

## JOINT REVIEW BOARDS

### AGENDA ITEM ABSTRACT

MEETING DATE MAY 6<sup>TH</sup>, 2010

**SUBJECT: JOINT REVIEW OF THE LITCHFIELD AIS CUP**

<b>DEPARTMENT:</b> PLANNING DEPARTMENT	<b>PUBLIC HEARING:</b> Yes No <input checked="" type="checkbox"/>
<b>ATTACHMENTS:</b> A. PROJECT PLANS B. STAFF REPORT C. LAND USE PERMIT APPLICATION D. LAND SWAP LETTER E. CHT AGREEMENT LETTER F. TRANSPORTATION IMPACT STATEMENT G. TREE REMOVAL JUSTIFICATION LETTER H. APPLICANT JUSTIFICATION RE OUTSTANDING ENGINEERING ISSUES I. PLAYFIELD DEVIATION JUSTIFICATION J. ARCHITECTURAL STANDARDS NARRATIVE	<b>FOR INFORMATION CONTACT:</b> JEFF KLEAVELAND, 918-7332

#### PURPOSE

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

#### INFORMATION

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

#### STAFF RECOMMENDATION

Town staff recommends that the Joint Review Boards review the conditions below, offer comment as needed, and prepare summary recommendations:

1. That, prior to construction plan approval, a recombination plat is approved by the Town and recorded by Orange County Register of Deeds, showing the reconfigured lot in conformance with the approved CUP plans.
2. The continued affordability of the units (identified as 1, 2, 18, 19, 27, 28) must be ensured through working directly with Community Home Trust, in accordance with LUO Section 15-182.4.
3. Certificates of Occupancy for six (6) of the last 'market-rate' units to be constructed may not be issued until such time as a corresponding affordable unit (located on lots 1, 2, 18, 19, 27, 28) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.

4. That, prior to construction plan approval, the applicant explores alternative traffic calming techniques for Lucas Lane, including but not limited to a mid-block curb extension (also known as a “choker).
5. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
6. That, prior to Construction Plan approval, the sidewalk detail on the detail sheet is labeled and specifies that sidewalk thickness shall increase to a minimum of 6” thick where all driveways cross the sidewalk.
7. That the single family home lots, when developed have sufficient room to conveniently park two cars, off of the street, without blocking the sidewalk. Garages may not be counted toward this requirement. This parking will be shown on individual plot plans during the building permit stage.
8. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in Litchfield meet the street tree requirements of Section 15-315 of the Land Use Ordinance.
9. That, prior to construction plan approval, the equivalent of a Type A screen be shown on the development side of the Homestead Road Buffer. Maintenance of this buffer is a continued condition of this permit.
10. That flexibility is allowed during Construction Plan approval and in the execution of the Drainage Plans. Changes will be processed as insignificant deviations so long as they are found not to have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
11. That, prior to Construction Plan approval, the HEC-RAS flood study shall be approved by the Town Engineer to study the 100 year flood (with backwater analysis) for both the existing and proposed conditions; any substantial design changes made as a result of this study (to comply with the LUO) will require the approval of either staff or the Board of Aldermen (with possible public hearing) per the provisions of 15-64 of the LUO. Substantial design changes would be defined as those that have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
12. That all state and federal 401 and 404 permits be obtained prior to construction plan approval if necessary.
13. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
14. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners’ association documentation.
15. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;

16. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
17. That all new street lighting be provided by full cutoff fixtures.
18. That construction plans and subsequent building permits demonstrate compliance with the current lighting provisions of Article XV of the Land Use Ordinance, in place at the time of this hearing.
19. That a deviation in the 20,000 sf minimum playfield size standard of 15-198(d) be granted, allowing two smaller adjacent 'natural' playfield areas to be provided (recreation areas D & E on the CUP plans). Natural playfield areas allow some trees to be included in the field perimeter so long as they are sufficiently pruned to accommodate movement beneath. The Board hereby allows this deviation based upon the applicant's written justification provided at the public hearing (Attachment I).
20. That the applicant receive(s) CAPs from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.
21. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.

