

A public hearing of the Carrboro Board of Aldermen was held on Tuesday, November 25, 2008 at 7:30 p.m. in the Town Hall Board Room.

Present and presiding:

Mayor Pro Tem	John Herrera
Aldermen	Joal Hall Broun (arrived at 7:43 p.m.)
	Dan Coleman
	Randee Haven-O'Donnell
	Lydia Lavelle
Town Manager	Steven E. Stewart
Town Attorney	Michael B. Brough
Town Clerk	Sarah C. Williamson

Absent:

Mayor	Mark Chilton
Alderman	Jacquelyn Gist

**PUBLIC HEARING ON A CONDITIONAL USE PERMIT REQUEST FOR THE COLLETON CROSSING ARCHITECTURALLY INTEGRATED SUBDIVISION**

MBI Development as represented by Phil Post and Associates, has submitted an application for the construction of a 39 dwelling unit subdivision located at 8400 & 8420 Reynard Road. The Conditional Use Permit, if approved, would allow the creation of 39 single-family (6 affordable) lots with associated infrastructure, including publicly dedicated streets. The public hearing will be opened but the Board is not expected to make a decision on the permit until the meeting is continued in January or later.

Mike Brough asked that copies of all emails, letters and correspondence received regarding this matter be made available to the applicant, and that any emails received outside of the public hearing **should** not be considered as evidence on which the Board would base its decision.

Alderman Lavelle stated that she lives in a development adjacent to the proposed development and wanted to clarify that there was no conflict of interest with her voting on this project.

Mike Brough confirmed that there was no conflict of interest.

[Alderman Broun arrived at the meeting.]

Jeff Kleaveland, one of the town's planners, was sworn in and made the presentation.

Alderman Coleman asked about the use of a bridge or bottomless culvert to expand the floodplain, and asked if the clearing of trees to install BMP's within the stream buffer or floodplain **would** lead to unintended sedimentation during peak rain events.

Alderman Broun asked if the homeowners will be responsible for insuring that the BMP's do not breed mosquitoes.

Tim Smith with Phil Post and Associates was sworn in. He stated that they had conducted a neighborhood meeting to address concerns, that they had done a full traffic study of the neighborhood **ref.** connectivity, access and traffic. He stated that the easement on **the** east side of **the** property will be an emergency access and that they have discussed the possibility of providing a pedestrian access. He stated that they working to ensure that additional flooding will not occur onto the Hodges' property **and** as a result of this proposed development. He stated that they have done a full flood study to show that there will be no further impact to the Hodges'

property, that they will investigate the option of having a bottomless arch type culvert. He stated that they will have 12-foot lighting fixtures with cutoff shields to prevent light from spilling upward. They are proposing greenway trail to the north and would like to follow the master plan as far as construction of the trail with a Type 3 trail. He stated that they are agreeable to all staff recommendations with the exception of the trail. They would like to construct a Type 3 trail, not Type 4. Also, he stated that the developer will add trees to the buffer.

Andrew Topp, a traffic engineer, was sworn in. He stated that they had done a traffic impact analysis for this site and presented the results of that analysis. He stated that the general results of the study were that the current roads will accommodate the increased traffic from this development.

Alderman Haven-O'Donnell asked about the number of school bus trips going into this development.

Danny Goodman, a certified appraiser, was sworn in. He stated that he had looked at homes in the vicinity of the proposed development and stated that the proposed development will be an asset to the current neighborhood. He stated that he feels this development will have a positive impact on the neighborhood and tax base.

Bob Melville, a resident of 1000 Dairyland Road, and brother of Jim Melville, was sworn in. He stated that the Board has a clear vision and rational process to move toward that vision. He stated that this a very important development and they are dedicated to building a development the community will be proud of. That they are very proud of the type of homes Melville Builders constructs, and feels that the town will be very proud of this development.

