Town Hall 301 W. Main St. Carrboro, NC 27510

Meeting Agenda Board of Aldermen



Tuesday, June 25, 2013	7:30 PM	Board Chambers - Room 110

Please note that public comment is generally limited to items on the public hearing agenda. Please keep your comments to three minutes.

7:30-7:35

A. RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1.<u>13-0359</u>85th Anniversary of the Kiwanis Club of Chapel Hill-Carrboro

<u>Attachments:</u> Kiwanis Day

<u>7:35-7:40</u>

B. CONSENT AGENDA

- 1.
 13-0346
 Request to Approve Equipment and Vehicle Financing

 Attachments:
 ATTACHMENT A Resolution to Finance 2013 Vehicles and Equipment

 ATTACHMENT B Vehicles for Financing and Proposals Summary
- 2. <u>13-0352</u> Approval of Extending Fiber-Optic Connectivity to WCOM and The ArtsCenter

PURPOSE: The purpose of this item is for the Board of Aldermen to consider approving extension of the Town's fiber optic network to enhance existing service provided to WCOM and add connectivity to the ArtsCenter.

Attachments: Resolution- WCOM and ArtsCenter Connection

- 3. <u>13-0354</u> Request for a Minor Modification to the CUP for Bank of America, 104 East Main Street <u>Attachments:</u> <u>Attachment A - Resolution Approving the Minor Modification</u> <u>Attachment B - Minor Modification Plans</u> <u>Attachment C - Letter From Bank of America</u>
- 4. <u>13-0347</u> Town Commons Follow-Up Report

PURPOSE: This is an informational item to inform the Board of Aldermen of the process used to gather community feedback on future

use of Town Commons.

5. <u>13-0362</u> Adoption of an Ordinance Limiting the Amount of Contributions to Candidates

PURPOSE: The purpose of this item is for the Board to adopt an ordinance limited campaign contributions to any candidate for town office.

<u>Attachments:</u> <u>ATTACHMENT A - AN ORDINANCE TO REENACT THE EXPIRING</u> <u>PROVISIONS OF SECTION 5-15</u>

6. <u>13-0363</u> Financial Assistance for Folklore Society

PURPOSE: The purpose of this item is for the Board of Aldermen to consider providing financial award to help support the celebration and summit of the Folklore Society.

Attachments: ATTACHMENT A: Folklore Society Contingency Award

7. <u>13-0361</u> Request to Approve a Resolution Authorizing the Town Manager to Enter into an Agreement Allowing the Construction of the Homestead-Chapel Hill High School Multi-use Path on State of North Carolina-University of North Carolina Property

> PURPOSE: The Board is asked to approve a resolution authorizing the Town Manager to enter into a right of entry agreement with the University of North Carolina and-or the State Property Office to allow for the construction of the Homestead-Chapel Hill High School Multi-use Path. The path will extend on State/UNC land east of Bolin Creek. <u>Attachments:</u> <u>ATTACHMENT A - Resolution - Right of Entry authorization - June 2013</u>

8. <u>13-0364</u> Approval of Extending the Town's Fiber Optic Infrastructure Along Smith Level Road PURPOSE: The purpose of this item is for the Board of Aldermen to consider approving funds for the extension of the Town's fiber optic network infrastructure along Smith Level Road and to authorize the Town Manager to enter into an agreement with NCDOT and/or their contractors.

<u>Attachments:</u> <u>Attachment A - Resolution Authorizing TM to Enter Into Contract for</u> <u>Innerduct Installation on Smith Level Road</u>

C. PUBLIC HEARING

<u>7:40-8:10</u>

1. <u>13-0324</u> Public Hearing to amend the Land Use Ordinance Relating to the Location of Dwellings to be Occupied by More than Four Unrelated Persons, Parking Requirements and Related Issues.

PURPOSE: The purpose of this item is for the Board to consider

amending the Land Use Ordinance relating to the location of dwelling units to be occupied by more than four unrelated persons. A draft ordinance has been prepared along with an alternative version. The Board must receive public comments before taking action on (either) draft ordinance.

