

# BOARD OF ALDERMEN

ITEM NO.: **(4)**

## AGENDA ITEM ABSTRACT

MEETING DATE: FEBRUARY 24<sup>TH</sup>, 2009

**TITLE:** CONTINUATION OF A PUBLIC HEARING FOR A MAJOR MODIFICATION TO CLAREMONT  
CONDITIONAL USE PERMIT- PHASE IV & V.

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> YES <u> X </u> No <u> </u>
<b>ATTACHMENTS:</b> A. LETTERS FROM CITIZENS B. COST ESTIMATE OF PAYMENT-IN-LIEU FOR GREENWAY TO CAROLINA NORTH PROPERTY C. RESPONSE FROM ENVIRONMENTAL PLANNER D. RESPONSE FROM TOWN ENGINEER DEALING WITH WET DETENTION BASINS E. RESPONSE FROM TRANSPORTATION PLANNER DEALING WITH TRAILS F. RESPONSE FROM TRANSPORTATION PLANNER DEALING WITH CROSSWALK G. RESPONSE LETTER FROM CLAREMONT ENGINEER H. DUKE POWER RIGHT-OF- WAY GUIDELINES I. RESPONSE FROM TRANSPORTATION PLANNER DEALING WITH STREET CONNECTIVITY POLICY J. COMPILATION OF ADVISORY BOARD RECOMMENDATIONS K. CONDITIONAL USE PERMIT WORKSHEET	<b>FOR INFORMATION CONTACT:</b> JAMES THOMAS- 918-7335

### PURPOSE

Parker Louis, LLC, as represented by Phil Post and Associates has submitted an application for a Major Modification of the original Conditional Use Permit (CUP) for Claremont Subdivision, Phase I, II, and III for the construction of ninety-six (96) additional lots located at 1001 Homestead Road. The Board of Aldermen began a public hearing on January 27<sup>th</sup>, 2009 and continued the hearing until February 24<sup>th</sup>, 2009. Town staff requests that the Board of Aldermen continue the public hearing, deliberate the application, and consider making a decision on the CUP application.

### INFORMATION

*\*Note that project materials from the January 27<sup>th</sup>, 2009 meeting (including staff report and all attachments) are available on the Town's website at the following location:*

[http://www.townofcarrboro.org/BoA/Agendas/2009/01\\_27\\_2009\\_5.pdf](http://www.townofcarrboro.org/BoA/Agendas/2009/01_27_2009_5.pdf)

*Also, a complete set of project plans is available on the website at the following location:*

<http://www.townofcarrboro.org/pzi/bulletinboard/PDFs/overallplans.pdf>

*If Board members desire to have an additional paper copy of any pertinent information, please inform staff.*

In continuing the public hearing to January 27<sup>th</sup>, 2009, the Board requested additional information on several topics. The table below identifies each topic and includes a response from the applicant about the matter:

<b>Matters discussed during 1/27 meeting:</b>	<b>Person responsible with commentary where necessary:</b>	<b>Staff person receiving:</b>
1. Who will complete the estimate for payment-in-lieu/methodology for trails/greenway	Phil Post has provided a “cost estimate” ( <b>see attachment B</b> ) of what it would cost the developer to construct the greenway to the Carolina North Property.	James
2. Obtain school assignments for elementary, middle, high school for Colleton Crossing, Claremont Subdivisions	The schools that students would be attending within Claremont Subdivision, Phase I thru V and Colleton Crossing Subdivision are: Elementary School = Morris Grove Elementary Middle School = Smith Level Middle High School = Chapel Hill High	James
3. Prepare information on NCDOT response to blinking/crosswalk or pedestrian only crosswalk	<b>See attachment F</b> for response to this question.	James & Adena
4. Schedule connectivity worksession	Agenda item to be set by Town Manager	Steve
5. Elaborate on recreation points for phases 1, 2, 3 and explain how this comes into land use policy	The total recreation points (includes pool, clubhouse, kid play area etc.) provided within Phase I, II and III of Claremont Subdivision is <b>2,898</b> points. Recreation points required for Phase I, II & III = <b>1036</b> points. Recreation points required for Phase IV and V = <b>1850</b> points.  This is considered a “major modification” to the original CUP and the use of recreation points between phases is permissible per the Land Use Ordinance.	James
6. Need a safe crossing- how does the town get NCDOT to do what is correct- how will town address this; include TAB input	<b>See attachment F</b> for response to this question.	James & Adena
7. Type A screening: Is that a problem installing on Claremont property.	The developer has agreed to the installation of a “type A” screen along the Krasnov (124 Colfax Drive) property line ( <b>see attachment G</b> ).	James
8. Transportation issue: quantify presumed benefit of making connectivity	<b>See attachment I</b> for response to this question.	James & Adena

