

BOARD OF ALDERMEN

ITEM NO. C(1)

**AGENDA ITEM ABSTRACT
MEETING DATE JUNE 22, 2010**

SUBJECT: CONTINUATION OF THE LITCHFIELD AIS CUP PUBLIC HEARING

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO
ATTACHMENTS: A. REVISED PROJECT PLANS B. STAFF REPORT C. LAND USE PERMIT APPLICATION D. LAND SWAP LETTER E. CHT AGREEMENT LETTER F. TRANSPORTATION IMPACT STATEMENT G. TREE REMOVAL JUSTIFICATION LETTER H. APPLICANT JUSTIFICATION RE OUTSTANDING ENGINEERING ISSUES I. PLAYFIELD DEVIATION JUSTIFICATION J. ARCHITECTURAL STANDARDS NARRATIVE K. ADVISORY BOARDS SUMMARY RECOMMENDATIONS L. <i>NEW ATTACHMENT: LETTER FROM PHIL POST REGARDING PLAN CHANGES</i> M. <i>NEW ATTACHMENT: TOWN LIGHTING POLICY</i> N. CONDITIONAL USE PERMIT WORKSHEET	FOR INFORMATION CONTACT: JEFF KLEAVELAND, 918-7332

PURPOSE

This is a continuation of the public hearing for the Litchfield AIS CUP opened at the Board of Aldermen's May 25th, 2010 meeting. Please note that the applicant has included minor plan revisions to address comments made by Board members at this first meeting and will present these changes to the Aldermen at the meeting.

Homestead Partners, LLC, as represented by Phil Post and Associates, has submitted an application for the construction of a 34 dwelling unit subdivision located at 900, 904 & 906 Homestead Road (Attachment C). The Conditional Use Permit, if approved, would allow the creation of 24 single-family-detached units, 8 duplex units (to be combined with an existing duplex on site) yielding 34 dwelling units. The plan includes associated infrastructure such as utilities and publicly dedicated streets.

INFORMATION

The subject property is zoned Residential (R-20). Its recombined parcels will contain 13.9 acres and are listed on the Orange County Tax Map as numbers 7.109..18, 18A & 19D. For a vicinity map, see cover sheet of Attachment A.

Additional Information as Requested by the Board of Aldermen.

During the May 25th, 2010 Board of Aldermen meeting, Board members requested additional information related to the following topics (staff responses are in *italics*):

1) Review of the proposed playfield (safety, function),

The applicant has added a 20,000 square foot, LUO compliant, playfield along the eastern power line easement. The open space areas formerly considered for the playfield requirement will now be considered only as mini parks designed for the general enjoyment of the neighborhood but not for sports. Further, the applicant has added between the parks, traffic calming chicanes and, in the immediate surrounding intersections, stop signs. (See Attachment A for more information).

Town recreation staff has reviewed the new plans and finds them improved as the small parks no longer need to serve a playfield function.

2) Street Lighting compliance.

The applicant's plan meets with the public street lighting policy. See Attachment M to reference the policy.

3) Add Planning Board recommendation #3 and #6 to staff recommendations,

See new condition #22 in the staff recommendations below.

4) Suggest developer include green building requirements in design standards,

See new condition #23 in the staff recommendations below.

5) Suggest that developer ensure that HOA covenants not include prohibition on clotheslines or solar panels and other renewable energy measures, &

See new condition #23 in the staff recommendations below.

6) Provide UNC Student report on HOA/Renewable Energy to Applicant when available.

This report will be forwarded to the applicant as soon as it is made available.

Summary of Design Changes

Please see Attachment L for the applicant's summary of design changes made to the site plan as a result of the first meeting with the Board on May 25, 2010. In short, the applicant has added a full size playfield (20,000 square feet) along the eastern property line which will satisfy the Town's playfield requirement without requiring a deviation in the LUO requirements. For this reason, Attachment I is no longer needed.

In addition, the mini parks and their surrounds, adjacent to Lucas Lane have been revised as follows: 1) inclusion of landscape walls on both of the park's Lucas Lane frontage as well as hedges along the smaller streets. In addition, a traffic calming chicane between the two parks with stop signs for the surrounding intersections is shown. An additional traffic calming chicane has been added to replace the proposed speed table along Lucas Lane.

STAFF RECOMMENDATION

Town staff recommends that the Board first complete the attached conditional use permit worksheet (Attachment N). Upon completing the worksheet, staff recommends that the Board consider the

Conditional Use Permit for construction of the Litchfield AIS, subject to the conditions below. Please note that these conditions supersede those listed in the attached staff report.

1. That, prior to construction plan approval, a recombination plat is approved by the Town and recorded by Orange County Register of Deeds, showing the reconfigured lot in conformance with the approved CUP plans.
2. The continued affordability of the units (identified as 1, 2, 18, 19, 27, 28) must be ensured through working directly with Community Home Trust, in accordance with LUO Section 15-182.4.
3. Certificates of Occupancy for six (6) of the last 'market-rate' units to be constructed may not be issued until such time as a corresponding affordable unit (located on lots 1, 2, 18, 19, 27, 28) 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.
4. That, prior to construction plan approval, the applicant explores alternative traffic calming techniques for Lucas Lane, including but not limited to a mid-block curb extension (also known as a "choker).
5. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
6. 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.
7. 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.
8. 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 Litchfield meet the street tree requirements of Section 15-315 of the Land Use Ordinance.
9. That, prior to construction plan approval, the equivalent of a Type A screen be shown on the development side of the Homestead Road Buffer. Maintenance of this buffer is a continued condition of this permit.
10. That flexibility is allowed during Construction Plan approval and in the execution of the Drainage Plans. 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.
11. That, prior to Construction Plan approval, the 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.
12. That all state and federal 401 and 404 permits be obtained prior to construction plan approval if necessary.
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, 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.
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. That all new street lighting be provided by full cutoff fixtures.
18. That construction plans and subsequent building permits demonstrate compliance with the current lighting provisions of Article XV of the Land Use Ordinance, in place at the time of this hearing.
19. ~~(Removed because the modified plan includes a compliant playfield) That a deviation in the 20,000 sf minimum playfield size standard of 15-198(d) be granted, allowing two smaller adjacent 'natural' playfield areas to be provided (recreation areas D & E on the CUP plans). Natural playfield areas allow some trees to be included in the field perimeter so long as they are sufficiently pruned to accommodate movement beneath. The Board hereby allows this deviation based upon the applicant's written justification provided at the public hearing (Attachment D).~~
20. 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.
21. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.
22. *(New condition)* That the applicant provide, in each of the 10,000 sq ft play areas, a hedge or other border along the Lucas Lane frontage between the sidewalk and the play area and that the applicant provide shaded seating in the 10,000 sq ft play areas.
23. *(New condition)* That the HOA and design standards documents include green-building guidelines for new construction and do not prohibit clotheslines, solar panels and other renewable energy measures.