 Attachments:
 Attachments A-C_Resolutions

 Attachment D_Cover Memo & Draft Ordinances

 Attachment E_LUO ART-XVIII, Parking

 Attachment F_Comments from Orange County & Advisory Boards

<u>8:10-8:30</u>

2. <u>13-0353</u> Public Hearing On A Proposed Economic Development Agreement

PURPOSE: The purpose of this agenda item is to take public comment on a proposed economic development agreement between the Town of Carrboro, Fleet Feet, Kalisher, and Main Street Properties

 Attachments:
 Resolution to approve ED Agreement

 ECONOMIC DEVELOPMENT AGREEMENT 6-12-2013
 Fleet Feet - Property Purchase Budget Amendment

D. OTHER MATTERS

8:30-8:45

 1.
 13-0355
 Request for a Minor Modification to the CUP for the Phase A building at 300 East Main Street

 Attachments:
 Attachment A - Resolution Approving the Minor Modification

 Attachment B - Letter and Graphics from Applicant

<u>8:45-9:00</u>

2. <u>13-0356</u> Request for a Minor Modification to the CUP for 300 East Main related to adding a residential use category and outdoor uses on the site. <u>Attachments:</u> <u>Attachment A - Resolution Approving the Minor Modification</u> <u>Attachment B - Letter from Applicant</u> <u>Attachment C - Appearance Commission</u>

<u>9:00-9:45</u>

3. <u>13-0345</u> Discussion of Possible Changes to Parking and Towing Rules

PURPOSE: The purpose of this item is for the Board of Aldermen to receive information from Town staff regarding suggested changes to the Town Code related to towing of vehicles from private property and

Imitations on parking in Town-owned parking lots.Attachments:Attachment A - Towing Ordinance Amendments 6-19-13 (2).docx

<u>9:45-10:15</u>

4. <u>13-0332</u> Minor Modification to the Legends AIS Conditional Use Permit

PURPOSE: The Legends AIS Homeowner's Association has submitted an application requesting a minor modification to their Conditional Use Permit to allow the designated affordable units in the subdivision to be converted to market rate units pursuant to a proposed \$15,000 in-lieu payment being made at the time of the unit's sale.

 Attachments:
 Attachment A-Resolution Legends Minor Modification

 Attachment B-Legends (aka Jones Property) AIS recorded CUP

 Attachment C- original pricing

 Attachment D-Applicant materials

 Attachment E-Market Analysis

<u>10:15-10:45</u>

5. <u>13-0199</u> Lloyd Square AIS CUP Minor Modification

PURPOSE: Layton and Mary Wheeler, the developers of the Lloyd Square AIS, a 16 unit subdivision ,seek permission from the Board to revise the layout of the subdivision, reduce the density by one unit, and replace the affordable units with payments-in-lieu.

- Attachments:
 Attachment A- Resolution Lloyd Square minor mod

 Attachment B- Lloyd Sq CUP and minutes

 Attachment C-Applicant Justification

 Attachment D Lloyd Square, Proposed Minor Modification

 Attachment E- CHT letter
- E. MATTERS BY TOWN CLERK
- F. MATTERS BY TOWN MANAGER
- G. MATTERS BY TOWN ATTORNEY
- H. MATTERS BY BOARD MEMBERS

PROCLAMATION "85th Anniversary of the Kiwanis Club of Chapel Hill-Carrboro"

WHEREAS, the Kiwanis Club of Chapel Hill-Carrboro was founded on July 23, 1928; and

WHEREAS, the earliest members of our local Kiwanis Club included Dr. Frank Porter Graham of UNC-Chapel Hill, R.B. Fitch of Fitch's Lumber, Georg Livas of Carolina Coffee Shop and R.L. Fowler of Fowler's Food Store; and

WHEREAS, the Kiwanis Club is most often associated with their longest tradition, the Pancake Breakfast, which celebrated its 53rd anniversary this past February;

WHEREAS, Whereas, proceeds from the Club's fundraising activities go to sponsoring Terrific Kids programs at several local elementary schools, Key Clubs in all three area High Schools, the Circle K Club at UNC-Chapel Hill, a scholarship for a graduating senior in the Key Clubs, support for the Boys & Girls Home of North Carolina and the Kiwanis International Service Project (Project ELIMINATE); and