Alena Callimanis, a resident of 1004 Camden Lane was sworn in. She showed a video of children walking on Sterling Bridge and Claymore Road, and the steep slopes. She stated that it took her 4 minutes to drive from Reynard to High School Road, 1 minute 25 seconds to drive. This means that the new connection to Claymore would only save approximately 1 ½ minutes. She stated that the impervious runoff is getting to be an extremely urgent issue with Bolin Creek, they would be destroying forest area in an environmentally sensitive area. It would eliminate the burden of the cost of an expensive connector road, connectivity in this case is not providing car time value, suggested constructing bikeways and walking paths, stated that the board has sited children/community safety issues when denying the Jones Ferry Road project, road infrastructure is not in place in Claymore, and Tallyho cannot sustain added traffic burden. She asked that the development be kept smaller than proposed.

Drew Narayan, a resident of 1801 Claymore was sworn in. He stated that he feels like the previous proposal underestimated the traffic impact—that the total increase in traffic on Claymore and Sterling Bridge will be 950 trips per day and that Claymore and Sterling Bridge cannot handle increased traffic. He stated there is high pedestrian traffic with no sidewalks, and that safety concerns are real. In addition, there are environmental concerns. Most of Colleton Crossing and Carolina Commons is within the Friends of Bolin Creek proposed preserve. The current plan also does not continue the greenway north of Reynard. To reduce congestion, maintain safety and protect the environment, the number of homes in Colleton Crossing should be restricted to only require one connection. In order to promote connectivity between the neighborhood, pedestrian and bicycle connections should be built to connect Colleton Crossing, Carolina Commons and the Highlands.

Anthony Volpe, a resident of 1706 Claymore Road, was sworn in. He stated that there are environmental issues that have not been fully addressed, that there are real traffic concerns, and safety concerns. He asked that the Board limit the density of the proposed development and not have a connector road and that pedestrian and bicycle connections be created between the neighborhood.

Wayne Hodges, a resident of 1315 Tallyho Trail, was sworn in. He stated that is existing flooding along the Bolin Creek tributary and pointed out specific properties being impacted by the flooding. He stated that there is a smaller stream that flows behind his property. He showed pictures of flooding on his property that occurred

during Tropical Storm Hanna and flooding on the Colleton property upstream of Reynard Road. He stated that the extension of Reynard Road requires crossing of the tributary and the developer is proposing a box culvert rather than a bridge to cross the stream. All adjacent Fox Meadow residents have wells and septic systems—there is no OWASA service available. The home at lot 35 has a history of drainage problems and is currently surrounded by French drains and recently experienced septic problems. The box culvert will constrain the floodplain and cause flooding upstream of the culvert, will not allow for efficient sediment transport, restricts wildlife corridors, and will be clearing of many feet of stream buffer. He suggested that a bridge be constructed across the floodplain or that a bottomless arch culvert be constructed to span the floodplain.

Brian Kuhlman, a resident of 1009 Tallyho Trail, was sworn in. He expressed concern about the connectivity plan – does not feel this plan is in compliance with the land use ordinance. He suggested a second access road to the south. Carrboro cannot put in traffic calming devices or make repairs to these roads. Tallyho should be considered a collector road with sidewalks and bikeways. He stated his desire that Colleton Crossing be a phased development.

Richard Goldberg, a resident of 1075 Brace, was sworn in. He expressed concern about public safety issues. He reminded the Board about the Hanna Ridge (Pacifica) safety concerns. He referenced a memo from Mike Brough, the Carrboro Town Attorney, dated June 10, 1999 answering the question of whether a development permit could be denied if the Board finds that the street as it currently exists presents a danger to the public. The answer was: As a general principle, ...the greater the hazard, and the clearer the evidence is that that a safety problem exists, the more density might be restricted below that which is otherwise permissible under the ordinance. Hanna Ridge and Pacifica were required to build a sidewalk along Hanna Street and the cost of that sidewalk was split between the developer and the town. The safety problem for Tallyho Trail is magnified from that of Hanna Street because of the length of Tallyho. Solutions would be to build sidewalks on Tallyho Trail at a cost of approximately \$1 million, or reduce number of units in the development. Twelve to fifteen units would be appropriate.

Caramie Brantley, a resident of Tallyho Trail, was sworn in. She spoke about compatibility and buffers. The development is surrounded on three sides by the existing Fox Meadow development. Sharp contrasts exist between the two neighborhoods – small vs. large lots, bare lots vs. wooded lots, and expensive homes vs. moderately-priced homes. She pointed out land use ordinance compatibility provisions. A solution would be to create a 50-foot undisturbed vegetative buffer to existing properties, adhere to land use ordinance buffers in primary and secondary conservation areas. The larger buffers could help prevent flooding and possible property damage due to flooding or septic tank failures by providing more permeable surface. She suggested building a bridge or bottomless arch culvert to span floodplain, limit development to only 15 units, provide sidewalks, and create 50-foot undisturbed buffer between Colleton lots to existing Fox Meadow properties.

