

STAFF REPORT

TO: Board of Aldermen

DATE: April 17th, 2012

PROJECT: Conditional Use Permit for Planned Unit Development called Claremont South Subdivision

APPLICANT and OWNERS: Parker Louis, LLC
180 Providence Road
Chapel Hill, NC 27514

PURPOSE: A request for Conditional Use Permit for Planned Unit Development at 1001 Homestead Road.

EXISTING ZONING: R-20 = 24.79 acres; R-15 = 13.35 acres

PIN: 9779-37-0343 and 9779-47-6533

LOCATION: 1001 Homestead Road

TRACT SIZE: 38.14 acres (1,661,516 sf)

EXISTING LAND USE: single-family residence on PIN 9779-37-0343

PROPOSED LAND USE: 28.000, Planned Unit Development:
1.111, single family detached within proposed R-10 Zoning District
1.111, existing single family residence within proposed B-3 Neighborhood Business District (other commercial uses likely to be proposed at a later date)

SURROUNDING LAND USES: North: Homestead Road
South: R-15, Wexford Subdivision, Phase VI
West: R-15, single-family residential
East: R-20, vacant (Carolina North Property)

ZONING HISTORY: R- 15 and R-20 since 1988

ANALYSIS

Background, Concept Plan Development

Background

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 (**Attachment A**).

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 is requesting the rezoning of the property addressed as 1001 Homestead Road to 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 17th, 2009 as a Major Modification to the original Claremont Subdivision, Phase 1, 2 and 3. Much of the information in this staff report is repeated from the March 2009 staff report, with edits as needed to reflect changes.

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.

Density, Affordable Housing, Size-restricted Units

Density, Affordable Housing

The overall permissible density on the site is calculated using the adjusted gross density provisions of Section 15-182.3 of the LUO. This method reduces the amount of total density permitted based upon the amount of certain site features such as steep slopes, rock formations, and utility easements. In the case of Claremont Subdivision, Phase IV and V, this adjustment reduced the gross area used in the density calculation by 318,580 sf, yielding a permissible maximum density of 129 units within the proposed R-10 zoning district.

It should be noted that the applicant (Omar Zinn) went before the Board of Aldermen on December 7th, 2010 to request that no affordable units be constructed within this proposed Planned Unit Development. Instead, the applicant intends to construct size limited single-

family residences per Section 15-188 of the LUO where fifteen (15) percent will not surpass 1,100 square feet in size and ten (10) percent of the single-family residences will not surpass 1,350 square feet in size.

The breakdown of size limited lots are as follows:

- 1,100 square feet – lot# 39, 40 , 41, 73, 74, 75, 76, 77, 78, 79, 80 91, 92
- 1,350 square feet – lot# 82, 83, 84, 85, 86, 87, 88, 89 and 90

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to density, affordable housing density bonus and size-restricted units, subject to the conditions mentioned above.

Connectivity, Streets, Traffic Calming

Connectivity

In guiding Carrboro's growth, Town policy and ordinances support the development of an interconnected matrix of public streets. Section 15-214 of the Land Use Ordinance (LUO) requires new subdivisions to tie into anticipated streets outside the development, thereby providing "connectivity" to the Town's public road system. To this end, Claremont South Subdivision, has provided street connectivity to Colfax Drive and provided a "stub-out" to the adjacent property to the west. During the 2009 public hearing, the Board imposed a condition limiting the use of Colfax Drive to emergency traffic only.

Street connectivity to the Carolina North property show on sheet S-3 does not show the street improvements (ie. pavement etc) extending to the UNC property, but does show the right-of-way dedication to the UNC property line. The developer has chosen to not show these stub-outs to the property due to UNC stating that this portion of the property will not be developed.

It should be noted that that Board of Aldermen did not require street connectivity to the Carolina North Property nor to Colfax Drive at their March 17th, 2009 meeting. This information is noted on condition number 18 and 23 of the Major Modification for Claremont Subdivision, Phase 4 & 5 (**Attachment G**). This application is consistent with the previously approved application from March 17th, 2009, in that it does not show connectivity with Colfax Drive, as approved in 2009.

Please note, at the Joint Advisory Meeting on April 5th, 2012 the Planning Board recommended connection to Colfax Drive should be made.

Since this is considered a 'new' application, the Board of Aldermen must decide on the matter anew.

Streets

All proposed streets are built according to the public street standards of Article XIV of the LUO. Each public street is shown with curb and gutter, sidewalks (on at least one side of the street), the correct pavement and R/W width.

It should be noted that the developer has used alternative design standards for Street C and Street 3 within these phases of the development. Per the LUO, the developer has demonstrated the environmental benefits for this alternative in the road standards (**Attachment C**).

There will be a private alley located behind the single-family lots in the western quadrant of the site. This private one-way alley has a pavement width of 14' and will provide access to garages in the rear portion of the proposed homes.

Additionally, there will be similar one-way alley behind proposed lots 1 thru 17 that will provide access to garages in the rear portion of the proposed homes.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to street improvements. In regard to street connectivity, staff would recommend that the Advisory Boards make a recommendation in regard to either constructing or not constructing the two stub-outs to the Carolina North property.

Traffic Analysis, Pedestrian/Bicycle Facilities, Parking

Traffic Analysis

The 2003 NCDOT traffic survey states that Homestead Road has an average of 7000 vehicle trips per day near this site. The Traffic Impact Statement (TIS) prepared by Philip Post and Associates estimates that the Claremont project will create approximately 888 trips per day (**Attachment D**). Note that this estimate, prepared in February 2007, is based on a development with 94 dwelling units; the proposed development now has 92 dwelling units.

The TIS also estimates the AM and PM peak-hour trips at three intersections (Homestead/High School, Homestead/Old NC 86). The TIS states that a change in the level of service is not anticipated due to project traffic at the Homestead/High School and Homestead/Old NC 86 intersections, and notes that NCDOT is making improvements to the Homestead-High School intersection (including turn lanes and a traffic signal).

NCDOT has reviewed the original Claremont site plan. For the entrance/exit to eastern portion of the subdivision (30 single-family lots) a right turn in lane will be installed and a dedicated left turn in lane will be installed. This proposed intersection will generate 300 trips per day (**Attachment D**).

The other main entrance will align with the existing entrance to Claremont Subdivision, Phase I, II & III. This entrance will have a right turn in lane while headed east on Homestead Road and a dedicated left turn in lane while headed west on Homestead Road. This intersection is expected to generate 530 trips per day. This subcollector road (Claremont Drive) will connect to the existing Colfax Drive (Wexford Subdivision, Phase

VI) and it is anticipated to generate 58 trips per day thru this connection, if required as full access rather than emergency-only access.

The applicant has not yet received a driveway permit from NCDOT. Because of this, the following condition is recommended:

- That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval;

Pedestrian/Bicycle Facilities

Sidewalks will be installed on both of all subcollector streets and one side of local streets. These sidewalks will be 5' wide in width. The sidewalk on western side of Claremont Drive will extend to the Colfax Drive. Additionally, accessibility ramps and striped crosswalks are provided at all street crossings.

Along Homestead Road, a proposed 5' concrete sidewalk meanders throughout the Homestead Road Protective Buffer. This sidewalk will be within a fifteen (15) foot public access/maintenance easement and intersect with the greenway trail at the eastern portion of the property.

Parking

Per section 15-291 of the LUO, single family homes must provide parking on their respective lots sufficient to accommodate two cars. The single-family residences will have sufficient driveways to provide parking for two vehicles in addition to the typical two or one bay garage. Note #32 has been added to the front page of the proposed plans specifically stating the requirement of two parking spaces exclusive of the garage.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to connectivity traffic analysis, pedestrian/bicycle facilities and parking, subject to a decision being made regarding the type of connection to Colfax Drive and whether to require connections to Carolina North property.

Tree Protection, Street Trees, Landscape Plans, Homestead Road Buffer, Screening and Shading

Tree Protection

The applicant has shown on the plans the removal of 39 “large” trees, of mixed species, which include Sweet Gum, Poplars, Maples, Oaks and Pines, none of these are considered rare. Large trees as defined by the LUO have a diameter of 18 inches or greater and are to be retained whenever possible (15-316). Due to a majority of this property being former farmland, few trees will be removed for the construction of either the single-family homes or the townhouses. The removal of the 49 large trees is necessary for the construction of roads and detention basins. A tree removal justification letter has been provided (Attachment E).

Street Trees

Section 15-315 of the LUO provides guidelines for the planting and retention of trees adjacent-to and within street R/W's where an offer of dedication has been made to the Town. The landscape plan proposes these trees be laid out primarily within the R/W. Additionally, the Town's policy is to require that 1/3rd of all such trees be evergreen. While the proposed berm plantings are primarily evergreen, the street tree plantings are all deciduous. For these reasons, the following condition is recommended:

- 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 1/3rd of the street trees proposed for this purpose are evergreen.

Homestead Road Buffer and Screening

Section 15-312 requires that developments adjacent to Homestead Road to preserve an undisturbed Protective Buffer that is a minimum of 50' in width and an average of 100' in width. Further, this Section requires that a Type A screen be provided on the development side of this buffer in places where the existing vegetation is insufficient. The developer has provided this landscaping plan as sheet S-14 of the proposed plans.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to tree protection, street trees, landscaping, screening, and shading, subject to the inclusion of the condition regarding the landscaping buffer along Homestead Road be incorporated into the CUP plans.

Drainage, Grading, Erosion Control and Phasing

Drainage

Section 15-263 of the LUO establishes stormwater management criteria that must be met for any project requiring a CUP. In particular the applicant must meet stormwater runoff standards with respect to water quality and quantity and must demonstrate that the project will not cause upstream or downstream damages to other properties. The Town Engineer has reviewed the drainage design for the proposed project and has determined that the design meets the requirements of the Land Use Ordinance with respect to drainage.

The Claremont property drains into Bolin Creek. Excess stormwater generated by the new impervious surfaces (roads, sidewalks, roofs, etc) is to be collected by a configuration of catch basins and yard inlets. These conveyances direct the water into one of three wet detention basins. In addition, there will be seven (7) individual bio-retention basins located behind various lots throughout the subdivision. The reasoning for these individual basins is because these lots do not drain to any of the three large basins.