WHEREAS, Kiwanis is a global organization of volunteers dedicated to changing the world, one child and one community at a time, and is currently fundraising for a joint project with UNICEF to eliminate Maternal and Neonatal Tetanus (MNT) throughout the world; and

WHEREAS, there are 30 countries in the world where MNT still affects newborns, and the disease has been eliminated from 9 countries since the project started in 2010; and

WHEREAS, Kiwanis is committed to raise \$110 million for this project, and the Carolinas District (NC and SC) is in the top 5 fundraising districts worldwide; and

WHEREAS, local service projects include working with the Hillsborough Kiwanis Club and ARC of Orange County to start an Aktion Club, a Kiwanis Club for adults with disabilities, volunteering at TABLE, and reading to children at UNC Children's Hospital.

NOW, THEREFORE, BE IT RESOLVED that I, Mark Chilton, Mayor of the Town of Carrboro, North Carolina, do hereby proclaim the day of **July 23, 2013** as **"KIWANIS DAY"** in the Town of Carrboro, and I call upon all citizens to recognize the contributions the club has made in our community over the last 85 years and support the work the club does in the community.

This the 25th day of June 2013

Mark Chilton, Mayor



Agenda Item Abstract

File Number: 13-0346

Agenda Date: 6/25/2013

Version: 1

Status: Consent Agenda

File Type: Abstract

Town Hall 301 W. Main St. Carrboro, NC 27510

In Control: Board of Aldermen

Agenda Number: 1.

TITLE: Request to Approve Equipment and Vehicle Financing

PURPOSE: The Board of Aldermen is requested to approve a contract for installment financing of vehicles and equipment budgeted for FY 2012-13.

DEPARTMENT: Management Services

CONTACT INFORMATION: Arche McAdoo, 918-7439

INFORMATION: Annually, the Board of Aldermen approves financing contract for the purchase of vehicles and equipment through lease purchase financing. On June 7, 2013 the Town issued a request for proposal for installment financing of \$397,320 for the acquisition of vehicles and equipment. The Town is not required by law to request proposals but does so to ensure competitive financing. The request for proposal was sent to 21 financial institutions and the Town received 3 proposals from 2 financial institutions. Attachment B contains a list of the vehicles and equipment to be financed and a summary of the three proposals submitted.

Of the three proposals presented, SunTrust Equipment Finance and Leasing offered the most competitive interest rate of 1.36% for 5-year financing.

FISCAL & STAFF IMPACT: Interest cost of financing will be \$81,636.35 per year for five years which will be included in each annual general fund budget. Lender will be given a security interest in the vehicle and equipment being purchased and financed. There is no pledge of any other assets and/or taxing authority of the Town.

RECOMMENDATION: The Board of Aldermen is requested to adopt the attached resolution designating the installment purchase contracts as tax-exempt obligations of the Town, award the financing contract to SunTrust for the equipment and vehicle purchases listed, and authorize the Town Manager and Finance Director to execute the necessary financing documents and agreements.

RESOLUTION APPROVING FINANCING TERMS

WHEREAS: The Town of Carrboro ("Town") has previously determined to undertake a project for various vehicles and equipment (the "Project"), and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

- 1. The Town hereby determines to finance the Project through SunTrust Equipment Finance & Leasing Corp. (SunTrust), in accordance with the proposal dated June 14, 2013. The amount financed shall not exceed \$397,320.00, the annual interest rate (in the absence of default in tax status) shall not exceed 1.367%, and the financing term shall not exceed five (5) years from date of closing.
- 2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust and Project Fund Agreement as SunTrust may request.
- 3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the terms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval on the Documents final form.
- 4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b) (3).
- 5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the SunTrust financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's

general fund, or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this _____ th day of June, 2013.

