



**STAFF REPORT**

**TO:** Board of Aldermen

**DATE:** August 22, 2006

**PROJECT:** Jones Property AIS

**APPLICANT  
And OWNERS:** 1<sup>st</sup> American Builders  
Apex, NC  
Ms. Tami Jones

**PURPOSE:** To acquire a Conditional Use Permit allowing a major subdivision of the property located at 8112 Old NC 86.

**EXISTING ZONING:** R-20

**TAX MAP NUMBER:** 7.23.C.31F

**LOCATION:** 8112 Old NC 86

**TRACT SIZE:** 23.10 acres (1,006,412 sf)

**EXISTING LAND USE:** Horseback riding facility

**PROPOSED LAND USE:** 26.100, Major subdivision consisting of the following uses:  
1.111, single family detached  
1.320, multifamily, townhome

**SURROUNDING  
LAND USES:** North: RR and R-20 (future MI homes subdivision)  
South: R-20, single-family residential  
West: R-20, vacant (future MI homes subdivision)  
East: R-20, Multifamily residential - townhomes

**ZONING HISTORY:** R-20 since 1988

ANALYSIS**Responses to Requests from the the June 27<sup>th</sup>, 2006 public hearing**

In reviewing the Jones Property Architecturally Integrated Subdivision permit on June 27<sup>th</sup>, 2006 (the official opening of the public hearing) the Board of Aldermen decided to continue the public hearing on August 22<sup>nd</sup>, 2006, after their summer recess. The Board requested that, in the meantime, the applicant pursue the following three items of concern:

1. Continue to work with Orange Community Housing and Land Trust (OCHLT) to develop a scheme for maintaining the long term affordability of the proposed Affordable housing units;
2. Provision of additional traffic-calming measures along Hogan Hills Road and;
3. Consideration of additional measures to assure the screening of waste and recycling containers associated with the project's townhome units.

For item number one: though the applicant still does not intend to use OCHLT in the management of their affordable housing, they are willing to explore other arrangements, such as a deed of trust, which will require a town official to approve of any affordable housing units prior to its sale (Attachment O-1). The Town Attorney has discussed this matter with the applicant and has drafted the following condition accordingly.

- 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.

For item number two: the applicant, to the satisfaction of the Town Transportation Planner, Dale McKeel, has agreed to include an additional traffic calming "speed table" west of the one proposed for Hogan Hills Road (Attachment O-2). For this the following condition is recommended:

- 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.

For item number three: the applicant proposes to provide screened enclosures for the roll-out garbage containers behind each of the townhome units (Attachment (O-?). For this, the following condition is recommended:

- 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.

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 the following condition:

- 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.

### **Background, Concept Plan Development**

#### **Background**

1<sup>st</sup> American Builders, as represented Coulter, Jewell, Thames, P.A. has submitted an application for the construction of a 65 lot, 65 dwelling unit subdivision located at 8112 Old NC 86 (Attachment C). 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

#### **Concept Plan Development**

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. Part of this process is the required site “walkabout” where the Town’s staff and advisory boards are invited to walk the site with the developer. The walkabout was held on December 4<sup>th</sup>, 2003.

The existing condition of the site, defined by its use as a horse riding stable, is a combination of open fields, hardwoods and pines with a few support buildings. It slopes to the north with an elevation drop of about 40 feet, where it meets with Buckhorn Branch (a tributary to Bolin Creek). Note that a major PSNC natural gas transmission line, within a 50’ easement, bisects the property.

During concept plan review, staff requested the design be modified to: a) provide a stub-out to the adjacent western property line in the area of the existing access easement b) maximize open space along Hogan Hills Road and, c) lessen the visual impact of presenting the backs of houses to Hogan Hills Road. The applicant declined these suggestions.

When the applicant felt their design viable, they provided staff with the required, written narrative addressing the fourteen (14) design objectives of Section 15-50 (g) (Attachment D). The applicant’s narrative is attached (Attachment E).

**Density, Affordable Housing, Size-restricted Units**

**Density, 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 the Jones Property AIS, this adjustment reduced the *gross area* by 27,249 sf, yielding a permissible density of 48 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 72 units. Of all the bonus units provided, at least one-half of them must remain affordable per the provisions of Section 15-182.4. The Jones Property is taking advantage of the Residential Density Bonus in order to build an additional 7 market-rate units, to do this they are proposing 10 affordable units, thereby exceeding the one-half requirement. All of the affordable units are located in the townhomes

Further, Section 15-54.1, which was adopted over a year after the formal CUP application, requires projects with less than 15% affordable housing to attend an Affordable Housing Review Meeting with the Board of Aldermen. Prior to this meeting, the project was below 15% affordable housing. Now, with 10 units, the project is providing 15.4% affordable housing. The minutes from said meeting are attached (Attachment F).

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 51, 52, 55, 56, 59, 60, 61, 62, 63, 64) 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 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.

The applicant has met with Orange Community Housing and Land Trust (OCHLT) to discuss provisions for ensuring the long-term affordability (99 years) of these units. However, in this discussion it is evident that OCHLT needs to sell the townhome units at a price lower than the maximum required by the LUO. This is because the LUO price point does not serve all segments of the affordable housing market.

Since, the applicant is bound only by the provisions of the LUO, they are choosing not to use the land trust's services. Without OCHLT's oversight there is some question as to

who will manage and enforce the restrictions on the affordable units. This matter is currently under consideration as part of the comprehensive LUO review.

Further, a condition must be placed on the permit stating that a 'certificate of occupancy' for the 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 as represented by the following condition:

- 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.

#### 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 (10 units) and 10% of the du's are not larger than 1350 sf (6 units). Note that fractions are dropped in these calculations. The current proposal meets these requirements through the 16 townhome units.

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 50, 51, 52, 53, 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 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 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.

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.

#### **Connectivity, Streets, Traffic Calming**

##### Connectivity

In guiding Carrboro's growth, Town policy supports the development of an interconnected matrix of public streets. Section 15-214 of the Land Use Ordinance (LUO) requires new subdivisions to tie into anticipated streets outside the development, thereby providing "connectivity" to the Town's public road system. To this end, the Jones Property AIS is extending the Lake Hogan Farm Road collector approximately 550 lineal feet north to south along the eastern property line. Teeing into this extension will be the newly created "Street B" subcollector which will traverse the property east to west, turn and tie into the existing Hogan Hills road (Attachment A).

#### Streets

All proposed streets are built according to the public street standards of Article XIV of the LUO. Each public street is shown with standard curb and gutter, sidewalks (on at least one side of the street), the correct pavement and R/W width. Dual bike lanes are required only on the Lake Hogan Farm Road extension which is the project's only Collector Street. It is expected that the applicant will offer the streets for public dedication.

#### Traffic Calming

The new street extensions are designed to calm and dissipate through-traffic from the adjacent areas. Three raised speed tables are located at crosswalks on Lake Hogan Farm and Hogan Hills Road and, "Street B". Furthermore, two traffic-calming narrowings can be found along "Street B".

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to connectivity, streets and traffic calming.

### **Traffic Analysis, Pedestrian/Bicycle Facilities, Parking**

#### Traffic Analysis

A Traffic Impact Analysis (TIA) was prepared in December 2004 for the proposed Jones Property development. The TIA also included projected traffic from other approved and proposed developments in the area, including undeveloped home sites in Lake Hogan Farms, a subdivision (Ballentine) north of the Jones Property, and two schools on the county property north of the site.

The TIA was performed to determine the future traffic impacts of the developments on the surrounding street network and the following intersections:

- Old NC 86 – Eubanks Road
- Old NC 86 – North Drive (proposed road to serve the county park and the Ballentine AIS)
- Old NC 86 – Hogan Hills Road
- Old NC 86 – Homestead Road
- Homestead Road – Lake Hogan Farm Road

This analysis found that traffic from the Jones Property development will have a minimal amount of impact on the operation of existing intersections. Under future traffic volumes, existing intersections within the study area are expected to operate at good levels of service (LOS C or better) during the morning and afternoon peak traffic periods, with one

exception. The TIA projects significant delays and queues at the Old NC 86 – Eubanks intersection when the schools are constructed in the future; these impacts will be addressed as part of the conditional use permit for the schools.

NCDOT has also reviewed the Jones Property TIA and site plan. Based on this information, NCDOT is not requiring improvements to the state highway network in order to mitigate traffic impacts of the development. There are currently turn lanes on Old NC 86 at the intersection with Hogan Hills Road.