## STAFF REPORT

TO: Joint Review

DATE: May 6<sup>th</sup>, 2010

PROJECT: Litchfield AIS

APPLICANT  
And OWNERS: Homestead Partners, LLC  
1506 E. Franklin St.  
Chapel Hill, NC 27514

PURPOSE: To acquire a Conditional Use Permit allowing a major subdivision of the properties located at 900, 904 & 906 Homestead Road

EXISTING ZONING: Residential-20 (R-20)

TAX MAP NUMBERS: 7.109..18, 18A & 19D

LOCATION: 900, 904 & 906 Homestead Rd

TRACT SIZE: 13.9 (after recombination).

EXISTING LAND USE: Vacant

PROPOSED LAND USE: 26.100, Major subdivision consisting of the following uses:  
1.111, single family detached and,  
1.231, duplex &, 1.241 two family apartment

SURROUNDING  
LAND USES: North: R-20 , single-family residential/vacant.  
South: R-15, single-family residential (Homestead Rd/Wexford).  
West: R-20, single-family residential.  
East: R-20, single-family residential (Claremont)

ZONING HISTORY: R-20 since 1988

## ANALYSIS

### **Background, Concept Plan Development**

#### Background

Homestead Partners, LLC as represented Phil Post and Associates, has submitted an application for the construction of a 34 dwelling unit subdivision located at 900, 904 & 906 Homestead Road (Attachment C). The Conditional Use Permit, if approved, would allow the creation of 24 single-family-detached units, 8 duplex units, to be combined with an existing duplex on site, yielding 34 dwelling units. The plans include associated infrastructure such as publicly dedicated streets and utilities. The subject properties are zoned Residential-20 (R20). It contains 13.9 acres (after recombination) and is listed on the Orange County Tax Map as numbers 7.109..18, 18A & 19D. For a vicinity map, see the cover sheet of Attachment A.

The existing condition of the site contains four dwelling units, one duplex, a single family house and a trailer. Aside from this the site is mainly vacant with stands of mixed woods. An unnamed tributary to Bolin Creek crosses the property from southwest to northeast within an associated Town of Carrboro regulatory stream buffer. There are no FEMA floodplains on site. A Duke Power transmission line runs within an easement north south along the eastern property line adjacent to the Claremont subdivision.

#### Concept Plan Development

Before formal plans were submitted, the applicant prepared a concept plan as required by Section 15-50 of the LUO. The conceptual design ordinance requires the designer to consider primary, secondary constraints, site context, and several other parameters prior to locating structures or lots. The resultant design presented herein is much informed by this process.

### **Land Swap, Density, Affordable Housing, Size-restricted Units**

#### Land Swap

In order to realize the proposed project the applicant needs to recombine their lots with portions of the neighboring properties. Attached is a letter from the applicant stating that this agreement between them and the neighbors is underway (Attachment D). Because the proposed plan depends upon these agreements the following condition is recommended:

- That, prior to construction plan approval, a recombination plat is approved by the Town and recorded by Orange County Register of Deeds, showing the reconfigured lot in conformance with the approved CUP plans.

#### 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. For Litchfield AIS, this adjustment reduced the *gross area* by 24,298 sf, yielding an allowable base density of 28 units.

Using the Residential Density Bonus provisions of Section 15-182.4, the applicant is permitted to build up to 150 % of the base density for the zoning district. Utilizing this provision, the maximum permissible density allowed is 42 units. The applicant is using this provision for a proposed density of 34 units, 6 of which are *affordable*. Because of this 17.65% of the project's housing stock is *affordable* as defined in the LUO. Note that the applicant is only choosing to construct the *affordable* bonus units.

Section 15-182.4 requires that the applicant provide assurance that these units will remain affordable, for this reason we require the applicant to identify and define the terms by which this agreement will be honored. To meet the requirements of the LUO a condition must be placed on the permit specifying that the *continued* affordability of the units (identified as 1, 2, 18, 19, 27, 28) must be specified in the Homeowner's Association documents. These documents must be approved by the Town Attorney prior to construction plan approval. Because of this the following condition is recommended:

- The continued affordability of the units (identified as 1, 2, 18, 19, 27, 28) must be ensured through working directly with Community Home Trust, in accordance with LUO Section 15-182.4.