Per the LUO, these basins are designed to accommodate a 25 year storm event (minimum) and have vertical outlet pipes that allow at least three feet of water to accumulate prior to water entering the outlet. *Settling forebays*, are components of this system, supplementing water quality treatment by allowing large particles to settle prior to reaching the main detention area. Furthermore, the applicant has designed the stormwater system to ensure

that all impacted areas drain directly into a stormwater treatment facility. In doing so, the applicant ensures that the objectives of Section 15-268(a) of the LUO are met by treating the water prior to it exiting the site.

The Town's requires sediment to be removed from stormwater runoff prior to its leaving the site. Carrboro's policy is the removal of 85% (minimum) of Total Suspended Solids (TSS) for new stormwater management systems. The Claremont stormwater system is designed to fulfill this requirement. In short, 85% of the TSS will be removed from the water prior to its being released into Bolin Creek. Periodic maintenance is required to preserve the effectiveness of such systems.

In addition, relative to the Town satisfying state requirements pertaining to the National Pollutant Discharge Elimination System (NPDES) Phase II permit, the following conditions are required on the permit:

- 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.
- 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.

Grading

Installation of Claremont's road and stormwater systems require a substantial amount of clearing and grading. Section 15-261 of the LUO, requires that to the extent practicable, all developments shall conform to the natural contours of the land and natural drainageways shall remain undisturbed.

Stream Buffers

Per the LUO, two areas of stream buffers are identified on the western portion of the property. The majority of these regulated stream buffers are on the Carolina North property. These two stream buffers are within the private open space of the property and will remain undisturbed. There is a substantial stream buffer located in the eastern portion of the property- along Bolin Creek. This portion of the stream buffer is outside the development portion of Claremont and will remain in private open space of the subdivision.

Erosion Control

Substantial site disturbance increases the importance of the Erosion Control plan. Also considering the compact design, the grading plan must be competently executed during construction in order for the stormwater system to function properly. Claremont is proposing a simple system of sediment basins and silt fences to manage erosion during construction. The Erosion Control Plan has been reviewed and approved by Orange County Erosion Control.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Drainage, Grading and Erosion Control and Phasing.

Utilities, Fire Safety and Refuse Collection

Utilities

The water and sewer plans have been reviewed by OWASA and meet with their general satisfaction. These plans will be reviewed further by OWASA during construction plan review.

Regarding electric, gas, telephone and cable television utilities, the applicant has submitted letters by the respective providers indicating that they can serve the development. Per Section 15-246 of the LUO, the plans specify that all electric, gas, telephone, and cable television lines are to be located underground in accordance with the specifications and policies of the respective utility companies.

Fire Safety

Fire hydrants are located within the public R/W and are spaced such that every building will be no more than 500 feet from a hydrant (Section 15-249). The plans have been reviewed by the Town Fire Marshall and meet with his general approval.

Fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Fire Department prior to construction plan approval. A condition to this effect shall be entered onto the permit.

- 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.

Refuse Collection

Trash collection and recycling services will utilize roll-out containers. Waste management during construction will require the applicant to obtain an Orange County Solid Waste Permit which requires that construction materials be segregated for recycling. Orange County is responsible for enforcement of the permits.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to utilities, fire safety, lighting, and refuse collection.

Open Space, Recreation and Greenway Connectivity

Open Space

Per the provisions of 15-198, every residential development is required to set aside at least 40% of the total area of the development in permanent open space. This project is required to set aside 513,878 square feet (11.79 acres) and the applicant is setting aside 745,877 square feet (17.12 acres). The open space provided within this development is well in excess of the requirements of the Land Use Ordinance.

Note that during the concept plan phase of the project, primary and secondary conservation areas as defined by 15-198 are identified and prioritized for protection prior to the locating of the building envelope. For this reason, the Bolin Creek, its FEMA regulated flood plain and its surrounding steep slopes provide the largest area of contiguous open space for the proposal. Other smaller open space areas are interspersed throughout the development.

Recreation

The proposed single family homes require 956 recreation points, per Section 15-196 of the LUO. The applicant is using the existing recreation amenities in Phase, I, II, III to meet the recreation requirements and the issue of these being two separate subdivision has been discussed with the Town Attorney. The Town Attorney has stated that Homeowner's Association for Claremont Subdivision, Phase 1, 2 and 3 will need to be amended to allow the property owners' of Claremont South Subdivision to use these amenities. With that being stated, the following condition is recommended:

- 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.

It should be noted that the applicant is providing a tot lot that will be a fenced in and approximately 55 ft by 35 feet in size. This tot lot is located west of the main entrance opposite of Claremont Drive.

In addition, 36,800 sf of play field area is required per Section 15-198(d) of the LUO. The applicant is providing 60,582 square feet that is located in the Duke Power easement in the western portion of the property.

Greenway Connectivity

The present plans show the applicant installing a 10 foot wide greenway that will run along Bolin Creek along with a walkway bridge underneath the existing Homestead Road bridge that will connect with the existing greenway for Claremont Subdivision, Phase 1, 2 and 3. That said the town is presently working with an outside greenway design consultant that is designing a greenway along Bolin Creek, including the aforementioned segments. Staff has requested and the applicant has agreed to provide a payment to the

town in lieu of actually constructing these facilities themselves (**Attachment I**). Town Staff is currently reviewing the cost estimate provided by the developer's engineer. Town Staff would recommend the following condition:

- 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.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Open Space and Recreation.

Miscellaneous

Vernacular Architectural Standards

Per the requirements of Section 15-177, Architectural Standards for Major Subdivision, the applicant has addressed the required standards by providing to the Town both a design narrative and some representative building elevations for the single family houses. Refer to the letter for further clarification (**Attachment F**).

Phasing

The developer may choose to phase this development in the future. With that being said, the town staff would recommend the following condition:

- 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.

CAPS

Per Article IV, Part 4 of the LUO, the applicant must receive the required Certificate(s) of Adequacy of Public School Facilities (CAPS) from the Chapel Hill Carrboro City Schools District prior to construction plan approval.

The applicant is provided an updated version of the CAPS document (**Attachment H**).

Future Commercial Use of B-3 portion of site

The applicant does not currently have a client or active plan for developing the commercially-zoned portion of the site, assuming the PUD is approved. Therefore, the current and ongoing use of this portion of the site shall be single-family dwelling, i.e.

continued use of the existing structure. Since the location is so prominent along Homestead Road, staff requested and the applicant has agreed to file a 'new' CUP application at the point a different use of the property is desired. Effectively, CUP-level review, including a public hearing will take place prior to an actual commercial use being allowed on the site. The following CUP condition is offered related to the situation:

- 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 may take place within the B-3 portion of the site.

Electro-Magnetic Frequency of Power Lines

Sammy Slade forwarded an e-mail to town staff on April 5th, 2012 noting a concern about the location of the size limited units and the open play field being in close proximity to the power lines along the western portion of the development.

This item was discussed with the developer in a staff meeting on April 10th, 2012 and they stated they would provide information for a study that was completed for the affordable units within Claremont, Phase 1, 2, & 3 and their close proximity to the power lines.

To date, town staff has not received this information from the developers, but will provide it to Board of Aldermen members via e-mail once town staff receives it.

Neighborhood Meeting

The applicant conducted an additional Neighborhood Information Meeting on March 3rd, 2012.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Architectural Standards.

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 1/3rd 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.



Attachment B

THE UNIVERSITY OF NORTH CAROLINA
AT
CHAPEL HILL

Facilities Planning & Construction
University Property Office
Tel. (919) 966-3296
Fax (919) 966-3297

Campus Box 1060
103 Airport Dr.
Chapel Hill, NC 27599-1060
Jannice Ashley, University Property Officer

July 18, 2008

Adam Zinn
Zinn Design Build
180 Providence Road, Suite 1-B
Chapel Hill, NC 27514

Re: University Property Adjacent to Claremont Phase II, Homestead Rd., Carrboro, NC

Dear Mr. Zinn:

You have requested information from the University in connection with your submittal for Claremont Phase II to the Town of Carrboro and the Town's requirement for you to construct access to adjacent properties.

The University has conducted an extensive planning process for Carolina North and at this time, it is planned that development for the next 50 years will be concentrated on previously disturbed areas of the site which are located within the Town of Chapel Hill. An important base study in this planning effort was the Ecological Assessment that was conducted for the entire property (please see http://research.unc.edu/cn/ecological_assessment.pdf for a copy of the report). This assessment identified the Bolin Creek corridor as an area that was more suitable for conservation than development. Based on that assessment, the University has no plans to develop any of the Carolina North property on the west side of Bolin Creek, including the area of property that is adjacent to your proposed development, in the foreseeable future. Therefore, it is our view that any vehicular connections to that area would be both unnecessary and counter to the findings of the Ecological Assessment, and it would be the University's preference that any planned stub outs in the Claremont project not be constructed to the property line. Please note, however, that we do plan to coordinate with the Town of Carrboro to incorporate greenway trails into our overall Carolina North planning.

Please let me know if you require any additional information.

Sincerely,

Jannice Ashley
Director, University Property Office

cc: Bruce Runberg, Assoc. Vice Chancellor for Facilities Planning & Construction
Mary Jane Nirdlinger, University Planner
John P. Evans, Executive Director, Carolina North
Steve Stewart, Town Manager, Town of Carrboro

PHILIP
POST
&
ASSOCIATES

500204EX07.K

Date: March 3, 2008
Revised: May 23, 2008
#500204.01

Statement of Justification
Claremont Phase 4 and 5
NCDOT "SAG Sight Distance Design Procedures

Whereas LUO, Appendix C, Section C-1 states the NCDOT Manual may be used where there is a "demonstrable environmental benefit"

Whereas the applicant believes, and therefore states, that using the NCDOT Manual will have substantial benefits, including long-term environmental benefits, for Street C and Street 3 in Phase 4 and Phase 5 of Claremont AIS Subdivision.

Therefore, the applicant presents the following information.

