

Joint Review Advisory Boards

ITEM NO.

AGENDA ITEM ABSTRACT

MEETING DATE: Thursday, April 7, 2011

TITLE: REVIEW: Veridia R-2 Conditional Use District and Veridia Architecturally Integrated Subdivision

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: <ul style="list-style-type: none">A. Memo Explaining Discussions and Determinations Preceding Current ApplicationB. Recommendation Template (to be distributed at meeting)C. Rezoning Ordinance (to be distributed at meeting)D. Rezoning PetitionE. Land Use Permit ApplicationF. Map showing property locationG. Project PlansH. Staff Memo on Rezoning and CUP Staff ReportI. Concept plan comments and petitioner/applicant repliesJ. Minutes from Board of Aldermen Meetings Regarding Affordable Housing for ProjectK. Statement from Applicant Regarding Affordable Housing and Price Points for HomesL. Parking Justification Statement and Carport StatementM. Tree Removal JustificationN. Secondary Constraints Encroachment LetterO. Architectural Theme Information	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Martin Roupe – 918-7333

PURPOSE

Sustainable Properties, LLC has submitted a petition to rezone 4.66 acres from R-20 to R-2 Conditional Use District and has also submitted an application for a conditional use permit to allow

an Architecturally Integrated Subdivision. The Board of Aldermen has set a public hearing date of April 26, 2011 and referred the petition and application to advisory boards for recommendations.

INFORMATION

Some background information is necessary, preceding the usual information found below. The application under consideration is unique with respect to Carrboro's development approval process in some notable ways. The application, in short, requests permission to build 39 stick-built single-family homes in place of 39 existing mobile homes (within an existing mobile home park). The existing density of 39 units is clearly in excess of what is allowed in the R-20 zoning district. This density is grandfathered, by right, as established in a court case between the Town of Carrboro and a previous owner of the property. As explained in some detail in **Attachment A**, staff and the current owner had a lengthy exchange preceding the current application. It was established during the discussions that the owner has a right to replace the existing mobile homes with stick-built homes, since one or more stick-built homes already existed on the site. In fact, the owner still retains the right to potentially build the homes without seeking a new land use permit or rezoning, so long as no substantive changes to the site occur. After some consideration, the applicant determined that a better project would result from an improved access driveway as well as other desired improvements, which triggered the need to obtain a new land use permit. Further, the applicant retains the right to potentially seek a land use permit—only—for construction of the desired improvements to the site, i.e. without approval of a rezoning, based on the existing, grandfathered density of 39 units. To do so, however, would require the project to remain unified, i.e. unsubdivided in accordance with its grandfathered status as an unsubdivided development. So, in order for the applicant to subdivide the development into 39 fee simple lots, the rezoning must be approved. All this is mentioned to point out the reasons for which a rezoning application accompanies the CUP application and to point out, as well, that the applicant retains certain development rights, even if the rezoning and / or CUP application are denied.

Sustainable Properties, LLC., has submitted a petition (*Attachment D*) to have the zoning of 4.66 acres of land in two separate tracts (Orange County PIN 9779017345 and 9779017407) currently addressed as 810 Old Fayetteville Road changed from R- 20, a low-density residential zoning, to R-2-CU, a conditional use district version of the R-2 zoning district. An application (*Attachment E*) has also been submitted for a Conditional Use Permit to allow redevelopment of an existing mobile home park, consisting of two single family homes and 37 mobile homes, as an architecturally integrated subdivision of 39 site-built homes. The name for the project is Veridia. The location of the property is shown on *Attachment F*. The CUP plans for redevelopment of the property and a staff memo evaluating consistency with the requirements of the Land Use Ordinance are included as *Attachments G and H*.

The Veridia project was presented to these boards at concept plan meetings held in 2009. Concept plan review comments made by advisory boards during that review are attached, as are the written replies from the petitioner/applicant (*Attachment I*). A public hearing date of April 26, 2011 has been set by the Board of Aldermen.

FISCAL IMPACT

Public hearing costs are covered by application fees and the provision of materials (envelopes, stamps, et cetera) by the applicant.

ACTION REQUESTED


The staff requests that the advisory boards review, deliberate, and make recommendations regarding the request for rezoning and approval of a conditional use permit for the property located at 810 Old Fayetteville Road. Recommendation templates are provided for advisory board use.



MEMORANDUM

TO: Mr. George Overholt

CC: Roy Williford, AICP, Planning Director
Mike Brough, Town Attorney

FROM: Martin Roupe, Development Review Administrator 

DATE: April 18, 2008

SUBJECT: Information and Responses Related to Pine Grove Mobile Home Park
Conversion Project

At your request, I am writing to provide information and responses reacting to multiple letters, emails, and conversations we have had about the possible conversion of the mobile home park into a 'site built' community. The subject lot is approximately 2.8 acres, and is identified as 810 Old Fayetteville Road and as Orange County Tax Map Number 7.108..32. Even though you currently also own the lot directly north and adjacent, it is my understanding that your desire is for this letter and the possible project to focus only on the previously identified lot. Thank you for your patience awaiting this letter. This is a somewhat unusual request and it has been necessary to give considerable thought to several related matters.

As you know, the Zoning Division (ZD) already has tentatively agreed to the *concept* of removing mobile homes and replacing them with site built homes subject to terms that are not yet fully realized. In short, the general idea of putting site built homes in place is acceptable, but the details regarding how the project will be realized are not yet fully resolved. Certain items and matters are further discussed below. After considering, please feel free to contact me to discuss further and / or move forward with plan preparation, etc.

- As you know, the property contains a unified residential development consisting of a nonconforming number of dwelling units with respect to the current zoning (R-20). It is possible and perhaps even likely that several other nonconforming situations will be identified as you move forward and create a detailed site plan for the desired project. That said the ZD has determined that you may change housing types within the same 'use category' (i.e.: Use 1.100, Single Family Residences). This category contains both mobile homes (Use 1.122 and 1.123) and at least one site built/modular home (Use 1.121); therefore the change-over is not considered a change in use. As discussed, you therefore may replace – one-

Att. A-2

for-one – the mobile homes with newly-constructed site built homes. The number of replacement homes shall be in accordance with the number identified in the court case paperwork. I do not have the paperwork in front of me, but believe the number we have discussed is 39. Also of note, subdividing the property in any way (if found to be acceptable) places the project in a different land use category and would require a Conditional Use Permit based on the number of dwelling units involved. I believe this last point is moot considering you have stated that the project will remain unified, but I wanted to remind you of it for the record.

- The replacement of mobile homes typically requires issuance of a zoning permit (ZP) and that is what we have generally discussed and expect to issue with respect to construction of site built homes. The exact manner in which we will issue permits is not entirely clear yet though, and it is still possible that the ZD will determine that some other permit is necessary. This does not, however, discount the conclusion reached above that the homes may be replaced.
- The ZD also has tentatively agreed to a maximum replacement home size of 1,350 square feet. This agreement is based largely on the language of Section 15-124(e1), which indicates in part that replacement homes may not be more than 50% larger than the existing home or 500 square feet larger, whichever is greater. Separately, LUO Section 15-130 (specifically related to mobile home parks) establishes that mobile homes, in particular, may be replaced with no specific maximum replacement size mentioned. While one may argue that Section 15-124(e1) applies here as well, replacement homes could incrementally grow larger over time, since 15-130 does not establish any kind of 'baseline' from which the Town would then limit the size of replacement homes. Not many mobile home parks exist in Carrboro, and the LUO clearly regulates them, in part, in a different way than typical developments.

That said and as we discussed in person and via email, you potentially could replace any given mobile home with a different mobile home at least 850 square feet (sf) in size. Doing so would allow you to then replace such mobile home with the desired site built home size of 1,350 sf. And so, as you suggested – rather than "play a game" by moving an 850 sf from site to site, the ZD tentatively agrees to simply agree to allow the specified maximum home size on the site. Also of note, 15-124(e1) limits replacement homes to a maximum of three bedrooms or the number of bedrooms contained in the existing home, whichever is greater.

- The ZD understands that you will move forward with preparing a site plan to fully detail what you desire to do on the site. This site plan must disclose all necessary details such as the expected timing / phasing / etc of construction activities, must conform to current LUO standards in situations where something 'new' is proposed on the site, and must make it clear that the extent of any existing nonconformities is not increased in any way. Regarding the nonconformities portion, what we have discussed is that you will either leave such situations in place as they are or will work to lessen the extent of the nonconformity. This letter will not attempt to identify or disclose all such nonconformities, but a couple of matters we have discussed, by way of example, include placing new utility lines underground (as required by LUO) and either maintaining or increasing the amount of open space on the property (which may / may not currently be less than the 40% required if the project were proposed today).

- It is not clear at this point, but the ZD acknowledges that we have discussed on occasion the possible need to apply for one or more LUO text amendments to realize the project. The ZD does not intend to suggest that such an application definitely will be necessary. Rather, we acknowledge and suggest that as the project moves forward it may / may not become clear that such a request may be beneficial with respect to realizing your ultimate vision. In short, that is a long-winded way of reminding you that the ZD is constrained by what the LUO does / does not allow. Even if we potentially agree that something you desire to do would be an 'improvement,' we can only allow the change if permitted by the LUO.
- The ZD and you have discussed informally but at some length what LUO stormwater standards may apply to the proposed redevelopment. At one point the ZD mentioned exploring the possibility of limiting the amount of construction at any given time to under 5,000 square feet because that is the LUO's current disturbance threshold for requiring water quality treatment and additional measures for stormwater mitigation. Upon further consideration and consultation with the Town Attorney, I now must inform you that such measures will be necessary if your project – in total – disturbs more than 5,000 sf of land. In short, the LUO specifically recognizes and disallows the possibility that an applicant might attempt to circumvent the requirements by doing a project in pieces, with no particular piece crossing the 5,000 sf threshold. To be clear, I am not suggesting that was your intent. In fact, let me explicitly say that I openly discussed the matter with you rather than you bringing the idea to me. That said it is now clear that it would be inappropriate and probably seen as circumventing the LUO to consider your project in pieces. Rather, please move forward continuing to disclose the full extent of what you desire to do (as you have been doing).

From all that I have seen, it seems practically impossible to think you can realize your project disturbing less than 5,000 sf. In effect, this means you very likely will need to meet the stormwater quality provisions of LUO Section 15-263. I know from our conversations that you are not necessarily opposed to doing so, as it is a more environmentally-sensitive way to complete the project. It seems pretty clear that the end result will be cleaner stormwater leaving than the current situation, especially if the overall amount of impervious surface is less than what exists. I commend your apparent willingness to adhere to the current stormwater quality requirements, but also include a note of caution: please keep in mind as you complete the site plan that you must treat the entire amount of disturbed land. That in mind I encourage you, for multiple reasons such as costs and environmental sensitivity, to minimize the amount of land disturbance proposed to the greatest extent possible.

Lastly, I believe you have mentioned to me that you would be comfortable not beginning replacing homes until the Town agrees to and approves the site plan. Note that approval in this case includes stormwater features and so we may want to discuss further how quickly you can engage a civil engineer and move the site design process forward. As you know, the Town's stormwater review process involves much detail and potentially can be time consuming.

