

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE MAY 19TH, 2009

**SUBJECT: PUBLIC HEARING CONTINUATION OF THE COLLETON CROSSING
ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL USE PERMIT,
8400 & 8420 REYNARD ROAD**

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO
ATTACHMENTS: <ul style="list-style-type: none">A. PROJECT PLANSB. APPLICANT LETTER AND MATERIALS REGARDING DRIVEWAY EASEMENTC. ATTORNEY LETTERS REGARDING EASEMENT/DRIVEWAYD. PHASING PLAN & REYNARD ROAD EXTENSION GRAPHICE. STAFF REPORT FROM THE 8.26.09 BOARD MEETING (WITHOUT ATTACHMENTS).F. MINUTES FROM 8.26.08 BOARD MEETINGG. ADVISORY BOARD'S SUMMARY RECOMMENDATIONS SHEETH. STAFF AND APPLICANT RESPONSES TO BOARD INQUIRIESI. RESPONSES TO CITIZEN AND BOARD INQUIRIES MADE <i>PRIOR</i> TO THE PUBLIC HEARINGJ. LOCAL SCHOOL BUS STOPS (MAP)K. MEMO REGARDING GREENWAY TRAIL TYPESL. MEMO FROM TOWN ATTORNEY REGARDING TRAFFIC ISSUESM. EXAMPLES OF VARIOUS CULVERT TYPESN. EXISTING WATER, SEWER, AND SEPTIC TANK INFORMATIONO. OWASA DRAFT SEWER EXTENSION PROPOSAL FOR THE PROJECT AREAP. OWASA POSITION RE: SEWER EXTENSION, EMAILSQ. APPRAISER'S LETTERR. ENVIRONMENTAL ASSESSMENT (SUMMARY)S. TRAFFIC IMPACT ASSESSMENT (SUMMARY)T. LIGHTING AMENDMENTU. CITIZEN LETTERS	FOR INFORMATION CONTACT: JEFF KLEAVELAND, 918-7332

V. LETTER FROM FRIENDS OF BOLIN CREEK W. CONDITIONAL USE PERMIT WORKSHEET	
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PURPOSE

To continue the public hearing opened on November 25th, 2008 regarding the Colleton Crossing AIS Conditional Use Permit application. MBI Development as represented by Phil Post and Associates, has submitted an application for the construction of a 39 dwelling unit subdivision located at 8400 & 8420 Reynard Road. The Conditional Use Permit, if approved, would allow the creation of 39 single-family (6 affordable) lots with associated infrastructure, including publicly dedicated streets.

INFORMATION

The subject property is zoned Rural Residential (RR). Its two parcels contain 31.6 acres and are listed on the Orange County Tax Map as numbers 7.23.C.28 & 28A. For a vicinity map, see cover sheet of Attachment A.

UPDATE

Road Easement Negotiations

The applicant believes they have exhausted their options with their attempts to negotiate an alternate entrance along the existing driveway access easement on the eastern property line. Attached is their summary of these efforts (Attachment B).

A corrected alignment has been approved by NCDOT (Attachment B-2), but its execution is dependent upon revision of the existing easement. This cannot be accomplished without the consent of the affected property owners.

Easement uses

Emergency, construction and possibly, pedestrian/bike access is proposed for the eastern driveway easement. The applicant and the property owner's lawyers have both taken written positions regarding these uses (Attachments C-1-5 & C-6 respectively). Town staff advises that the Aldermen discuss this matter with the Town Attorney. Note that any conditions pertaining to the easement herein are subject to the legal resolution of this matter. Attachment C-8 shows the location of the existing driveway relative to the location of the easement.

To support pedestrian connectivity, the applicant proposes the addition of a paved 5 ft. wide bicycle and pedestrian walkway along the existing driveway easement. As such, they proposed the following be appended to condition #21:

- *(To be appended to condition #21)* That the developer provide a paved 5 ft wide bicycle and pedestrian walkway along this easement to extend east to TallyHo Trail. The 5 ft. wide paved walkway shall be centered on the easement and installed within the 20 ft. wide gravel access route for emergency vehicles.

Phasing

The developer is proposing a plan that will extend the construction of the project over a two and one half year period by regulating the time of issuance for building permits (Attachment D-1 & 2). They propose the following related condition (*italics by staff*):

- That the developer shall phase the project into two (2) infrastructure phases as shown on the submitted Phasing Plan Exhibit and Building Permit schedule. Phase 1 shall include infrastructure for 19 market rate lots and 3 affordable lots. Phase 2 shall include 14 market rate lots and 3 affordable lots. The construction of all of the housing units shall be phased over a 2-1/2 year time period, with the release of a limited number of building permits to be made in six (6) month increments as set forth in the Building Permit Schedule. *Approval of the final plat for each of the proposed phases will require either the provision-of, or, bonding-for, LUO required recreation, open space and infrastructure components.*

Reynard Road Extension

Regarding the extension of proposed Reynard road improvements westward to the intersection of Hound Court; the applicant proposes the following condition (~~strike-outs~~ by staff). See Attachment (D-3) for a graphic of the proposed extension.