Note that the development includes a cul-de-sac. Section 15-217(a) of the Carrboro Land Use Ordinance states, “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.” Town staff determined that in this situation a short cul-de-sac was justified to allow the development of lots 18 to 23. Note that a connection to the north is provided elsewhere.

#### Pedestrian/Bicycle Facilities

All of the Jones Property AIS streets, except for “Street C”, have 5’ wide sidewalks on at least one side of the street. The development’s sidewalk system will tie into the existing sidewalks in the vicinity. Accessibility ramps and striped crosswalks are provided at all street crossings.

The proposed public greenway alignment, required per Section 15-196, roughly parallels Buckhorn Branch, terminating at Lake Hogan Farm Road, which has bike lanes on both side of the street. The asphalt greenway is 10’ wide with two, 2’ shoulders and meets Carrboro’s current standards. In the future, it could extend through the open space of Glen Ridge Townhomes, directly west of the project. Note that the Glen Ridge open space has been dedicated to the Town (though not accepted).

In addition to the greenway trail, a hiking trail system provides ample pedestrian linkage from the residential areas to the open space and greenway. The proposed trail is 4’ wide with a gravel surface.

#### Parking

Per section 15-291 of the LUO, single family units must provide parking on their respective lots sufficient to accommodate two cars. The applicant has placed a note to this effect on the plans, however, staff still recommends the following condition:

- 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.

The two groups of townhomes will have parking behind the buildings, accessible by short driveways. The minimum parking requirement for these, in total, is 22 spaces (1.4 spaces per unit); the applicant exceeds this requirement by providing 31 spaces, (15 spaces for the western group and 16 spaces for the eastern group).



Because the parking requirement is exceeded, the Board is required to authorize the deviation. Because ten of the townhomes are affordable, they require only one parking space per unit. The applicant believes this to be insufficient and is approaching a ratio of approximately two spaces per unit. Their justification for this is attached (Attachment G). Because of this the following condition is recommended:

- 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.

Since the parking lots are separate, each must be considered separately with regards to accessibility. Since the eastern parking lot does not contain an accessible parking space, the following condition is recommended.

- 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.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to connectivity traffic analysis, pedestrian/bicycle facilities and parking, s subject to the conditions mentioned above.

**Tree Protection, Street Trees, Landscape Plans, Homestead Road Buffer, Screening and Shading**

**Tree Protection,**

Large trees as defined by the LUO have a diameter of 18 inches or greater and are to be retained whenever possible (15-316). Since the site is mainly field, the layout requires tree removal, primarily in areas of grading along the wood's edge. The subcollector road alignment has been revised to protect a specimen tree (46" red oak) in the eastern quadrant of the property. Tree protection fencing has been provided at the clearing limits and for those trees specifically retained. Note that trees retained on private lots are subject to removal during home construction. As required, the applicant has provided the attached tree removal justification letter (Attachment H).

**Street Trees**

Section 15-315 of the LUO provides guidelines for the planting and retention of trees adjacent-to and within street R/W's where an offer of dedication has been made to the Town. All of the Jones Property AIS street trees are located outside the public R/W and exceed the provisions of Section 15-315 which requires street trees be irregularly spaced an interval of at least one tree per 100 feet. Additionally, the Town's policy is to require that 1/3<sup>rd</sup> of all such trees be evergreen. This policy has been addressed by the provision the provision of 31, Laurel Oak, distributed throughout the streetscape.

**Landscape Plans**

The landscape plan proposes 193 trees, and 52 shrubs (excluding the bioretention areas). These deciduous and evergreen trees are distributed along the proposed roads and parking areas while shrubs are to be found only adjacent to the townhome parking lots. None of the proposed plantings are on the Town's List of Invasive Plant Species (Appendix E-17).

The Jones Property AIS features nine bioretention facilities distributed throughout the site. The bioretention plantings proposed, show a total of 72 trees and 222 shrubs, chosen for their ability to withstand water inundation.

#### Screening

No screening is required for this development other than the Type C screen adjacent to the townhomes that back onto Hogan Hills Road (a Type C screen is composed of intermittent visual obstructions from the ground to a height of at least twenty feet). The applicant has exceeded this requirement.

#### Shade Trees in Parking Areas

Section 15-317(b) of the LUO requires that parking lots provide shading over at least 20% of the vehicle accommodation area. The townhomes and their associated lots exceed this requirement by providing 11 deciduous, perimeter trees (in addition to other plantings in these areas).

**CONCLUSION** – The project meets all the requirements of the Land Use Ordinance pertaining to tree protection, street trees, landscaping, screening, and shading.

### **Drainage, Grading, Erosion Control and Phasing**

#### 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. To address these requirements, the applicant has conducted a drainage study.

As part of study, the town requires the applicant submit a written "Truth in Drainage" statement which clearly describes the potential drainage impacts the project could have on the surrounding properties (Attachment I). Section 15-263 (a-2) enables the Board of Aldermen to make a determination, upon review of this statement, as to whether these impacts constitute "damage".

The Town Engineer (Sungate Design Group) has reviewed these materials yet has not yet issued their final approval (Attachment J). Three important issues need to be addressed prior to Sungate's approval.

- 1) A no-rise certificate or a CLOMR needs to be obtained for the proposed offsite sewer alignment that transects the open space of the Glen Ridge Townhome development;

- 2) The mapped location of the 100 year floodplain needs further analysis before approval and;
- 3) The crossings of the PSNC gas transmission line must be field verified to meet PSNC's minimum standards for coverage and fill.

The first item pertains to drainage effects caused by the proposed off-site sewer alignment along Jones Creek to the east. This proposed alignment will serve this project and others, including the Ballentine subdivision and, the Orange County Twin Creeks Park. Because it involves crossing the creek twice, it has the potential to cause water to back up and create upstream damages. In order to assess this potential, the applicant is currently engaged in a study with the hope that a "no-rise certificate" can be obtained. This certifies that there are no changes in the 100 year flood elevation due the proposed improvements. If the study fails to show this, then the applicant must work with FEMA and obtain a Conditional Letter of Map Revision. Because of this staff recommends the following condition:

- 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.

The two other remaining engineering issues have some potential to impact the design of the project. Both items require additional field data consistent with the more detailed process of construction plan development. Because of this staff feels the project should proceed with the understanding that field data may necessitate revisions that would require Board approval. Because of this the following two conditions are recommended:

- 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.
- 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.

Excess stormwater generated by the new impervious surfaces (roads, sidewalks, roofs, etc) is to be collected by a configuration of catch basins, yard inlets and grass-lined swales. These conveyances direct the water into one of nine bioretention basins distributed throughout the project.

Because of the project's location with respect to Bolin Creek and the Buckhorn Branch tributary, it has been determined that detaining water on site will increase the peak flows in 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 bioretention basins are intended to remove at least 85% of Total Suspended Solids from the first inch of a storm event. Note that these areas are not designed to hold water for any extended period.

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.

#### Grading

Installation of the Jones Property AIS road and stormwater systems requires a substantial amount of clearing and grading. Section 15-261 of the LUO, requires that to the extent practicable, all developments shall conform to the natural contours of the land and major, natural drainageways shall remain undisturbed.

#### Stream Buffers

Per the LUO and the adopted "Stream Buffers of the Northern Transition Area" map, four Protective Stream Buffers are located on the Jones property. One, a slope based buffer, protects Buckhorn Branch, and the other three, sixty foot (total width) buffers, protect its intermittent tributaries. The buffer located furthest to the west, as shown on this map, was removed, as early analysis demonstrated, though it is a drainage way, it is not considered a "stream" primarily because it does not tie into Buckhorn Branch by way of a discernable channel. This determination was approved by the Town Engineer.

The slope buffer adjacent to Buckhorn Branch, per Section 15-269, is variable, based on a simple formula that increases the width of the buffer for steeper slopes. As such, the

buffer width from stream centerline varies from 110 to 130 feet. Note that the proposed greenway trail alignment is well *within* this buffer area.

#### Erosion Control

Substantial site disturbance increases the importance of the Erosion Control plan. The grading plan must be competently executed during construction in order for the stormwater system to function properly. The Jones Property AIS is proposing a simple system of sediment basins and silt fences to manage erosion during construction. The Erosion Control Plan has been reviewed and approved by Orange County Erosion Control.

#### Phasing

The project is not phased.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Drainage, Grading and Erosion Control and Phasing subject to the aforementioned conditions.

### **Utilities, Fire Safety, Lighting and Refuse Collection**

#### Utilities

The waterline, which is looped, runs throughout the development, exclusively within the street R/W. It taps into the waterline stubouts on Lake Hogan Farm and Hogan Hills roads. Also, the line will be extended, with the Lake Hogan Farm road extension, to stub out at the northern property line.