Kay Hengeveld, a resident of 1515 Tallyho Trail, was sworn in. She stated that they have a problem with using the easement for emergency access and temporary construction access, and feels that it will devalue their problem and will be a burden on the easement and will show a lack of stewardship of the land and safety concerns. Traffic problems on Tallyho are real and severe, there is a speeding problem on Tallyho and there has been a problem for a long time. She feels the easement should only be used to bring in utilities. She feels that the fire substation should be built as soon as possible. Colleton should have another access into their development.

Neal Kaplan, a resident of 1215 Tallyho Trail, was sworn in. He stated that he agreed with his neighbors' comments.

Cathy Calvert, a resident of 1215 Tallyho Trail, was sworn in. She expressed concern about the easement access being proposed that crosses Huntsman Court being used for construction and maintenance since it is located right beside a home. She proposed that the development include residential sprinklers in the homes. She stated

that would eliminate the need for the emergency access. She stated that insurance companies offer discounts for sprinkled homes.

Suzanne Allen, a resident of 8217 Huntsman Court, was sworn in. She stated that she agreed to her neighbors' comments particularly about the traffic. She stated that she is a frequent walker on Tallyho Trail and has been literally run off the road a number of times. She spoke in support of a lower density development with a phased approach. She stated that there is no guarantee that the UNC connection will happen, and that there have been stub-outs in Fox Meadow for 20+ years and no connections have been made. She also expressed concern about the traffic study.

Laura van Sant, a resident of 8207 Reynard Road, was sworn in. She asked that the Board consider an amendment to the ordinance so as not to require Colleton Crossing to have street lights. In addition, she requested an environmental assessment be done of the soils.

Adie Narayan, a resident of 1801 Claymore, was sworn in. She expressed concern about pedestrian safety. She stated that the children have to walk in the street because there are no sidewalks. She also asked that Colleton Crossing be limited to 15 houses.

Marc Desormear, a resident of Claymore was sworn in. He stated that this development screams moderation. He asked if the current roads are adequate to accommodate the traffic, asked what the objective of this development is, and asked that the Board take under consideration the concerns of the Tallyho and Highlands developments. He asked for smaller density and asked to have only an emergency and pedestrian connection.

Mari Weiss, a resident of the Highlands, was sworn in. She stated that she did not feel the appraiser took into account the diminution of their neighborhood and lack of privacy by opening up Claymore. She asked that the quality of their lives not be diminished for the sake of a builder.

Dorothy Wright, a resident of 8211 Huntsman, was sworn in. She asked if service vehicle trips had been considered in the traffic counts.

Marty Roupe, the town's Zoning Administrator, was sworn in. He clarified the location of the easement.

Tim Smith stated that the easement is platted and what is constructed will have to be within that easement.

Kathryn Thomas, a resident of 1415 Tallyho Trail, was sworn. She stated that she agreed with her neighbors in Fox Meadow. She stated that there are no stop signs between Rogers Road and Reynard Road and nothing to slow traffic down. She stated that there will be additional traffic and the likelihood of accidents will increase. She stated her concern about how this development will impact the ground water in this area. In addition, she stated concern that the impervious surfaces created in Colleton will affect the water quality in their wells.

Imran Shah, a resident of 8405 Sterling Bridge Road, was sworn in. He stated that he agreed with Tallyho and Fox Meadow residents, expressed concern about the safety of his children, stated that additional traffic study data is needed. He stated that neither Tallyho nor Sterling Bridge can have traffic calming.

Christine Westfall with Orange Community Housing and Land Trust was sworn in. She spoke in support of the affordable housing component. She stated that Melville Builders have agreed to construct six affordable single-family, green built homes in Colleton Crossing. She stated that the developer will be selling these homes to the Land Trust for \$130,000.