- The NCDOT Manual will allow the grade of Street C to be raised about 2 feet.
- The NCDOT Manual will allow the grade of Street 3 to be raised between 2 feet and 3 feet.
- The raising of these two streets will require less grading, less cutting and filling and less land disturbance, less erosion and more preservation of existing vegetation than would otherwise occur.
- A rough quantification shows that the raising of the two streets will save approximately 3,000 cubic yards of grading, 13,700 square feet of land disturbance, 84 cubic feet of eroded soil material that will not be washed away and the saving of 8,000 square feet of existing natural tree vegetation.
- The raising of Street C will result in a better ending grade to tie to the undeveloped property to the west, which will, in the future, result in less land disturbance whenever Street C is extended westward.
- The grade of future houses along Street C and Street 2 will be closer to street grade than would otherwise have occurred, resulting in less steep driveways and less steep sidewalks/fewer steps to get from street grade to the front door of the dwelling. This will result, overall, in less land disturbance and grading on 13 lots: 31,32,33,34,14,15,16,17,18,24,28,29 and 30.
- A rough quantification of improved driveway grades is that the grade will improve from about a 18% grade to about a 12% grade on Street 3.
- By raising the street grades, utility lines will not be as deep in "cut" into natural soils and rock as otherwise would occur. These utility lines include water, sanitary sewer, storm sewer, roof drains, electrical, CATV, telephone and gas. By being less deep into natural soils, there will be less land disturbance and less rock removal along the frontage of and entering onto each of the 13 above lots.

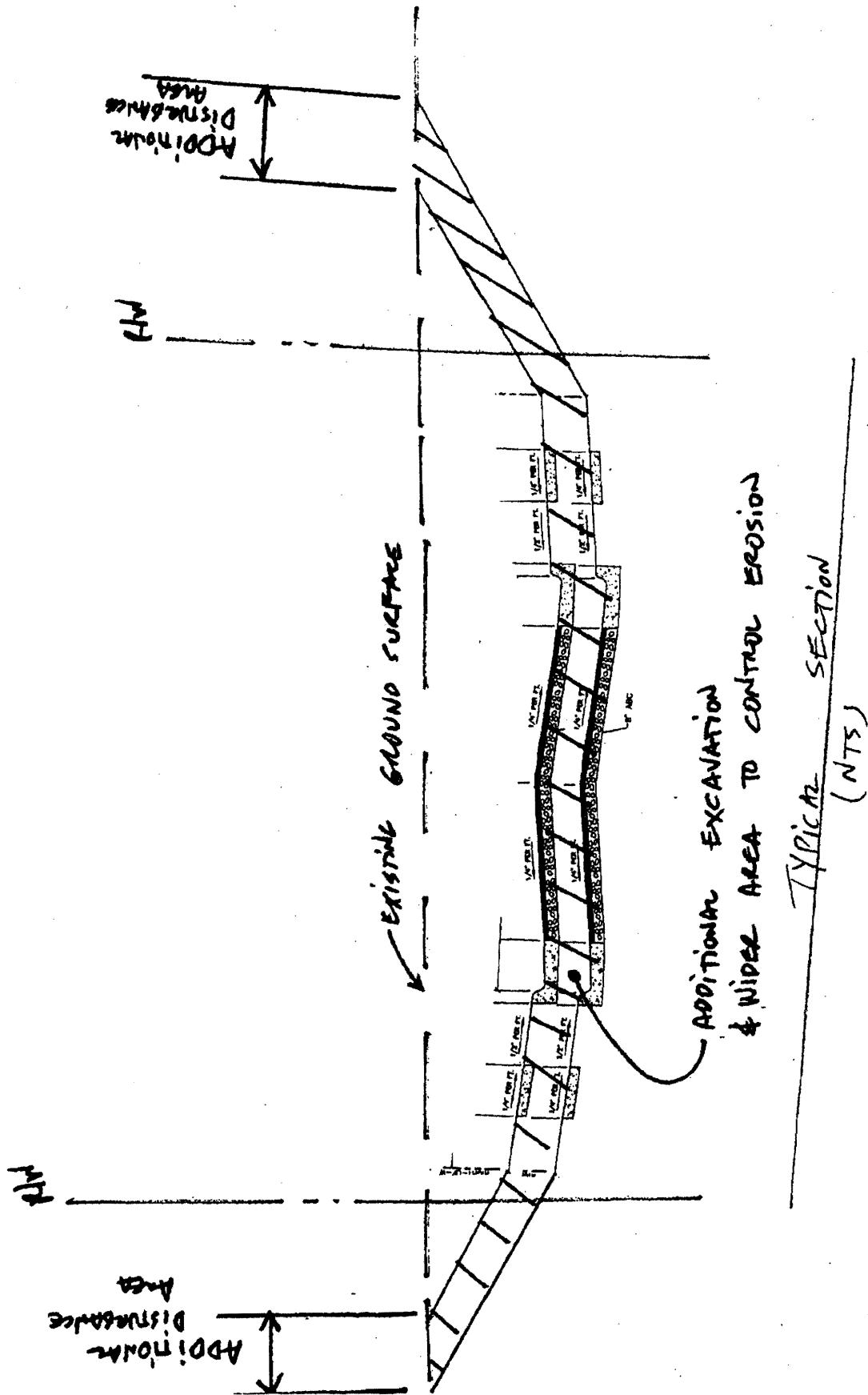


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500204EX07.K

Conclusion

The developer believes that these are clear, important environmental benefits, stemming from less land disturbance, which involve less disturbance of natural vegetation, less cut and fill, less erosion, less grading, less rock removal, less digging of deep trenches for water, sewer, storm, electrical, telephone, CATV and gas lines. The developer respectfully requests that the NCDOT Manual be used for "SAG" stop condition design on Streets C and 3 in Claremont Phases 4 and 5.

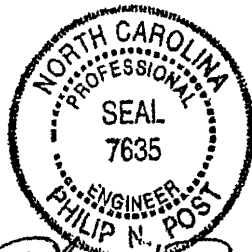


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PHILIP
POST
&
ASSOCIATES

TRANSPORTATION IMPACT STATEMENT
CLAREMONT PHASES 4 & 5
CARRBORO, NC 27510

Prepared for:
Parker Louis LLC
180 Providence Road
Chapel Hill, NC 27514



Philip N. Post
2-18-2007

Prepared by:
Philip Post & Associates, Inc.
ENGINEERS/PLANNERS/SURVEYORS
401 Providence Road Suite 200
Chapel Hill, NC 27514

Job No: 500204

Date: February 18, 2007

ENGINEERS
PLANNERS
SURVEYORS

401 Providence Road
P.O. Box 2134
Chapel Hill, NC 27515-2134
(919) 929-1173
(919) 493-2600

PHILIP
POST
ASSOCIATES

500204TS01.K

Claremont- Phases 4 and 5

- A) Traffic Impact- Claremont Phases 4 & 5 consists of 26 townhouse units and 68 detached, single family units, a total of 94 units.

Expected new trip generation will be 888 trips per day.

- B) Connections to Existing Roadways - Upon construction, there will be three (3) new connection points onto existing roadways.

The eastern-most section of single family development will access Homestead Road at a new intersection point that has been approved as to safety and sight distance by NCDOT. We expect the 30 single family lots served by this new intersection to generate 300 trips per day. This new intersection will be directly south of the old Hogan homeplace.

Another entrance will align with the approved Claremont Drive entrance onto Homestead Road that is presently under construction. We expect about 90% of the trips generated by the western-most section to access via this intersection, or about 530 trips per day. In addition, the street system in Claremont will connect to Colfax Drive, an existing subcollector street in Wexford Subdivision. We expect about 58 trips per day on Colfax to be generated by Claremont Ph 4 & 5.

- C) Roadway Capacity and Safety Improvements - Under this project, capacity additions are slated for Homestead Road. Although the final details have not been provided by NCDOT, the capacity and safety improvements will generally consist of dedicated left turn lanes at both intersections for westbound traffic on Homestead Road, and at least one deceleration lane for eastbound traffic on Homestead Road. In general, the expected improvements will result in a "3-lane" travelway along much of the frontage of the Claremont project, which is in exact accordance with NCDOT ultimate plans for Homestead Road.

New streets in Claremont Phase 4 & 5 will be provided with effective traffic calming features in the form of chicanes, stop signs, highly visible pedestrian cross walks, and other features to slow traffic speeds in the neighborhood.

Claremont Phase 4 and 5 has been planned so that traffic going to Colfax will have to come to a complete stop at a stop sign, and then make a 90 degree turn to access the street system in Claremont Ph 4 and 5. We believe these safety measures will provide the greatest amount of traffic calming as traffic enters or exits from Colfax Drive.

- D) Pedestrian and Greenway Access- The new streets in Claremont Phases 4 and 5 will be provided with an extensive system of sidewalks. Claremont Drive/Street A and Street C and Street I will each have sidewalks on both sides.

PHILIP
POST
&
ASSOCIATES

500204TS01.K

Street B and Streets 2 and 3 will each have 5' sidewalks on one side.

There will be a 5' public sidewalk all along the Homestead Road Frontage on the south side.

The 10' Bolin Creek Greenway Trail will be connected to the portion of the Trail currently under construction in Claremont Phases 1 and 2 and will be extended south along Bolin Creek, passing under the Homestead Rd./Bolin Creek Bridge, thence southward along the existing OWASA sewer easement. At the point where the sewer easement crosses to the east side of Bolin Creek, the 10' Greenway Trail will split- one leg proceeding due west into the Claremont Phases 4 and 5 and connecting to the neighborhood sidewalk system and one leg continuing downstream to terminate at the UNC property line. The 5' public sidewalk all along the Homestead Road frontage will also connect to this 10' Greenway Trail, downstream from where the new Greenway passes under Homestead Road.

This Greenway Trail alignment, with no on-grade crossing of Homestead Road, will be safe and will extend public access along the Bolin Creek corridor resulting in a Trail that extends from the UNC Horace Williams Tract all the way to the UNC Affordable Housing Tract, a distance of close to one mile.

E) Transit- Homestead Road is not currently served by Transit and, according to the Town of Chapel Hill transportation planners, there is no current proposal to add transit service to Homestead.

We think this is a mistake. The developers of Claremont have consistently urged public transportation planners to consider Homestead Road for transit service expansion, and the developers have met with Transportation planners to convey this sentiment. Until the public agencies that plan and extend service agree to act, there is very little that the Claremont developers can do, other than to urge in the strongest possible terms that transit be planned for this fast growing area of Carrboro/Chapel Hill.

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&
ASSOCIATES

500204ME15.K

Memorandum

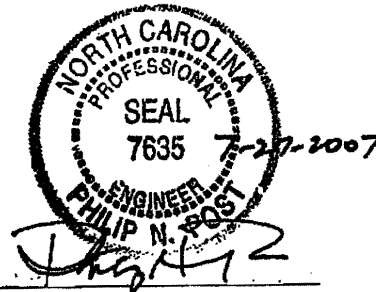
Date: July 27, 2007

To: Whom it May Concern

From: Philip N. Post, P.E.- Philip Post & Associates

Re: Claremont Phases 4 & 5- Tree Removal Justification

Job No. 500204



Around the margins of construction on this 38 acre tract, we have identified 192 trees over 18" in diameter.