A condition must be placed on the permit stating that a 'certificate of occupancy' of the last six units may not be issued until such time as a corresponding affordable unit (located on lots 1, 2, 18, 19, 27, 28) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance as represented by the following condition:

- Certificates of Occupancy for six (6) of the last 'market-rate' units to be constructed may not be issued until such time as a corresponding affordable unit (located on lots 1, 2, 18, 19, 27, 28) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.

The applicant has met with Community Home Trust (CHT) to discuss provisions for ensuring the long-term affordability (99 years) of these units and reached an agreement Homestead Partners will sell these units to the Home Trust (Attachment E). However, CHT's discussions with the developer have led them to request two modifications to the standard agreement as follows:

1. To allow *either* Homestead Partners, LLD *or* Community Home Trust to build the affordable units such that these parties may make this determination closer to the date construction begins, and;
2. To reduce the number of affordable units required from six to five, allowing the existing 1600 square foot single family dwelling to be renovated, not into a duplex, as the plans now show, but into a single family affordable unit. Since this would

cause the loss of one affordable unit, the developer would make a payment in lieu for the sixth unit, these funds being reserved for said renovation.

Note that the applicant's fee-in-lieu request is still under consideration by staff.

As is typical, CHT is seeking subsidy money to support an affordable price for the units. In the event that this subsidy money is not secured and/or CHT is unable to market the units at the price authorized by the LUO, the developer will assume responsibility for assuring long term affordability of the units.

Town staff realizes that the lot designations for affordable units are subject to change. In such an instance, the applicant will need to submit the proposed changes to the Zoning Division for review. Should the changes be insignificant and, should the lot designations maintain compliance with the ordinance, staff will authorize such changes via an *insignificant deviation*.

#### Size-Restricted Units

Per Section 15-188(j) a residential development that provides at least 85% of the maximum number of affordable units available under 15-182.4 is not subject to the size restriction requirements of 15-188. Litchfield meets this threshold (6 affordable units out of 7 possible) and is exempt from providing size-restricted units. Note that the implication of the applicant's fee-in-lieu request with regards to size-restricted units is still under staff review.

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 ordinance supports the development of an interconnected matrix of public streets. Section 15-214 & 15-217 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, the Litchfield AIS is extending Stratford Drive to the north (renamed as Litchfield Road) and Lucas Lane to the west. Also, Wolcott Drive is proposed as another stub-out to the northern property line. Please refer to the plans to assess the remaining public streets proposed (Attachment A).

#### Streets

All proposed streets are built according to the public street standards of Article XIV of the LUO. The applicant will offer the streets for public dedication.

#### Traffic Calming

One traffic calming speed table is proposed along Lucas Lane, just east of where Wolcott Drive intersects. An alternative to a speed table is a mid-block curb extension (also

known as a “choker”) which narrows the travel way for a short distance to accomplish the same purpose of slowing traffic. Staff would like the applicant to consider a choker in the area between the two private open space areas.

- That, prior to construction plan approval, the applicant explores alternative traffic calming techniques for Lucas Lane, including but not limited to a mid-block curb extension (also known as a “choker”).

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to connectivity, streets, and traffic calming.

### **Traffic Analysis, Pedestrian Facilities, Transit, Parking**

#### Traffic Analysis

A transportation impact statement was prepared by the applicant (Attachment F). By this, the additional 30 dwelling units are expected to generate 300 trips per day. Until further connectivity improvements are made with surrounding properties, these trips will be directed Homestead Road and Lucas Lane. The proposed new roads will be offered to the Town for dedication.

NCDOT must issue a driveway permit for the connection to Homestead Road therefore the following condition is recommended:

- That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.

#### Pedestrian Facilities

All of the Litchfield streets, except for Walbridge Circle, have 5’ wide sidewalks on both sides of the street. Sidewalks stub out to property lines for future continuation. Accessibility ramps and striped crosswalks are provided at all street crossings.

Note that the plans have a minor outstanding comment regarding the sidewalk detail that is addressed by the following condition.