By:_____(Clerk)

By:_____(Mayor)

[SEAL]

ATTACHMENT B

FY 2012-13 VEHICLES AND EQUIPMENT TO BE FINANCED

Department	Vehicle	Cost
Police	Patrol Vehicles-Replace vehicle #211	\$ 35,280
Police	Patrol Vehicles-Replace vehicle #212	\$ 35,280
Police	Patrol Vehicles-Replace vehicle #213	\$ 35,280
Police	Patrol Vehicles-Replace vehicle #214	\$ 35,280
Fire	Sedan #982 replace w/ F-150 4x4 Pick-Up	\$ 25,200
Public Works	Solid Waste -Front Loader - Replace #56	\$ 231,000
	TOTAL FINANCING	\$ 397,320

SUMMARY OF FINANCING PROPOSALS

Loan Amount Loan Term	\$ 397,320.00 5 Years		
	BB & T	SUNTRUST Option 1	SUNTRUST Option 2
Interest Rate	1.430%	1.367%	1.567%
Interest Cost	\$ 11,362.20	\$ 10,861.75	\$ 12,450.50
Total Principal and Interest	\$ 408,682.20	<u>\$ 408,181.75</u>	<u>\$ 409,770.50</u>
Annual Payment	<u>\$ 81,736.44</u>	<u>\$ 81,636.35</u>	<u>\$ 81,954.10</u>
Pre-Payment Penalty	1%	1%	0%
Escrow Set-up Fee		\$ 250.00	\$ 250.00
Document Fee		\$ 100.00	\$ 100.00
Total Fees	\$ -	\$ 350.00	\$ 350.00
Total Interest and Fees	\$ 11,362.20	<u>\$ 11,211.75</u>	<u>\$ 12,800.50</u>



Agenda Item Abstract

File Number: 13-0352

Agenda Date: 6/25/2013

Version: 1

Status: Consent Agenda

File Type: Abstract

In Control: Board of Aldermen

Agenda Number: 2.

TITLE:

Approval of Extending Fiber-Optic Connectivity to WCOM and The ArtsCenter

PURPOSE: The purpose of this item is for the Board of Aldermen to consider approving extension of the Town's fiber optic network to enhance existing service provided to WCOM and add connectivity to the ArtsCenter.

DEPARTMENT: Town Manager's Office- Information Technology

CONTACT INFORMATION: Andy Vogel, 918-7305; Annette Stone, 919-918-7319

INFORMATION: The Town of Carrboro has, for several years, provided free public Wi-Fi internet connectivity in the downtown area. WCOM, a low-power FM community radio station based in Carrboro, has been supported by the Town in the past through a dedicated Wi-Fi based connection to the internet. The majority of WCOM's audience listens to their streaming program content which is accessed through the internet. A highly stable and fast internet connection is very important to WCOM's streaming program delivery. Staff has researched the potential to provide a more stable, faster internet connection to WCOM and The ArtsCenter by connecting these community organizations to the Town's fiber optic network. There is existing fiber optic cable near the located near the future site of The ArtsCenter near Armadillo Grill. The work required to connect the building to the Town's fiber network could be completed by September 2013.

In addition to the potential to connect these organizations to the Town's fiber network, staff is also working on expanding the footprint of the free public Wi-Fi towards the eastern end of Downtown Carrboro, and will be providing coverage to the public areas of the 300 E. Main development.

FISCAL & STAFF IMPACT: The cost to connect WCOM and The ArtsCenter to the Town's fiber optic network is less than \$1,000. Staff time is required to make the connection and set-up of the network, but this can be absorbed in the normal workload.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider approval of extending Fiber-Optic Connectivity to WCOM and the ArtsCenter.

RESOLUTION

TO APPROVE EXTENDING FIBER-OPTIC CONNECTIVITY TO WCOM AND THE ARTSCENTER JUNE 25, 2013

WHEREAS, the Town of Carrboro has provided free public Wi-Fi service to the downtown area for a number of years; and

WHEREAS, the Town of Carrboro has provided dedicated Wi-Fi access to WCOM community radio in the past; and

WHEREAS, the Town of Carrboro has a existing Fiber-Optic network that could provide WCOM and the ArtsCenter with a fast, stable internet connection in support of the work those organizations do for the community, and

WHEREAS, there is minimal cost involved to allow the connection of these organizations to the Town's Fiber-Optic network.

NOW THEREFORE BE IT RESOLVED, that the Board of Aldermen supports the extension of Fiber-Optic connectivity to WCOM and The ArtsCenter.

This 25st day of June 2013.