- The ZD's conclusion regarding stormwater may re-open the possibility of creating a one-way drive around the perimeter of the site and the Town is willing to discuss the idea further. However, I must caution that I still have concerns with the idea including but not limited to the following:

Att. A-4

- Routing the drive onto the adjacent property brings into question whether the other property is directly implicated and as a result becomes a part of this development. If so, I am not yet sure how this potentially affects many of the conclusions we have drawn up to now.
 - Regarding the above bullet point about stormwater treatment, this drive entails much disturbance of the land and therefore may greatly increase the financial costs (i.e.: costs to build treatment devices) and physical costs (i.e.: actual land on which to construct treatment devices). The ZD does not intend to interfere with pro forma matters, but I do strongly encourage you to consider the matter in detail before making a strong push to include the road.
 - It is not clear to me whether the road will meet applicable LUO Standards (widths, turning radii, etc) and / or NCDOT driveway permitting standards.
-
- Other points to consider and reply with information: Do you intend to sell the individual units as condominiums? If so, then at the appropriate time please submit owner's association documents for review by the Town Attorney. Among other items, these documents must address the care and maintenance of the stormwater facilities created through the redevelopment project.
 - To remind, this letter does not represent a comprehensive review of what sections of the LUO may apply to your project, nor does it represent in any way what other Town representatives, outside agencies, etc may say about the project (i.e.: building code, OWASA, NCDOT, etc -- not contemplated in writing this letter). The letter only attempts to summarize and record our meetings and discussions to date regarding certain specific topics, though it does include some additional information that came to light while considering other matters. Once you submit a formal site plan and application / proposal, the ZD will distribute the information to necessary agencies for a formal review of their rules, regulations, and policies, and the ZD will complete a thorough review of the LUO as it pertains to the project.

Attachments B, C, and I

**Also, a hard copy of the plans (Attachment G) will be available if
desired.**

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

TOWN OF CARRBORO

PETITION FOR ZONING



PETITIONER:

SUSTAINABLE PROPERTIES LLC

DATE:

3-7-11

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from N/A to R-2 zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME: SUSTAINABLE PROPERTIES LLC
 ADDRESS: Box 300 910 Old Fayetteville
 TELEPHONE # () 919-260-2777
2. INTEREST IN PROPERTY(IES): OWNER/DEVELOPER
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: EAST OF OLD FAYETTEVILLE ROAD, SOUTH OF SARITA LANE
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
 - a. OWNER: SUSTAINABLE PROPERTIES LLC
 TAX MAP: 7 BLOCK 108 LOT 32 ACREAGE 2.76 PARCEL: 9779-01-7345
7.108.32
 SUBDIVISION NAME: VERDIA FRONTAGE 150' DEPTH: 800'
 EXISTING STRUCTURES AND USES:
39 mobile homes, A STEEL BUILT HOUSE,
A BLOCK GARAGE + SHEDS
 - b. OWNER: SUSTAINABLE PROPERTIES LLC
 TAX MAP: 7 BLOCK 108 LOT 41A ACREAGE 1.88 PARCEL: 9779-01-7407
 SUBDIVISION NAME: VERDIA FRONTAGE 100' DEPTH: 800'

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

EXISTING STRUCTURES AND USES:

A SINGLEWIDE MOBILE

HOME, OTHERWISE VACANT.

c. OWNER: _____

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES:

d. OWNER: _____

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES:

5. NAMES AND ADDRESSES OF ALL PERSONS WHOSE PROPERTY OR ANY PART THEREOF IS WITHIN 1000 FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.

NAME	ADDRESS
SEE ATTACHED LIST	

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES ___ NO X
If "YES", WHEN? _____

7. PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN. MORE SPECIFICALLY:

(a) How do the potential uses in the new district classification relate to the existing character of the area?

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

(a) How do potential uses relate to existing character?

SEE SUPPLEMENTAL DOCUMENTS

(b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

SEE SUPPLEMENTAL DOCS

(c) How will the proposed rezoning affect the value of nearby buildings?

SEE SUPPLEMENTAL DOCS

(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

SEE SUPPLEMENTAL DOCS

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 7TH DAY OF MARCH, 20 11.

PETITIONER'S SIGNATURE: George Overholt, Justin Hill

PLEASE NOTE
For all the persons identified under "5", please attach addressed envelopes with the correct postage. Oversight of this requirement could delay processing your rezoning request.

Addendum to Application Form

7 a) The proposed uses in the new district are in keeping with the existing character of the area. Namely, as opposed to the existing situation, the proposed plan will feature small, single family homes with architectural elements that pull from the mill-house influences of Carrboro's origin. These elements will serve to reinforce the character of the community, while the innovative sustainability features will enhance the community's progressive image.

7 b) The property is an existing non-conformity upheld by court case and given the right to redevelop in essentially the same way as being proposed. The location near schools, parks, shopping, and public transit make it an ideal parcel for the type of pedestrian-oriented, green community being proposed. Additionally, the new district would allow the site to enter conformity and homeowners to own homes on fee simple lots with conforming loans. This situation is more representative of the situation on the ground than a development scenario without the requested rezoning.

7 c) Nearby buildings will likely be unaffected by the rezoning itself as the parcel already has the development rights to build something very similar to what is being proposed. Build-out of the proposed plan, however, will assuredly result in a significant increase in property values around the community. Site-built, single-family homes built on permanent foundations in a well-designed, sustainable community provide a more desirable situation for neighbors than the aging trailer park, which has numerous major maintenance issues and significant negative externalities surrounding the myriad of existing non-conformities. All of these non-conformities, although not required to be corrected under a CUP application alone, are being corrected under the proposed plan.

7 d) A rezoning brings the property into compliance with the current rules and regulations of the town, and assures that the town will have control of potential future development on the site. The proposed plan has been arrived at after extensive discussion with town planning and represents what the developers believe to be the highest and best use of the land for both the future residents and the community at large. Single family homes are the norm in the area in which the parcel is situated, and the planned community features numerous elements that the town has purported to desire (see Vision 2020 write-up below).

The Rezoning and Vision2020

The following is a point by point analysis of how Veridia's proposed plan aligns with the Vision 2020 document and helps Carrboro realize its goals for development in the first leg of the 21st century.

1.12 - The town should continue to maintain existing parks and anticipate the need for more parks and recreation facilities. There should be a park or play field within walking distance of every residence in Carrboro.

The new site plan provides a 20,000 square foot playfield that would not be required under the grandfathered development rights. We are additionally offering a Children's play area and a Community House that will collectively far exceed the recreation points necessary for the community.

1.14 - Recreation programming should be expanded, with a broader range of programming for all interests and age groups (youth, adults, and seniors). Carrboro citizens express a strong desire for a town pool, an outdoor theatre/amphitheater, soccer fields, dance space, and a gymnasium. There should be music in the parks regularly, lots of activity at the Century Center, and a kids' park.

The new site plan offers over 30% open space, 10% more than required for an R2 zone and more than is required to meet the threshold of not "making an existing non-conformity worse", as there is very little open space present on the parcel currently. The new open space is to be native landscaped and improved for bike and pedestrian traffic as well as featuring a vegetable garden, collectively making the space much more functional for the intended purpose of providing usable outdoor spaces for the residents of Carrboro.

2.11 - Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility. The town should develop a process to mediate disagreements between developers and residents of existing neighborhoods.

Veridia is an infill project, and unquestionably enhances neighboring areas, providing housing that is in the same character (small detached single family residences) as surrounding areas and providing significant improvements in infrastructure through additional sidewalks, bike paths, and access to sewer services along Old Fayetteville for neighbors. The aesthetic of the Veridia

community is a mill house style very much in keeping with the downtown Carrboro trend and the community itself surrounds a pedestrian commons with garden space and bike and pedestrian access as the top priorities.

2.12 - The town should limit development in sensitive areas such as the watershed, wetlands, and other areas the development of which could adversely affect water supplies and habitat. The town's restrictions on development within the University Lake Watershed should be retained and enforced.

Veridia is not located within an ecologically sensitive area, and is managing water use and runoff creation much more effectively than in the existing situation,

2.21 - The Town should continue to require the preservation and maintenance of open space when land is developed, to enforce restraints on clear-cutting, and to require adequate buffers.

Veridia is increasing open space area and quality significantly from the existing situation, as discussed in 1.14.

2.22 - Where development is deemed acceptable, there should be well defined dense development with areas of well preserved open space.

The Veridia development is quite dense as compared to surrounding areas as a result of the grandfathered density of the site and is providing the maximal amount and functionality of open space possible on the site, having arranged the homes as space efficiently as possible.

2.23 - The town encourages the planting of native plant species, as well as non-native species that are not invasive. Removal of invasive species is encouraged. The town supports education on this topic and encourages the public to become aware of the list of invasive plant species found in Appendix E-17 of the Town of Carrboro Land Use Ordinance.

Veridia is utilizing an entirely native planting scheme.

2.42 - Development throughout Carrboro should be consistent with its distinctive town character. The town should adhere to policies that limit the widening of roads, encourage plantings alongside roads, preserve historic areas, buildings and older neighborhoods, and retain unspoiled green spaces and other natural areas.

We feel that Veridia is very consistent with the distinctive character of Carrboro, combining mill style architecture with a sustainability ethos, maximal open/garden space, pedestrian and bike accessibility, and ready access to public transport, limiting the traffic impact and need for additional transportation infrastructure in the town.

2.52 - The town should continue to require the construction of a diverse housing stock.

Veridia is providing housing for a significantly underserved section of the market in the Chapel Hill/Carrboro area. Veridia's homes will come in at just under \$300,000 in an area where new detached-home developments contain largely only \$450,000 plus homes with a limited number of subsidized, income restricted, and typically very small "affordable housing" stock. This effectively shuts out a large section of the market with moderate income that would love to live in the area but cannot afford a half million dollar home and doesn't qualify for the income restricted housing. Veridia offers a housing option to this section of the market while also providing a livable home on a reasonable scale and a significant number of sustainability features, both of which are uncommon in existing development in the area.

2.53 - Careful attention should be paid to the carrying capacity of the existing infrastructure as growth occurs.

As an infill project, the additional impact on the town's infrastructure is minimal, in some cases negative, and is offset by an estimated 1200% increase in the tax base.

4.51 - The town should continue to require developers to install sidewalks and bicycle paths in new developments.

The Veridia development will center on a light duty bike and pedestrian path that connects with the sidewalk and bike paths on Old Fayetteville Rd. It will also contain a sidewalk and access route that will (pending securing an easement from a neighbor or the development of the neighboring parcel) connect bike and pedestrian traffic from Old Fayetteville to Rainbow Dr.

4.52 - New developments should bear the costs of upgrading connector and arterial facilities in the areas adjacent to their properties to the extent appropriate, including upgrades to serve pedestrians and bicycles, given the added load to the infrastructure and anticipated use of facilities.

As infill project this additional impact is minimal, however Veridia is providing additional bike and pedestrian connectivity as mentioned in 4.51 that will connect to the newly upgraded Old Fayetteville Rd sidewalk and bike paths.

5.11 - The town should aim to recycle all solid waste as a "No Waste" community, and should devise strategies to minimize landfill waste. The town should encourage source reduction through all available means (e.g. mandatory or "pay as you throw" collection of recyclables).

Veridia will be actively minimizing solid waste generated from the demolition and construction process as a significant part of our pursuit of our third party "Green Certifications." Trailers that are structurally solid enough to move will be reused, those that are not will be stripped for appliances and recyclable materials, with the hulks being dismantled and recycled as well. During construction recyclable and reusable waste will be separated as part of the requirements of the Green Building Initiative Certification and LEED for Neighborhoods.