- That, prior to Construction Plan approval, the sidewalk detail on the detail sheet is labeled and specifies that sidewalk thickness shall increase to a minimum of 6” thick where all driveways cross the sidewalk.

#### Greenway

No greenway facilities are proposed for the development due to their proximity to the Claremont greenway connection which can be accessed by either sidewalk or road approximately 1800’ from the eastern property line.

#### Transit

Chapel Hill Transit has been notified of the proposed subdivision. Service to this area in the near future is not anticipated.

Parking

Per section 15-291 of the LUO, single family units must provide parking on their respective lots sufficient to accommodate two cars. The applicant has placed a note to this effect on the plans; however, staff still recommends the following condition:

- That the single family home lots, when developed have sufficient room to conveniently park two cars, off of the street, without blocking the sidewalk. Garages may not be counted toward this requirement. This parking will be shown on individual plot plans during the building permit stage.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to connectivity traffic analysis, pedestrian facilities, transit, and parking, subject to the conditions mentioned above.

**Tree Protection, Street Trees, Landscape Plans, Screening and Shading**Tree Protection

Large trees as defined by the LUO have a diameter of 18 inches or greater and are to be retained whenever possible (15-316). Since the site is mainly wooded, the layout requires removal of 46 trees of this minimum size or greater. Tree protection fencing has been provided at the clearing limits and for those trees specifically retained. Note that trees retained on private lots are subject to removal during home construction. As required, the applicant has provided the attached tree removal justification letter (Attachment G).

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. All of Litchfield's 57 or so proposed street trees are located outside the public R/W and satisfy the provisions of Section 15-315 (which requires street trees be spaced an interval of at least one tree per 100 feet, irregularly spaced).

None of the proposed trees are listed as Invasive Plant Species (Appendix E-17).

Because existing trees may be preserved during the construction process staff recommends that the proposed layout be considered only as a possible scheme and that the street tree requirement be revised as needed so that it may be field adjusted as conditions warrant. 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 Litchfield meet the street tree requirements of Section 15-315 of the Land Use Ordinance.

Also, the Litchfield AIS features seven bioretention cells and three water quality wet detention ponds. Each is planted with plants species appropriate to the application.

Bioretention plantings need to be able to withstand periods of drought while the water quality ponds feature plants that can withstand prolonged inundation. These plantings are further reviewed by the Town Engineer during construction plan review.

#### Homestead Road Buffer and Screening

Section 15-312 requires that developments adjacent to Homestead Road (and others) to preserve an undisturbed Protective Buffer that is a minimum of 50' in width and an average of 100' in width. The plans show a road buffer that meets with these specifications. 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.

A Type A screen is opaque from the ground to a height of six (6) feet with intermittent visual obstructions from the opaque portion to a height of at least twenty (20) feet. The attached plans do not show this screen and because of this the following condition is recommended:

- That, prior to construction plan approval, the equivalent of a Type A screen be shown on the development side of the Homestead Road Buffer. Maintenance of this buffer is a continued condition of this permit.

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 aforementioned condition.

### **Drainage, Water Quality, Grading, Erosion Control and Phasing**

#### Drainage

This project was reviewed under the previous stormwater ordinance. Under this ordinance, as in the current one, 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. To address these requirements, the applicant has conducted a drainage study.

The Town Engineer (Sungate Design Group) has reviewed their study and is satisfied with the majority of the work therein. An outstanding issue, however, pertains to the precise mapping the 100 year flood plain as well as issues involving the depth to water table relative to some of the water quality/quantity devices. The applicant has requested, in the attached memo, that the project be allowed to proceed to Joint Review and Public Hearing (Attachment H). In this document they propose the following conditions be placed on the permit. Since staff originally drafted these conditions to deal with related situations on other projects, the wording is acceptable and these conditions can be recommended to the Board.