In addition, there are a large number of existing trees over 18" that we did not locate because they are within the hardwood preservation areas and are not close to the margins of new construction.

Out of the 192 trees located, we propose to remove 27 trees or about 14% of the trees located.

Out of the 27 trees to be removed, eleven (11) trees are pines or gums, which are not considered to be rare and are extremely fast growing in this locale. Sixteen trees are maple, poplar or oak hardwoods.

In sum, we are proposing to remove sixteen (16) hardwoods out of the 192 trees located, a removal rate of about 8%.

The trees are being removed for required road right-of-way, or for required sewer easements, or required water quality ponds. None of the trees removed are on future lots or recreation areas.

Therefore the 8% of trees that are being removed are to accommodate essential and required infrastructure.

We believe that tree disturbance has been carefully minimized, and removal has been limited to 16 hardwoods, and this small number of trees is essential in order to comply with Town requirements for infrastructure.

Claremont Phase 4/5

2/1/12

Architectural Standards

Landscape and Site

Clearing of single family lots will be minimal as the existing land has no trees on it. Buildings will be sited as mostly front entry. All electrical equipment will be subdued via plantings and fences will be constructed with materials that blend in with the house. Garages will not jut out beyond the front elevation. The transition between the street and home shall be done with the use of native stone or brick pavers. The use of retaining or low walls, path lights and fencing may be used where applicable. Setbacks will modulate to enhance the streetscape.

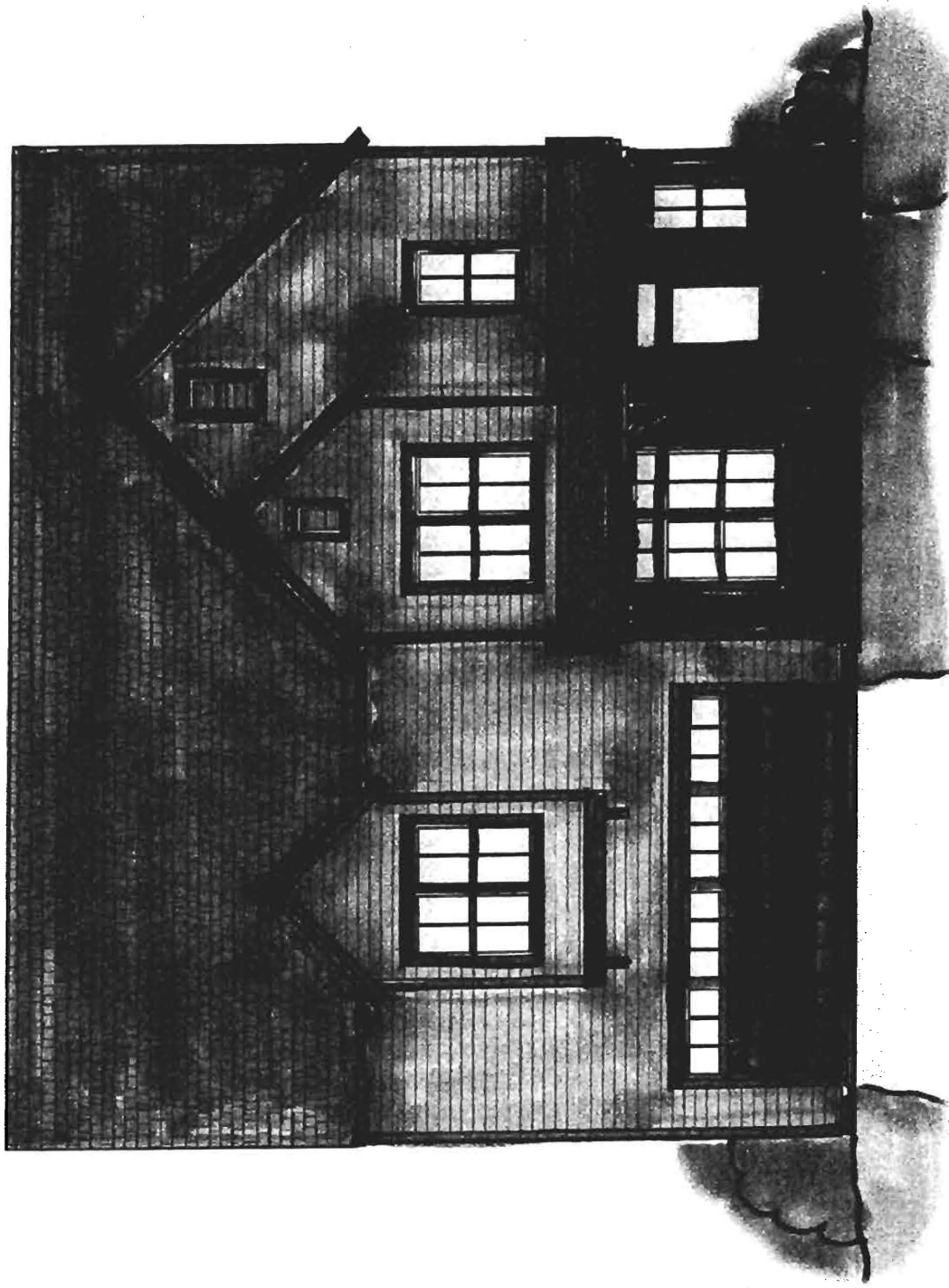
Context and Building Design Elements

As an AIS, Claremont Phase 4/5 will feature home sites that range in size to accommodate a mix of housing selections. Some of the homes will have rear loaded garages (via back alleys) and some will have front loaded garages. This will create a mixture of elevations and house heights. The color of each home and the roof pitch will be carefully selected to create a diverse mix of designs. The use of exterior features and materials will include brick and/or stone walkways, front stairs and walkways, large front porches (some wrap around), arched windows, vertical siding, shake siding, craftsmen style front doors, front porch columns (some with brick bases) and trellises.

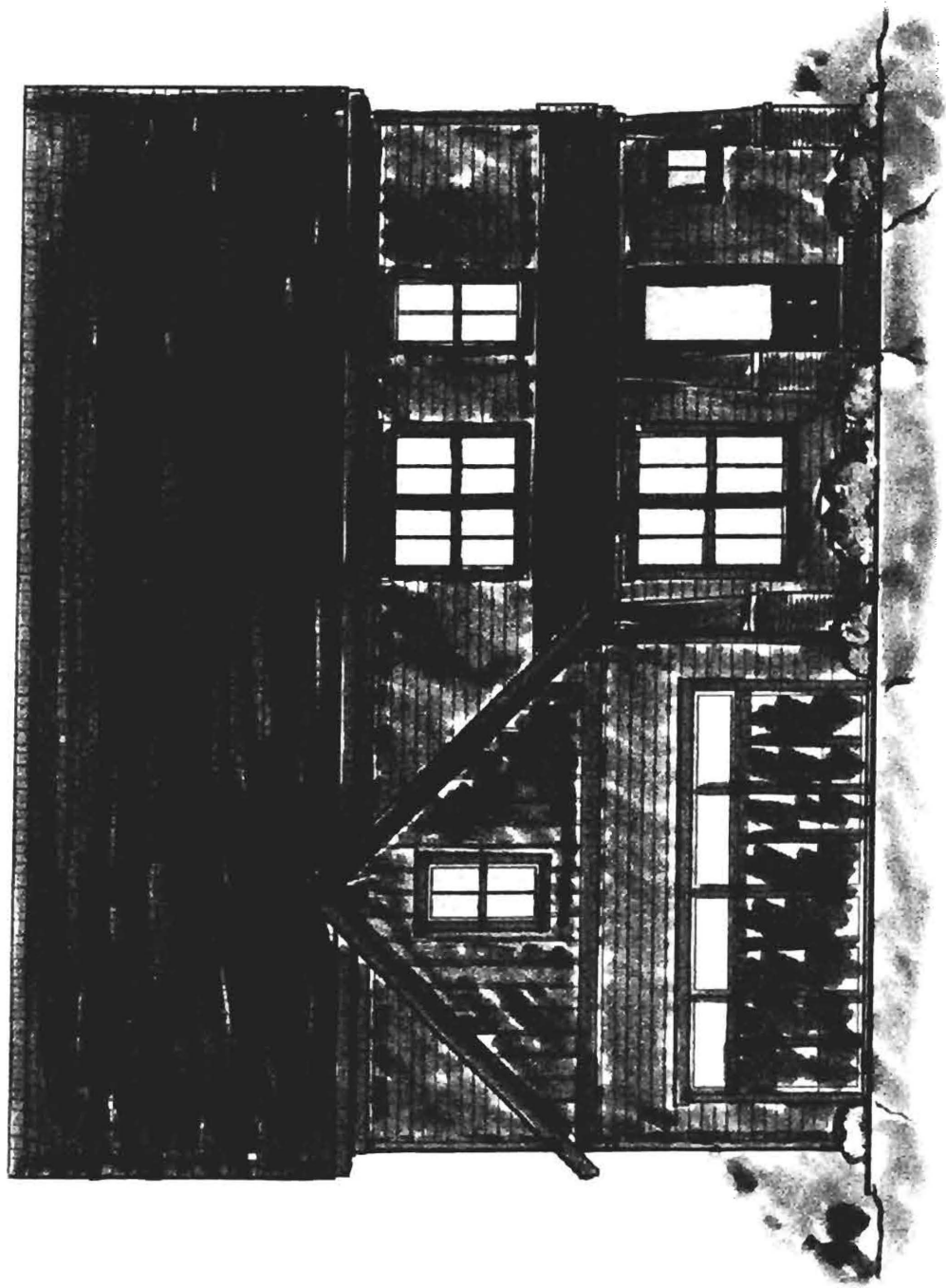
Attached please see elevations that will potentially be used in Claremont 4/5. As mentioned, there will be a strong emphasis on the front facade of the home being the focal point. This will be accomplished via a mixture of elements and materials, most of which are mentioned above. Homes that are on street corners will receive special consideration as the sides of these homes will be softened via corbels, shutters, transoms, arched windows, etc. Dormers will also be used for some elevations.

