

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO
ATTACHMENTS: <ul style="list-style-type: none">A. PROJECT PLANSB. STAFF REPORTC. LAND USE PERMIT APPLICATIOND. SECTION 15-50(G) OF THE LUOE. APPLICANT'S DESIGN NARRATIVEF. MINUTES FROM 9.20.05 AFFORDABLE HOUSING REVIEW MEETINGG. PARKING JUSTIFICATIONH. TREE REMOVAL JUSTIFICATION LETTERI. TRUTH IN DRAINAGE STATEMENTJ. TOWN ENGINEER'S LETTERK. VERNACULAR ARCHITECTURAL STANDARDS INFORMATION.L. APPEARANCE COMMISSION MINUTESM. ADVISORY BOARDS RECOMMENDATIONS SUMMARY SHEETN. APPLICANT'S LETTERS OF INTENTO. CONDITIONAL USE PERMIT WORKSHEET	FOR INFORMATION CONTACT: JEFF KLEAVELAND, 918-7332

PURPOSE

1st American Builders, as represented by Coulter, Jewell, Thames, P.A. have submitted an application for the construction of a 65 dwelling unit subdivision, identified as the Jones Property AIS and located at 8112 Old NC 86 (Attachment C). The public hearing for this item was officially opened on June 27th, 2006 and is to be continued during the August 22nd meeting of the Board of Aldermen. The Conditional Use Permit, if approved, would allow the creation of 49 single-family-detached and 16 townhome lots with associated infrastructure, including publicly dedicated streets. The subject property is zoned R-20, Residential, contains 23.10 acres (1,006,412 sf) and is listed on the Orange County Tax Map as number 7.23.C.31F.

INFORMATION

In reviewing the project on June 27th, 2006, the Board of Aldermen requested the applicant address the following three items prior to the continuation of the public hearing in August:

1. Work with Orange Community Housing and Land Trust on a scheme for maintaining the long term affordability of the proposed Affordable housing units;
2. Investigate additional traffic calming measures along Hogan Hills Road.
3. Consider additional measures to assure the screening of waste and recycling containers associated with the Townhome units.

The applicant has provided letters of intent regarding these issues (Attachment N) and three *new*, related conditions are proposed (see STAFF RECOMMENDATIONS below). The corresponding analysis regarding these matters can be found in the first section of the staff report. Also, an additional condition has been added to the staff recommendations to address mitigating the potential fire hazard of mulch piles created during land clearing and construction. Recent experience with such events has necessitated this new condition.

Note that, in order for this project to be realized, a significant, off-site sewer extension through Lake Hogan Farms, Phases 8 and 9, is required. The Lake Hogan Farm CUP modification for this extension was approved by the Board on June 6th, 2006. Two proposed developments above the Jones Property, (Ballentine subdivision and Orange County Twin Creeks Park and Campus) will depend upon the completion of this extension for sewer service.

STAFF RECOMMENDATION

Town staff recommends that the Board first complete the attached conditional use permit worksheet (Attachment O). Upon completing the worksheet, staff recommends that the Board consider approving the Conditional Use Permit for construction of the Jones Property AIS, subject to the conditions below:

1. The continued affordability of the units (lots 51, 52, 55, 56, 59, 60, 61, 62, 63, 64) 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 seven (7) bonus 'market-rate' units may not be issued until such time as all of the affordable units (lots 51, 52, 55, 56, 59, 60, 61, 62, 63, 64) 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.
3. No additions or interior renovations designed to increase the heated square footage of the size-restricted units (lots 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65) 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 single family home lots, when developed have sufficient room to conveniently park two cars, off of the street, without blocking the sidewalk. Garages may not be counted toward this requirement. This parking will be shown on individual plot plans during the building permit stage.
5. That on the construction plans, a handicap van accessible parking space be provided in each of the two townhome parking lots, to be shown on the construction plans.
6. That, if it is determined that the construction of the sewer in the proposed location will cause a rise in the 100 year flood, the developer will be allowed to construct the sewer only if the Board of Aldermen concludes that such rise does not constitute "damage" to the affected property in accordance with Section 15-263 of the Land Use Ordinance.

7. Prior to construction plan approval, the on-site, 100 year floodplain needs to be field located and that information needs to be shown on the plans, subject to the approval of the Town Engineer. Furthermore, if any lots shown on the preliminary plat are so constricted by areas made unbuildable in accordance with this condition that they cannot practicably be developed then the preliminary plat must be redesigned to eliminate such lots. Similarly, if any areas shown as bioretention facilities are shown to fall within the 100 year floodplain, that they will be redesigned to eliminate this encroachment. Any changes required by this condition are subject to the provisions of Section 15-64 of the Land Use Ordinance.
8. Prior to construction plan approval, the crossings of the PSNC gas transmission line must be field verified to meet PSNC's minimum cover and maximum fill requirements, subject to the approval of the Town Engineer.
9. 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.
10. 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.
- ~~11. That the Glen Ridge CUP Minor Modification pertaining to the sewer extension required for this project be approved by the Board of Aldermen prior to the Jones Property AIS Construction Plan approval. (ITEM COMPLETED SINCE JOINT REVIEW)~~
12. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
13. That an additional fire hydrant be placed, to the satisfaction of the Town Fire Marshall, at the entrance to the development, off of Hogan Hills Road, to be shown on the construction plans.
14. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
- ~~15. Prior to the Board of Alderman public hearing, the applicant shall provide representative (typical) drawings for the townhomes and single family homes to be reviewed by the staff and Appearance Commission for compliance with the 15-182.4(a-iii) and 15-177 as pertaining to Architectural Standards. (ITEM COMPLETED SINCE JOINT REVIEW)~~
16. That the applicant submit a Voluntary Annexation Petition to the Town Planning Department prior to final plat approval.
17. That the applicant receive(s) CAPs from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.

Additional Condition (Since the Joint Review Meeting)

18. That, for the townhome parking lots, the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 31 spaces combined are sufficient to serve the 16 townhomes. Per 15-292(a), the board makes this finding based on evidence submitted by the applicant as referenced in Attachments G of the staff report.

Additional Conditions (Since the June 27th, 2006 public hearing).

19. In accordance with Section 15-182.4, the developer shall include in the restrictive covenants applicable to the subdivision, and in the deeds for the affordable units, covenants and restrictions that are sufficient to ensure that the affordable units will remain affordable as described in that section. Those covenants and restrictions shall include provisions that will allow the Town of Carrboro to enforce the commitment that the housing units remain affordable. These documents shall be subject to the approval of the Town Attorney.
20. That an *additional* speed table be provided, to be located approximately 400 to 500 feet west of the currently proposed speed table on Hogan Hills Road. The exact location of said speed table shall be coordinated during construction plan review.
21. That screened storage areas for the roll-out garbage containers are provided for the townhome units and that their design and location be coordinated during construction plan review.
22. That mulch piles created during construction shall not exceed 8 feet in height, 20 feet in width and 20 feet in length. Piles shall be separated from adjacent piles and other exposures by 50 feet and a fire apparatus access road approved by the Fire Department shall be provided within the 50 foot separation.