- That flexibility is allowed during Construction Plan approval and in the execution of the Drainage Plans. Changes will be processed as insignificant deviations so long as they are found not to have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

- That, prior to Construction Plan approval, the HEC-RAS flood study shall be approved by the Town Engineer to study the 100 year flood (with backwater analysis) for both the existing and proposed conditions; any substantial design changes made as a result of this study (to comply with the LUO) will require the approval of either staff or the Board of Aldermen (with possible public hearing) per the provisions of 15-64 of the LUO. Substantial design changes would be defined as those that have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

Because the crossings of drainages stand to impact “Waters of the United States” and jurisdictional wetlands, though there are no Army Corp wetlands mapped on the site, state and federal permits are required. Because of this the following condition is recommended:

- That all state and federal 401 and 404 permits be obtained prior to construction plan approval if necessary.

#### Water Quality

Excess stormwater generated by the new impervious surfaces (roads, sidewalks, roofs, etc) is to be collected by a configuration of conveyances (i.e catch basins, swales, etc.). These direct water into bioretention cells and three wet detention ponds. These facilities are designed to remove 85% of Total Suspended Solids from the first inch of a storm event. The wet detention ponds have retaining walls built within them that average around three feet in height. Please note that the bioretention areas are *not* designed to hold water for an extended period as compared to the pond, which is designed to *detain* water.

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 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.

Grading

Installation of the Litchfield AIS road and stormwater systems requires 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 major, natural drainage ways shall remain undisturbed. The project appears generally to satisfy these criteria.

Stream Buffers

Per the LUO and the adopted “Stream Buffers of the Northern Transition Area” map, two Protective Stream Buffers are located on the Litchfield site. Both are Bolin Creek tributaries with sixty foot (total width) stream buffers. The buffers used on this project are grandfathered from the former ordinance which was recently amended. The applicant has chosen to use these original stream buffers and not the new, two-zone buffers.

Erosion Control

Substantial site disturbance increases the importance of the Erosion Control plan. The grading plan must be competently executed during construction in order for the stormwater system to function properly. The Litchfield AIS is proposing a system sediment basins and silt fences to manage erosion during construction. It is typical for such sediment basins to be later converted to water quality/quantify devices. The Erosion Control Plan has been reviewed by Orange County Erosion Control.

Construction Entrances

The project has two construction entrances, off of Homestead road. These are not coincident with the actual new road entrances but are in locations the applicant feels are efficient.

Phasing

The project is not phased.

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

**Utilities, Fire Safety, Lighting and Refuse Collection**Utilities

The waterline is looped through the development mainly within the street R/W. It taps into the existing waterlines on Homestead Road and Lucas Lane. Sewer service will be continued from the existing sewer stub-out from the Claremont subdivision to the east. The sewer and water lines are terminated at the road stubouts and are similarly configured to allow the system to be further extended.

The water and sewer plans have been reviewed by OWASA and meet with their general approval. OWASA will review the plans in greater detail 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.

The Public Works Department prefers to receive written confirmation from the electrical utility prior to construction plan approval. Because of this, staff recommends the following condition.

- 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;

#### Fire Safety

Three fire hydrants are proposed to serve the development. They 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 meet this requirement.

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.

Note that when this plan was first reviewed it was under the 2006 Fire Code. Since then, the code has been updated and the project, during construction plan review, will be subject to the most current Fire Code in place at the time. Though not expected to, this could result in changes to the fire hydrant locations and specifications on the site plan.

#### Lighting

Street lights are spaced evenly throughout the development. Street lights are not regulated by the Land Use Ordinance; instead, they fall under existing Town policy pertaining to public R/W's. Public Works reviews plans for compliance with this policy and finds the plans acceptable. The plans include notes that the new street lights are to be full cutoff fixtures compliant with the Town standard. Still the following condition is recommended:

- That all new street lighting be provided by full cutoff fixtures.

Though this application was begun under the old lighting ordinance, the newly adopted ordinance stands to benefit this community by requiring builders detail the lighting units proposed on individual homes during building permit authorization. Because of this the following condition is recommended:

- That construction plans and subsequent building permits demonstrate compliance with the current lighting provisions of Article XV of the Land Use Ordinance, in place at the time of this hearing.

### Refuse Collection

The project's waste arrangements have been reviewed by both Public Works and Orange County. The Town and County will provide trash and recycling collection services for the development while the County will be involved in managing construction waste.