Important Notes

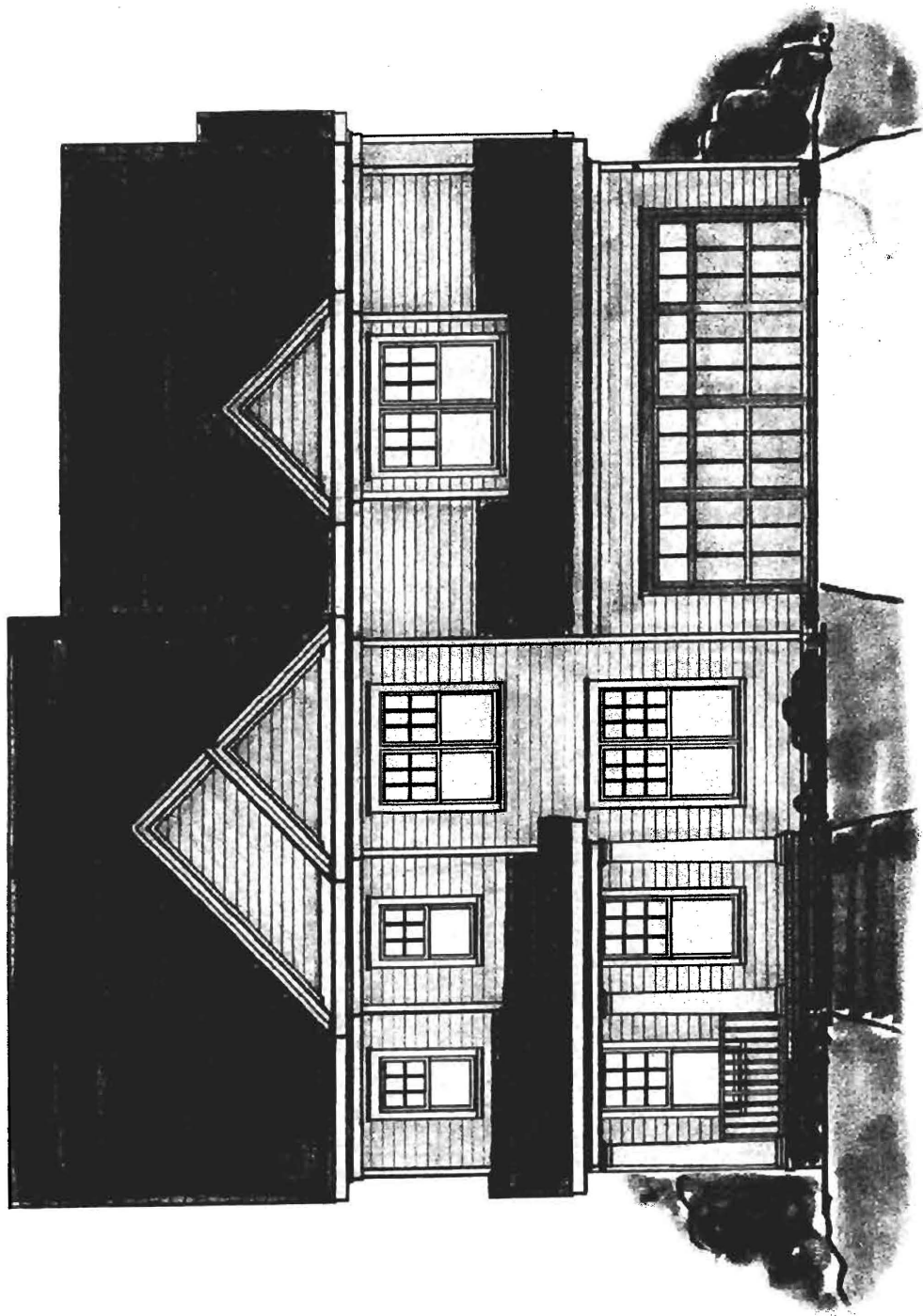
Please note that the attached elevations are a representation of a style and theme that will be used in Claremont 4/5. Similar renditions will be built incorporating consistent elements as described above. This will extend to all approved builders in the subdivision. The required size limited homes are not included in the attachments because those elevations and floor plans are yet to be developed. They will, however, contain similar exterior features.