Agenda Item Abstract

File Number: 13-0354

Agenda Date: 6/25/2013

Version: 1

Status: Consent Agenda

File Type: Abstract

Town Hall 301 W. Main St. Carrboro, NC 27510

In Control: Board of Aldermen

Agenda Number: 3.

TITLE: Request for a Minor Modification to the CUP for Bank of America

PURPOSE: The purpose of this item is for the Board to consider approving a CUP Minor Modification request for Bank of America, located at 104 East Main Street. The request involves changing an existing drive-up lane with a drive-up automatic tell machine (ATM), and installing additional lights near the ATM for enhanced security.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, 918-7333

INFORMATION: Bank of America at 104 East Main Street recently submitted an application involving replacing an existing drive-up lane, near the Roberson Street side of the site, with a drive-up ATM (See attached). In further explanation, the site currently contains two drive-up service opportunities behind the main bank building. One lane is a drive-up window where the customer faces the bank employee behind a window; the other involves service via a pneumatic tube that goes to a second bank employee housed in the same outdoor service area. The current proposal would replace the pneumatic tube service lane with a drive-up ATM. The ATM will be placed on an existing concrete island. The other drive-up lane will remain in service as well. A walk-up ATM also exists on the site.

The above background information is also important to note because subsequent to construction of the bank, the Town amended the Land Use Ordinance to prohibit drive-up services in the downtown zoning districts. The LUO amendment caused this aspect of the Bank of America site to become nonconforming. Staff considered the matter at length and ultimately determined the requested change represents an evolution in technology, rather than an increase in the extent of nonconformity on the site. This conclusion was reached after considering that two drive-up service opportunities will exist before and after the change is made.

Also discussed and considered by staff was the question of how this change in technology may affect air quality and the number of customers served. The bank provided information explaining some of the differences between ATM services and traditional drive-up services (See attached). It is difficult to predict how many customers may use the drive-up ATM, especially with respect to determining how many customers currently using the walk-up ATM may choose to use the drive-up ATM instead, but the bank's information shows an average idle-time savings of approximately 30 seconds for customers using a drive-up ATM compared to using a drive-up

service lane. Also of note is that the time services will be available, at the one drive-up lane, will expand from bank hours (approximately 8 am - 5 pm) to 24 hours. Again, it is difficult to say precisely how many customers may choose to utilize the new drive-up ATM after-hours the drive-up lane is currently available. Considering, however, that a walk-up ATM already exists on the site, the presumption is that some after-hours customers may choose to use the drive-up lane instead of walking up to the existing ATM or individuals who would drive up when tellers are working may choose to drive up at other times instead. In other words, the timing of visitors may spread more evenly throughout the day as a result on the ATM being installed. If this is the case, then it is possible that a small positive change may occur relating to traffic impacts in the area.

The other change requested at this time involves the addition of four (4) wall-mounted lights and two (2) pole-mounted lights. All proposed lights appear to meet the LUO's standards for outdoor lighting in this location. Staff discussed with the applicant whether the additional lights were necessary with respect to minimizing outdoor light pollution. The applicant responded saying that the bank feels the lights are needed to enhance security and provide a safe environment for customers using the ATM during nighttime hours. They also noted that they are providing less lighting than the bank typically requires around a drive-up ATM, in order to meet Carrboro's lighting standards.

FISCAL & STAFF IMPACT: No fiscal impacts are associated with consideration of this item. Staff impacts involve review time.

RECOMMENDATION: Town staff recommends that the Board adopt the attached resolution approving the Minor Modification request.

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE BANK OF AMERICA CONDITIONAL USE PERMIT AUTHORIZING INSTALLATION OF A DRIVE-UP ATM ALONG WITH ADDITIONAL SECURITY LIGHTING

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for Bank of America at 104 East Main Street; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen approve the Minor Modification request to allow for installation of a drive-up ATM to replace an existing drive-up service lane, along with additional security lights near the new ATM.