Orange County Solid Waste has reviewed the plans and finds them acceptable. The single family homes will utilize roll-out containers. Waste management during construction requires from the County an approved Solid Waste Management Plan as well as a permit.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to utilities, fire safety, lighting, and refuse collection, subject to the inclusion of the three aforementioned conditions regarding fire hydrants, fire flow and building sprinklers.

### **Open Space, Recreation**

#### Open Space

Per the provisions of 15-198, this residential development is required to set aside at least 40% of the total area of the development in permanent open space. If the project is providing affordable housing, Section 15-182.4(c) allows the developer to make reductions in the open space requirement equal to twice the land area consumed by the affordable units, up to a maximum reduction of 4%. Because the Litchfield AIS provides about 51.5% open space, it does not need to use this reduction.

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 tributary and its surrounding stream buffer provides the largest area of contiguous open space for the proposal. Note too, that the road buffer is part of the open space.

#### Recreation

The proposed mix of single family homes and townhomes combine to require 353.26 recreation points, per Section 15-196 of the LUO. The applicant provides 369.2 points by way of a play structure and the playfield areas [as required by Section 15-198(d)]. As required per 15-196-f, 5% of the amenities must be suitable for children under the age of 12; the applicant exceeds this requirement with the proposed play structure.

The LUO requires that the playfield be a minimum of 20,000 sf of contiguous space. The applicant is seeking flexibility in this requirement per Section 15-202 of the LUO, by dividing the playfield area into two separate recreation areas ("D" and "E") separated by Lucas Lane. See attached their justification for this request (Attachment I). Per the flexibility provisions of Section 15-202, If the Aldermen determine that: *(i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be*

*unreasonable to require strict adherence to these standards*, then the following condition is recommended:

- That a deviation in the 20,000 sf minimum playfield size standard of 15-198(d) be granted, allowing two smaller adjacent ‘natural’ playfield areas to be provided (recreation areas D & E on the CUP plans). Natural playfield areas allow some trees to be included in the field perimeter so long as they are sufficiently pruned to accommodate movement beneath. The Board hereby allows this deviation based upon the applicant’s written justification provided at the public hearing (Attachment I).

Note that the staff’s position regarding the applicant’s deviation request is still under discussion.

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

### **Architectural Standards, CAPS,**

#### Architectural Standards

Per the requirements of Section 15-177, subdivisions containing four or more units are required to demonstrate compliance to the architectural design guidelines contained therein. The applicant may choose from one of two design guidelines; 1) Vernacular Architectural Standards or, 2) Alternative Architectural Standards. The applicant has chosen the latter approach.

The Alternative Architectural Standards requires the subdivision address specific design goals with regards to landscape, site, context, and building design. The applicant has addressed this requirement by providing an illustrated narrative statement and typical elevations (Attachment J). Staff concludes that from the materials provided, that the provisions of this section have been addressed.

#### 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. Because of this the following condition is recommended:

- 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.

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

### Miscellaneous

#### Advisory Boards Courtesy Review

The project was brought before the Joint Advisory Board's on January 4<sup>th</sup>, 2007 for courtesy review. Formal comments were not received by the Planning Board or the Northern Transition Area Advisory Committee but the other committees had the following comments. The applicant's responses to the comments follow in italics:

1. Transportation Advisory Board
  - a. Create a multi-use path alongside the small creek and connect it to facilities along Homestead Road;  
*(The concept of a path alongside the creek has not been included in the design and layout of the subdivision to date. Our response to this suggestion is that the installation of a multi-use path along the creek would cause too much disturbance and intrusion into this preservation/open space area. It is also not included as part of the Town's Greenway master plan, and therefore does not provide any overall connectivity for this use. We propose to not install the requested path.)*
  - b. Include small traffic circle between both sides of the park setting as a traffic calming **device**.  
*(A traffic circle at this location would be a good traffic calming option. However, a circle at this location would require additional right-of-way area that would encroach into the proposed playfield areas. We will investigate the option of a choker or other measures as an alternative.)*
  - c. Look for additional traffic calming opportunities along Lucas Lane.  
*(We agree to investigate other traffic calming measures along Lucas Lane.)*
2. Environmental Advisory Board
  - a. In furtherance of Carrboro's goals of creating a more sustainable community and in light of the constraints posed by the primary and secondary conservation areas on this site, we recommend minimizing building footprints and lot sizes and maximizing energy efficiency and open space.  
*(The lot sizes have been minimized as much as possible throughout the design process in order to preserve more Open Space. Moving forward the developer is committed to promoting energy efficiency with regard to footprint sizes and "green" house construction.)*