5.21 - Carrboro should work with OWASA to develop the policies and infrastructure necessary for water conservation (e.g. encourage the re-use of grey water, replacing fixtures with low-flow models, and collecting stormwater for watering gardens).

Veridia will endeavor to minimize water consumption as a community through rainwater capture and reuse at each home as well as for the community garden and through low flow fixtures which are to be installed standard in every home.

5.23 - Carrboro should be proactive in managing its stormwater, promoting active maintenance of facilities, reducing impacts of increased impervious surface, and minimizing impacts on waterways.

Veridia has a comprehensive stormwater management plan as required by the town which eliminates potential externalities resulting from stormwater draining from the site. The development will also be rectifying an existing issue with stormwater runoff from McDougle which is affecting a neighbor as part of our proposed plan.

5.41 - The town should encourage the reduction of waste materials in the course of new construction or renovation. The town should promote, be a leader in, and require, where practical, the use of recycled building materials, recycling plans for construction and demolition materials, and the extent to which "green building" techniques are being employed.

In addition to the items discussed in 5.11, Veridia's developers intend to offer recycled components as part of their base home model and are unquestionably exceeding any expectations the town may have for "green building techniques."

5.51 - The town should publicly promote every available means of energy conservation. The town's own alternative and renewable energy targets should include passive and active solar, and composted waste co-generation to fuel public vehicles and the heating of town facilities

The Veridia project will be an exceptionally energy efficient community with additional insulation, efficient heating and cooling systems and appliances, solar thermal hot water heaters, a 100kW active solar photovoltaic array and numerous other features.

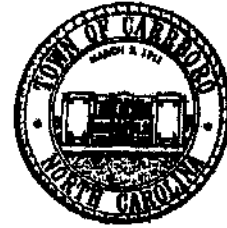
6.11 - Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

As discussed in 2.52 the Veridia community is filling an underserved section of the market with a unique, relatively affordable, small, sustainable housing option.

6.16 - With our growing population of senior citizens, the town should support the creation of more housing that allows our senior citizens to interact fully with the larger community. Senior access to public transit will become an increasingly important concern.

A significant number (14) of Veridia's homes are designed with the master bedroom on the first floor with the intent of making them viable for elderly residents. These residents will appreciate the pedestrian orientation of the community which provides for more spontaneous interaction with other community members. The community as a whole has fantastic access to public transport with the central pathway connecting directly to the bus stop located immediately outside the development.

TOWN OF CARRBORO

DATE: JUNE 1ST 2010

FEE: _____

APPLICANT: <u>SUSTAWABLE PROPERTIES</u>	OWNER: <u>SUSTAWABLE PROPERTIES</u>
ADDRESS <u>810 OLD FAYETTEVILLE RD.</u>	ADDRESS: <u>810 OLD FAYETTEVILLE RD.</u>
CITY/STATE/ZIP <u>CHAPEL HILL, NC 27516</u>	CITY/STATE/ZIP <u>CHAPEL HILL, NC 27516</u>
TELEPHONE/FAX: PHONE: <u>919-260-8747</u> ← CALL FIRST FAX: <u>336-376-0583</u>	TELEPHONE/FAX: PHONE: <u>919-260-8747</u> ← CALL FIRST FAX: <u>336-376-0583</u>
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <u>SAME</u>	TAX MAP(S), BLOCK(S), LOT(S):
PROPERTY ADDRESS: <u>SAME</u>	PROPOSED LAND USE & USE CLASSIFICATION:
PRESENT LAND USE & USE CLASSIFICATION: <u>Mobile Home PARK</u>	LOT AREA: ACRES _____ Square Feet _____
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts):	

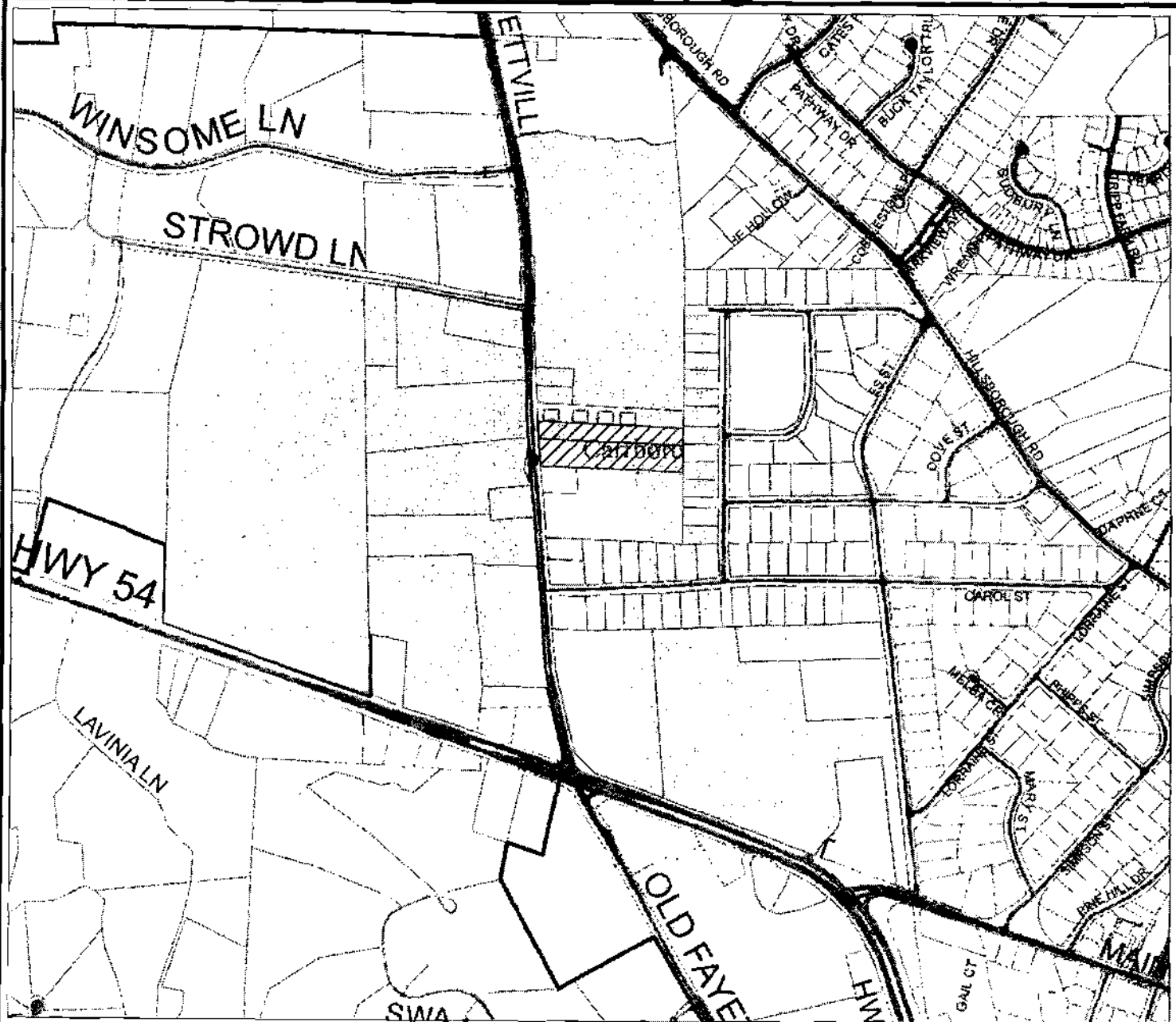
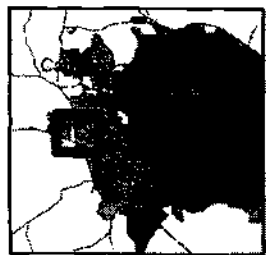
# OF BUILDINGS TO REMAIN <u>1</u>	# OF BUILDINGS PROPOSED <u>39</u>	
EXISTING GROSS FLOOR AREA OF BUILDING(S) <u>SEE PLANS COVER SHEET</u> square feet	GROSS FLOOR AREA (of proposed BUILDING / proposed ADDITION) <u>SEE PLANS COVER SHEET</u> square feet	GROSS AREA (of LAND DISTURBANCE) <u>SEE PLANS COVER SHEET</u> square feet




NAME OF PROJECT/DEVELOPMENT: VERIDIA

	LOT(S)
SUBDIV. FINAL PLAT / EXEMPT PLAT	1, 18, 19, 21, 23, 31, 33, 34, 37
CONDITIONAL USE PERMIT (CUP)	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37
CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37
SUP MODIFICATION	SAME AS SPECIAL USE PERMIT (SUP)
ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37
ZONING PERMIT (Building) Residential Infill & Additions	9, 10, 22, 24, 34, 37 (also see "Building Permit Review - Residences Only" checklist)
SIGN PERMIT	1, 10, 13, 14, 17, 20, 37
VARIANCE	4, 5, 10, 20, 29, 34, 37 Attachment A
APPEAL	4, 5, 37, Attachment B
SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment C

APPLICANT: George OverholtDATE: 6-1-10OWNER: George OverholtDATE: 6-1-10

810 Old Fayetteville Road



-  810 Old Fayetteville
-  Within 1,000 feet
-  Properties

**THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.

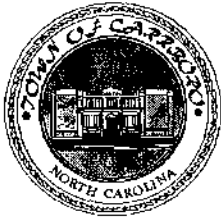


TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510
Printed June 7, 2010

Attachment F

Attachments B, C, and I

**Also, a hard copy of the plans (Attachment G) will be available if
desired.**



TOWN OF CARRBORO

NORTH CAROLINA

STAFF REPORT

TO: Joint Review Advisory Boards
FROM: Patricia J. McGuire, Planning Administrator
DATE: March 28, 2011
SUBJECT: R-2-CU District Rezoning Request -- 810 Old Fayetteville Road

REQUEST

Sustainable Properties, LLC has submitted a petition to have the zoning of 4.66 acres of land changed from R-20 to R-2-CU (R-2 conditional use district). The two tracts that make up the property which is the subject of this request is currently addressed as 810 Old Fayetteville Road and is also known by its Orange County parcel identification numbers 9779017345 and 9779017407.

A conditional use rezoning request involves the simultaneous review of a conditional use permit application for the site specific development of the property at 810 Old Fayetteville Road. Access to the site is provided via frontage along Old Fayetteville Road. See map and site plan attached to the Zoning Division staff report for details and location map. The rezoning request and permit application are submitted for advisory board recommendations in advance of the public hearing scheduled for April 26th.

PETITIONERS

Sustainable Properties, LLC

OWNERS

Same

DESCRIPTION OF THE AREA

The property is located on the east side of Old Fayetteville Road, south of the McDougle schools complex, approximately one-half mile north of Carrboro Plaza. The property is located just east of the ridgeline separating the Morgan and Bolin Creek basins. The property has been the site of a mobile home park for many years.

ADJACENT LAND USES AND ZONING

The existing land uses and zoning adjacent to the subject property are shown in conditional use permit staff report and permit plans. A comparison of permitted uses in the existing vs. proposed zoning districts is not included in this report; the conditional use permit seeks only permission for an architecturally integrated subdivision.

ZONING HISTORY OF 810 OLD FAYETTEVILLE ROAD

R-20	1986 to present
A-R?	Prior to 1986

COMPARISON OF ZONES

R-20 District (Existing)

Section 15-135 (a) of the Land Use Ordinance provides the following description:

The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts.

The R-20 is a residential zoning district to be developed at a minimum density of 20,000 square feet per dwelling unit.

R-2 Conditional Use (R-2- CU) Zoning District (Proposed)

The R-2 conditional use district and twenty other conditional use districts were included in a new section, Article IX, Section 15-141.3, of the Land Use Ordinance in 2004 to provide more opportunities for rezoning requests throughout the town's jurisdiction in association with site-specific development proposals. Development standards and permitted uses are based on the standard zones on which these districts are mirrored. The bulk of the review of such a request involves the particulars of the site plan/conditional use permit application. Section 15-135(a) provides the following description for the general zoning district upon which this conditional use district is based:

The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts.

This district is residential in nature. The R-2 is a residential zoning district to be developed at a minimum density of 2,000 square feet per dwelling unit.

The conditional use permit application staff report and permit plans provide details of the compliance of the particular project with the requirements of the R-2 zoning district.

The applicant has included information on the circumstances related to the property and the community that demonstrates the appropriateness of the zoning change in the Petition for Change of Zoning (*Attachment C*). Compliance with the particulars of Section 15-141.3 that can be evaluated is noted below.

Provision	Status
1. The conditional use zoning districts established in this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district	√
2. The uses permissible within a conditional use zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional use district corresponds, except as otherwise provided in this section	√
3. Subject to subsection (f), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit.	√
4. The applicant shall simultaneously submit a conditional use permit application showing how the applicant proposes to develop the entirety of the property covered in the rezoning petition.	√
5. The rezoning and conditional use permit applications shall be processed and reviewed concurrently	√
6. The Board of Aldermen shall simultaneously conduct a public hearing on the rezoning and conditional use permit applications, in accordance with the procedures applicable to other conditional use permit applications	Scheduled for April 26th
7. If the Board concludes in the exercise of its legislative discretion that the proposed rezoning would not be consistent with the public health, safety, or welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request	To be determined following public hearing on April 26th
8. If the Board approves the rezoning request, it shall then vote on whether to issue the conditional use permit. Such permit may be issued subject to reasonable conditions and requirements as set forth in Section 15-59.	“ “

ANALYSIS

Policy

Carrboro Vision2020 presents the policies that are expected to guide the Town’s growth and development through the year 2020. Selected references of specific relevance to this rezoning request are noted below. The applicant has noted consistency of the proposed project with Vision2020 policies in an addendum to the rezoning petition.

Policy #	Vision2020 Policy Statement
2.22	Preservation of the Natural Environment. Where development is deemed acceptable, there should be well defined dense development with areas of well preserved open space. <i>The development sets aside and preserves open space.</i>

Policy #	Vision2020 Policy Statement
2.52	The town should continue to require the construction of a diverse housing stock. <i>The development proposes a wide range of sustainability features which are unavailable in most developments in Carrboro.</i>
5.41	The town should encourage the reduction of waste materials in the course of new construction or renovation. The town should promote, be a leader in, and require, where practical, the use of recycled building materials, recycling plans for construction and demolition materials, and the extent to which "green building" techniques are being employed. <i>The development proposes a wide range of sustainability features which are unavailable in most developments in Carrboro.</i>

Ordinance Provisions Regarding Rezoning Decisions

Section 15-322 describes advisory board review of rezoning requests. The Planning Board is required to:

- 1) comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen.
- 2) provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report.

Per this LUO section, advisory board members shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 15-325 of the Land Use Ordinance specifies that the principle issue before the Board of Aldermen in making a rezoning decision is "whether the proposed amendment advances the public health, safety or welfare." The Board of Aldermen is obligated to disregard advantages or disadvantages to the individual requesting the change and must consider the impact of the proposed change on the public at large.

Findings

1. Adopted policies support the establishment of conditional use districts.
2. The amount of developed square footage and the intensity of land use of this property are not significantly increased by the proposed development.
3. The conditional use district process (combined legislative and quasi-judicial review and action) is expected to mitigate the associated impacts of the codifying the additional residential density that is otherwise allowed to continue as a nonconforming use.
4. Property is suited for rezoning to R-2-CU due to existing and ongoing status of development of the subject property; the ownership of the adjacent parcel affords an

opportunity to create open space that would otherwise be unavailable. Recent improvements to Old Fayetteville have created pedestrian and bicycle infrastructure that connect this site to the McDougle schools complex, Carrboro Plaza; bus service has been and continues to be available via the F route.

5. The principal impacts of this change involve an increase in density of residential development and intensity of use.

Attachment

STAFF REPORT

TO: Joint Review

DATE: April 7th, 2011

PROJECT: Veridia AIS

APPLICANT
And OWNERS: Sustainable Properties, LLC
810 Old Fayetteville Rd
Carrboro, NC

PURPOSE: To acquire a Conditional Use Permit allowing a major
subdivision of the property located at 810 Old Fayetteville
Road

EXISTING /
PROPOSED ZONING: Residential-20 (R-20) / Residential-2 (R-2)

TAX MAP NUMBERS: 7.108.41A & 7.108.32

LOCATION: 810 Old Fayetteville Rd

TRACT SIZE: 4.66 acres

EXISTING LAND USE: Mobile Home Park

PROPOSED LAND USE: 26.100, Major subdivision consisting of 1.111, single family
detached residences

SURROUNDING
LAND USES: North: R-20 , single-family residences
South: R-15, single-family residences
West: Old Fayetteville Road
East: R-20, single-family residences

ZONING HISTORY: R-20 since 1988

ANALYSIS

Background, Concept Plan Development

Background

As noted in the abstract, the application under consideration is unique with respect to Carrboro's development approval process in some notable ways. The application, in short, requests permission to build 39 stick-built single-family homes in place of 39 existing mobile homes (within an existing mobile home park). The existing density of 39 units is clearly in excess of what is allowed in the R-20 zoning district. This density is grandfathered, by right, as established in a court case between the Town of Carrboro and a previous owner of the property.

As explained in some detail in **Attachment A**, staff and the current owner had a lengthy exchange preceding the current application. It was established during the discussions that the owner has a right to replace the existing mobile homes with stick-built homes, since one or more stick-built homes already existed on the site. In fact, the owner still retains the right to potentially build the homes without seeking a new land use permit or rezoning, so long as no substantive changes to the site occur. After some consideration, the applicant determined that a better project would result from an improved access driveway as well as other desired improvements, which triggered the need to obtain a new land use permit.

Further, the applicant retains the right to potentially seek a land use permit—only—for construction of the desired improvements to the site, i.e. without approval of a rezoning, based on the existing, grandfathered density of 39 units. To do so, however, would require the project to remain unified, i.e. unsubdivided in accordance with its grandfathered status as an unsubdivided development. So, in order for the applicant to subdivide the development into 39 fee simple lots, the rezoning must be approved. All this is mentioned to point out the reasons for which a rezoning application accompanies the CUP application and to point out, as well, that the applicant retains certain development rights, even if the rezoning and / or CUP application are denied.

Density, Affordable Housing, Size-restricted Units

Density

As previously noted, the project's density was effectively established by way of a court case if the rezoning is not approved. With respect to the rezoning request, a permissible base density of 101 units would be allowed; however, the CUP application only requests 39 units. The development would only be allowed 39 units, in perpetuity, unless a subsequent rezoning request was approved by the permit-issuing authority.

Affordable Housing

The applicant has met with the Board of Aldermen on two occasions regarding the topic of affordable housing (**Attachment J**). In short, the applicant desires to price most of the homes at what the applicant terms 'market driven affordable rate' price points rather than directly utilizing the affordable housing density bonus provisions of LUO Section 15-182.4. Multiple reasons for this approach exist, including the aforementioned established density of 39 units and the fact that the density bonus provisions are not effectively usable in the context of a R-2 rezoning request. The applicant has written an explanation of what they desire to do instead, included as **Attachment K**. In accordance with the desired approach, the following CUP condition is offered for consideration:

- That 35 of the 39 homes shall be offered for sale at a base price of less than \$300,000. Upon being offered a home at this price, a potential buyer may choose to negotiate with the seller the purchase of a home at a higher price established relative to the market value of desired modifications and additions to the base price home's offerings. This restriction shall remain for any sales realized within a two-year period following the recording of the project's final plat. After two years, the maximum base price will increase relative to the Consumer Price Index to allow for inflation and building cost increases.

As the project does not involve an affordable housing density bonus, per se, the proposed condition and pricing scenario does not involve a matter of LUO compliance. As such, advisory boards may wish to discuss and possibly comment on the approach without regard to the applicability of specific LUO provisions.

Size-Restricted Units

In absence of the rezoning, and as explained in Attachment A, all homes were to be a maximum size of 1,350 square feet (sf). With the rezoning under consideration, the size-limited provisions of Section 15-188 do apply. This in mind, the applicant still intends to size-limit 35 of the 39 homes at the time of construction. In effect, the applicant requests permission to not size limit four (4) homes, with no other home exceeding 1,350 sf at the time of construction. As a matter of LUO compliance, the applicant must still assign and denote specific units that will be size-limited for a period of at least one year from when the respective unit's certificate of occupancy is issued. Therefore, the following condition is recommended:

- That on the project's construction plans and final plat, the applicant must clearly denote which units are size-limited by ordinance. Fifteen percent (15%), or 6 of the units must contain no more than 1,100 square feet of heated floor area, and an additional ten percent (10%), or 4 of the units must contain no more than 1,350 square feet heated floor area, as defined in Section 15-188(b). All such units must remain size-limited for a period of at least one year from the date a certificate of occupancy is issued, in accordance with Section 15-188.

The site's lots, as designed, are quite small, but it should be noted that some additions to homes may take place within the confines of the proposed single-family lots. Three-foot internal setbacks are proposed as a limiting factor, but additions may be possible in some cases.

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

Transportation Issues

Connectivity

Sections 15-214 & 15-217 of the Land Use Ordinance (LUO) were considered with respect to the project. Some discussion took place about the possibility of including a public road and possibly stubbing out to the adjacent, southern property. The applicant expressed concerns with the ideas, however, and ultimately determined that a public road was not feasible given the limited amount of land in light of the project's design and density. The applicant was willing to show a public access easement in the southeast corner of the property, however, to allow for the possibility of a future bike and pedestrian connection. An actual pathway is not proposed in the area at this time. Also of note, the applicant has indicated to staff that they are working to obtain a pedestrian easement, east to west, across the sewer easement to provide pedestrian access to Lisa Drive. No evidence that such an easement has been obtained has been submitted yet.

Access

The primary access point for the project is a private road off Old Fayetteville Road, extending east-west, with a T-turnaround at the eastern end of the property. Three access point stubs also are proposed, leading from the main road southward into the home sites area, at evenly spaced junctures. These features are primarily intended as a fire safety measure but may also be utilized for moving in and out and similar non-recurring events, as well as functioning as pathways to the facilities on the northern side of the development.

NCDOT must issue a driveway permit for the connection to Old Fayetteville Road. Associated matters, such as but not limited to review of the proposed eight-inch water line crossing Old Fayetteville Rd, must be addressed before such a permit may be issued. The Town Public Works Department will need to be receive proof that all issues have been addressed. All that said, the following condition is recommended:

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

Traffic Analysis

A full transportation impact study was not completed, as the expected traffic impact is expected to be largely similar to the existing situation, since the same number of units will exist at the end of construction.

Pedestrian and Bicycle Facilities

An asphalt walkway path meanders through the middle of the home sites. It includes eyebrow loops at the terminus of three aforementioned fire access stubs. A concrete sidewalk also is included on the north side between the homes and the access driveway

and parking areas. A sidewalk was recently constructed along the Old Fayetteville Road frontage as a part of a NCDOT project. Three crosswalks are provided where the fire access stubs meet the driveway to provide a safe means to access the garden and play facilities north of the driveway. Two bicycle racks are included, each sized to hold seventeen (17) bikes. Neither rack is covered. One is located near the clubhouse facility and the other is located near the garden area on the east side of the site.

Transit

Chapel Hill Transit has an existing bus stop facility very nearby on the western side of Old Fayetteville Road.

Parking

Per section 15-291 of the LUO, the presumptive requirement for single-family homes is two spaces per home, or 78 spaces for the 39 homes. While parking for single-family homes typically is provided on each respective lot and in addition to spaces provided in enclosed spaces, the design of this project dictates that all parking be separate of the individual lots and at least partially within enclosed spaces. As illustrated on the plans, all parking areas are located north of the home sites: parallel to the driveway, perpendicular to the driveway, and within three (3) large carport bays. The total number of spaces proposed to serve the 39 units is 68. One credit is given for the presence of a bike rack, raising the number to 69. Note that the parking justification information, noted below, correctly identifies the number of spaces provided. The parking data on the plans incorrectly identifies '70' spaces provided, by taking credit for two (2) spaces instead of one (1) for provision of a bike rack. This data will be corrected on the construction plans. All said, the parking deficit is nine (9) spaces total. The applicant has provided a justification statement explaining why they feel the Board should feel comfortable issuing a permit with a presumed shortage of 9 spaces and with 39 of the spaces being located within carport bays (**Attachment L**). Reasons cited include but are not limited to walking distance to schools, parks, shopping, and proximity to a bus stop. If the Board is comfortable with this reasoning and with a portion of the spaces being located within carport bays, then the following condition is provided for adoption:

- That the Board of Aldermen finds the provision of 68 parking spaces, within carport bays and parallel and perpendicular to the driveway, sufficient to serve Veridia development's 39 single-family homes. The Board makes this finding based on information provided by the applicant noting proximity to schools, shopping, parks, and a bus stop.

Additionally, with respect to the 39 spaces located within an enclosed structures, it is suggested that the Board include the following condition mandating the use of carports as vehicular storage, and nothing else:

- That the HOA documents for the development must include provisions requiring that the carport bay areas be utilized for parking only, with no alternative uses allowed.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to transportation, subject to the conditions mentioned above.

Tree Protection, Screening, and Shading

Tree Protection

Due to the intensive nature of the proposed development plan, a large number of trees must be removed. Virtually all trees on the southern end of the development are proposed to be removed, along with 41 trees 18 inches or larger dbh are proposed to be removed on the northern side of the development. The applicant provided a ‘tree removal justification’ statement to address the situation (**Attachment M**). Staff has discussed with the applicant whether it is feasible to save some of the trees currently slated for removal. The applicant is very willing to try and will determine feasibility moving forward as conditions in the field dictate during construction, but the letter submitted reflects the reality that many trees must be removed to realize the plan as designed.

Screening

As only single-family homes are proposed, the LUO does not require any screening for the project.

Shading

The LUO requires that twenty percent (20%) of Vehicle Accommodation Areas be shaded by trees either retained or planted during construction. At this time, the applicant proposes to plant 22 new trees and has indicated on the plans that the shading requirement is met by this number of trees. Staff has raised issues with the way the calculation has been done, however, and as a result it may be necessary to add more trees to meet the LUO’s shading requirement. The following condition is included as a placeholder, while the discussion between staff and the applicant continues in advance of the public hearing:

- That prior to construction plan approval the applicant must add trees to the planting plan, as necessary to exhibit full compliance with the Vehicle Accommodation Area requirements of Section 15-317.

In most developments, simply adding trees to the planting plan is relatively easy. For Veridia, however, it is a more of a challenge because of the inclusion of a garden area and photovoltaic devices (further discussed below), both needing sunlight instead of shade. The matter will either be resolved prior to the public hearing, the condition above will remain, or an alternative condition may be written reflecting a different resolution.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to tree protection, screening, and shading subject to the aforementioned condition.

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

Drainage and Water Quality

The applicant must meet stormwater runoff standards with respect to water quality and quantity and has demonstrated that the project will comply with the related LUO provisions.

The Town Engineer (Sungate Design Group) has reviewed the drainage plans and concluded that sufficient information has been submitted to determine that the plans comply with LUO requirements. Included as part of the stormwater management system are multiple underground sand filter devices as well as an underground detention system. Also of note, the applicant has designed the plan in a way that addresses an off-site drainage concern originating on a parcel directly north of the subject property.

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

Significant amounts of grading are necessary to fine tune directional control of stormwater, but it does not involve drastic alterations to the existing topography.

Erosion Control

The Erosion Control Plan has been reviewed and preliminarily approved by Orange County Erosion Control. Still the Town Public Works Department recommends the following two conditions to ensure that they are covered during the construction plan review:

- That the construction entrance for the project must be clearly identified on the construction plans.

- That the construction plans must call for a specific and acceptable type of inlet protection along Old Fayetteville Road.

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 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, telephone and cable television utilities, the applicant has submitted letters by the respective providers indicating that they can serve the development. Natural gas service is not proposed. Per Section 15-246 of the LUO, the plans specify that all electric, 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 final, 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

The Town Fire Marshall has reviewed the plans and finds them acceptable for approval.

Fire flow calculations and building-sprinkler design (as required) have been submitted for preliminary review, but must also be submitted during the construction plan review process for a final review and approval by the Town Engineer and Fire Department. 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.

Lighting

Only minimal outdoor lighting is proposed. It will be located in the carport bays, adjacent to the dumpster/recycling area, along the sidewalk north of the home sites, and along the pathway meandering through the middle of the home sites. Detail drawings are included on Sheet SE-1 of the plans. The lights and lighting plans generally appear to comply with the related LUO provisions, but staff is still studying whether some additional

information, such as lumens counts among other things, must be submitted to exhibit full compliance. It is possible that a CUP condition may result from further study.

Refuse Collection

The project's waste arrangements have been reviewed and approved 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.

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 aforementioned conditions.

Open Space, Recreation

Open Space

Per the provisions of 15-198, a R-2 zoned residential development is required to set aside at least 20% of the total area of the development in permanent open space. The applicable provisions require that any portions of land deemed to be in 'primary constraint' be set aside as common space or otherwise maintained as undisturbed areas. In this situation, no such areas exist. The ordinance goes on to list 'secondary constraints, one of which (wooded area) is located on this site. The ordinance provides that the Board of Aldermen 'may' require that secondary constrained areas be set aside as open space in situations where primary constrained land does not achieve the needed percentage of open space. However, the ordinance does not require that such areas be set aside. That in mind the applicant provided a statement regarding the matter in which they are asking the permit-issuing authority to not require that these areas be set aside wholly as it would deem the project unbuildable (**Attachment N**). All told the project as designed does exceed the 20% open space requirement by setting aside 30.7% of the land.

Recreation

The proposed number of single family homes yields a requirement of 405.21 recreation points, per Section 15-196 of the LUO. The applicant provides 826.34 points by way of a play area, gazebo, and clubhouse facility (converted existing home, near Old Fayetteville Road). The 400 sf children's play area exceeds the "points dedicated to children" language in the LUO by providing 42.80 points. Note that the applicant is expected to submit a detail drawing for the play structure prior to the public hearing.

An additional requirement of a playfield has also been satisfied. For the proposed number of homes, the size is the default 20,000 sf minimum. The applicant is seeking some flexibility in the provision of the playfield in that they would like to maintain some number of trees in an attempt to create a 'natural playfield' where people could reasonably participate in sports and other field activities, without having to clear-cut the area of trees. The applicant should be prepared to discuss this issue further as needed, and a condition is offered below should the Board find the request acceptable.

- That the applicant work with staff during construction to establish a 'natural' playfield. The field may contain a small number of trees but must remain clear enough to reasonably allow for play and sports activities.

Of note, some but not all recreation facilities have been marked 'private,' but the applicant intends for all such facilities to remain private. Therefore, the following condition is recommended:

- That all proposed recreation facilities shall be marked 'private' on the construction plans.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Open Space and Recreation, subject to resolving the question of whether the playfield must be clear-cut.

Architectural Standards, CAPS,

Architectural Standards

Per the requirements of Section 15-177, this subdivision must address the architectural theme for the development. The applicant intends to submit information to address these LUO provisions, but to date has only submitted information specifically related to the architectural elements (**Attachment O** – landscape and site, context, etc still forthcoming). Of note, the applicant has provided illustrative examples of the homes they desire to build on the 'typical elevations' plan sheet (last sheet). These examples contain many elements of millhouse architecture, which is encouraged. However, the plans do not currently contain the required minimum number of choices (in this case 9). That in mind the following condition is recommended:

- That the subdivision must comply with the requirements of LUO Section 15-177(d)(3)(a), which specifies a minimum number of nine (9) different significantly different house plans, i.e. elevation sets. The elevations must be incorporated into the plans before the construction plans may be approved.

CAPS

Since 39 homes already exist and no additional homes are proposed, the project is exempt from the Article IV, Part 4 of the LUO.

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

Miscellaneous

Neighborhood Information Meeting

A Neighborhood Information Meeting was held for the project.

★ Remaining portion arrived + is included. (initials)

Homeowner's Association Documents

The applicant has already been working with Town Staff and Town Attorney to ensure that the documents include the necessary language, including but not limited to establishment of funding mechanisms for future needs. The project includes many environmentally-friendly features in general, but based on past requests from the Board of Aldermen, staff specifically discussed the issue of clotheslines. The applicant does not intend to prevent the use of clotheslines as long as they are installed on individual, privately-owned lots. All that in mind staff recommends the following condition:

- That the final version of the homeowner's association documents must be reviewed and approved by the Town Attorney. The documents shall not preclude the use of clotheslines on private lots within the subdivision.

Green and Sustainable Features

The applicant desires to install photovoltaic cells along with other green features. Additionally, staff anticipates that the applicant will submit the town's sustainability checklist(s) as soon as feasible.

Septic Tank Abandonment

Orange County Environmental Health has preliminarily approved a plan to remove or cap the existing septic system serving the site.

Easements

As it will be necessary to obtain one or more easements (some temporary, some permanent) prior to beginning construction to allow for off-site connections, construction in general, etc, the following condition is recommended:

- That the applicant must obtain all necessary temporary and permanent easements prior to construction plans approval.

STAFF RECOMMENDATIONS:

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

1. That 35 of the 39 homes shall be offered for sale at a base price of less than \$300,000. Upon being offered a home at this price, a potential buyer may choose to negotiate with the seller the purchase of a home at a higher price established relative to the market value of desired modifications and additions to the base price home's offerings. This restriction shall remain for any sales realized within a two-year period following the recording of the project's final plat. After two years, the maximum base price will increase relative to the Consumer Price Index to allow for inflation and building cost increases.
2. That on the project's construction plans and final plat, the applicant must clearly denote which units are size-limited by ordinance. Fifteen percent (15%), or 6 of

- the units must contain no more than 1,100 square feet of heated floor area, and an additional ten percent (10%), or 4 of the units must contain no more than 1,350 square feet heated floor area, as defined in Section 15-188(b). All such units must remain size-limited for a period of at least one year from the date a certificate of occupancy is issued, in accordance with Section 15-188.
3. That prior to construction plan approval, the applicant receive a driveway permit from NCDOT.
 4. That the Board of Aldermen finds the provision of 68 parking spaces, within carport bays and parallel and perpendicular to the driveway, sufficient to serve Veridia development's 39 single-family homes. The Board makes this finding based on information provided by the applicant noting proximity to schools, shopping, parks, and a bus stop.
 5. That the HOA documents for the development must include provisions requiring that the carport bay areas be utilized for parking only, with no alternative uses allowed.
 6. That prior to construction plan approval the applicant must add trees to the planting plan, as necessary to exhibit full compliance with the Vehicle Accomodation Area requirements of Section 15-317.
 7. 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.
 8. 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.
 9. That the construction entrance for the project must be clearly identified on the construction plans.
 10. That the construction plans must call for a specific and acceptable type of inlet protection along Old Fayetteville Road.
 11. That the developer provide a final, 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;
 12. 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.

13. That the applicant work with staff during construction to establish a 'natural' playfield. The field may contain a small number of trees but must remain clear enough to reasonably allow for play and sports activities.
14. That all proposed recreation facilities shall be marked 'private' on the construction plans.
15. That the subdivision must comply with the requirements of LUO Section 15-177(d)(3)(a), which specifies a minimum number of nine (9) different significantly different house plans, i.e. elevation sets. The elevations must be incorporated into the plans before the construction plans may be approved.
16. That the final version of the homeowner's association documents must be reviewed and approved by the Town Attorney. The documents shall not preclude the use of clotheslines on private lots within the subdivision.
17. That the applicant must obtain all necessary temporary and permanent easements prior to construction plans approval.

Attachments B, C, and I

**Also, a hard copy of the plans (Attachment G) will be available if
desired.**

12/2/08



**A REVIEW OF AFFORDABLE HOUSING FOR THE VERIDIA REDEVELOPMENT
CONDITIONAL USE PERMIT PROJECT**



Because the possible Veridia redevelopment Conditional Use Permit project does not propose to reserve 15% of its units as affordable, Section 15-54.1 of the Land Use Ordinance requires that the applicant participate in an Affordable Housing Review Meeting with the Board of Aldermen before project review may begin. At this time, the Board of Aldermen was asked to review the affordable housing component of the possible Veridia redevelopment project.

Mayor Chilton asked to be recused because he has done real estate and legal work for the developer.

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY LYDIA LAVELLE TO RECUSE THE MAYOR. VOTE: AFFIRMATIVE FIVE, ABSENT TWO (HERRERA, BROUN)

Trip Overholt stated that his proposal is to replace the existing 39 mobile home units with 39, 1,350-square foot, three-bedroom homes. He described the proposed project that would include a 100 kilowatt community solar array to make the community energy independent, collection of rain water to allow a 40% reduction in water use. In addition, they will meet LEEDs and energy star standards. They will also provide a large internal greenway, community house, community gardens and recreation area and sell the homes for \$289,000. He stated that the town's affordable housing provision cannot be fairly applied to their project because: (1) they are restricted in size per unit to 1,350 square feet, therefore preventing the construction of larger more profitable homes; and (2) due to the existing allowable density which would completely fill the property, they are unable to benefit from the affordable housing density bonus which would allow more market rate homes to offset the cost of affordable homes.

Alderman Coleman spoke in support of the proposal and stated that he would like to see as many of the green features as conditions in the conditional use permit as possible.

Alderman Haven-O'Donnell complimented Mr. Overholt and Giles Blunden on the proposal and stated that the Board may wish to look at the affordability component and how it relates to the energy efficiency and use of the land.

Alderman Lavelle complimented Mr. Overholt on the development proposal.

Alderman Gist stated that the proposal looks good on paper but asked how to ensure that what is on paper is what ends up on the ground. She stated that she really liked the price range of the homes.

Mike Brough stated that the Board could not establish a maximum price for the homes, but the size of the homes and other features proposed could be established by conditions on the permit.

REVIEW OF 2035 LONG RANGE TRANSPORTATION PLAN "TRANSPORTATION OPTIONS"

The Durham-Chapel Hill-Carrboro Metropolitan Planning Organization is soliciting feedback on the *2035 Long Range Transportation Plan: Transportation Options*. This is the next step towards developing the final 2035 Long Range Transportation Plan. Staff from the MPO will be presenting the *Options* report for your comments.

Andy Henry, Transportation Planner for the Durham-Chapel Hill Metropolitan Planning Organization, made the presentation.

James Carnahan, Chair of the Planning Board, discussed the Planning Board's recommendations.

George Seiz, the town's Public Works Director, presented an update on the sidewalk and greenway projects.

[No public comment was received.]

MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY DAN COLEMAN TO APPROVE THE ORDER EXTENDING TIME TO ISSUE BONDS APPROVED AT 2003 REFERENDUM. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)



A REVIEW OF AFFORDABLE HOUSING FOR THE VERIDIA REDEVELOPMENT CONDITIONAL USE PERMIT PROJECT

★ 9/21/10

Because the Veridia redevelopment Conditional Use Permit project application does not propose to reserve 15% of its units as affordable, Section 15-54.1 of the Land Use Ordinance requires that the applicant participate in an Affordable Housing Review Meeting with the Board of Aldermen before project review may begin. Such a meeting did take place on December 2, 2008; however, pursuant to new information supplied by the applicant, staff has determined that an additional meeting should take place. At this time, the Board of Aldermen was asked to review the current information regarding the affordable housing component of the Veridia redevelopment project.

Mayor Chilton asked to be recused from discussion of this item because of personal involvement in this project.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO RECUSE MAYOR CHILTON. VOTE: AFFIRMATIVE SIX, ABSENT ONE (BROUN)

Tripp Overholt and David Bell addressed the Board.

Alderman Gist stated that she would not be in favor of replacing existing affordable housing with non-affordable housing.

Alderman Coleman stated that it was his understanding that the housing prices quoted in 2008 included the green features. He stated that he could not support the upgrades.

Mr. Overholt stated that they did not know about the cost of the carports and sprinkler systems in 2008.

Alderman Slade expressed concern that this development would destroy some of Carrboro's only affordable housing.

Alderman Lavelle stated that a price over \$300,000 would change the "affordable" nature of the project.

Alderman Haven-O'Donnell expressed concern about the people who would be displaced by this development.

Mr. Bell stated that the trailer park has been operating at a loss over the last two years.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY LYDIA LAVELLE TO ADJOURN TO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (BROUN), EXCUSED ONE (CHILTON)

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY LYDIA LAVELLE TO ADJOURN THE MEETING AT 9:13 PM. VOTE: AFFIRMATIVE FIVE, ABSENT ONE (BROUN), EXCUSED ONE (CHILTON)

Mayor

Deputy Town Clerk

our tight site plan does not afford room for additional planting surrounding the VAA in addition to the presumptive requirement that we provide shading for our carport spaces without the capacity to actually do so owing the photovoltaic array we intend to place on the roof. There is also an issue with placing additional trees onto the eastern end of the site owing to the presence of our vegetable garden area, which needs solar access in order to be productive.

We believe that our methodology is a reasonable way to calculate the crown radius, as the larger species we selected are relatively fast growing and will quickly exceed the 15 foot radius they would be credited for otherwise. Many of the trees are also positioned in areas in which they shade not only the road itself but also a significant portion of the sidewalk on the other side of the trees (which is considered part of the VAA). This logically yields a higher shading percentage than the 50% for which we are taking credit (although not so much more as to make us comfortable taking 100% credit as seems to be the only other presented option). Additionally, the carport structures themselves provide ample reduction in the heat island effect that is a major concern surrounding the need for shading trees.

If this approach is deemed unreasonable, we will likely need to pursue a text amendment to seek exemption from shading our carports/solar photovoltaics and will need to substitute all of the larger trees on our plan, which we think will create a nicer eventual landscape, with trees that have an actual 15 foot crown radius. We are trying to avoid planting trees so close to one another so as to create issues for their growth in a few years time.

Market Driven Affordability Compliance Explanation

The Pine Grove Mobile Home Park, which is to be the project site for the Veridia development, is in a very unique situation: the only one of its kind in Carrboro. The park has the grandfathered capacity to replace each mobile home with a site built home, effectively giving the site a density of 39 homes with the ability to develop the northern lot with an additional four. This grandfathered density eliminates the capacity for the development to take advantage of the density increase granted by implementing the town's affordable housing provision. We are also unable to build attached housing without significantly modifying the site plan to the point at which it no longer aligns with the grandfathered development capacity of the site. As a direct result of these facts, implementing the affordable housing provision in our case would represent an additional project expense of at least \$150,000 per unit for the six units that would be required (\$900,000 total) and gives no way to offset these costs through either increased density (we are actually reducing the density by four homes in our proposed case) or larger homes with higher margins (homes are all to be constructed on the southern lot and are size

limited by the ordinance). The additional cost burden of meeting the provision would render the project unbuildable and force the site to be developed under the existing development rights. The developers have been up-front about this and strongly desired to build an innovative, sustainable community that would be difficult to realize under the grandfathered rights. This desire has outweighed the fact that simply developing under the existing rights would allow for the placement of four additional homes of any size and exempt the community from any requirement to appear before the Board, to offer affordable housing of any kind, provide additional open space, or requirements from any town review authority that could not show that we were making an "existing non-conformity" worse. For these reasons, there is no doubt that the grandfathered development route was (and likely still is) the most profitable, however the developers have continued to pursue Veridia as it has been envisioned and presented. At the time of writing over half a million dollars of the developers' personal funds have been invested in the plan and in carrying the property while the lengthy review process has been undergone. Every town review authority has weighed in on the plan and we have taken all input into consideration and implemented all suggestions possible, including several that have significantly increased the cost basis of the project. There can be no question that this plan is more desirable for the town than the alternative, grandfathered scenario, which is ironically the one that maximizes the developers' profit and eliminates the need to meet the affordability provision.

Our hope is that these facts can lend credence to our position that, although we are not profit driven in our thinking, we are having to take a firm position on some of the negotiation points surrounding affordability and the requirements the board wishes to impose on us, as they pose a very real risk of making the project unbuildable as proposed. Hopefully the board can appreciate the phenomenal benefits that this project is offering, which we will not discuss at length here but are self evident when Veridia is compared to the alternative development scenario.

First off, we have done some major value engineering in our plans and believe that it is feasible to offer our 1350 square foot models for less than \$300,000 despite the significant cost increases that have occurred as a result of negotiations with the town and materials cost increases. This does, however, increase the risk we bear as developers on two fronts: first, absorbing the cost increases that have occurred over the past two years has reduced our margins significantly and makes us appear to be a riskier investment to banks and potential investors. Secondly, the fact that we will have to sell right at our capped amount eliminates our ability to modify price to reflect potential (and likely) cost increases in the future, again making us a riskier investment as we enter into the financing stage of the development. Hopefully the board can appreciate the significance of the concession we are making on this front, as we are not proposing to remove any of the features we

have previously committed to offer, and are shouldering not only the roughly \$14,000 per unit increase in basis that was the reason for our last meeting with the Board but also another \$3,000 per unit that has occurred since that meeting as a result of having to switch to underground retention systems at the front of the site.