This the 25th day of June, 2013

ELECTRICAL SYMBOL LEGEND

	DESCRIPTION
$\langle A \rangle$	INDICATES LIGHTING FIXTURE TYPE. "TYP." INDICATES THAT ALL SIMILAR FIXTURES WITHIN THE SPACE ARE OF THE SAME TYPE, U.O.N.
0	CEILING OUTLET WITH LIGHTING FIXTURE OR DEVICE AS INDICATED.
Оч	WALL MOUNTED OUTLET WITH LIGHTING FIXTURE OR DEVICE AS INDICATED.
	FLUORESCENT LIGHTING FIXTURE.
	FLUORESCENT FIXTURE WITH EMERGENCY BATTERY PACK. OR IN EMERGENCY CIRCUIT
	CEILING OR WALL MOUNTED EXIT LIGHT FIXTURE WITH ARROWS AS INDICATED.
\oplus	DUPLEX CONVENIENCE RECEPTACLE, 18" A.F.F./U.O.N. QUAD (DOUBLE DUPLEX) RECEPTACLE.
Ψ^{-}	DUPLEX OUTLET WITH ISOLATED GROUND.
Θ^{-}	DUPLEX CONVENIENCE OUTLET, MOUNTED ABOVE COUNTERTOP OR BACKSPLASH.
$\ominus_{\overline{WP}}$	WP INDICATES WEATHERPROOF.
©	CLOCK OUTLET, AT 7'-6" ABOVE FLOOR, UNLESS INDICATED OTHERWISE.
$\mathbf{\overline{v}}$	SPECIAL PURPOSE RECEPTACLE, AS INDICATED ON DRAWINGS.
\ominus	DUPLEX RECEPTACLE FLUSH FLOOR MOUNTED
·····	FLEXIBLE CONDUIT CONNECTION. INDICATES CONDUIT RUN, CONCEALED UNLESS INDICATED OTHERWISE.
A-1,3,5 OR A-1/3/5	INDICATES HOME RUN, TO PANEL OR LOCATION INDICATED. "A" INDICATES PANEL "A". TICKS DENOTE THE NUMBER OF CONDUCTORS. PINDICATES GROUND WIRE. NO TICKS INDICATES TWO (2) WIRES. COMMAS SEPARATE SINGLE POLE BRANCH CIRCUITS; SLASHES SEPARATE DIFFERENT POLES OF MULTIPOLE BRANCH CIRCUITS.
Ū	JUNCTION BOX, FLUSH MOUNTED IN CEILING, U.O.N.
Ú-	JUNCTION BOX, FLUSH MOUNTED IN WALL, 7'—6" A.F.F./U.O.N.
	TELEPHONE OUTLET, 18" A.F.F./U.O.N.
	TELEPHONE/DATA OUTLET, 18" A.F.F./U.O.N.
\triangleright	DATA/COMPUTER OUTLET 18"AFF/U.O.N.
⊖ ₄₈ "	INDICATES OUTLET OR DEVICE MOUNTED 48" ABOVE FLOOR.
	MAGNETIC MOTOR STARTER OR CONTACTOR. ELECTRIC DUCT HEATER & DISCONNECT. CODE SIZED & RATED DISCONNECT SWITCH.
-⊡ 350 ①	FUSED DISCONNECT SWITCH: 3=NO. OF POLES; 60=SWITCH SIZE; 50=FUSE SIZE. (O INDICATES "NON-FUSED"). THERMOSTAT.
•	PUSHBUTTON, MOUNTED 4'-0" A.F.F./U.O.N.
Τ	TRANSFORMER.
Sm, 🖂	MANUAL MOTOR STARTER W/ OVERLOADS, 48" A.F.F./U.O.N.
S	SINGLE POLE TOGGLE SWITCH, 20A, 120/277V, MOUNTED 4'-0" A.F.F./U.O.N.
Sp	DIMMER SWITCH
S 3, S 4 Sp	THREE WAY AND 4 WAY TOGGLE SWITCHES, 20A, 120/277V, MOUNTED 4'-0" A.F.F./U.O.N. SWITCH WITH PILOT LIGHT, MOUNTED 4'-0" A.F.F./U.O.N. ELECTRIC PANELBOARD
6	ELECTRIC MOTOR. "DM" INDICATES A/C DAMPER MOTOR.
\triangleleft	TV OUTLET 60" A.F.F./ U.O.N.
⊶	PARKING LOT LUMINAIRE, POLE AND POLE BASE.
• 0	CONDUIT ELBOW DOWN CONDUIT STUB UP
Ρ	POWER OUTLET BOX FOR MODULAR FURNITURE CONNECTION . 4"x4"x2 3/4" W/ BRUSHED STAINLESS STEEL COVER PLATE.
TD	COMBINATION TELEPHONE/COMPUTER DATA OUTLETS FOR MODULAR FURNITURE CONNECTION. 4"x4"x2 3/4" W/BRUSHED STAINLESS STEEL COVER PLATE.