Steven Peck, a resident of Fox Meadow, was sworn in. He stated that he agreed with the residents of Fox Meadow. He also stated concern about traffic, the size, scope, and phasing of this project. He stated that buses pick up children at the intersection of Reynard and Hound Court and there is a sight distance problem at this

intersection. He stated that connectivity is a real problem in this area, and spoke in favor of access between neighborhoods. He stated that this is a good development it just has to be built the right way.

Jeff Linker, a resident of 1803 Claymore Road, was sworn in. He expressed concern about the additional traffic and the safety of his children. He asked that four-way stop signs be put in at the very least.

Sharon Cook, a resident of 1610 Claymore Road, was sworn in. She stated that if traffic is increased, children will not be able to walk to school safely. She expressed concern about the lack of preserved land, and asked that pedestrian and bicycle connections be made a priority.

Bob Kirshner was sworn in. He spoke in support of the homes in Colleton Crossing being sprinkled and asked the developer to consider installing sprinklers. He stated that there are insurance savings as a result of having sprinklers installed.

David Rooks, the applicant's attorney, was sworn in and addressed the easement. He stated that he would provide the staff a copy of the grant of easement.

Adena Messinger, the town's Transportation Planner, affirmed, and spoke to the reason for asking for the Type 4 trail.

Mr. Stewart pointed out that public safety access includes medical calls in addition to police and fire calls.

The Board requested that the town staff respond to the following requests for information:

1. Is the applicant willing to phase the project to limit the amount of development prior to construction of an eastern access point?
2. When the connection is made to Claymore, can the town require traffic calming measures on Claymore, and if NCDOT is not cooperative with that, can the town require the developer to bond for those traffic calming measures?
3. Can the town require the developer to construct both the sewer line and greenway trail to the northern property line?
4. That the EAB and Environmental Planner comment on whether (from an environmental standpoint) there is a preference for a Type III trail type.
5. That the staff comment on whether the town can require a larger buffer on the Colleton property.
6. That a map of school bus stops be provided, including the times of pickups and drop offs.
7. The date of the last update to the floodplain maps be provided.
8. That the staff determine the procedure for having stop signs installed in the existing neighborhood (regardless of whether Colleton is approved).
9. That cost estimates for maintenance of Type III and Type IV trails be provided by staff.
10. That the town provide a list of properties not connected to OWASA water and sewer.
11. That the applicant consider more integrated recreation to avoid street crossings.
12. Have the Town Attorney review the easement document.
13. Have the applicant respond as to their willingness to install sprinklers.
14. Explore the topic of mosquito control associated with BMP's.
15. Does the clearing of trees to install BMP's within the stream buffer (or floodplain) lead to unintended sedimentation during peak rain events?
16. Provide pictures of Carrboro examples of box culverts and bottomless box culverts.
17. Provide information regarding how the project might affect water recharge rates/areas. Provide information about the location of septic systems in the vicinity of the project's northern property line.
18. If the adjoining roads are still state maintained at the time of certificate of occupancy, can request a bond from the developer to cover the future cost of traffic calming.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO CONTINUE THIS PUBLIC HEARING TO JANUARY 27, 2009. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, GIST)

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**PUBLIC HEARING ON AN ORDINANCE AMENDING THE TEXT OF THE LAND USE ORDINANCE RELATING TO WATER QUALITY BUFFERS**

Comprehensive revisions of the Town's stream buffer provisions have been prepared by staff to enhance water quality protection, establish consistency across the different areas of the Town's planning jurisdiction, clarify the purpose and requirements to all affected and interested parties, and prepare the Town for implementation of new rules for Jordan Lake. The Board of Aldermen must receive public comment before taking action on changes to the Land Use Ordinance.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO OPEN THIS PUBLIC HEARING. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, GIST)

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONELL TO CONTINUE THIS PUBLIC HEARING TO FEBRUARY 24, 2009. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, GIST)

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**GLOBAL CLIMATE INITIATIVE**

Alderman Haven-O'Donnell asked for Board consideration of the global climate initiative.

Board members asked that Alderman Haven-O'Donnell bring this matter up at a future meeting.

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MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY DAN COLEMAN TO ADJOURN THE MEETING AT 11:01 P.M. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (CHILTON, GIST)

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Mayor Pro Tem

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Town Clerk