

# BOARD OF ALDERMEN

ITEM NO. D(3)

## AGENDA ITEM ABSTRACT

MEETING DATE: APRIL 17<sup>TH</sup>, 2012

**SUBJECT:           CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AT 1001 HOMESTEAD ROAD.**

<b>DEPARTMENT:   PLANNING DEPARTMENT</b>	<b>PUBLIC HEARING: YES <u>X</u> No ____</b>
<b>ATTACHMENTS:</b> <b>A. STAFF REPORT</b> <b>B. LETTER FROM UNC DEALING WITH DEVELOPMENT OF “CAROLINA NORTH”</b> <b>C. ALTERNATIVE ROAD DESIGN STANDARD LETTER FROM CONSULTANT</b> <b>D. TRIP GENERATION SHEET FROM APPLICANT</b> <b>E. TREE REMOVAL JUSTIFICATION LETTER</b> <b>F. VERNACULAR ARCHITECTURAL STANDARDS LETTER FROM APPLICANT</b> <b>G. ORIGINAL CONDITIONAL USE PERMIT FOR MAJOR MODIFICATION FOR CLAREMONT, PHASE 4 &amp; 5</b> <b>H. UPDATED CAPS DOCUMENT</b> <b>I. COST ESTIMATE FOR INSTALLATION OF GREENWAY BY DEVELOPER</b> <b>J. COMPILATION OF ADVISORY BOARD RECOMMENDATIONS</b> <b>K. ADVISORY BOARD RECOMMENDATIONS</b> <b>L. CONDITIONAL USE PERMIT WORKSHEET</b>	<b>FOR INFORMATION CONTACT:</b> <b>JAMES THOMAS, 918-7335</b>

### PURPOSE

A request for Conditional Use Permit for Planned Unit Development at 1001 Homestead Road to be called Claremont South Subdivision.

### INFORMATION

Parker Louis, LLC, as represented by Phil Post and Associates has submitted an application for a Conditional Use Permit (CUP) for Planned Unit Development (PUD) for Claremont South Subdivision located at 1001 Homestead Road.

The proposed rezoning for the Planned Unit Development is requesting the rezoning of the existing R-15 and R-20 Residential Zoning District to R-10 Residential Zoning District. In addition, the applicant would be requesting the rezoning of the property addressed as 1001 Homestead Road to be rezoning of B3 (Neighborhood Business).

The applicant intends to construct a total of ninety-two (92) single-family residences on the portion of property to be rezoned to R-10 Residential District. The portion of property to be rezoned to B3 is where an existing family residence resides. Future development of this commercial zoning district would require the issuance of an additional Conditional Use Permit.

It should be noted that this project was known in the past as Claremont Subdivision, Phase 4 & 5 and was approved by the Board of Aldermen on March 17<sup>th</sup>, 2009 as a Major Modification to the original Claremont Subdivision, Phase 1, 2 and 3.

The subject property is a R-15/R-20 mixed zoning district containing 38.14 acres (1,661,516sf) and is listed on the Orange County Parcel Identification Numbers 9779-37-0343 and 9779-47-6533.

### **STAFF RECOMMENDATION**

Town staff recommends that the Board of Aldermen review the Conditional Use Permit for Planned Unit Development and consider the following conditions:

1. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.
2. 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 South 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.
3. 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.
4. That the Homeowners Association's restrictive covenants must include language clearly establishing their responsibility to fully comply with Land Use Ordinance Section 15-263.1 regarding stormwater features within the subdivision. The covenants are subject to review and approval by the Town Attorney prior to any final plat approval.
5. That if any easements are needed from adjacent parcels, they shall be obtained prior to Construction Plan approval. Any easements over private lots within the development shall be recorded on the final plat.
6. 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.
7. That a new CUP application must be reviewed and approved, subsequent to a public hearing, before any use other than the existing single-family home use or a usual and customary sales office (associated with the development only) may take place within the B-3 portion of the site.
8. That the developer agrees to provide a payment in lieu for its estimated cost of installation of the greenway along Bolin Creek (to include pedestrian underpass and connection to Claremont, Phases 1, 2 & 3) and for the greenway to the UNC property, as shown on the CUP plans. This voluntary payment shall be made to the Town by the developer in lieu of construction by the developer of the design shown on the plans, and the payment shall be an amount equal to the developer's estimated cost (certified by developer's engineer) to construct the portion of the greenway indicated, and shall be in lieu of and shall satisfy the developer's obligation to construct

this portion of the greenway. Payment shall be made in installments at the time each phase is recorded. The amount of each installment payment shall be pro-rated as a percentage according to the number of lots platted within each respective phase, i.e. if half the lots are recorded in Phase 1, then half the payment shall be due.

9. Unless otherwise agreed upon by the developer, the payment in lieu funds made by the developer to the town for the Bolin Creek greenway and the greenway to the UNC property shall be returned to the developer if the proposed greenways are not constructed by the town within one-year of recording a final plat for the last lot(s) in the subdivision. The developer will then have the responsibility of installing the proposed greenway infrastructure per the design shown on the approved CUP plans. If this circumstance occurs, then the developer will be obligated to obtain any and all necessary local, state, and federal permits associated with the work, i.e. CLOMR, LOMR, 401, 404, etc where applicable.
10. That the developer shall ensure that agents of the Town have the ability to enter all respective properties under their control (including Claremont Phases 1, 2, and 3) for purposes of conducting survey and associated work to facilitate construction of the greenway system. The developer further agrees to sign plats and complete related documents, within ten (10) days of receiving a request, in order to execute offer(s) of dedication related to the public greenway system. The town will pay for surveying and associated work related to these tasks.
11. That staff may approve, as an Insignificant Deviation to the CUP, a phasing plan for the project, so long as staff determines that each respective phase complies with LUO requirements.
12. That prior to any final plat approval, the applicable Homeowners' Association Documents must be reviewed and approved by the Town Attorney to ensure that residents of Claremont South Subdivision have perpetual access to and use of all amenities (i.e. pool, pool house, play area, etc) within Claremont Phases 1, 2, and 3, as provided in LUO Section 15-199.