- That the developer shall improve the existing \pm 210 ft. Reynard Road stub-out west of the Colleton property to Town public street standards up to the intersection with Hound Court. The improvements shall consist of a 27 ft. B-B curb section with 5 ft. sidewalks on both sides of the street. A stop sign shall be provided on the west side of the intersection of Hound Court and Reynard Road. Improvements shall be made subject to Construction Plan approval. ~~from the Town Manager.~~

Neighborhood Information Meeting

A second neighborhood information meeting was held at the Century Center on May 12th, at 7:00pm. Fourteen or so neighbors were in attendance.

ADDITIONAL INFORMATION

For a summary of the November 25th meeting, please see the attached minutes (Attachment F). The information below includes responses to questions posed by the Aldermen as well as the Advisory Boards Summary Recommendation Sheet, which was not available at the first meeting.

Advisory Board's Summary Recommendations

See attached (Attachment G).

Board of Aldermen Follow Up Actions

See summary responses to Aldermen inquiries made at the public hearing (Attachment H). Note that formal applicant responses to various topics are included in Attachments H-4 through H-7. These reference some of the above attachments, including the memo from the Town Attorney addressing traffic issues (Attachment L).

Responses to Citizen and Board Inquiries Made *Prior* to the Public Hearing

See Attachment I.

Flood Study

Conditions 12 and 13 reference the pending results of a “HEC/RAS” flood study. The study is still undergoing review by the Town Engineer at the date of this abstract. Preliminary data shows no indication of stormwater damages.

Existing Water, Sewer and Septic Tank information

In the project area, Attachment N-1 shows the existing water service availability while Attachment N-2 shows the location of existing sewer service as well as the presence of septic systems (including those that have recently been repaired).

Sewer Extension

Please see attached OWASA’s draft sewer extension plan for the project area (Attachment O). Though the project at present meets their requirements, OWASA does not object to the Town requesting the line be extended the sewer further to the north as long as any further extension undergoes OWASA’s review and approval process (Attachments P). Regarding extending the line to the northern property line where there is no existing easement to carry it further north, OWASA states that it is very rare for them to use their powers of eminent domain to condemn an easement on existing private property to allow for such an extension.

Appraiser's Letter

This letter from a licensed appraiser regarding was not included with the original staff report. It is concerned with the effect of the project on adjacent property values (Attachment Q).

Environmental Impact Summary

This report summary was not included in the first agenda for this project (Attachment R).

Traffic Impact Summary

This summary is included again (Attachment S). Note that NCDOT is currently working on a safety assessment of Tallyho Trail; this was not available at the time of publication.

Sidewalk information:

Installation of offsite sidewalk extensions has been discussed. Cost of sidewalk installation is widely variable depending on site and design considerations. The average unit cost of three recent sidewalks (5’ wide, concrete) built in the Town is about \$140.00 per lineal foot. If more accurate cost figures are to be known, a specific proposal needs to be made so an estimate may be prepared.

Lighting information

Street lights are not regulated by the Land Use Ordinance; instead, they fall under existing Town policy pertaining to public R/W’s. On November 15th, 2005, the Board of Aldermen adopted a resolution allowing residents in Annexation Areas A & B to pursue an exemption from the street lighting policy per the following requirements (Attachment T):

1. A valid petition for exemption from the street lighting policy must be signed by 66% of the property owners with frontage on a particular street within a particular subdivision; and
2. Any street that elects not to receive lighting will receive lighting in the future if 66% of the property owners with frontage on that street or within that particular subdivision request it from the Town.

Staff has determined that this policy only applies to existing subdivisions. Various neighbors have expressed interest in the developer excluding street lighting from the development. To do so, this lighting policy will again need to be amended accordingly. With or without street lights, the Town will require the wiring for the plans be installed according to the approved plans.

Citizen Letters

See the attached letters for citizen letters and emails received to date (Attachments U).

Letter from Friends of Bolin Creek

See Attachment V.

New conditions

The following conditions are derived from changes the applicant has agreed to, or discussed the possibility of, since the public hearing. Prior to adopting any of the conditions below, the Board is advised to discuss each of the proposed conditions with the applicant.

- That, in an effort to reduce environmental impact to the stream, a bottomless arch culvert is used to cross the creek, instead of the proposed box culvert.
- That bioretention cell #7 (adjacent to Lot 39) is relocated entirely out of the stream buffer and onto Lot 39.
- That, prior to construction plan approval, the grading on Lot 17 is sufficiently revised to save the existing 40" poplar tree in the immediate vicinity.
- That a vegetative buffer of 25' is provided adjacent to the eastern property line to be located behind lots 4 through 8. The total effect of this buffer will be to provide the equivalent of a Type B, semi-opaque buffer. This requirement may be met with a combination of existing and proposed vegetation. Prior to construction drawing approval, the applicant will be required prepare a planting guide for the buffer, to be reviewed by Town staff.
- That the Tot lot now shown as adjacent to the stormwater quality detention pond be relocated to its former position south of the playfield in the interest of safety.
(The current position of the tot lot is the applicant's preference; however, they are willing to relocate the facility to its former position as shown on the approved concept plans. The applicant has not provided an alternate to these two locations.)
- *(To be appended to condition #21)* That the developer provide a paved 5 ft wide bicycle and pedestrian walkway along this easement to extend east to TallyHo Trail. The 5 ft. wide paved walkway shall be centered on the easement and installed within the 20 ft. wide gravel access route for emergency vehicles.
- That the developer shall phase the project into two (2) infrastructure phases as shown on the submitted Phasing Plan Exhibit and Building Permit schedule. Phase 1 shall include infrastructure for 19 market rate lots and 3 affordable lots. Phase 2 shall include 14 market rate lots and 3

affordable lots. The construction of all of the housing units shall be phased over a 2-1/2 year time period, with the release of a limited number of building permits to be made in six (6) month increments as set forth in the Building Permit Schedule. Approval of the final plat for each of the proposed phases will require either the provision-of, or, bonding-for, LUO required recreation, open space and infrastructure components.

- That the developer shall improve the existing \pm 210 ft. Reynard Road stub-out west of the Colleton property to Town public street standards up to the intersection with Hound Court. The improvements shall consist of a 27 ft. B-B curb section with 5 ft. sidewalks on both sides of the street. A stop sign shall be provided on the west side of the intersection of Hound Court and Reynard Road. Improvements shall be made subject to Construction Plan approval.

STAFF RECOMMENDATION

Town staff recommends that the Board of Aldermen continue the Colleton Crossing AIS Conditional Use Permit public hearing. Staff recommends that the Board consider the issuing the permit subject to the conditions below:

1. The continued affordability of the units (located on lots 1, 26, 32, 33, 34, & 35) must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with LUO Section 15-182.4.
2. Certificates of Occupancy for each of the six (6) bonus 'market-rate' units may not be issued until such time as a corresponding affordable unit (located on lots 1, 26, 32, 33, 34, & 35) 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. The six bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.
3. That, prior to construction plan approval, the applicant work with the Town Transportation planner to consider a traffic calming alternative to the speed table proposed for Middleton Drive, including but not limited to a mid-block curb extension (also known as a "choker).
4. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
5. That prior to Construction Plan approval, the sidewalk detail on the detail sheet is labeled and specifies that sidewalk thickness shall increase to a minimum of 6" thick where all driveways cross the sidewalk.
6. That, prior to construction plan approval, the proposed greenway alignment from the southern property line be realigned to follow the OWASA easement behind lots 36 -38 so as to tee in to Reynard Road.
7. That, in the construction plans the greenway trails be designed to meet or exceed the specifications identified in the AASHTO Guide for the Development of Bicycle Facilities, and that the proposed greenway be constructed to the Type IV AASHTO standard.
8. That the single family home lots, when developed have sufficient room to conveniently park two cars on a paved driveway, 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.
9. That, prior to construction plan approval the proposed street tree planting layout be revised to meet the spacing requirements of Section 15-315 of the LUO and that 1/3rd of the proposed street trees be evergreen.