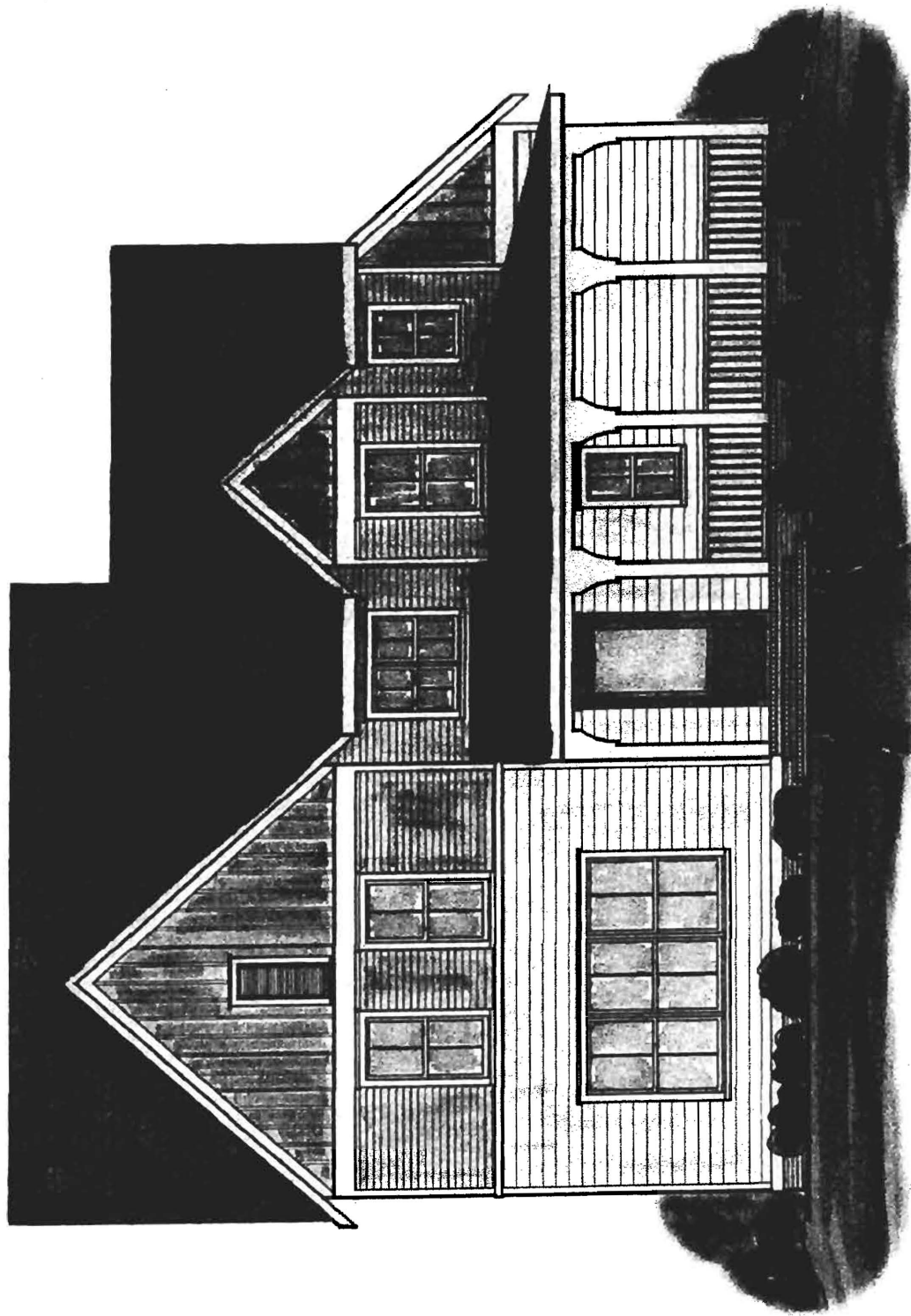
MONROE



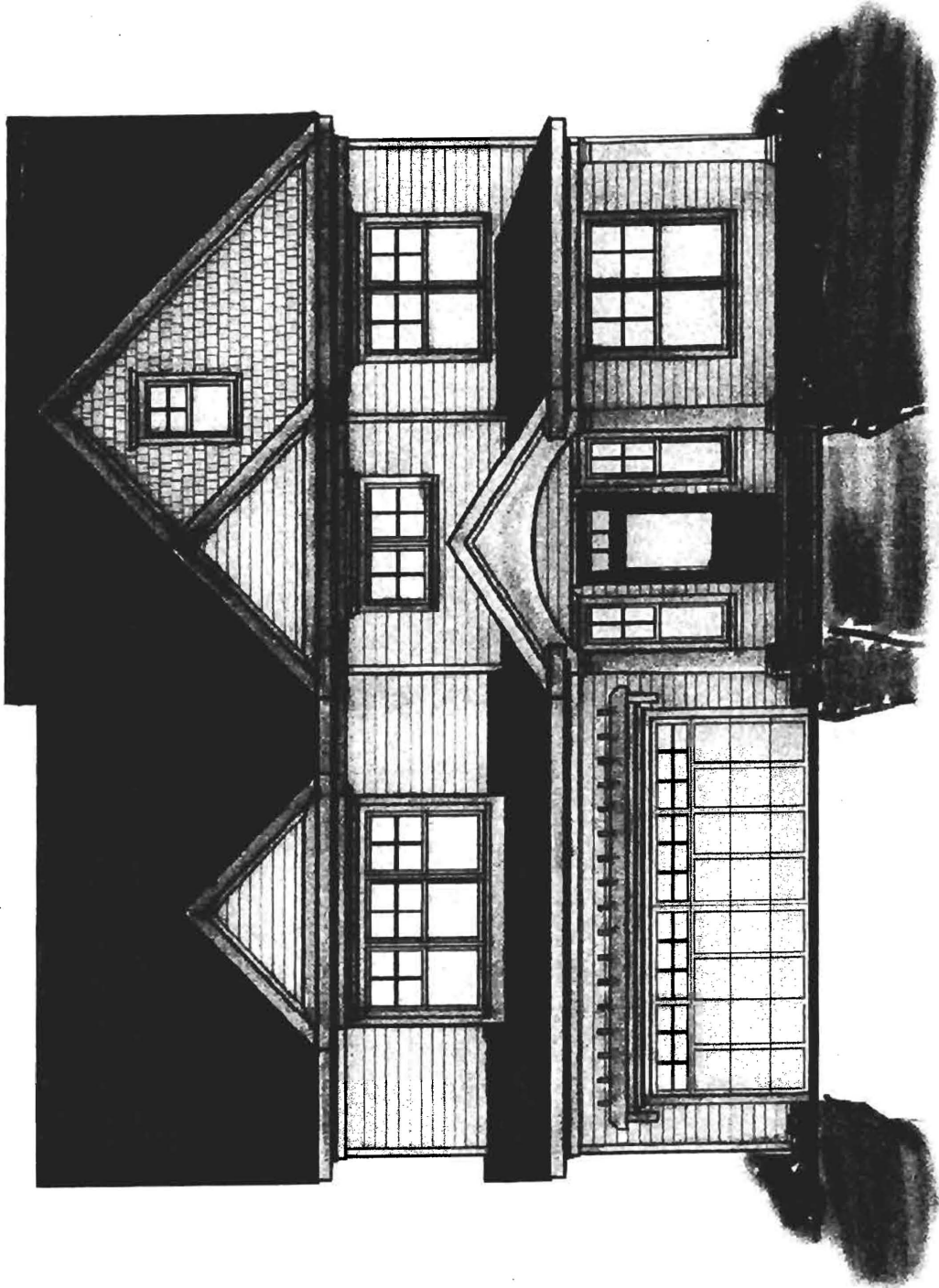
HERSHEY



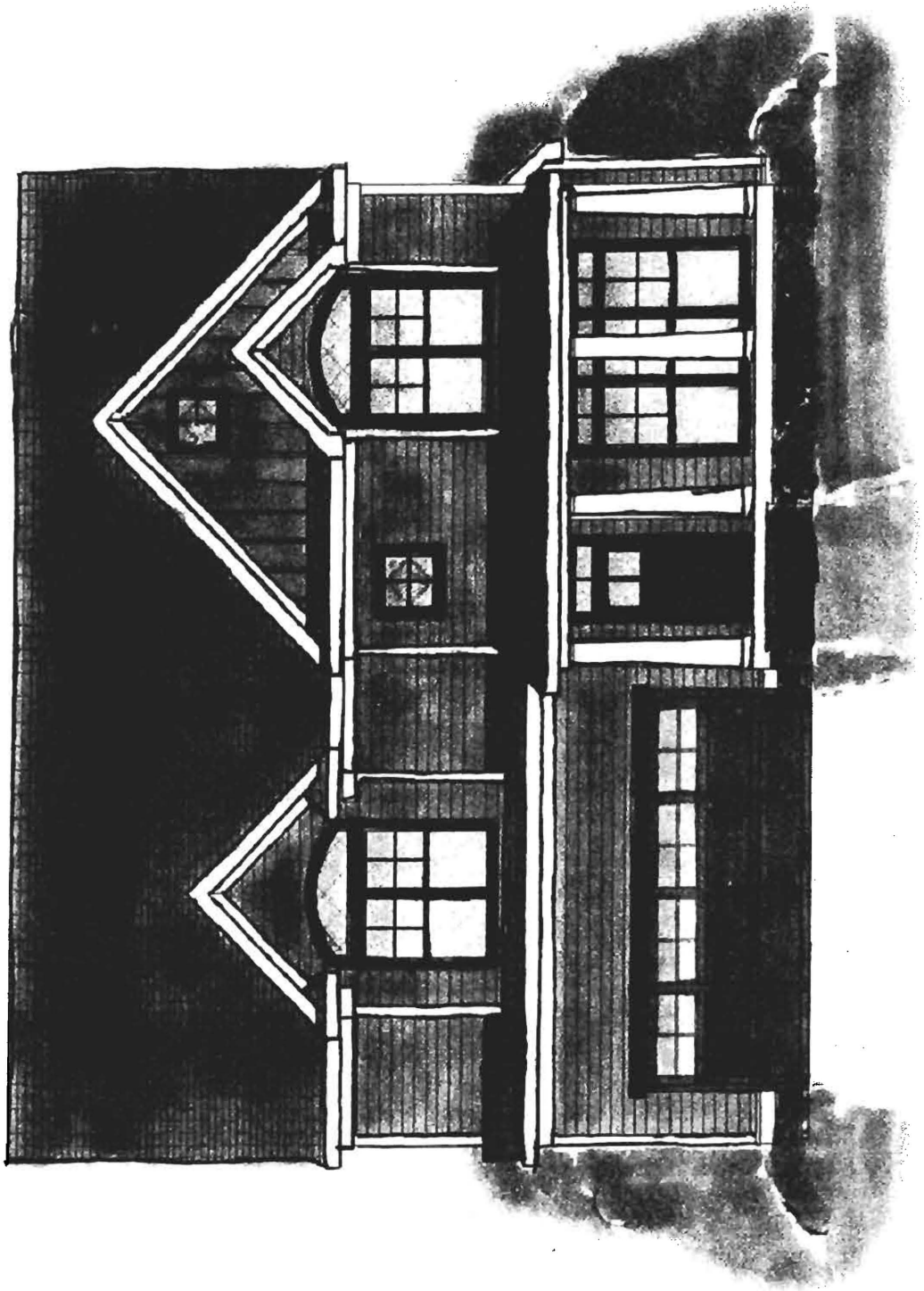
COLUMBIA



MADISON



HOLLISTER



NEWTON



Attachment G

mm

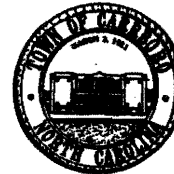
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FOR MULTIPLE PIN SHEET
SEE BOOK 4744 PAGE 537

FILED Joyce H. Pearson
Register of Deeds, Orange Co., NC
Recording Fee: \$32.00
NC Real Estate TX: \$.00 250

PREPARED BY AND RETURN TO: TOWN CLERK TOWN OF CARRBORO 301 West Main Street CARRBORO, NORTH CAROLINA 27510
--

M
DB



ORANGE COUNTY
NORTH CAROLINA

TOWN OF CARRBORO
CONDITIONAL USE PERMIT GRANTED
Claremont Architecturally Integrated Subdivision

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

APPLICANT: Parker Louis, LLC
OWNERS: Parker Louis, LLC
PROPERTY LOCATION (Street Addresses): 1018 Homestead Road and 1001 Homestead Road
TAX MAP, BLOCK, LOT(S): 7.109..16, 7.109..16D and 7.109..17
PROPOSED USE OF PROPERTY: Major Subdivision consisting of the following uses: 1.111 (single-family detached), 1.231 (duplex) and 1.321 (multi-family townhouses)
CARRBORO LAND USE ORDINANCE USE CATEGORY: 26.100
MEETING DATES: November 22, 2005, January 27, February 24 and March 17, 2009

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the



Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void of no effect.
3. The continued affordability of the units (lots 52, 53, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69) 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.
4. Certificates of Occupancy for each of the twelve (12) bonus 'market-rate' units may not be issued until such time as the corresponding affordable unit (lots 52, 53, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69) 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.
5. That prior to construction plan approval, bike lane striping is shown on Claremont's collector street.
6. That prior to allowing the use of roll-type curb in the subdivision, written authorization from the Town of Carrboro Public Works Director is required.
7. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval;
8. That, on the final plat, the applicant makes Offers of Dedication for the Homestead Road sidewalk, and, the Greenway Trail, (with their associated public pedestrian and bicycle easements) to the Town.
9. That the greenway trail as proposed for Claremont have a minimum pavement width of 10 feet consistent with the standards of AASHTO, NCDOT and the Town's Recreation and Park's Comprehensive Master Plan.
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 Claremont meet the street tree requirements of Section 15-315 of the Land Use Ordinance and that the final arrangement is such that 1/3rd of the street trees retained and/or proposed for this purpose are evergreen.
11. That a fully detailed planting plan be required as needed for the proposed stormwater management devices prior to construction plan approval.
12. That the proposed berm be removed from the plans and replaced with mixed plantings of trees and shrubs that have proven wildlife value and that fulfill the Type A buffer requirement
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, bio-retention 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.

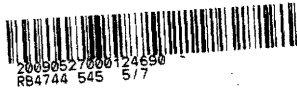
15. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
16. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
17. All light fixtures (public or private) are cut-off, thereby reducing glare to surrounding properties and limiting upward light trespass.
18. That prior to construction plan approval, site lighting, sufficient to meet the requirements of Sections 15-242 and 15-243 of the LUO, be provided in the vicinity of the swim club parking lot and grounds.
19. That on the final plat, all primary conservation areas located on private lots will be reserved as non-buildable areas.
20. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.
21. 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.
22. That all landscape plants be native species.
23. That the Homeowners Association not prohibit clotheslines or active or passive solar technologies.
24. That the town staff work with the applicant to execute an agreement with the homeowners association to provide access to the town to provide water quality monitoring.

The Board of Aldermen approved a Major Modification to the Claremont Subdivision to approve two additional phases at their March 17th, 2009 meeting. Listed below are those conditions set forth by the Board of Aldermen:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void of no effect.
3. 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.
4. 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 15-82.4 of the Town of Carrboro Land Use Ordinance.
5. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.



6. 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.
7. If necessary, that all state and federal 401 and 404 permits be obtained prior to construction plan approval.
8. 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.
9. 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 1/3rd of the street trees proposed for this purpose are evergreen.
10. That the Homestead Road buffer and screening layout be incorporated into the Construction Plans.
11. 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.
12. 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.
13. That prior to Construction Plan approval, the developer provide the necessary easements for all the bio-retention basins.
14. 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.
15. 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.
16. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.
17. 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.
18. On the final plat, the street right-of-way for the two connections to the Carolina North Property indicated on the plans before the Board as of March 17th, 2009 be dedicated right-of-way, but that no improvement (ie. grading, paving, curbing etc.) within these portions of the right-of-way be completed.