In light of this first concession we will need to have extremely compelling potential for the quick sale of the units in order to have a reasonable chance of attaining financing and not being forced to sell the project to a developer who may or may not want to construct Veridia as we have envisioned. Our hope is to pre-sell most if not all of the units, which will likely be required by a potential investor given our reduced capacity to absorb losses if things go awry. We have given it a great deal of consideration and determined that it would be unreasonable for us to not be able to offer options to prospective homeowners who wish to have input into the interior finishes of their homes. This is something that 100% of presold developments offer, and even spec builders will offer minor modifications to the home if people are willing to pay for them. People expect this capacity when they put down significant amounts of money before a house is even built, and it would be a significant burden to have to pre-sell them a home into which they can have no input. This is doubly true if they are adverse to some interior element of the base model, for example many people dislike carpeting or certain types of carpeting, and our base models all utilize a certain type of recycled carpet. It comes down to freedom of choice, and it would be a significant, and completely unnecessary, burden for us to have to sell an identical home to every single person that wants to live in the community. As such, we intend to offer upgrades and substitutions to people who want them, with the homeowners paying the difference in price between the options. We believe this to be an eminently reasonable request, as all homes in the community will be amply and comfortably outfitted for the base price alone, and none of the major sustainability features will be considered upgrades. No one is being forced to change the materials in the interior of their home, they are just being given the option.

The final point of clarification surrounded the issue that under the rezoning, we are offering four units at 1100 square feet, which will sell for less than the 1350 square foot units (less than \$270,000). The rezoning also opens up the possibility of constructing four units over 1350 square feet, and we had proposed 1,600 square feet for these homes, as it keeps the average square footage for the community at 1350. These larger units would necessarily be more than \$300,000, and would provide us with the capacity to move in a few more people who could not see themselves in a 1350 square foot home. This did not seem to be an issue for the board at our last meeting and so we would like to retain this capacity if the board does not object. We anticipate the 1600 square foot model cost to be in the

\$330,000-\$340,000 range and are willing to cap the base price for the model at \$340,000.

An additional factor that bears considering by the Board are the savings inherent to the homes Veridia will offer: The developers calculate the savings from the solar thermal, PV, added insulation, reduced water use, and reduced maintenance due to superior materials such as long lasting roofs and cementitious siding to be in the range of \$150 per month. These savings will not only reduce the total cost of ownership (TCO) of the homes, but will enable residents to qualify for programs such as the federally supported Energy Efficient Mortgage (EEM) program (http://www.energystar.gov/index.cfm?c=mortgages.energy_efficient_mortgages). These loans are available through conventional lenders, as well as the FHA and VA loan programs, and allow borrowers to count their utility savings toward their income calculations. This allows homeowners to qualify for larger loans than those for which they would otherwise be eligible. The additional borrowing capacity is generally in the range of 5% of the purchase price, representing a \$15,000 reduction in the effective price of our homes. As the savings are anticipated to exceed the additional principal and interest expense of the \$15,000 in added borrowing capacity, the homes in Veridia are, in every way, just as affordable as, and will cost less overall to own than, standard housing options costing \$285,000.

Solid Waste and Recycling Volume Justification

The number of proposed rollout trash containers for Veridia is based on empirical data gathered from the Arcadia Neighborhood that has a similar refuse collection strategy.

Arcadia has 12 standard town of Carrboro rollout containers and six blue Orange County rollout recycling bins for both paper and containers. Arcadia has 33 household using those containers. That equates to one trash container per 2.75 households and one recycling bin per 5.5 house holds

Applying those same household numbers to Veridia's proposed 39 home gives 14.2 rollout garbage containers and 7.1 recycling containers.


Veridia's development plan is proposing 16 rollout garbage containers and 12 recycling containers. This represents an 11% increase in garbage container volume and a 40% increase in recycling volume over the current working volume at Arcadia.

Giles Blunden..... Architect and Arcadia resident

Attachment "L"

Easement Area (Offsite - Sarita Lane & Charles D. James Jr.)	3	14	3	14
Total	67	351	67	351

Total Count of Trees Greater than 1" on Veridia Project Parcel to Species Level		<18"	>18"
Acer rubrum	Red Maple	27	4
Acer saccharinum	Silver Maple	1	2
Carpinus caroliniana	Ironweed	1	
Carya glabra	Pignut Hickory	6	
Castanea pumila	Chinquapin	1	
Catalpa speciosa	Indian Cigar Tree	1	
Cornus florida	Dogwood	1	
Crataegus sp.	Hawthorne	1	
Fagus grandifolia	Beech	1	
Fraxinus americana	American Ash	1	
Ilex decidua	Possumhaw	1	
Ilex opaca	American Holly	2	
Juniperus virginiana	Red Cedar	38	1
Liquidambar styraciflua	Sweetgum	105	17
Pinus echinata	Shortleaf Pine	1	
Pinus taeda	Loblolly Pine	54	37
Pinus virginiana	Virginia Pine	8	
Prunus serotina	Wild Cherry	1	
Quercus marilandica	Black-Jack Oak	20	2
Quercus phellos	Willow Oak	7	1
Quercus stellata	Post Oak	4	
Quercus velutina	Black Oak	6	
Ulmus alata	Winged Elm	48	
Ulmus americana	American Elm	1	
Total		337	64

 Parking Reduction Justification

As part of our efforts to meet the requirements for an R-2 zone, Veridia's developers have increased the parking available onsite to the maximum that can be included given site space limitations. This totals 68 spaces (inclusive of carport spaces) and two large bike racks. As credit for one space is given due to the presence of at least one bike rack, this places the development nine spaces short of the presumptive requirement of two spaces per home. Although 69 spaces is a marked improvement over the existing situation, which offers no formal parking, the developers understand that this is a potential issue. We believe the Board of Alderman should feel comfortable issuing a permit despite this slight shortfall in vehicular parking, however, for several reasons.

Veridia has been conceived from the beginning to be a pedestrian and bike oriented community. In addition to being within easy walking distance of schools, parks, and shopping, the community is directly across from a bus stop and is a ~10 min bike ride from downtown Carrboro along the town's bike path system. Residents of a sustainable, pedestrian-oriented community are significantly more likely than normal to desire to operate with only one car, and we assert that it is a reasonable proposition given the array of location and design advantages inherent to Veridia.

Use of Carports as Part of Requisite Parking Justification

From inception Veridia has utilized carport structures as a base for the installation of our 100kW Photovoltaic Array. This has created a minor issue surrounding the LUO's treatment of partially enclosed spaces, which are generally not to be considered as part of the two parking space per unit requirement. We would like to argue in favor of their inclusion in meeting the parking requirement, as the general logic for their exclusion (that the space may be used for storage or other purposes instead) is not reasonable in our case given the nature of the structure as open and accessible. We intend to include in the HOA documents a requirement that all residents use their assigned carport space for parking as opposed to any alternative uses. With this requirement on homeowners in place the developers see no reason for the exclusion of these spaces from the calculation of provided parking.

Shading Calculation Explanation

In performing the calculations for our compliance with the 20% shading requirement for the vehicle accommodation area (VAA), crown radius figures were utilized that credited the planted trees according to their actual, species-based crown radius, as opposed to applying the universal crown radius of 15 for all trees regardless of ultimate size. This was a necessary methodology due to the fact that

southern lot would be a native landscaped pedestrian commons, with generous plantings and a meandering walkway, that will be of much greater utility to the residents of the community than a clump of trees to the north of what would effectively be a giant parking lot surrounded by houses. Finally, it should be noted that if the trees were required to be maintained (and Veridia rendered impossible to build as a result) these trees could be easily removed by any future owner who wished to forest the land, or a developer developing the northern lot separately from the southern instead of combining them and maximizing open space as we propose.

★ Tree Removal Justification

A number of existing trees 18" or more in diameter will be removed from the site for the following reasons:

Tract 1 (the southern plot) will need to be cleared of all existing trees due to dense home construction coupled with horizontal work and an OWASA easement down the middle of the community. The extremely tight configuration will not allow for the specified tree protection areas, and remaining trees would be heavily impacted and serve to shade planned solar thermal systems on the homes.

Tract 2 (the northern plot) will require the removal of 41 trees greater than 18" within the planned road and sidewalk construction area, the carport areas, and the footprint of the underground water retention areas. Some trees within the planned playfield may be retained but, due to uncertainty of the level of impact on root systems, are being shown as removed. None of the trees present on the site are rare or of special interest.

Additional trees of less than 18" will also need to be removed for the above reasons. These trees are virtually all less than 5", predominantly scrub pines and deciduous trees less than 1", and are not of any rare or special interest. The developers intend to replant as many trees as possible given the restraints of the site post-development. This includes numerous shade and buffer trees, as well as trees to be planted within a "natural playfield" area, pending approval for such an area from the Board of Aldermen.

Tract / Lot	Existing Trees		To Be Removed	
	18" or >	17" or <	18" or >	17" or <
Tract 1	23	59	23	59
Tract 2	41	278	41	278

Easement Area (Offsite - Sarita Lane & Charles D. James Jr.)	3	14	3	14
Total	67	351	67	351

Total Count of Trees Greater than 1" on Veridia Project Parcel to Species Level		<18"	>18"
Acer rubrum	Red Maple	27	4
Acer saccharinum	Silver Maple	1	2
Carpinus caroliniana	Ironweed	1	
Carya glabra	Pignut Hickory	6	
Castanea pumila	Chinquapin	1	
Catalpa speciosa	Indian Cigar Tree	1	
Cornus florida	Dogwood	1	
Crataegus sp.	Hawthorne	1	
Fagus grandifolia	Beech	1	
Fraxinus americana	American Ash	1	
Ilex decidua	Possumhaw	1	
Ilex opaca	American Holly	2	
Juniperus virginiana	Red Cedar	38	1
Liquidambar styraciflua	Sweetgum	105	17
Pinus echinata	Shortleaf Pine	1	
Pinus taeda	Loblolly Pine	54	37
Pinus virginiana	Virginia Pine	8	
Prunus serotina	Wild Cherry	1	
Quercus marilandica	Black-Jack Oak	20	2
Quercus phellos	Willow Oak	7	1
Quercus stellata	Post Oak	4	
Quercus velutina	Black Oak	6	
Ulmus alata	Winged Elm	48	
Ulmus americana	American Elm	1	
Total		337	64

Parking Reduction Justification

the property). To provide access to these amenities, we are granting easements (in perpetuity) from the northern lot to Veridia. The applicant already owns both parcels and grants a sewer easement from the northern lot to the existing trailer park. Our preference is for the northern lot to be subsumed under a conditional use rezoning such that it will be fully incorporated with Veridia, however, if the rezoning request is denied, ownership of the northern lot will remain with Sustainable Properties until such time as the Veridia HOA prefers that ownership be transferred to another entity.