Sewer service will require substantial off-site improvement in the adjacent Glen Ridge Townhomes development. Because these improvements will require crossing of Buckhorn Branch, adjacent to regulated floodplains, approval by FEMA is required. The applicant is working with the Town engineer to prepare the analysis that FEMA needs. ~~Because of this, the following condition is recommended:~~

- ~~• 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)~~

Other than this, the water and sewer plans have been reviewed by OWASA and meet with their general approval. OWASA will review the plans in greater detail during construction plan review.

Regarding electric, gas, telephone and cable television utilities, the applicant has submitted letters by the respective providers indicating that they can serve the development. 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. The Public Works Department prefers to receive written confirmation from the electrical utility prior to construction plan approval. Because of this, staff recommends the following condition.

- 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;

#### Fire Safety

Three fire hydrants are proposed to serve the development. They are located within the public R/W and are spaced such that every building will be no more than 500 feet from a hydrant (Section 15-249). Though the hydrants meet this requirement, the plans have been reviewed by the Town Fire Marshal who would like an additional hydrant be placed at the entrance to the development off of Hogan Hills Road. Because of this the following condition is recommended:

- That an additional fire hydrant be placed, to the satisfaction of the Town Fire Marshal, at the entrance to the development, off of Hogan Hills Road, to be shown on the construction plans.

Fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Fire Department prior to construction plan approval. A condition to this effect shall be entered onto the permit.

- 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.

#### Lighting

Section 15-242 requires adequate lighting of buildings and facilities to assure public safety. Section 15-243 requires all such lighting, excluding public street R/W lighting, to be controlled in height and intensity. Fixtures are to be no more than 15' in height and the illumination level must not exceed .2 footcandles at the property line.

The proposed lighting plan for the project includes seven (7) new street lights spaced evenly throughout the development. Street lights are not regulated by Section 15-243; instead, they fall under existing Town policy pertaining to public R/W's. Public Works reviews plans for compliance with this policy and finds the plans acceptable. Note that the new street lights are to be full cutoff fixtures as is indicated by a note on the plans.

In addition, four (4) parking area lights located behind the townhomes parking lots (two for each lot) are regulated by 15-242 and meet with its provisions. These fixtures will be full cutoff.

#### Refuse Collection

Trash collection and recycling services will utilize roll-out containers. 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 this permit.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to utilities, fire safety, lighting, and refuse collection, subject to the inclusion of the two aforementioned conditions regarding fire hydrants, fire flow and building sprinklers.

### **Open Space, Recreation**

#### **Open Space**

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 4%. Because the Jones Property AIS provides almost 45% open space, it does not need to use this reduction.

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, Buckhorn Branch and its surrounding steep slopes provide the largest area of contiguous open space for the proposal. Other smaller open space areas are interspersed throughout the development.

#### **Recreation**

The proposed mix of single family homes and townhomes combine to require 660.63 recreation points, per Section 15-196 of the LUO. The applicant exceeds this requirement by providing a gazebo, hiking trail, play structure and a 33,839 sf playfield area [as required by Section 15-198(d)]. As required per 15-196-f, 5% of the amenities must be suitable for children under the age of 12; the applicant exceeds this requirement with the provision of the play structure worth 65.81 points.

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

### **Miscellaneous**

#### **Vernacular Architectural Standards**

Per the requirements of Section 15-177 and 15-182.4 the affordable units must conform to the town's recommended "Village Mixed Use and Affordable Housing Vernacular Architectural Standards" document. The applicant has addressed this requirement by providing a statement and typical photographs. (Attachment K).

These materials have been reviewed by the Appearance Commission, who is charged with making this task, Their recommendation is attached (Attachment L)

~~As they have not provided any representative drawings for the townhomes or single family homes, the following condition is recommended:~~

- ~~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)~~

#### Voluntary Annexation

As the property as not been annexed, the Town requests that a Voluntary Annexation Petition be submitted prior to Final Plat Approval. Because of this the following condition is recommended:

- That the applicant submit a Voluntary Annexation Petition to the Town Planning Department prior to final plat approval.

#### CAPS

Per Article IV, Part 4 of the LUO, the applicant must receive the required Certificate(s) of Adequacy of Public School Facilities (CAPS) from the Chapel Hill Carrboro City Schools District prior to construction plan approval. Because of this the following condition is recommended:

- 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.

#### Neighborhood Information Meeting

The applicant conducted a Neighborhood Information Meeting on September 15, 2005. Thirty-two neighbors attended the meeting.

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

#### Joint Review

The Jones Property AIS was presented to the Joint Advisory Boards on May 4<sup>th</sup>, 2006. The Planning Board, the Appearance Commission, the Environmental Advisory Board, The Transportation Advisory Board and the Northern Transition Area Advisory Committee all reviewed the project. Their summary recommendations are attached (Attachment M).

#### **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)

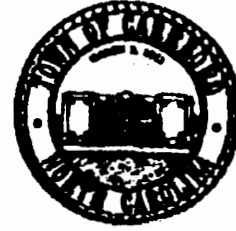
18. That, for the townhome parking lots, the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 31 spaces combined are sufficient to serve the 16 townhomes. Per 15-292(a), the board makes this finding based on evidence submitted by the applicant as referenced in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

Additional Conditions (Since the June 27<sup>th</sup>, 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.

# TOWN OF CARRBORO

## LAND USE PERMIT APPLICATION



DATE: 4-14-04

FEE: \$1,750

APPLICANT: 1st American Land		OWNER: Brian Jones Heirs	
ADDRESS: 2514 Reliance Avenue		ADDRESS: 8112 Old NC 86	
CITY/STATE/ZIP: Apex, NC 27502		CITY/STATE/ZIP: Carrboro, NC 27510	
TELEPHONE/FAX: PHONE: 919-303-8525 FAX: 919-303-8524		TELEPHONE/FAX: PHONE: FAX:	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Contract Purchaser		TAX MAP(S), BLOCK(S), LOT(S):	
PROPERTY ADDRESS: 8112 Old NC 86		PROPOSED LAND USE & USE CLASSIFICATION: SF & MF Residential	
PRESENT LAND USE & USE CLASSIFICATION: Riding School & Stables		LOT AREA: Acres Square Feet	
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts):			
# OF BUILDINGS TO REMAIN -0-		GROSS FLOOR AREA +/- 15,000 square feet	
# OF BUILDINGS PROPOSED 64 +/-		GROSS FLOOR AREA (of proposed building or proposed addition) To Be Determined square feet	

NAME OF PROJECT/DEVELOPMENT: Jones Property

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: *David A. Jones for Michael Jones* DATE: 4-29-04OWNER: *Michael Jones* DATE: 4-22-04

**Art. IV PERMITS AND FINAL PLAT APPROVAL**

Subsection 15-217(a). When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall comply with the provisions of Section 15-214.

- (4) The fourth step is to draw in the lot lines.

(g) The conceptual preliminary plan shall demonstrate that the proposed development will satisfy the following objectives, as more particularly described in the remaining provisions of this chapter:

- (1) Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).
- (2) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating houselots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, as described in #5 and #8 below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.
- (3) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species, found in a typical nearby roadside verge or hedgerow).
- (4) Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- (5) Designs around existing hedgerows and treelines between fields or meadows. Minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 10 percent should be

**Art. IV PERMITS AND FINAL PLAT APPROVAL**

avoided. However, woodlands in poor condition with limited management potential can provide suitable location for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal field, etc) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

- (6) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. (For example, in open agrarian landscapes, a deep, "no-build, no-plant" buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected, to preserve existing vegetation.
- (7) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- (8) Protects wildlife habitat areas of special species listed as endangered, threatened, or of special concern by the state or federal government.
- (9) Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, burial grounds, etc.
- (10) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.
- (11) Landscapes common areas (such as community greens), and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value.
- (12) Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby houselots.
- (13) Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
- (14) Provides open space that is reasonably contiguous, and whose configuration is in accordance with the guidelines contained in the Design and Management Handbook for Preservation Areas, produced by the Natural Lands Trust. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical,

**Art. IV PERMITS AND FINAL PLAT APPROVAL**

straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger, contiguous, and integrated greenway systems, as per the policies in the Open Space and Recreation section of the Town's Ordinance.

**Section 15-51 Staff Consultation After Application Submitted.**

(a) Upon receipt of a formal application for a zoning, special use, or conditional use permit, or minor plat approval, the administrator shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the applicable requirements of this chapter, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposes to do.

(b) If the application is for a special use or conditional use permit, the administrator shall place the application on the agenda of the appropriate boards when the applicant indicates that the application is as complete as he intends to make it. However, as provided in Sections 15-56 and 15-57, if the administrator believes that the application is incomplete, he shall recommend to the appropriate boards that the application be denied on that basis.

**Section 15-52 Zoning Permits.**

(a) A completed application form for a zoning permit shall be submitted to the administrator by filing a copy of the application with the administrator in the planning department.

(b) The administrator shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant as provided in Section 15-50, that:

- (1) The requested permit is not within his jurisdiction according to the Table of Permissible Uses as interpreted in the light of the other provisions of Article X, particularly Section 148.
- (2) The application is incomplete; or
- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations).



Coulter Jewell Thames

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p919 682 0368 f919 688 5646

## Concept Plan Design Narrative

Jones Property  
Lake Hogan Farms

### 1. Development Overview:

The Developer, 1<sup>st</sup> American Land, desires to create additional home sites on the Bryan Jones Heirs Property, currently known as the Harmony Farms Riding School. The site is approximately 23 acres in area, and generally consists of open pasture/paddock areas and areas of mixed hardwoods and pines. The property has been used as a riding school and for the boarding of horses for many years.

The site is bounded on the south by a Duke Power Company easement with overhead power lines and Hogan Hills Road. It is bounded on the east by the Glen Ridge Town homes of Lake Hogan Farms, currently under construction. To the north are wooded lowlands with several small creeks, and the proposed Villages at Berkley subdivision. Finally, the western edge is wooded and also the site of the proposed Villages at Berkley.

The site has several intermittent streams that show up on the Town's Northern Transition Area Natural Constraints map, and have been field verified by the Town's Engineer. The property is bisected diagonally by a PSNC gas easement.

Access to the site is by 2 future road extensions. One is Lake Hogan Farm Road at the southeastern corner, and the other is a stub out from Hogan Hills Road at the southwest.

The development proposal is to create a neighborhood that is compatible to and integrated with Lake Hogan Farms. There will be a mix of housing types, both single family and townhomes. The townhomes will meet the small house requirement of at least 15% of the units being 1,100 sf or smaller, and another 10% no greater than 1,350 sf. In addition, 8 of these units are proposed to meet the affordable housing criteria as outlined in section 15-182.4 of the Ordinance, thus allowing 8 additional bonus units to be built. The Townhouse units will be scattered at the eastern and western ends of the main street, and their mass and street presence will help create a "village green" feel to provide a pleasing terminus for the street. The CUP will be submitted as an Architecturally Integrated Subdivision.

**2. Developer:**

The Contract Land Purchaser/Developer is 1<sup>st</sup> American Land, LLC of Apex. Michael Dean Chadwick is the managing partner for 1<sup>st</sup> American, and has been involved with the completion of Phases 5 through 11 of Lake Hogan Farms since 1999, when it was purchased from Lake Hogan Farms Development Company, LLC. 1<sup>st</sup> American has made a substantial investment in the orderly completion of Lake Hogan Farms, and have done a quality job of bringing it to a successful completion.

**3. Response to Narrative Checklist:**

1. The plan protects wetlands, floodplains and the majority of steep slopes. A small, isolated area of steep slopes behind the barn will be graded out.
2. The plan preserves and maintains mature woodlands. All remaining areas of the site are in paddocks and fenced pasturage, and it is deemed desirable to develop these areas rather than the wooded areas, thus maintaining a significant wildlife corridor and the stream buffers.
3. The site does not contain prime agricultural soils, and home sites will be placed in the open areas. The development will be buffered from Hogan Hills Road through supplemental plantings along the southern property line. It is not desirable to have this neighborhood feel completely isolated from the Lake Hogan Farms Community.
4. Buffers of existing vegetation will be maintained along all intermittent streams. Buffers exceeding 100' will be maintained from perennial streams.
5. Development and grading within the existing wooded areas will be minimized. It is our feeling that the wooded areas on this site are environmentally and aesthetically of greater importance than the open areas, so the proposed layout places most of the development in the open areas.
6. There are no existing scenic views or vistas into this site from public roadways.
7. There are no prominent hilltops or ridges.
8. No special, threatened or endangered wildlife species have been identified on the property.
9. No significant historic, archeological or cultural sites have been identified on the property.
10. The site is not adjacent to or visible from a rural road.
11. Common areas will be landscaped with native plants with high wildlife conservation value.
12. Active recreation areas and facilities will be provided and connected with a trail and sidewalk system.
13. An extensive pedestrian circulation system will be provided, and will connect to a greenway trail easement to be dedicated to the Town. The pedestrian system will also connect to Lake Hogan Farms to the South, and the Villages at Berkley to the North.
14. The plan will provide a large amount of primarily contiguous open space with the preservation of an existing corridor, and 3 new commons areas that are well connected to the larger area. These smaller areas include the 2 "village greens", and the open playfield area.



proposed development and that will create a very steep downward slope on a very narrow road. The increased traffic will require widening Claymore Road, which will drain to Bolin Creek. A better access would be off Homestead Road.

It was the consensus of the Board to request that this matter be scheduled for further consideration at the Board's next meeting on October 4<sup>th</sup> with the request for the following:

- Information on UNC's proposed housing project, including the environmental impact study, location of roads, and proposed protection measures for Bolin Creek and surrounding neighborhoods;
- Revised map to correct the Horace Williams property boundary and showing property lines;
- Preliminary site plan showing location of proposed schools on Twin Creeks' property;
- Plans for development within the area designated by the FOBC for a park preserve; and
- Map of Winmore Creek protection area.

\*\*\*\*\*

**A REVIEW OF AFFORDABLE HOUSING FOR THE JONES PROPERTY ARCHITECTURALLY INTEGRATED SUBDIVISION LOCATED AT 8112 OLD NC 86**

Because the Jones Property AIS Conditional Use Permit project does not propose to reserve 15% of its units as affordable, Section 15-54.1 of the Land Use Ordinance requires that the applicant participate in an Affordable Housing Review Meeting with the Board of Aldermen before project review may continue. The Board of Aldermen was asked to review the affordable housing component of the Jones Property AIS major subdivision.

Mike Brough stated that the purpose of this meeting was to ask the developer why he is not providing the 15% affordable housing in his proposed project.

Dan Jewell, the architect for the Harmony Farms property, distributed a conditional use permit request timeline for the Harmony Farms development project. He stated that at the time they submitted their application over a year ago, there was no 15% affordable housing goal. The density would have to be bumped up to provide the required affordable units. He stated that they would be talking with Orange Community Housing and Land Trust.

Mayor Nelson expressed his desire to see the town homes dispersed among the development.

Robert Dowling, with OCHLT, stated that it would be helpful if developers came to them early in the development process. He stated that the land use ordinance provision dealing with affordable housing bonuses stipulates the price of the house to be two and one-half times the income of a family of four that is at 80% below the median income.

Mike Brough suggested that the land use ordinance be revised to require that developers contact the Orange Community Housing and Land Trust.

Alderman Chilton pointed out that there could be cases when the OCHLT model would not be used, i.e., affordable rental units.

\*\*\*\*\*



Coulter|Jewell|Thames...

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919.442.0344 FAX 919.442.0555

Planning for the Future

April 4, 2006

Mr. Martin Roupe  
Development Review Administrator  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

Re: Jones Property (8112 Old NC 86)  
CLP Submittal - Request for additional parking.


The Condition Use Permit request for the Jones Property project includes sixteen town homes with associated parking in lots located in the rear of the units. Ten of the units are designated as affordable, with the remaining six units to be sold at market rate.

The Town's Land Use Ordinance sets the minimum parking requirement for a town home at 2 spaces per unit; however, the Land Use Ordinance reduces the requirement for price restricted units to one space per unit. Thus, our project is required to provide a total of twenty-two parking spaces for the sixteen town homes.

It is our opinion that twenty-four parking spaces will not be adequate for the town homes. As part of our Conditional Use Permit, we have proposed 31 parking spaces. We believe the additional parking is warranted since the project is not located near an existing public transit line. The project does make use of compact parking spaces as allowed to minimize the impervious surface. Therefore, we request that 31 parking spaces be approved as part of the Conditional Use Permit.

Please do not hesitate to call me if you have any questions or need additional information.

Sincerely,  
Coulter Jewell Thames, P.A.

  
Steven P. Bailey, PE



Coulter Jewell Thames, P.A.

111 WEST MAIN STREET  
DURHAM, NORTH CAROLINA 27701  
P 919 682 0368 F 919 688 5646

January 19, 2006

Mr. Martin Roupe  
Development Review Administrator  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

Re: Jones Property (8112 Old NC 86)  
CUP Submittal – Tree Removal Justification

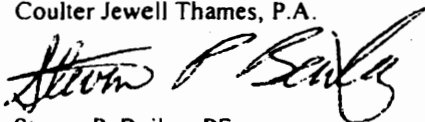
The subject site is located just north of the existing Lake Hogan Farms Subdivision. Access to the site will be provided from Lake Hogan Farms via Lake Hogan Farms Road and Long Meadows Road. The property is currently used for a single-family residence and equestrian center with associated pastures and accessory structures. A large portion of the property is contained within stream buffers and a gas easement. The stream buffers are located primarily along the northern side of the property. The gas easement crosses the property diagonally from the southeast to the northwest.

The proposed development will be primarily concentrated along the southern portion of the property. Lake Hogan Farm Road will be extended to the north into the stream buffer for a connection to the adjacent property. Specimen trees within the stream buffers have been saved to the greatest extent possible.

Specimen tree numbers 191, 271, 281, 283, 311, 319, 331, 355, 357, 358, and 392 are being removed to facilitate construction of a Town required bike path. Specimen tree numbers 47, 66, 125, 130, 209, 216, 229, 328 and 499 are being removed from stormwater easements. Specimen tree numbers 137, 139, 142, 143, 144, 145, 146, 169, 296, 297, 411, 412, 413, 416, 418, and 425 are being removed to allow for road construction and grading. Specimen tree number 433 and off-site tree numbers 59, 61, 79, 207, 274, and 278 are being removed from sanitary sewer easements. Specimen tree numbers 9, 134, 215, and 260 are being removed from areas where homes will be constructed. Specimen tree numbers 147, 158, and 502 are being removed to allow grading of the parking lots to serve the town homes.

Please do not hesitate to call me if you have any questions or need additional information.

Sincerely,  
Coulter Jewell Thames, P.A.



Steven P. Bailey, PE

Cc: Randolph Reid, David Weekley Homes

### Truth in Drainage Statement

The Jones Property Project lies along Buckhorn Creek, east of Old NC 86, and north of Lake Hogan Farms. The entire property drains to Buckhorn Creek. The stormwater analysis for this project was conducted by looking at the entire drainage area that flows to an analysis point at a location along Buckhorn Creek just downstream from our site. This was done because the proposed site makes up only a small percentage (less than 10%) of the total drainage area that flows to the analysis point. The total area is broken into three sub-basins to create a composite model of the watershed. HydroCAD computer software was used to model the composite watershed and determine peak stormwater discharge rates at the analysis point for the 10-year, 25-year, and 100-year, 24 hour design storms, for both pre-development and post-development conditions.

Two of the three sub-basins within the watershed do not include any areas to be developed by this project; therefore, their pre-development and post-development values are the same. There is an increase in the peak discharge from sub-basin that includes the developed portion of our site due to increased impervious surface. However, it was found from the composite model of the sub-basins at the analysis point that the post-development peak is slightly lower than the pre-development peak. The proposed development decreases the time of concentration ( $T_c$ ) of its sub-basin as the development occurs. This decrease in the time of concentration allows for the peak of discharge from the developed site to flow through Buckhorn Creek and the analysis point before the peak from the remainder of the composite watershed arrives. In summary, the total amount of runoff due to the proposed development increases but the combined hydrographs at the analysis point show no increase in peak flow from the total basin.

The proposed development will increase the amount of impervious area on the site. To offset the water quality effects of the additional impervious surface, best management practices (BMP's) are proposed for the site. The primary BMP's used area bioretention areas. The BMP's areas have been sized based on the guidelines in NCDENR's "Stormwater Best Management Practices Manual".

Ward Consulting Engineers has performed a separate study of the impacts of the aerial sewer crossing. The study found that there are no impacts from the proposed crossing to properties located up-stream or down-stream from the property where the crossing is located.

Bioretention areas are used as the primary stormwater treatment devices. When designed appropriately, bioretention areas are credited with 85% removal of TSS.

### Project Description and Summary

The Jones Property Project is located along the northern boundary of Lake Hogan Farms and lies just north Hogan Hills Road and east of Old 86. The proposed project involves the construction of a subdivision consisting of 48 single family homes and 16 townhomes. Current zoning of the site is R-20. Soils on the site and contributing drainage area include Georgeville (hydrologic soil group B), Herndon (hydrologic soil group B), Chewacla (hydrologic soil group C), Enon (soil group C), Wilkes (soil group C), Tatum (soil group C), Goldston (soil group C), and Iredell (soil group D). The proposed site is within the Cape Fear River Basin.

Per the Town of Carrboro Storm Drainage Design Manual, the peak flow in the post development 25-year storm leaving the site may not exceed the pre-development 25-year storm peak. If the post-development peak flow does exceed the pre-development peak flow, detention for stormwater should be provided. This requirement may be varied by the Town Engineer for various reasons. Stormwater quality should also not be degraded by the proposed development.

### Methodology

- HydroCAD software is used to calculate the time of concentration for each sub-basin. HydroCAD uses the SCS segmental approach to estimate the time of concentration.
- The Orange County Soil Survey is used to identify the soil types located on the site.
- HydroCAD software is used to calculate pre- and pos-development peak flow rates for each sub-basin. HydroCAD uses the SCS TR-20 method to develop hydrographs.
- NCDENR BMP Manual, 1999 edition, is used as a guide for BMP design.

### Discussion of Results

The stormwater analysis for this project was conducted by looking at the entire drainage area that flows to an analysis point at a location along Buckhorn Creek just downstream from our site. This was done because the proposed site makes up only a small percentage (less than 10%) of the total drainage area that flows to the analysis point. The total area was broken into several different sub-basins. One is entitled "OFF-SITE" and includes the drainage area north and northwest of the site and Buckhorn Creek. A second sub-basin was entitled "PH 10" which corresponds to the area in Lake Hogan – Phase 10 that flows into the existing detention pond. The flow from this sub-basin was also routed through the design pond for Lake Hogan Farms – Phase 10. The final sub-basin was

entitled "AREA 1". This drainage area consists of the land in the total drainage area that lies south of Buckhorn Creek and east of Old 86. This sub-basin includes the proposed site. The three catchments, along with the detention pond, were modeled using HydroCAD. The modeled basins were linked together in order to produce the combined hydrograph at the analysis point. From these hydrographs, the peak discharge from the entire drainage area at the analysis point was found for both the pre-development and post-development conditions. These discharge values were calculated for the 10-year, 25-year and 100-year, 24-hour design storms.

The discharge values for the "OFF-SITE" and "PH 10" sub-basins remained the same for both the pre-development and post-development conditions, as they are not altered in this project. The discharge from the sub-basin "AREA 1" increased from pre-development to post-development since it contains the proposed project site. However, it was found from the combined hydrographs at the analysis point that the post-development peak is slightly lower than the pre-development peak. With the proposed project, the time of concentration ( $T_c$ ) decreases from the pre-development condition as development occurs. This decrease in the time of concentration allows for the peak of discharge from the site to flow through Buckhorn Creek and the analysis point before the peak from the remainder of the watershed arrives. In summary, the total amount of runoff due to the proposed development increases but the combined hydrographs at the analysis point show no increase in peak flow from the total basin.

An analysis of the pre-development and post-development runoff from the project site by itself is also included. The analysis shows that the peak runoff rate from the site area does increase by more than 10%. The increase for the 10-year, 25-year and 100-year storms is included in the summary table.

Included in this report is a map showing the different sub-basins used in the stormwater impact analysis. The HydroCAD results for the three sub-basins, the detention pond and the combined watershed have also been included. Finally, a summary table showing the discharge from the site and the combined hydrograph discharge for the entire watershed has been attached. This summary table displays the discharges for the 10-year, 25-year and 100-year storms with the corresponding percent change.

Nine bioretention areas are proposed to treat stormwater run-off. The areas have been sized per the guidelines in the NCDENR BMP Manual. The areas will receive first-flush run-off conveyed to them by the proposed storm system. Larger bio-retention areas use junction boxes to direct the first flush to the bioretention areas and allow larger storms to bypass the areas. Cross-sections of the bioretention area have been included in the CUP plan set.