19. That a voluntary payment be paid the Town of Carrboro for a portion of the greenway that connects to the Carolina North Property. This payment will 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.
20. On the final plat, a sixteen (16) foot public access and maintenance easement that will connect to the Carolina North Property be dedicated.
21. During construction plan review, the developer will discuss with staff and consider alternative designs for constructing the project's greenway, in conjunction with recommendations for the Bolin Creek Greenway conceptual design if they are available at the time.
21. As recommended by the Transportation Advisory Board, and to the extent approved by NCDOT, the developer shall install a pedestrian refuge island and crosswalk in Homestead Road at Claremont Drive on the eastern crosswalk.
22. In Phase 4/5, the developer shall install a playground/tot lot consisting of 140 recreation points appropriate for ages 2-12.
23. That full right-of-way dedication remain for Colfax Drive, as shown on the CUP plans, but construction of a full street is not required at this time. Instead, construction within the Colfax Drive right-of-way, from its current terminus to Subcollector Street A in Claremont, shall consist of an asphalt pedestrian and bicycle path the minimum width necessary to satisfy State standards for fire emergency access. Design and engineering details for this section must be reviewed by the Fire Department and Town Engineer, with the Town Manager granting final approval for the design prior to construction plan approval. Also, removable or collapsible bollards must be installed such that Fire and other emergency services may make use of the connection in emergency situations. Signage also shall be posted informing viewers of the possibility of a future full-street connection.
24. That there be no construction access through Colfax Drive.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

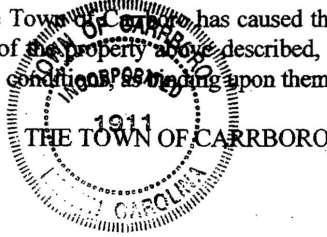
If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.



NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as meeting upon them and their successors in interest.



ATTEST:

Sarah C. Williamson (SEAL)
Town Clerk

BY Steve E. Stewart
Town Manager

I, _____, a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Steven E. Stewart, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the ____ day of _____, 2009.

(SEAL)



Carrie B. Farrington
Notary Public

My Commission Expires: Jan 28, 2012



IN TESTIMONY WHEREOF, the undersigned Limited Liability Partnership Grantor has caused this instrument to be executed in the appropriate partnership name by the duly authorized general partner, and has adopted as its seal the word "Seal" appearing beside its name and their signature(s), this sealed instrument being executed and delivered on the date first above written.

(SEAL)

PARKER LOUIS, LLC

By: [Signature]

Title: Managing Member

North Carolina (STATE)

Orange (COUNTY)

I, Jennifer B. Boger, a Notary Public of the County and State
aforesaid, certify that Adam Finn personally appeared before me
this day and acknowledged that he is Managing Member of
Parker Louis, LLC, and that by authority duly given and as the act of the
limited partnership, the foregoing instrument was signed in its name by him as
Managing Member on behalf of the limited partnership as
Owner thereof all by authority duly given.

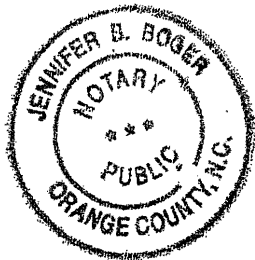
Witness my hand and official seal, this 13th day of May, 2009.

(SEAL)

Jennifer B. Boger
Notary Public

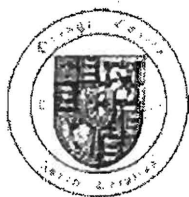
My commission expires: March 5, 2012

(Not valid until fully executed and recorded)



PREPARED BY AND RETURN TO:

TOWN CLERK
TOWN OF CARRBORO
301 West Main Street
CARRBORO, NORTH CAROLINA 27510



Orange County, NC

Schools Adequate Public Facilities Ordinance (SAPFO)

Certificate of Adequate Public Schools (CAPS)

School District: Chapel Hill - Carrboro City Schools

CAPS Certificate Number: 0048

Development/Subdivision: Claremont Phase 2

Legal Description: File Nos. 7.109..16, 7.109..16D, 7.109..17

Property Location: 1018 and 1001 Homestead Road in the Town of Carrboro

Single-family units from original CAPS #0035 (old generation rates)

Single-Family Units		Other Units	
Units	Projected Student Growth	Units	Projected Student Growth
	Elementary: 12		Elementary:
69	Middle: 7		Middle:
	High: 8		High:
	Elementary: 12		Elementary:
Total 69	Middle: 7		Middle:
	High: 8		High:

Single family-units from new CAPS #0048 (new generation rates)

Single-Family Units		Other Units	
Units	Projected Student Growth	Units	Projected Student Growth
	Elementary: 6		Elementary:
23	Middle: 3		Middle:
	High: 5		High:
	Elementary: 6		Elementary:
Total 23	Middle: 3		Middle:
	High: 5		High:

Number of Phases: 2 **Actual development plan without generation rates (see above)**

Phase	Single-Family Units		Other Units	
	Units	Projected Student Growth	Units	Projected Student Growth
1	54	Elementary:	Elementary:	
		Middle:	Middle:	
		High:	High:	
2	38	Elementary:	Elementary:	
		Middle:	Middle:	
		High:	High:	
Total	92	Elementary:	Elementary:	
		Middle:	Middle:	
		High:	High:	

Planning Jurisdiction: Town of Carrboro Date of Submittal: 1/26/2012

Signature: Date of Approval: 3/1/2012

Agenda/Ordinance Number: File Nos Nos. 7.109..16, 7.109..16D, 7.109..17

- This document certifies that the above school district has (or anticipates future) capacity to accommodate the projected number of students to be created from the above development/subdivision in the years as noted.
- This certificate is required after final government approval but before final plat recordation can be performed or as deemed by the specific local ordinance.
- Any residential structure on a lot in the above development/subdivision may not receive a certificate of occupancy until or after the date of effect and/or the phasing proposed as shown in the table, unless modified by local government action.
- This CAPS expires pursuant to the timing specified in the local government for the validity period of the respective development permit.

Date of Issue: 3/1/2012 Date of Effect (School Year): 2011/12

Signature, Developer _____ Date _____

Signature, School Board Official C. Todd Lutz Date 3-20-12

Note: The original is forwarded to the local government, one copy is forwarded to Orange County, one copy is retained by the school district, and one copy is retained by the developer.

PHILIP POST & ASSOCIATES

1 PROJECT: Claremont- Phase 4 & 5

JOB NO.: 500204

DATE: 02/12/09

Rev: 4/11/12

ESTIMATE OF CONSTRUCTION COST - 10' GREENWAY PATH - DELETE
SOUTHERN PORTION - 688LF

CLIENT: PARKER LOUIS, LLC

BY: PNP

	QUANTITY	UNIT	UNIT COST	TOTAL COST
CLEARING and EARTHWORK ITEMS:				
1 CLEARING	0.3	AC	\$5,000.00	\$1,500.00
2 SILT FENCE	520	LF	\$3.50	\$1,820.00
3 GRADING	1	LS	\$4,800.00	\$4,800.00
4 SEEDING/MULCHING	0.15	AC	\$1,500.00	\$225.00
SUBTOTAL				\$8,345.00
STORM DRAINAGE ITEMS:				
1 18" RCP	12	LF	\$25.00	\$300.00
SUBTOTAL				\$300.00
PAVING				
1 4" ABC STONE	688	LF	\$5.50	\$3,784.00
2 4" CONCRETE	688	LF	\$12.00	\$8,256.00
SUBTOTAL				\$12,040.00
ESTIMATE OF TOTAL DELETE COST FOR 10' GREENWAY - 688LF				\$20,685.00

2 PROJECT: Claremont - South

JOB NO.: 500204

DATE: 04/11/12

ESTIMATE OF CONSTRUCTION COST - 10' GREENWAY PATH - DELETE
NORTHERN PORTION - STA 9 + 20 to STA 16 + 53.83 - 734 LF

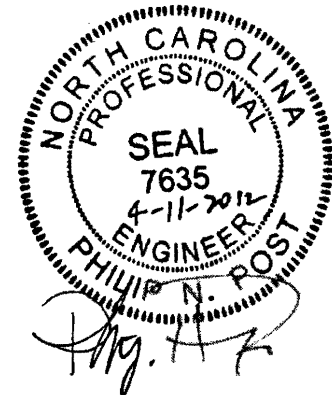
CLIENT: PARKER LOUIS, LLC

BY: PNP

	QUANTITY	UNIT	UNIT COST	TOTAL COST
CLEARING and EARTHWORK ITEMS:				
1 CLEARING	0.14	AC	\$5,000.00	\$700.00
2 SILT FENCE	455	LF	\$3.50	\$1,592.50
3 GRADING	1	LS	\$12,400.00	\$12,400.00
4 SEEDING/MULCHING	0.2	AC	\$1,500.00	\$300.00
SUBTOTAL				\$14,992.50
STORM DRAINAGE ITEMS:				
1 24" RCP	18	LF	\$36.00	\$648.00
SUBTOTAL				\$648.00
PAVING				
1 4" ABC STONE	734	LF	\$5.50	\$4,037.00
2 4" CONCRETE	734	LF	\$12.00	\$8,808.00
3 CONCRETE WALL/RAIL UNDER NCDOT BRIDGE	40	LF	\$72.00	\$2,880.00
SUBTOTAL				\$15,725.00
ESTIMATE OF TOTAL DELETE COST FOR 10' GREENWAY - 734LF				\$31,365.50

ESTIMATE OF ADDITIONAL LAND VALUE FOR NEW CARRBORO EASEMENT

- 3 A. CUP CORRIDOR= 674' X 16' = 0.2475 AC.
 B. PROPOSED CARRBORO CORRIDOR= 916' X 16' = 0.3365 AC.
 ADDITIONAL LAND = 0.089 AC.
 VALUE OF EASEMENT = \$45,000.00 PER ACRE
 CREDIT AMOUNT = 4,005.00 CREDIT
- 4 TOTAL PAY-IN LIEU= \$20,685.00
 SOUTH PAY-IN LIEU \$31,366.00
 NORTH PAY-IN LIEU
 NORTH PAY-IN LIEU- LAND CREDIT < \$4,005.00 >
 TOTAL PAY-IN LIEU= \$48,046.00



**SUMMARY OF STAFF AND ADVISORY BOARD
RECOMMENDATIONS**

**MAJOR MODIFICATION TO CONDITIONAL USE PERMIT FOR
CLAREMONT SUBDIVISION, PHASE IV & V**

STAFF RECOMMENDATIONS	
Staff Recommendations (w/ Advisory Board support where applicable):	<i>Explanation: Staff recommendations, primarily related to LUO compliance, are represented by #s 1-12 below. If an advisory board voted to 'support' the staff recommendation, then such board is listed after staff in the left-hand column.</i>
Recommended by	Recommendations
Staff, TAB, AC, PB, EAB	1. That the applicant must obtain a driveway permit from NCDOT prior to construction plan approval.
Staff, TAB, AC, PB, EAB	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 rd of the street trees proposed for this purpose are evergreen.
Staff, TAB, AC, PB, EAB	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.

ATTACHMENT J

Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.
Staff, TAB, AC, PB, EAB	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.

