

ATTACHMENT B

A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE CLAREMONT ARCHITECTURALLY INTEGRATED SUBDIVISION

Resolution No. 80/2007-08

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the seventy nine (79) lot Claremont Architecturally Integrated Subdivision (AIS) located Homestead Road on November 22, 2005; and

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

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

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board of Aldermen approve the minor modification to the Claremont Architecturally Integrated Subdivision (AIS) located on Homestead Road allowing the developer to convert the four lots assigned to duplex units 44 -51, into four *single family* lots, resulting in a loss of four units to the development.

TOWN OF CARRBORO
CONDITIONAL USE PERMIT GRANTED

Claremont Architecturally Integrated Subdivision

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

APPLICANT: Parker Louis, LLC
OWNERS: Curtis Preston Hogan and Florence Velna Hogan
PROPERTY LOCATION (Street Address): 1018 Homestead Road
TAX MAP, BLOCK, LOT(S): 7.109..16
PROPOSED USE OF PROPERTY: Major Subdivision consisting of the following uses: 1.111 (single-family detached) and 1.231 (duplex)
CARRBORO LAND USE ORDINANCE USE CATEGORY: 26.100
MEETING DATES: November 22, 2005

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

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be 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 of no effect.
3. The continued affordability of the units (lots 52, 53, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69) 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.
4. Certificates of Occupancy for each of the twelve (12) bonus 'market-rate' units may not be issued until such time as the corresponding affordable unit (lots 52, 53, 60, 61, 62, 63, 64, 65, 66, 67, 68,

69) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.

5. That prior to construction plan approval, bike lane striping is shown on Claremont's collector street.
6. That prior to allowing the use of roll-type curb in the subdivision, written authorization from the Town of Carrboro Public Works Director is required.
7. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval;
8. That, on the final plat, the applicant makes Offers of Dedication for the Homestead Road sidewalk, and, the Greenway Trail, (with their associated public pedestrian and bicycle easements) to the Town.
9. That the greenway trail as proposed for Claremont have a minimum pavement width of 10 feet consistent with the standards of AASHTO, NCDOT and the Town's Recreation and Park's Comprehensive Master Plan.
10. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in Claremont meet the street tree requirements of Section 15-315 of the Land Use Ordinance and that the final arrangement is such that 1/3rd of the street trees retained and/or proposed for this purpose are evergreen.
11. That a fully detailed planting plan be required as needed for the proposed stormwater management devices prior to construction plan approval.
12. That the proposed berm be removed from the plans and replaced with mixed plantings of trees and shrubs that have proven wildlife value and that fulfill the Type A buffer requirement
13. 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.
14. 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, bio-retention areas, swales, check dams, and irrigation pond), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior

to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.

15. 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;
16. 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.
17. All light fixtures (public or private) are cut-off, thereby reducing glare to surrounding properties and limiting upward light trespass.
18. That prior to construction plan approval, site lighting, sufficient to meet the requirements of Sections 15-242 and 15-243 of the LUO, be provided in the vicinity of the swim club parking lot and grounds.
19. That on the final plat, all primary conservation areas located on private lots will be reserved as non-buildable areas.
20. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.
21. 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.
22. That all landscape plants be native species.
23. That the Homeowners Association not prohibit clotheslines or active or passive solar technologies.
24. That the town staff work with the applicant to execute an agreement with the homeowners association to provide access to the town to provide water quality monitoring.

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

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

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

**PUBLIC HEARING: CONDITIONAL USE PERMIT REQUEST FOR THE
CLAREMONT ARCHITECTURALLY INTEGRATED SUBDIVISION**

Parker Louis, LLC, as represented by Phil Post and Associates, has submitted an application for the construction of a 66 - lot, 79 dwelling unit subdivision located at 1018 Homestead Road. The Conditional Use Permit, if approved, would allow the creation of 13 duplex lots (26 units total) and 53 single-family-detached lots with associated infrastructure, including publicly dedicated streets. The Board was asked to review the application, take public testimony, and render a decision on the project.

Jeff Kleaveland, one of the town's Planner/Zoning Development Specialists, was sworn in and made the presentation.

Marty Roupe, the town Zoning Administrator, was sworn in. Mr. Roupe addressed the issue of CAPs for this project.

Omar Zinn was sworn in. He named some of the developments in the Carrboro-Chapel Hill area that he and his family have built. He stated that they are providing 15% affordable housing in the Claremont development, with 46% open space and that the development is environmentally sensitive and provides connectivity. He stated that he would be supervising the construction of the homes in this development.

Phil Post was sworn in. Mr. Post stated that they have incorporated all of the advisory board recommendations in their plans. They believe their application is complete and agree with all the recommended conditions. He discussed the site plan. The issue has been whether they can extend the sidewalk along Mrs. Nash's property. They will build it as long as Mrs. Nash allows them to build it. He also presented the stormwater management plan. He stated that there will not be a berm. The homeowners association will maintain the street trees. He said the stormwater retention ponds would hold stormwater for three days. There will be a small amount of grading for the ponds. He stated that he would work with the staff in resolving the material for the sidewalks. He stated that they have not provided for a bus stop since bus service is not currently available in this area. He indicated areas around Mrs. Nash's property where additional plantings will be added. He stated that they will market it as a Carrboro neighborhood and that their streets will connect with Winmore streets.

Mr. Zinn agreed that they would market the development as a Carrboro development.

Dale McKeel, the town's Transportation Planner, was sworn in. He stated that there is adequate clearance under the bridge to carry the trail. He stated based on information from Chapel Hill, he was not comfortable requiring a bus stop, but stated that buses could be accommodated within the development.

Loretta Nash was sworn in. She stated that she bought her property from Preston Hogan. The farmhouse was built in 1901. She would like to retain her privacy, would like a buffer at the back of her property line, and expressed concern about the liability of having a sidewalk across her property. She requested signs be posted if the sidewalk is put in.

Mike Brough stated that there would be no liability for the private property owner if the sidewalk ran across Ms. Nash's property.

Mayor Nelson requested that Mrs. Nash work with the developer to install the sidewalk.

Nancy Salmon, a resident of 1706 Claymore Drive, was sworn in. She criticized the fact that sufficient time was not listed on the agenda for this public hearing. She suggested that the Town allow a density bonus but with restricted impervious surface. She stated that the homeowners association should not manage the stormwater ponds. She expressed concern about the play area being located so close to Homestead Road. She stated that the developer should be required to provide a safety barrier.

Terri Buckner, a resident of 306 Yorktown Drive, was sworn in. She requested that a memo of agreement be established between the Town and that the homeowners association could do water quality monitoring along the creek.

Phil Post stated that there would be some caveats so that the homeowners association would be protected from liability, i.e., to limit the access areas for monitoring.

Dave Otto, a resident of 1533 Pathway Drive, was sworn in. Speaking on behalf of The Friends of Bolin Creek, he expressed concern that the fences and retention ponds will not adequately control run-off and suggested the Town use the services of Professor Rich McLaughlin in the Soil-Science Department at N.C. State to review the Claremont stormwater control plan. He stated that there is no place for public parking to use the greenway and requested that spaces be designated for public parking. He recommended an alternative pervious material for the greenway. He stated that it is imperative to determine which properties identified on the conservation map are still available for preservation and then initiate appropriate action to save them.

Robert Dowling, with Orange Community Housing and Land Trust, was sworn in. He stated that he had met with the developer and talked about siting and pricing of affordable housing and that the developer was meeting the ordinance and has agreed to provide 12 duplex homes.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROWN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROWN THAT THE APPLICATION COMPLIES WITH THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROWN THAT THE APPLICATION BE GRANTED WITH 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.

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22. That all landscape plants be native species.
23. That the Homeowners Association not prohibit clotheslines or active or passive solar technologies.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROWN TO DIRECT STAFF TO WORK WITH THE APPLICANT TO EXECUTE AN AGREEMENT WITH THE HOMEOWNERS ASSOCIATION TO PROVIDE ACCESS TO THE TOWN TO PROVIDE WATER QUALITY MONITORING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROWN THAT THE APPLICANT CONSULT WITH PROF. RICH MCLAUGHLIN IN THE SOIL-SCIENCE DEPARTMENT AT NC STATE UNIVERSITY ABOUT WAYS TO REDUCE SEDIMENT. VOTE: AFFIRMATIVE ALL

Phil Post addressed the buffer along the area where the play area will be located. The Homestead Road widening should not affect this buffer. The existing buffer is hundreds of feet wide.

Mr. Zinn stated that they would consider a comparable surface for the greenway path.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JACQUELYN GIST TO GRANT THE PERMIT SUBJECT TO THE ABOVE CONDITIONS. VOTE: AFFIRMATIVE ALL