When designed per the NCDENR BMP Manual, bioretention areas are credited with 85% removal of total suspended solids (TSS). The required and provided size of each bioretention area is provided with the attached calculations



# Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

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

April 14, 2006

Ms. Jane L. Tuohey  
Zoning Division  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

Re: Sixth review of the CUP for the Jones Property at Lake Hogan Farms

Ms. Tuohey,

We have completed our review of the CUP Plans for the Jones Property at Lake Hogan Farms that were prepared by Coulter Jewell Thames, PA and submitted to Sungate Design on 04/10/06. Following are our comments:

## General

- 1) Need to address Stormwater Quality as per the Town of Carrboro LUO.  
**OK; This comment has been satisfactorily addressed.**
- 2) Need to provide a Truth in Drainage Statement. The statement should address both the quantity and quality of stormwater. State the pre and post construction discharges, the percentage of impervious area for your site, total acreage of the project site, acreage being developed, size of the watershed, and how you are not increasing the amount of Stormwater from the project site. Also, state percentage of contaminant reduction, how it is being achieved, and the source of information. Keep the statement simple and straightforward. The Truth in Drainage Statement needs to clearly state how the Town of Carrboro LUO concerning Stormwater Quality and Quantity is being met. Need to provide supporting calculations and documentation for Stormwater Quality.  
**OK; This comment has been satisfactorily addressed.**
- 3) Provide Roadway Typical Sections.  
**OK; This comment has been adequately addressed.**
- 4) Provide Roadway Profiles. Insure that the proper sight distance is provided.  
**OK; Revised.**
- 5) Provide Storm Drainage Details.  
*The detail provided for a Traffic Bearing Drop Inlet with a Flat Grate (Str. No. 55 & 60) is not traffic bearing. Need to provide a detail that is traffic bearing. Also, why is Str. No. 55 shown as a DI and not a CB?*  
**This comment is to be addressed on Construction Plans.**

Grading and Drainage Plan

- 6) The scale used is too small. The Grading and Drainage plan is difficult to read and review. As a minimum, use a scale of 1-inch equals 50 feet.  
**OK; This comment has been adequately addressed.**
- 7) Need to clearly show and label all easements.  
**OK; This comment has been satisfactorily addressed.**
- 8) Need to label storm drainage.  
**OK; This comment has been adequately addressed.**
- 9) Need to label riprap.  
**OK; This comment has been adequately addressed.**
- 10) Existing Well located just south of Lot 48: Will this Well be abandoned? If so, then it will need to be sealed.  
**OK; This comment has been adequately addressed.**
- 11) Need to show existing storm drainage associated with the detention basin located in Lake Hogan Farms, Phase 10.  
**OK; This comment has been adequately addressed.**
- 12) Ditch located behind Lots 1-7: Need to provide a ditch detail and calculations.  
*The manning's n value has been revised. However, the calculations are showing a freeboard of less than 0.2 feet during the 100 Year Storm. Need to provide more freeboard (minimum 0.5 feet).*  
**This comment is to be addressed on Construction Plans.**
- 13) Existing Stable located in southeastern corner of property: Will this be demolished? Need to label.  
**OK; This comment has been adequately addressed.**
- 14) Prevent or reduce amount of stormwater from flowing across Lots 1-5. Could use swales between Lots.  
**OK; This comment has been adequately addressed.**
- 15) Prevent or reduce amount of stormwater from flowing across Lots 32-35. Could use swales between Lots.  
**OK; This comment has been adequately addressed.**
- 16) The existing storm drainage in Hogan Hills Road south of Lot 53 is located in a sag with the only relief, if the catch basins are blocked, overland towards the parking lot next to Lot 53. This possibility needs to be addressed.  
**OK; This comment has been adequately addressed.**



- 17) Storm drainage outlet north of Lot 11: The outlet is located at the top of a ridge. Where will stormwater flow? Stormwater needs to be directed to an existing ditch or swale before it leaves the project site.

**OK; This comment has been adequately addressed.**

- 18) The storm drainage system between Lots 10 and 11 crosses an existing gas line. Need to insure that there will not be a conflict during construction.

**The developer can wait until the Construction Plan review to determine the exact location of the gas line. However, the developer needs to be aware that if it is found that there is a conflict and the storm pipe and water quality device have to be significantly redesigned or relocated, then the revised site plan may need to be presented to the Board of Aldermen for approval.**

- 19) Storm drainage system located at the end of Lake Hogan Farm Road: Where is the outlet for the storm drainage system?

**OK; This comment has been adequately addressed.**

- 20) Need to show the 100 Year Floodplain for Buckhorn Creek.

**This comment has not been satisfactorily addressed.**

**There appears to be a significant difference between the location of the 100 Year Floodplain as delineated by NC Flood Maps and the contours shown on the CUP plans. The exact location of the Floodplain needs to be determined by field survey and that survey needs to be shown on the plans.**

- 21) Individual Lots overlap the Stream Buffers. In my opinion, individual lots should be outside of Stream Buffers. That is the only way to insure that the Stream Buffers are not disturbed.

**OK; This comment has been adequately addressed.**

#### Utility Plan

- 22) Need to show the Stream Buffers on Lake Hogan Farms, Phase 8 & 9 so that the impacts from the proposed location of the sanitary sewer system can be seen.

**OK; This comment has been adequately addressed.**

#### Additional Comments from third review.

- 23) It appears that Ditch # 4 needs to be extended to intercept the runoff from Lot # 18.

**OK; Revised.**

- 24) It appears that a swale will be needed behind Lot # 16 to direct runoff to Level Spreader # 1.

**OK; A swale directs the runoff to Bio-retention Area #2.**

- 25) Subsurface drains are needed to allow draw down of the bio-retention areas.

**OK; Revised.**

- 26) A plan sheet should be provided delineating the drainage area contributing runoff to each of the water quality structures. This is to insure that all developed land is being treated.  
**OK; Plan sheet showing delineation has been provided. All developed land is proposed to be treated.**
- 27) The level spreader detail should be revised to show the timbers inset or backfilled to grade to prevent leaks and washouts; specify the geotextile protection (UV resistant, if exposed as shown) type and dimensions; and specify a maintenance schedule to address warped timber replacement, repair of leaks, erosion, etc.  
**OK; Level spreaders have been deleted.**
- 28) Easements around Bio-retention Basins: Need to insure that there is enough easement for heavy equipment to go around the basin.  
**OK; Revised.**
- 29) Parking Lot behind Lots 49-52: A portion of the parking lot and parking spaces is within the proposed public right-of-way. Public right-of-way should end at the entrance to the parking lot.  
**OK; Revised.**
- 30) Need to provide sight triangles at intersections.  
**OK; Revised.**
- 31) Subdivision entrance at intersection of Hogan Hills Road and Long Meadows Road: Need to provide sight triangles. Based on our records, Lake Hogan Farms did not provide sight triangles at this location.  
**OK; Revised.**
- 32) Intersection of Hogan Hills Road and Lake Hogan Farm Road: Lake Hogan Farms provided a portion of the sight triangle on their plat. The remaining portion will need to be shown.  
**OK; Revised.**
- 33) The roadway section between CB-1 and CB-2 and the end of the road (near Buckhorn Creek) has not been treated for stormwater quality.  
**OK; Revised.**
- 34) Offsite Sewer: Need to show the 100 Year Floodplain and Floodway on both sides of Jones Creek. Are any of the proposed sanitary sewer manholes located within the Floodway?  
**OK; Revised.**
- 35) Offsite Sewer: A no rise certification or a LOMR will need to be obtained for the aerial sewer crossing. If any sanitary sewer manholes are located within the Floodway, then they will need to be included in the model.  
**This comment has not been satisfactorily addressed.**  
**The no rise certification has been submitted and is currently under review.**

- 36) Truth in Drainage Statement (Project Description and Summary): The statement concerning the pre and post 10 Year Storm is not correct. The Carrboro LUO states that storm events up to the 25 Year Storm shall be evaluated for their downstream impact.

**OK; Revised.**

- 37) No weighting of stormwater quality devices allowed to offset another device (located at a different outlet) that provides less than the required 85% TSS removal

**OK; Revised.**

- 38) Level Spreader: Where did the required length of 100 feet per acre come from? Provide documentation.

**OK; Level spreaders have been deleted.**

- 39) There is no basis that making level spreaders longer than required will make the buffer more efficient. Therefore using a multiplier for the longer level spreader will not be allowed.

**OK; Level spreaders have been deleted.**

Additional Comments from forth review

- 40) Sheet PP-1.4: Profile label not correct.

**OK; Revised.**

- 41) Has the Project Engineer confirmed that PSNC will allow proposed ditches to cross the gas easement?

**PSNC has sent a letter to the Project Engineer stating that the preliminary site plans have been received and that crossing the PSNC right-of-way is acceptable under certain minimum cover and maximum fill conditions. However, the developer needs to be aware that if it is found that there is a conflict and the proposed ditch is not able to meet these conditions and has to be redesigned or relocated, then the revised site plan may need to be presented to the Board of Aldermen for approval.**

- 42) Bio-retention Area Details: Depth of Sandy Loam soil?