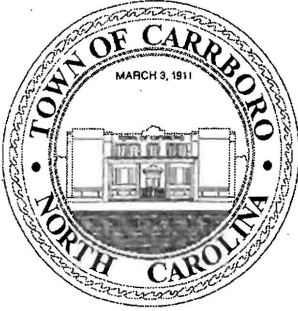
ATTACHMENT J

Staff, TAB, AC, PB, EAB	<p>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.</p>
Staff, TAB, AC, PB, EAB	<p>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.</p>
Staff, TAB, AC, PB, EAB	<p>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.</p>
Staff, TAB, AC, PB, EAB	<p>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.</p>

ADVISORY BOARD COMMENTS / RECOMMENDATIONS	
Additional Advisory Board Comments & Recommendations:	<i>Explanation: Comments and recommendations solely from advisory boards follow. If a comment involves LUO interpretation, then the applicable LUO section(s) are noted parenthetically. Otherwise, the Board may wish to consider comments in the context of public health, safety, or welfare findings. Staff generally does not endorse nor refute comments from advisory boards.</i>
Recommended by	Recommendations
PB	<p>1. The developer should honor the intentions of both the Northern Study Area Plan guidelines for street connectivity (for "Neo-Traditional/Mixed Use Village" developments) and the Town of Carrboro Connector Roads Policy and link the collector Street A with Colfax Drive. This is especially important now that business uses are planned for this project. The initial Claremont Phases were all required to connect to adjacent neighborhoods, we believe no special exceptions should be made for this case.</p> <p><i>This relates to Section 15-214 and 15-217 of the LUO.</i></p>
PB	<p>2. Further pedestrian safety enhancements of the crossing at Street A and Claremont Drive should be pursued. The current Homestead Road pedestrian island may not be enough to guarantee pedestrian safety at the shortest-distance crossing to Claremont Phases 1 and 2. This could include signage on Claremont property offering guidance to pedestrians. Appropriate screening or landscaping that provides a significant barrier for pedestrians should be provided along Homestead Road from Street A to the eastern end of this project.</p>
PB	<p>3. The planning board agrees that road stub outs should not be extended to the Carolina North property.</p>
PB	<p>4. The board also recommends that staff review conditions attached to the existing permit of this property and apply those that are applicable to the new permit.</p>

ATTACHMENT J

PB	5. The Board of Aldermen and applicant should consider that Claremont South and the initial Claremont phases are separate developments, and recreational amenities should be enhanced within the south development to meet the points required of a development of this type.
PB	6. The tot lot should be moved farther away from Homestead Road.
PB	7. The change from affordable to size-limited units highlights the unsustainable lack of enforceable affordable housing requirements in Carrboro. Recognizing the tension between community needs for diverse housing and financial needs for project developers, the planning board recommends the Board of Aldermen accelerate the conversation about affordable housing.
TAB	8. That a bike rack be added to the tot lot.
TAB	9. That wayfinding signs be put up that direct people to the greenway.
TAB	10. That the developer build the small stub-out to the greenway as currently shown.
TAB	11. That the road that connects to Colfax Drive be built to subcollector standards. <i>This relates to Section 15-216 of the LUO.</i>
TAB	12. That chicanes be used instead of speed tables to control speed on the roads that were originally slated for speed tables.
AC	13. That the Appearance Commission be allowed to review the elevations of the size limited units to be constructed within the proposed Planned Unit Development prior to the issuance of the building permits.
EAB	14. That the Board of Aldermen condition approval of the Claremont South Conditional Use Permit on compliance with the existing water quality buffer requirements in the Town's Land Use Ordinance as well as the Town's draft Land Use Ordinance stormwater treatment requirements for new development to comply with Jordan Lake rules.



TOWN OF CARRBORO

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

April 5, 2012

SUBJECT: Conditional use permit for Claremont South

MOTION: The Transportation Advisory Board recommends to the Board of Aldermen that the following conditions be added to the conditional use permit:

1. That the sidewalk along Homestead Road between the two portions of the development be made wide enough to be a multi-use path to accommodate both bikes and pedestrians (a minimum of eight feet)
2. That a bike rack be added to the tot lot
3. That wayfinding signs be put up that direct people to the greenway
4. That the developer give the Town a payment-in-lieu to cover the entire construction cost of the greenway from the west side of the bridge over Bolin Creek, north to the existing greenway as it is currently shown on the applicant's map
5. That the developer build the small stub-out to the greenway as currently shown
6. That the road that connects to Colfax Drive be built to subcollector standards
7. That chicanes be used instead of speed tables to control speed on the roads that were originally slated for speed tables.

Moved: Štolka

Second: Sieff

VOTE: Ayes (6): LaJeunesse, Štolka, Perry, Curtis, Sieff, Haac. Nays (0). Abstain (0). Absent (0).

TAB Chair

_____/_____/12
DATE



THURSDAY, April 5th, 2012

Rezoning for Planned Unit Development District and Conditional Use Permit for a Planned Unit Development at 1001 Homestead Road

The Appearance Commission Advisory Board reviewed the proposed rezoning for a Planned Development District and Conditional Use Permit for a Planned Unit Development at 1001 Homestead Road (called Claremont South) and had the following recommendation:

- 1.) That the Appearance Commission be allowed to review the elevations of the size limited units to be constructed within the proposed Planned Unit Development prior to the issuance of the building permits.

VOTING:

AYES: 5 (Tom Wiltberger, Loren Brandford, Raymond Conrad)

NOES: 0

ABSENT: (Sarah Andrews, Emily Scarborough, Sheryl Forbes)

James Thomas (for chair)
Appearance Commission Chair

4-9-12
Date



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, APRIL 5, 2012

Conditional Use Permit Application for 1001 Homestead Road (Claremont South)

Clinton moved and Poulton seconded that the Planning Board recommends that the Board of Aldermen approve the Conditional Use Permit request for Claremont South incorporating the complete staff conditions attached and the following Planning Board conditions and recommendations:

Conditions

1. The developer should honor the intentions of both the Northern Study Area Small Area Plan guidelines for street connectivity (for "Neo-Traditional/Mixed Use Village" developments) and the Town of Carrboro Connector Roads Policy and link the collector Street A with Colfax Drive. This is especially important now that business uses are planned for the project. The initial Claremont Phases were all required to connect to adjacent neighborhoods, we believe no special exceptions should be made for this case.
2. Further pedestrian safety enhancement of the crossing at Street A and Claremont Drive should be pursued. The current Homestead Road pedestrian island may not be enough to guarantee pedestrian safety at the shortest-distance crossing to Claremont Phases 1 and 2. This could include signage on Claremont property offering guidance to pedestrians. Appropriate screening or landscaping that provides a significant barrier for pedestrians should be provided along Homestead Rd. from Street A to the eastern end of the project.
3. The planning board agrees the road stub outs should not be extended to the Carolina North property.
4. The board also recommends that staff review conditions attached to the existing permit of this property and apply those that are applicable to the new permit.

**RECOMMENDATION - Conditional Use Permit Application for 1001 Homestead Road
(Claremont South)**

Page 2

April 5, 2012

Recommendations

1. The Board of Aldermen and applicant should consider that Claremont South and the initial Claremont phases are separate developments, and recreational amenities should be enhanced within the south development to meet the points required of a development of this type, independent of Claremont North facilities. Creativity should be used in incorporating them within the development.
2. The tot lot location should be moved farther away from Homestead Road.
3. The change from affordable to size-limited units highlights the unsustainable lack of enforceable affordable housing requirements in Carrboro. Recognizing the tension between community needs for diverse housing and financial needs for project developers, the planning board recommends the Board of Aldermen accelerate the conversation about affordable housing.

VOTE: AYES (10) Matthew Barton, Bethany Chaney, David Clinton, Jessica Ferrer, Braxton Foushee, John Killeen, Heather Hunt, Susan Poulton, Adam Schaefer, and Damon Seils;
NOES (0); ABSTENTIONS (0); ABSENT/EXCUSED (1) Richard Jaimeyfield.


John P. Killeen April 9, 2012
Date



TOWN OF CARRBORO

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, APRIL 5, 2012

CONDITIONAL USE PERMIT CLAREMONT SOUTH PUD

Motion was made by Ian Morse and seconded by Bruce Sinclair that the EAB recommends that the Board of Aldermen condition approval of the Claremont South Conditional Use Permit on compliance with the existing water quality buffer requirements in the Town's Land Use Ordinance as well as the Town's draft Land Use Ordinance stormwater treatment requirements for new development to comply with Jordan Lake rules.

VOTE: AYES: Gisler, Chicurel-Bayard, Morse, Sinclair

ABSENT/EXCUSED: Arnsberger, Crook, Butler

NOES: 0

ABSTENTIONS: 0

Associated Findings

By a unanimous show of hands, the EAB membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

VOTE: AYES: Gisler, Chicurel-Bayard, Morse, Sinclair

ABSENT/EXCUSED: Arnsberger, Crook, Butler

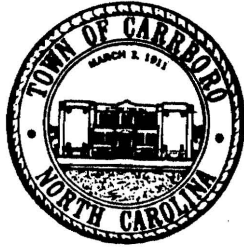
NOES: 0

ABSTENTIONS: 0


(Chair)


(Date)

TOWN OF CARRBORO



CONDITIONAL OR SPECIAL USE PERMIT WORKSHEET

I. COMPLETENESS OF APPLICATION

- ☐ The application is complete
☐ The application is incomplete

II. COMPLIANCE WITH THE ORDINANCE REQUIREMENTS

- ☐ The application complies with all applicable requirements of the Land Use Ordinance
☐ The application is not in compliance with all applicable requirements of the Land Use Ordinance for the following reasons:

III. CONSIDERATION OF PROPOSED CONDITIONS

If the application is granted, the permit shall be issued subject to the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IV. GRANTING THE APPLICATION

- ☐ The application is granted, subject to the conditions agreed upon under

Section III of this worksheet.

V. DENYING THE APPLICATION

- ☐ The application is denied because it is incomplete for the reasons set forth above in Section I.
- ☐ The application is denied because it fails to comply with the Ordinance requirements set forth above in Section II.
- ☐ The application is denied because, if completed as proposed, the development more probably than not:

1. Will materially endanger the public health or safety for the following reasons:

2. Will substantially injure the value of adjoining or abutting property for the following reasons:

3. Will not be in harmony with the area in which it is to be located for the following reasons:

4. Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board of Aldermen for the following reasons:
