

BOARD OF ALDERMEN

ITEM NO. B(2)

AGENDA ITEM ABSTRACT

MEETING DATE SEPTEMBER 22, 2009

**SUBJECT: LLOYD SQUARE ARCHITECTURALLY INTEGRATED SUBDIVISION CONDITIONAL
USE PERMIT ON 100 DEER STREET**

| | |
|---|---|
| DEPARTMENT: PLANNING DEPARTMENT | PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO |
| ATTACHMENTS: A. PROJECT PLANS B. STAFF REPORT C. LAND USE PERMIT APPLICATION D. CHT LETTER E. TRANSPORTATION IMPACT STATEMENT F. TREE REMOVAL JUSTIFICATION LETTER G. TRUTH IN DRAINAGE STATEMENT H. LETTER FROM APPLICANT EXPLAINING FLEXIBILITY SOUGHT FOR STORMWATER BMPs. I. ARCHITECTURAL STANDARDS NARRATIVE J. ADVISORY BOARD'S SUMMARY RECOMMENDATIONS K. NEIGHBORHOOD INFORMATION MEETING FORM L. CITIZEN LETTER M. CONDITIONAL USE PERMIT WORKSHEET | FOR INFORMATION CONTACT: JEFF KLEAVELAND, 918-7332 |

PURPOSE

Layton Wheeler, as represented by Phil Post and Associates, has submitted an application for the construction of a 16 dwelling unit subdivision located at 100 Deer Street (Attachment C). If approved, the Conditional Use Permit would allow the creation of 16 lots, two of which will be occupied by a duplex. The project will rely upon existing infrastructure and does not require the creation of new roadways.

INFORMATION

The subject properties are zoned Residential-20 (R-20). It contains 5.98 acres and is listed on the Orange County Tax Map as numbers 7.107B.H.1. The existing condition of the site is vacant with a stand of mixed woods. Existing drainage features are buffered by the Town's regulatory stream buffers. There are no FEMA Special Flood Hazard Areas on site.

RECOMMENDATIONS:

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

1. That, prior to construction plan approval, the developer demonstrates how the objectives of Section 15-182.4 of the LUO are to be satisfied. Section 15-182.4 requires the continued affordability of the units located on lots 5 & 6 and requires that these units are offered only to qualified buyers.
2. Certificates of Occupancy for each of the two (2) bonus 'market-rate' units may not be issued until such time as a corresponding affordable unit (located on lots 5 & 6) 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, and, the *payment in lieu* for .55 of an affordable unit is made (in accordance with the Town's fee schedule at the time of payment). The two bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.
3. That, if the developer chooses Community Home Trust (CHT) to manage the affordable units per Section 15-182.4 and CHT is unable to secure subsidy money and/or unable to market the affordable units at the price authorized by the LUO then the Town Attorney must approve an alternative arrangement for ensuring long term affordability of these units.
4. 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.
5. The prior to construction plan approval, a Type C screen be shown between the new lots and the public right of way. This requirement may be satisfied by a combination of existing and proposed trees per the guidelines as established in Appendix E and Article XIX of the Land Use Ordinance.
6. That, prior to Construction Plan approval, a HEC-RAS flood study shall be approved by the Town Engineer to study the 100 year flood (with backwater analysis) for both the existing and proposed conditions; any substantial design changes made as a result of this study (to comply with the LUO) will require the approval of either staff or the Board of Aldermen (with possible public hearing) per the provisions of 15-64 of the LUO. Substantial design changes would be defined as those that have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
7. That flexibility is allowed in the execution of the drainage plan as outlined in the applicant's letter. These changes will be processed as insignificant deviations so long as they are found not to have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
8. 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.
9. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity, schedule and creation of reserve fund for future maintenance needs. The plan shall include scheduled maintenance activities for each unit in the development, (including, bioretention areas, swales, and dry detention basin), 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.

10. 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;
11. That fire flow calculations (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
12. 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.