**OK; Revised.**

- 43) Bio-retention Area Plan Views: Where are Outlet Weirs located?

**OK; Revised.**

- 44) Bio-retention Area Plan Views: Show Stream Setback (Primary Conservation Area).

**OK; Revised.**

- 45) Do Bio-retention Areas 5 - 9 have the half section of concrete pipe? The cross-section shows the pipe, but the plan view does not.

**OK; Revised.**

- 46) Bio-retention Areas: Need to increase the number of plants. The NCDENR BMP Manual recommends 1000 trees and shrubs per acre. Recommend increasing the number of species for more diversity. Also, include a grass filter strip around the basin to prevent silt from flowing into the basin from the surrounding property.

**OK; Revised.**

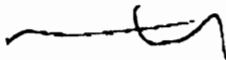
- 47) Bio-retention Areas 5-9: Place shrubs throughout the basin, not only on the perimeter.  
**OK; Revised.**
- 48) Bio-retention Areas 5-9: What is the proposed square footage for each basin?  
**OK; Revised.**
- 49) Bio-retention Areas 5-8: Label proposed contour elevations  
**OK; Revised.**
- 50) Junction Box Detail: Remove label that states manhole is optional. Manholes are required.  
**OK; Revised.**
- 51) Frame, Grates, and Hood Detail (NCDOT Std. No. 840.03): Sheet 1 of 2 appears to be incomplete. Sheet 2 of 2 is missing. There is no Sheet 3.  
**OK; Revised.**
- 52) The Discussion of Results for the Stormwater Analysis needs to be updated for the most recent water quality design.  
**OK; Revised.**

The following comments are to inform Coulter Jewel Thames, PA of possible requirements for the Construction Plans. These comments are not required for the CUP and are For Their Information Only. Also, stormwater calculations (HGL, Spread Calculations) for the storm drainage system, which were submitted, are not reviewed during the CUP review process. These calculations are reviewed during the Construction Plan review.

- 1) Fire flow calculations will need to be submitted.
- 2) A stormwater delineation plan will need to be submitted. Need to show the area draining to each drainage structure. This plan does not need to be a part of the construction plans.
- 3) Storm drainage calculations will need to check HW/D. Maximum HW/D allowed is 1.5.
- 4) Storm Drainage Schedule: Define rim elevations for each type of drainage structure.
- 5) Storm Drainage Schedule: Specify pipe material. Should be RCP.
- 6) CB-5 and CB-6 are not located in the sag.
- 7) No bends greater than 90 degrees allowed within the storm drainage system.

If you have any questions or need further information, please contact Will Hines at 859-2243.

Sincerely,



W. Henry Wells, Jr., PE



4/14/06

SDG 

April 28, 2006

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

Re: Jones Property (8112 Old NC 86)  
Architectural Standards for Proposed Townhomes

Mr. Kleaveland:

We propose for the affordable townhome units included in the Jones Property CUP to comply with the following architectural standards listed in Section 15-177 of the Land Use Ordinance.

1. Porches will span 80 percent of the front façade.
2. Roof shall be as follows:
  - a. Main roof pitch – 8/12 to 12/12
  - b. Lower roof pitches – 3/12 to 5/12
  - c. Roofs shall have a minimum overhang of sixteen inches on all eaves and gables.
3. Clapboard or shingle siding shall have a four to five and a half-inch exposure.
4. Windows shall have a vertical to horizontal proportion of not less than two to one, with the exception of bathroom and kitchen windows.
5. Trim details – Columns, vents gables, and other details will reflect details in the recommended “Village Mixed Use and Affordable Housing Vernacular Architectural Standards.”
6. Any chimney will be located within the body of the structure unless it is an all-masonry chimney.

Please note that standard number seven (7) is not applicable to the affordable units of this project because they will not have garages.

Please do not hesitate to call me if you have any questions or need additional information.

Sincerely,  
Coulter Jewell Thames, P.A.

Steven P. Bailey, PE

Cc: Rob Shank, 1<sup>st</sup> American  
Randolph Reid, David Weekley Homes

ATTACHMENT K-2



Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510



WEDNESDAY, June 14<sup>th</sup>, 2006

**JONES PROPERTY CONDITIONAL USE PERMIT @ 8112 Old NC 86**

The Appearance Commission Advisory Board recommends approval of the Jones Property Conditional Use Permit located at 8112 Old NC 86 as presented.

VOTING:

AYES: 3 (Wendy Wenck, Annie Lux, Carolyn Helfrich)

NOES: 0

  
James Thomas (for chair)  
Appearance Commission Chair

6-16-06  
Date

**SUMMARY SHEET OF STAFF AND ADVISORY BOARD  
RECOMMENDATIONS**

***CONDITIONAL USE PERMIT— JONES PROPERTY AIS***

Recommended by	Recommendations
Staff, TAB, AC, PB, NTAAC, EAB	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.
Staff, TAB, AC, PB, NTAAC, EAB	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.
Staff, TAB, AC, PB, NTAAC, EAB	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.
Staff, TAB, AC, PB, NTAAC, EAB	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.
Staff, TAB, AC, PB, NTAAC*, EAB	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.



Staff, TAB, AC, PB, NTAAC, EAB	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.
Staff, TAB, AC, PB, NTAAC, EAB	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.
Staff, TAB, AC, PB, NTAAC, EAB	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.

Staff, TAB, AC, PB, NTAAC, EAB	<p>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.</p>
Staff, TAB, AC, PB, NTAAC, EAB*	<p>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.</p>
Staff, TAB, AC, PB, NTAAC, EAB (This requirement has been satisfied).	<p><del>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.</del></p>
Staff, TAB, AC, PB, NTAAC, EAB	<p>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;</p>

## ATTACHMENT M-4

Staff, TAB, AC, PB, NTAAC, EAB	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.
Staff, TAB, AC, PB, NTAAC, EAB	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.
Staff, TAB, AC, PB, NTAAC (The applicant has satisfied this requirement and therefore the condition is removed).	<del>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.</del>
Staff, TAB, AC, PB, NTAAC, EAB	16. That the applicant submit a Voluntary Annexation Petition to the Town Planning Department prior to final plat approval.
Staff, TAB, AC, PB, NTAAC, EAB	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.

\*This advisory board proposes a modification to this condition as specified below.

<b>Additional Advisory Board Comments &amp; Recommendations:</b>	
AC	1. Prior to building permits being issued for the townhouses, the Appearance Commission review the design plans to verify compliance with the recommended Vernacular Standards of the Land Use Ordinance. (Note, this recommendation is no longer necessary as the applicant has since completed this step)

EAB	<p>1. Condition 10 should be rewritten as follows: That the developer shall include a detailed stormwater system maintenance plan. This maintenance plan shall specify the entity responsible for performance of all elements of this maintenance plan, shall indicate how that entity will fund said maintenance, and shall clearly indicate that the Town of Carnboro is not responsible for these activities. The maintenance plan shall include scheduled maintenance activities for each stormwater best management practice (BMP) in the development, (including but not limited to cisterns, bio-retention areas, swales, constructed wetlands, level spreaders, energy dissipaters, and buffers), performance evaluation protocol for each BMP, and frequency of self-inspection and self-reporting requirements (including a proposed inspection/reporting template clearly indicating how often reports will be submitted to the Town of Carrboro) for maintenance and performance of each BMP. The maintenance plan and supporting documentation shall be submitted to the Town Engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the maintenance plan and supporting documentation shall be included in the construction drawings and homeowner's association documentation to ensure the long term maintenance of the BMPs.</p>
TAB	<p>1. Create a four-way stop at the intersection of Hogan Hills Road and Long Meadows Road</p>
	<p>2. Add additional speed tables to Hogan Hills Road.</p>

# ATTACHMENT M-6

PB	1. That the Board of Aldermen request that the developer of the Jones Property AIS create a mechanism to qualify the purchasers of the affordable units provided under the density bonus for affordable housing on the basis of income not exceeding 80 percent of the median for the area, or, work with the orange county land trust or some similar organization to accomplish this.
	2. That an "All Ways Stop" be created/provided at the intersections of Long Meadows Road and the intermediate roads along Hogan Hills Road in the interest of potentially saving the lives of the children in the neighborhood.
NTAAC	1. That, in order to ensure that the spirit behind the Land Use Ordinance's emphasis on providing Affordable Housing (in return for density bonus) is met, and to maintain the affordability of units designated as "affordable" on the plans, the developer use Orange Community Housing and Land Trust to manage and sell the units;
	2. That an area on the development be reserved for a future bus stop and;
	3. That the project and its housing units be reviewed for sustainability considerations including, but not limited to, carbon footprint and water use. That Condition #5 is modified to require a corresponding wheelchair ramp to be installed with the HC parking.
	4. That Condition #5 is modified to require a corresponding wheelchair ramp to be installed with the HC parking.
	5. That, in an effort to maintain the rural character of the Northern Transition Area by managing lighting and glare, the street lights be full cutoff and the total number of street lights be reduced to four units, <u>and</u> , that the HOA documents require all outdoor lighting fixtures on the new homes or associated with common facilities be International Dark Sky Association (IDA) certified.