★ Secondary Constraints Encroachment

As we learned relatively late in the approval process, there is a minor issue with our development of the northern lot as we are proposing. This centers around the fact that the wooded area on the northern lot is what is considered a “secondary constraint” and it is generally requested that developers set aside these “secondary constraint areas” as part of the open space required for the end use type to be constructed. The secondary constraint area as shown on the town’s GIS covers a significant part of the northern lot, would prevent the construction of the improvements to that lot that make the remainder of the project possible, and is not indicative of the tree cover that actually exists on the property. For these reasons we are asking the board to utilize the flexibility contained within the land use ordinance to grant us the ability to take out these trees and improve the northern lot as shown in our application. In addition to the above, there are several other considerations that the developers believe make this an eminently reasonable request. Firstly, the tree cover present on the northern lot does not fill the needs of the community which were the rationale for the creation of “secondary constraint areas” throughout Carrboro. The area is sparsely wooded with primarily large loblolly pines and scrub trees that offer minimal leaf cover. In direct response to the objectives for maintaining open space as listed in the town’s LUO: the intermittent clusters of trees are of little utility as a visual element (15-198a1) or as a habitat for wildlife (15-198a3). The area is also not environmentally sensitive (15-198a2), historically or archaeologically significant (15-198a4), or useful for the purposes of walking or jogging (15-198a5). The developers assert that the area as it exists currently is largely nonfunctional for the purposes of open space, especially as compared to the proposed use for the parcel, which includes a 20,000 square foot playfield as well as vegetable gardens and numerous plantings to maximize shading and year round color surrounding the drive and walkways. These improvements to the northern lot itself are coupled with the fact that the necessity of having the drive isle on the northern lot (which is creating this issue) is only as a result of not wanting to have the drive isle down the middle of the community as it is in the existing case. In the proposed plan, this space on the

southern lot would be a native landscaped pedestrian commons, with generous plantings and a meandering walkway, that will be of much greater utility to the residents of the community than a clump of trees to the north of what would effectively be a giant parking lot surrounded by houses. Finally, it should be noted that if the trees were required to be maintained (and Veridia rendered impossible to build as a result) these trees could be easily removed by any future owner who wished to forest the land, or a developer developing the northern lot separately from the southern instead of combining them and maximizing open space as we propose.

Tree Removal Justification

A number of existing trees 18" or more in diameter will be removed from the site for the following reasons:

Tract 1 (the southern plot) will need to be cleared of all existing trees due to dense home construction coupled with horizontal work and an OWASA easement down the middle of the community. The extremely tight configuration will not allow for the specified tree protection areas, and remaining trees would be heavily impacted and serve to shade planned solar thermal systems on the homes.

Tract 2 (the northern plot) will require the removal of 41 trees greater than 18" within the planned road and sidewalk construction area, the carport areas, and the footprint of the underground water retention areas. Some trees within the planned playfield may be retained but, due to uncertainty of the level of impact on root systems, are being shown as removed. None of the trees present on the site are rare or of special interest.

Additional trees of less than 18" will also need to be removed for the above reasons. These trees are virtually all less than 5", predominantly scrub pines and deciduous trees less than 1", and are not of any rare or special interest. The developers intend to replant as many trees as possible given the restraints of the site post-development. This includes numerous shade and buffer trees, as well as trees to be planted within a "natural playfield" area, pending approval for such an area from the Board of Aldermen.

Tract / Lot	Existing Trees		To Be Removed	
	18" or >	17" or <	18" or >	17" or <
Tract 1	23	59	23	59
Tract 2	41	278	41	278

AIS statement regarding the proposed Architectural style of the Veridia homes

The Veridia homes are 1100 to 1350 square feet two and three bedroom single family detached units. They are two and three stories in height to minimize the footprint and maximize open space. Many of the homes have a master bedroom on the first floor to accommodate the aging sector of our population.

The homes are designed to Energy Star standards and include water saving devices such as 1.28 gallon per flush toilets and low flow showerheads and sink faucets.

The architectural style is a derivation of the classic mill house architecture in Carrboro. The roofs have a 10/12 pitch on the main structure and lower pitches on the porch roofs. The houses are based a 14 ft structural module and have gable roofs. The siding is clapboard with a 5" exposure with 3" corner boards at each corner. At the gable there is a 7" rake board and on the eave side there is a corresponding 7" trim board at the soffit. The rafter ends are exposed adding visual texture to roof overhang.

The windows for the most part have a vertical proportion broken up occasionally with small round and square windows. Windows have trim boards articulated to add interest. And the color selection for siding roofs and trim will be a rich selection of natural tones.

All homes have porches to protect doorways and provide out door living possibilities. Each home has an entry court yard and a covered out door storage area for bicycles and motor scooters.

The carport are utilitarian as their primary function is to support the 100 KW PV array. They are open structures with an enclosed storage closet in the rear. The closets will be sided in the same manner as the homes.

Giles Blunden... architect

15-177 Architectural Standards for Veridia

(1) Landscape and site.

a. Site buildings in a manner sensitive to the existing natural environment and land forms. Minimize clearing and alteration of existing topography.

Buildings are sited in the only layout feasible given the density of the parcel in conjunction with the necessary public easements, stormwater retention devices, access requirements, and playfield/open space requirement.

b. Site buildings or provide screening to avoid the visibility of buildings' rear facades from public streets.

Semi-transparent screening is present along the street frontage of the site and buildings rear facades do not face the street.

c. Avoid monolithic and unarticulated walls and buildings facing the public realm.

The only wall facing the street is composed of semi-transparent bamboo panels articulated by metal pipe connectors that offset the individual panels and provide a sense of depth to the structure.

d. Mechanical, communication, and electrical equipment shall be screened from neighbors and public ways through the use of landscaping or by fences/screens made of materials that complement the design of the house.

All utilities will be placed underground and thus be shielded from view. All stormwater retention structures are also to be placed underground, maximizing usable open space for the residents and eliminating the eyesore usually associated with those features. Electrical transformers will be screened from neighboring properties.

e. Garage entries should not visually dominate the house's primary entrance, and shall have visual separation from the main façade.

Veridia features no attached garages.

f. Locate and specify exterior and street lighting to minimize the impact on neighbors. Fixtures shall not project light above the horizontal plane.

See lighting plan.

g. Address the transition between street and primary entrance through pathways that consider changes of light, sound, direction, surface, or grade level, i.e. through the use of benches, fencing, or low walls connected to the building.

The primary ingress and egress to the homes in Veridia will be through the pedestrian commons, which is, in itself, a significant element featuring a meandering light duty path for bike and pedestrian traffic, garden areas, and ultimately will feature periodic benches and local sculpture.

h. Use variable setbacks and modulate the streetscape.

Setbacks from the private drive and property lines are variable within a relatively small range that still allows for the placement of utility access, stormwater grading, and the OWASA easement. The combination of differential placement and varied house design including variable footprints and both two and three story houses should provide an aesthetically pleasing streetscape from the private drive and especially from the interior of the pedestrian commons.

(2) Context.

a. Address the overall plan of the subdivision in terms of rhythm, building heights, patterns, spacing, form, scale, massing, materials, and proportion.

The overall plan of the subdivision is dictated largely by the constraints of the site, however great efforts have been made to make the space as "livable" as possible by utilizing varied building heights and placements within the building envelopes. Building heights vary from two to three stories and typically alternate from two to three when moving down each row of homes, providing a relief from the sense of a monolithic wall of homes. The width to height ratios allow spaces between the homes and give an additional sense of relief to the relatively dense construction. Home entrances are placed roughly 60 feet apart across the pedestrian commons and 30-40 feet from home to home within rows, which has been identified as an ideal spacing for "human scale" development and is similar spacing to that used in frontier villages to provide ease of contact with neighbors without the sense of overcrowding. The mill-era theme of the home design will compliment the naturally vegetated common area and will ultimately provide what the developers envision as a lively and very aesthetically pleasing central space which residents and visitors will enjoy utilizing.

b. Address the placement of buildings in relationship to one another; their height, orientation, and spacing.

Homes are situated in two rows, vary between two and three stories, are oriented north-south and front on the internal pedestrian commons. Homes within rows are located six feet apart from overhang to overhang and roughly ten feet from wall to wall.

c. Address the vertical-to-horizontal proportions of the elements of each individual house, and the relationship of these proportions from one house to another.

The two primary footprints/exterior envelopes have inverted proportions with the Golden Sun having a height of roughly 26 feet and a frontal width of 35 feet and the Solaris/Apogee having a 35 foot height and 26 foot frontal width. These proportions in conjunction with the actual footprints of the homes allow their placement in an alternating pattern maximizing density but providing a varied visual scene.

d. Address the relationship of the roof of one building to the next in rhythm, form, texture, detail, and shelter, with attention to color, materials, and pitch and to features such as soffits, rafter ends, vaults, overhangs, dormers, cornices, vents, fascias, gutters, and eaves.

The roofs have a 10/12 pitch on the main structure and lower pitches on the porch roofs. The houses are based on a 14 ft structural module and have gable roofs. At the gable there is a 7" rake board and

on the eave side there is a corresponding 7" trim board at the soffit. The rafter ends are exposed adding visual texture to roof overhang. Roof color is planned to be based on earth tones which will not clash amongst homes or with the intended aesthetic of the internal gardens/pedestrian commons.

e. Provide human scale in massing and building elements.

As discussed in other sections, the community as a whole is centered around a human scale development style, with house dimensions, placement and access and amenities being catered to an active population who will interact within the community without need for vehicular transport.

(3) Building design elements.

a. Provide a minimum of four significantly different sets of elevations if the subdivision contains five or six houses, five sets if seven or eight houses, six sets if nine or ten houses and seven sets if eleven or twelve houses, and eight sets if thirteen or fourteen houses, to ensure variability of design. Subdivisions of fifteen or more houses must have a minimum of nine differing elevations.

Building elevations will be provided ASAP.

b. Create recognizable primary entrances, using, for example, entry placement, front and side porches, trellises, hedges, fences, and walls.

Front and side porches are utilized to delineate the primary entrances of the homes, fences will be used to provide separation of spaces along the backs of homes and plantings will ultimately highlight pedestrian paths and access to the homes.

c. Address the architectural rhythm of solids to voids in front façades, exterior walls, buildings on the streets, and entrance and/or porch projection.

An alternation between the north-south positioning of the homes and placement of some homes within pockets created by the footprints of neighboring homes in conjunction with intelligent placement of patios and entrances provides each home with ready access to pedestrian, bike and vehicular transportation options while not creating a cookie cutter feel. As the homes are not attached there is varied occurrence of solid and void elements within the facades of the homes, whether viewed from the street or internally from the pedestrian commons.

d. Address façade relief as provided by corner trim, porch trim, window and door trim, door panels, transoms, frames, surrounds, shutters, muntins, moldings, corbelling, cornices, gables, columns, casings, vents, fabric awnings, and roofs. Specify materials and dimensions.

Windows have trim boards articulated to add interest. The color selection for siding roofs and trim will be a rich selection of natural tones. All homes have porches to protect doorways and provide outdoor living possibilities. Each home has an entry court yard and a covered outdoor storage area for bicycles and motor scooters. The metal roofs have a 10/12 pitch on the main structure and lower pitches on the porch roofs. The houses are based on a 14 ft structural module and have gable roofs. The siding is clapboard with a 5" exposure with 3" corner boards at each corner. At the gable there is a 7" rake board and on the eave side there is a corresponding 7" trim board at the soffit. The rafter ends are exposed adding visual texture to roof overhang.

e. Specify the design of doors and windows, and their spacing, placement, proportion, scale, orientation, and size.

The windows for the most part have a vertical proportion broken up occasionally with small round and square windows. Most windows are roughly four feet on the vertical dimension and two to three on the horizontal. They primarily oriented toward the north and south ends (front and rear) of the homes as the homes are located much closer to one another on the sides. This also provides for maximal day-lighting from the predominantly southerly sun incidence.

f. Address the design and character of all exterior walls and foundations, including their functional and decorative features, materials, details, and proportions in relation to the entire building.

Exterior walls are to be made of hardy plank or similar cementitious siding material which will be colored in earth tones to compliment the planting scheme and roof colors, also anticipated to be in muted earth tones. The siding is clapboard with a 5" exposure with 3" corner boards at each corner. This provides a horizontal element to offset the largely vertical feel of the three story homes. The foundations are to be slab on grade and not feature prominently as a visual element.