#### Voluntary Annexation

The Town typically requests that a Voluntary Annexation Petition be submitted prior to Final Plat Approval. Because of this the following condition is recommended:

- That the applicant submit a Voluntary Annexation Petition prior to final plat approval.

#### Neighborhood Information Meeting

A Neighborhood Information Meeting was held in the Wexford Community building on April 6<sup>th</sup>, 2006. Twenty two neighbors were in attendance. Traffic, Connector roads, density and, visual impacts were some of the matters discussed.

### STAFF RECOMMENDATIONS:

Town staff recommends that the Joint Review Boards review the conditions below, offer comment as needed, and prepare summary recommendations.

1. That, prior to construction plan approval, a recombination plat is approved by the Town and recorded by Orange County Register of Deeds, showing the reconfigured lot in conformance with the approved CUP plans.
2. The continued affordability of the units (identified as 1, 2, 18, 19, 27, 28) must be ensured through working directly with Community Home Trust, in accordance with LUO Section 15-182.4.
3. Certificates of Occupancy for six (6) of the last ‘market-rate’ units to be constructed may not be issued until such time as a corresponding affordable unit (located on lots 1, 2, 18, 19, 27, 28) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.
4. That, prior to construction plan approval, the applicant explores alternative traffic calming techniques for Lucas Lane, including but not limited to a mid-block curb extension (also known as a “choker).
5. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
6. That, prior to Construction Plan approval, the sidewalk detail on the detail sheet is labeled and specifies that sidewalk thickness shall increase to a minimum of 6” thick where all driveways cross the sidewalk.
7. That the single family home lots, when developed have sufficient room to conveniently park two cars, off of the street, without blocking the sidewalk. Garages may not be counted toward this requirement. This parking will be shown on individual plot plans during the building permit stage.
8. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in Litchfield meet the street tree requirements of Section 15-315 of the Land Use Ordinance.
9. That, prior to construction plan approval, the equivalent of a Type A screen be shown on the development side of the Homestead Road Buffer. Maintenance of this buffer is a continued condition of this permit.
10. That flexibility is allowed during Construction Plan approval and in the execution of the Drainage Plans. Changes will be processed as insignificant deviations so long as they are found not to have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
11. That, prior to Construction Plan approval, the HEC-RAS flood study shall be approved by the Town Engineer to study the 100 year flood (with backwater analysis) for both the existing and proposed conditions; any substantial design changes made as a result of this study (to comply with the LUO) will require the approval of either staff or the Board of Aldermen (with possible public hearing)

- per the provisions of 15-64 of the LUO. Substantial design changes would be defined as those that have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
12. That all state and federal 401 and 404 permits be obtained prior to construction plan approval if necessary.
  13. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
  14. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.
  15. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans;
  16. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
  17. That all new street lighting be provided by full cutoff fixtures.
  18. That construction plans and subsequent building permits demonstrate compliance with the current lighting provisions of Article XV of the Land Use Ordinance, in place at the time of this hearing.
  19. That a deviation in the 20,000 sf minimum playfield size standard of 15-198(d) be granted, allowing two smaller adjacent 'natural' playfield areas to be provided (recreation areas D & E on the CUP plans). Natural playfield areas allow some trees to be included in the field perimeter so long as they are sufficiently pruned to accommodate movement beneath. The Board hereby allows this deviation based upon the applicant's written justification provided at the public hearing (Attachment I).
  20. That the applicant receive(s) CAPs from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.
  21. That the applicant submit a Voluntary Annexation Petition prior to final plat approval.