<p><b>Additional Condition (Since the Joint Review Meeting)</b>  <b>(numbered according to staff recommendations list in staff report)</b></p>	<p>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.</p>
<p><b>Additional Conditions (Since the June 27<sup>th</sup>, 2006 public hearing).</b></p>	<p>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.</p>
	<p>20. That an <i>additional</i> 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.</p>
	<p>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.</p>
	<p>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.</p>



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direct fax 919 510 6133  
LGould@KilpatrickStockton.com

August 7, 2006

**VIA ELECTRONIC MAIL**

Mr. Jeff Kleaveland  
Town of Carrboro Planning Department  
301 West Main Street  
Carrboro, NC 27510

***RE: Conditional Use Permit Application – 8112 Old NC 86***

Dear Mr. Kleaveland:

This firm represents David Weekly Homes, which has applied for an Integrated Subdivision Conditional Use Permit for a 65 unit subdivision located at 8112 Old NC 86. In response to certain concerns of the Carrboro town Aldermen at the June 27<sup>th</sup> hearing, we are providing you with this letter to clarify and amend our proposal to meet the Town of Carrboro affordability restriction set forth in Section 15-182.4 of the Carrboro Land Use Ordinance.

The applicable portion of Section 15-182.4 provides that persons taking advantage of the increased density allowances must “arrange for the affordable housing units to remain affordable .... for a period of not less than 100 years... by including provisions to ensure such continued affordability in legally binding agreements (including but not limited to a ground lease, a deed restriction or other covenant) running with the unit.”

In order to comply with the above-referenced statute, this firm had drafted a deed restriction which was intended to be self-enforcing. As the deed restriction provides that any sale of the property in violation of the restriction is void, then we are reasonably sure that no person would take the risk of paying significant value for a voidable transfer. We are also quite certain that no bank would lend funds for such a purchase. Indeed the ordinance specifically references a deed restriction, and such means of ensuring affordability and the enforcement of other restrictions are common throughout the United States.

Nonetheless, we are aware that certain members of the Board of Aldermen are concerned about the ability to enforce the affordability requirement with respect to subsequent transfers of the property. While, for the above reasons, we essentially feel that the restriction is self-enforcing, we do want

to honor the concerns of the Alderman, and have sought to find a method that would make the Town comfortable with this approach.

To that end, I have had a number of conversations with Mike Brough, the Town attorney. What Mike and I have discussed that in combination with the deed restriction, we would grant to the Town of Carrboro what would essentially be a Deed of Trust (i.e. a mortgage) interest in the applicable properties (10 affordable units). The Deed of Trust would say that in order to transfer those properties the consent of the Town of Carrboro (this could be the Town attorney, the planning department.. etc.) must be obtained. The Town consent would only be needed to certify that the sale price is consistent with the affordability statute. If the signature of the town were not obtained then the sale would be voidable.

We believe that adding the signoff requirement from the Town would not be an undue administrative burden upon the Town, and would significantly decrease the changes that somebody would try to avoid the deed restriction and just transfer the property at a higher price than is required under the ordinance. In as much as the deed restriction is not self-enforcing, we had originally suggested that it would be enforced by the homeowners association. Various Aldermen pointed out that it would not necessarily be in the interest of the homeowners association to enforce that restriction. While perhaps this contention is not entirely true in all circumstances, it does have some merit. Accordingly, we are suggesting that the Town of Carrboro, while not having to devote any considerable resources to certifying a sale, has a strong interest in enforcing the affordability restriction, which would serve as a considerable deterrence in those rare cases where persons would consider transfers in violation of the statute and the existing deed restriction. Additionally, should it elect to do so, the Town would have the right and power to void any non-complying sale in its entirety.

Please feel free to share this approach with any Town officials that you feel would benefit from reviewing it. We are hoping to get some feedback as to whether this approach is acceptable prior to the next hearing, which is scheduled for August 22<sup>nd</sup>. Additionally, I would encourage you to contact me once you have had a chance to discuss this proposal with other Town officials.

Sincerely,

Lawrence J. Gould, Esq.

CC: Randolph Reid  
David Hale  
Steven Bailey  
Gary K. Joyner, Esq.





Coulter|Jewell|Thames, P.A.

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P 336.310.0908 F 336.589.0318

ATTACHMENT N-4

Planning for the future

August 11, 2006

Mr. Jeff Kleaveland  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

Re: Jones Property (8112 Old NC 86)  
Traffic Calming on Hogan Hills Road

Dale McKeel has advised us that the Traffic and Parking Committee does not feel that a four-way stop condition at the intersection of Hogan Hills Road and Long Meadows Road will be acceptable as proposed in a letter from our office dated August 3, 2006. As an alternative, they have suggested installing an additional speed table on Hogan Hills Road approximately 400 to 500 feet west of the proposed speed table shown on Project's site plan.

The Developer of the Jones Property agrees to commit to the installation of the suggested additional speed table as a condition of the Conditional Use Permit. The exact location of the additional speed table will be coordinated during the construction drawing phase.

Please do not hesitate to call me if you have any questions or need additional information.

Sincerely,  
Coulter Jewell Thames, P.A.



Steven P. Bailey

Cc: Randolph Reid, David Weekley Homes



Coulter|Jewell|Thames

212 SOUTH LAMAR STREET  
 PO BOX 1080  
 ROXBORO NORTH CAROLINA 27573  
 p 336 330 0368 f 336 589 0319

Planning for the future

August 3, 2006

Mr. Jeff Kleaveland  
 Town of Carrboro  
 301 West Main Street  
 Carrboro, NC 27510

Re: Jones Property (8112 Old NC 86)  
 Response to Requests at Public Hearing

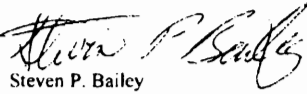
At the public hearing for the Jones Property on June 27, 2006, the Board of Aldermen requested additional information regarding screening for roll out garbage containers for the town home units and traffic calming on Hogan Hills Road. After discussing these items with the Developer, the Developer would like to commit to following items.

- I. Provide a screened storage area at the rear of each town home unit for the storage of their roll out garbage container.
- X Provide a four-way stop condition at the intersection of Hogan Hills Road and Long Meadows Road.

These two items will be committed to with the Conditional Use Permit and will be added to the drawings at the construction drawing phase of the project.

Please do not hesitate to call me if you have any questions or need additional information.

Sincerely,  
 Coulter Jewell Thames, P.A.

  
 Steven P. Bailey

Cc: Randolph Reid, David Weekley Homes

# TOWN OF CARRBORO



## CONDITIONAL OR SPECIAL USE PERMIT WORKSHEET

### I. COMPLETENESS OF APPLICATION

- ☐ The application is complete  
☐ The application is incomplete

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### II. COMPLIANCE WITH THE ORDINANCE REQUIREMENTS

- ☐ The application complies with all applicable requirements of the Land Use Ordinance  
☐ The application is not in compliance with all applicable requirements of the Land Use Ordinance for the following reasons:

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### III. CONSIDERATION OF PROPOSED CONDITIONS

If the application is granted, the permit shall be issued subject to 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 submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
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.

### IV. GRANTING THE APPLICATION

- ☐ The application is granted, subject to the conditions agreed upon under Section III of this worksheet.

**V. DENYING THE APPLICATION**

- ☐ The application is denied because it is incomplete for the reasons set forth above in Section I.
- ☐ The application is denied because it fails to comply with the Ordinance requirements set forth above in Section II.
- ☐ The application is denied because, if completed as proposed, the development more probably than not:

**1. Will materially endanger the public health or safety for the following reasons:**

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**2. Will substantially injure the value of adjoining or abutting property for the following reasons:**

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**3. Will not be in harmony with the area in which it is to be located for the following reasons:**

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**4. Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board of Aldermen for the following reasons:**

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