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 Colleton Crossing meet the street tree requirements of Section 15-315 of the Land Use Ordinance.
11. *(Condition replaced by New Condition #28, below)* ~~That a 10', undisturbed vegetative buffer of existing (or enhanced) native plantings be maintained along the eastern (rear) property line of lots 4 through 8. This buffer shall be disclosed on the final plat and referenced in the Homeowner Association documents. A landowner may remove existing vegetation in the buffer if it is: a) a noxious weed, b) sick or c) presents a significant hazard. If other vegetation is removed that does not fit these categories, replacement is required with new native plantings equivalent to a Type B screen.~~
12. *(Reworded Condition)* That, prior to Construction Plan approval, a HEC-RAS flood study shall be approved by the Town Engineer analyzing the 100 year flood and including a backwater analysis for both the existing and proposed conditions.
13. *(Reword this condition, if a bottomless arch culvert is approved)* That, prior to Construction Plan approval, the proposed box culvert design shall be sized to provide for a “no-rise” condition for the 100 year backwater (at the property line of the project), as compared to the preconstruction conditions shown in the results of the HEC-RAS flood study.
14. *(Reword this condition, if a bottomless arch culvert is approved)* That, prior to Construction Plan approval, all design and details of the proposed box culvert shall meet the requirements of the Carrboro Land Use Ordinance and the associated Storm Drainage Design Manual and be approved by the Town of Carrboro’s Engineering Consultant, Sungate Design Group. 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.
15. That all state and federal 401 and 404 permits be obtained prior to construction plan approval if necessary.
16. 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.
17. 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.
18. That, prior to Construction Plan approval, the applicant provide on the plans details and notes for the Town’s required casting for curb inlet hoods and manhole covers. This is the “fish” logo combined with the “Dump No Waste – Drains to Jordan Lake” slogan.

19. 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;
20. *(Reworded)* That fire flow calculations and ~~sprinkler system design~~ must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
21. *(Reworded)* That the existing driveway access easement *(or some realignment of same)* that ties the property to Tallyho Trail to the east, serve as a temporary emergency access route and ~~that, if necessary it is improved to the extent that it provides a 20' all-weather travel surface sufficient to support Town fire apparatus sufficiently to satisfy the emergency access needs of the Town of Carrboro Fire Department.~~ Further, that a collapsible bollard (or equivalent) satisfactory to the Fire Department, be installed on the subject property at the beginning of the easement to prevent everyday use of this driveway. Use of this driveway easement for emergency access will end once the Middletown Drive subcollector is continued and subsequently interconnected to an existing street to the south (via the UNC property identified on the Town's GIS system as 1500 Claymore Road).
22. That, if the applicant chooses street lighting fixtures that deviate from the Town standard, they willingly assume all costs above and beyond those associated with this standard. Furthermore, any such deviation will not be allowed without the expressed approval from the Town's Public Works Department.
23. 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.
24. That the street names of the subdivision are revised as necessary to meet the addressing requirements of the Town GIS specialist.

New Conditions (Subject to Board/Applicant approval)

25. That, in an effort to reduce environmental impact to the stream, a bottomless arch culvert is used to cross the creek, instead of the proposed box culvert.
26. That bioretention cell #7 (adjacent to Lot 39) is relocated entirely out of the stream buffer and onto Lot 39.
27. That, prior to construction plan approval, the grading on Lot 17 is sufficiently revised to save the existing 40" poplar tree in the immediate vicinity.
28. That a vegetative buffer of 25' is provided adjacent to the eastern property line to be located behind lots 4 through 8. The total effect of this buffer will be to provide the equivalent of a Type B, semi-opaque buffer. This requirement may be met with a combination of existing and proposed vegetation. Prior to construction drawing approval, the applicant will be required prepare a planting guide for the buffer, to be reviewed by Town staff.
29. That the Tot lot now shown as adjacent to the stormwater quality detention pond be relocated to its former position south of the playfield in the interest of safety.
 - a. *(The current position of the tot lot is the applicant's preference; however, they are willing to relocate the facility to its former position as shown on the approved concept plans. The applicant has not provided an alternate to these two locations.)*
30. *(To be appended to condition #21)* That the developer provide a paved 5 ft wide bicycle and pedestrian walkway along this easement to extend east to TallyHo Trail. The 5 ft. wide paved walkway shall be centered on the easement and installed within the 20 ft. wide gravel access route for emergency vehicles.

31. That the developer shall phase the project into two (2) infrastructure phases as shown on the submitted Phasing Plan Exhibit and Building Permit schedule. Phase 1 shall include infrastructure for 19 market rate lots and 3 affordable lots. Phase 2 shall include 14 market rate lots and 3 affordable lots. The construction of all of the housing units shall be phased over a 2-1/2 year time period, with the release of a limited number of building permits to be made in six (6) month increments as set forth in the Building Permit Schedule. Approval of the final plat for each of the proposed phases will require either the provision-of, or, bonding-for, LUO required recreation, open space and infrastructure components.
32. That the developer shall improve the existing \pm 210 ft. Reynard Road stub-out west of the Colleton property to Town public street standards up to the intersection with Hound Court. The improvements shall consist of a 27 ft. B-B curb section with 5 ft. sidewalks on both sides of the street. A stop sign shall be provided on the west side of the intersection of Hound Court and Reynard Road. Improvements shall be made subject to Construction Plan approval.