9. Concern of the Friends of Bolin Creek- 1.) do not remove trees for runoff control 2.) are detention basins functioning to “greatest” capacity 3.) removal of trees for placement of detention basins- is there a conflict?	Randy Dodd, Environment Planner has provided written comment to this question ( <b>see attachment C</b> ). Additionally, Will Hines has responded to the “functionality” of the wet detention basins ( <b>see attachment D</b> ).	James & Randy
10. Allowing recreation field beneath Duke Power Easement	<b>See attachment H</b> for response to this question.	James
11. Carolina North Property- are there trails/connections proposed?	<b>See attachment E</b> for response to this question.	James & Adena
12. Connection to east bridge; what about dedication of easement to the south?	<b>See attachment E</b> for response to this question.	James & Adena
13. Want to hear more from developer regarding conversations with Orange County Land Trust regarding pricing and units to be included in development.	The developer has stated that they will be working once again with Orange County Land Trust. Zinn Design Build will be the exclusive builder of these three (3) bedroom/two (2) bathroom townhouse units. The townhouse units will be +/- 1300 square feet of heated living space and will be sold to Orange County Land Trust for +/- \$125,000.00.	James
14. West side of Bolin Creek- plans for trails in this area?	<b>See attachment E</b> for response to this question.	James & Adena

### **FOLLOW UP INFORMATION AFTER PUBLIC HEARING**

Following the Board of Aldermen meeting, Town Staff has discussed the construction of the two connector roads to The Carolina North Property. Per this meeting, the staff would recommend that the street right-of-way for the two connections to the Carolina North Property be dedicated, but that no improvement within these portions of the right-of-way be completed.

### **RECOMMENDATION**

Town staff recommends that the Board of Aldermen approve the CUP, subject to the following conditions:

1. The continued affordability of the units (lots 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 86, 87, 88, 93, 94, 95) 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 five(5) bonus 'market-rate' units may not be issued until such time as the corresponding affordable unit (lots 71, 72, 73, 74, 75, 78, 79, 80, 81, 82, 86, 87, 88, 93, 94, 95) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.
3. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.
4. That if a CLOMR for the proposed walkway beneath the Homestead Road bridge is necessary, then it must be received prior to the approval of the Construction Plans. The LOMR, if necessary must be received prior to the recording of the final plat for Phase IV of Claremont.
5. If necessary, that all state and federal 401 and 404 permits be obtained prior to construction plan approval.
6. Additional width for the easement be provided in the greenway for the area north of the bridge where steps may need to be installed due to the steep slope of the area.
7. 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 1/3<sup>rd</sup> of the street trees proposed for this purpose are evergreen.
8. That the Homestead Road buffer and screening layout be incorporated into the Construction Plans.
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 prior to Construction Plan approval, the developer provide the necessary easements for all the bio-retention basins.
12. That prior to Construction Plan approval, a soil scientist (or other qualified engineers/personnel) provide the appropriate information that the seasonal water table is at least two (2) feet below the bottom of the basins per NCDENR "Best Management Practice" manual. Any substantial design changes will require the approval of the Board of Aldermen (with possible public hearing) per the provisions of 15-64 of the LUO.
13. 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.
14. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.
15. 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.

16. On the final plat, the street right-of-way for the two connections to the Carolina North Property be dedicated right-of-way, but that no improvement (ie. grading, paving, curbing etc.) within these portions of the right-of-way be completed.
17. That a payment-in-lieu be paid the Town of Carrboro for a portion of the greenway that connects to the Carolina North Property. This payment-in-lieu will be of the developer's estimate to construct the greenway.
18. On the final plat, a sixteen (16) foot public access and maintenance easement that will connect to the Carolina North Property be dedicated.