ABBREVIATIONS

A.I.C.S.	AMPS INTERRUPTING CAPACITY SYMMETRICAL
A.H.U.	AIR HANDLING UNIT
A.T.M.	AUTOMATIC TELLER MACHINE
E.W.H.	ELECTRIC WATER HEATER
LTG	LIGHTING
A.F.F.	ABOVE FINISHED FLOOR.
U.O.N.	UNLESS OTHERWISE NOTED.
E.W.C.	ELECTRIC WATER COOLER.
E.C.	EMPTY CONDUIT.
С.	CONDUIT.
C.U.	CONDENSING UNIT.
CKT.	CIRCUIT.
CPT.	CONTROL POWER TRANSFORMER.
MTD.	MOUNTED.
REF:	REFER TO ITEM, DETAIL OR DRAWING INDICATED.
TYP.	TYPICAL.
G.F.I.	GROUND FAULT INTERRUPTER.
WP	WEATHERPROOF.
BKR.	BREAKER.
SURF.	SURFACE MOUNTED.
N.I.C.	NOT IN CONTRACT.
N.T.S.	NOT TO SCALE.
R.G.S.C.	RIGID GALVANIZED STEEL CONDUIT.
P.V.C.	POLYVINYLCHLORIDE
R.T.U.	ROOFTOP UNIT.
XFMR	TRANSFORMER
RECEPT.	RECEPTACLE
DIST.	
GND JB	GROUND JUNCTION BOX
₩∕	WITH
P.A.	PUBLIC ADDRESS
SHT.	SHEET
B.B.	BACKBOARD
FLUOR.	FLUORESCENT
N.L.	NIGHT LIGHT
(1) (1)	DESIGNATION FOR NOTE. SEE KEY NOTES.

LUMIN	IAIRE S	CHEE	DULE				STATISTICS					
Symbol	Label	Qty	Catalog Number	File	Lumens	LLF	Description	Avg	Max	Min	Max/Min	Avg/Min
	EX1	3	EXISTING 2X4 3 LAMP FLUORESCENT (RECESSED)	2GT8_3_32_A1 2_1_3_ADDE.i es	2850	0.60	New ATM Zone Spill Light at Street	3.3 fc 0.8 fc	31.7 fc 1.9 fc	0.0 fc 0.0 fc	N / A N / A	N / A N / A
	EX2	3	EXISTING 2X2 2 LAMP FLUORESCENT (RECESSED)	2GT8_2_U316_ A12_ADDE.ies	2600	0.60		ENSIONS				
	EX3	2	EXISTING MH SURFACE MOUNT	VR3C_70M_12 0.ies	5000	0.60	INSTALLATION DIMENS EXCEPT FOR LIGHT FI CLEARING THE ARE	XTURES THAT MAIN	ITAIN THE SAME		ND POLES ARE S	SHOWN ON PLANS
	SA1	2	LITHONIA LIGHTING TWF1 100M TB TWF1BBW DDB LPI (WALL MT @ 12 FT AFG))	TWF1_100M.ie s	8500	0.75	THE CONTRACTOR SH COMPLY WITH BANK O	ALL TRIM TREES AI DF AMERICA LANDS	ND LANDSCAPING SCAPING STANDA		AFFECTED AREA	N ORDER TO
	SA2	4	LITHONIA LIGHTING TWF1 70M TB TWF1BBW DDB LPI (WALL MT @ 12 FT AFG)	TWF1_100M.ie s	5500	0.75	THE ILLUMINATION LEY AND 2 FOOTCANDLES THE PROPOSED PHOT LUMINAIRE SCHEDULE. WHEN THE PERFORMA	AT 60' RADIUS FF OMETRIC COMPLIAN	ROM THE ATM U	NIT. ASED ON THE I	LIGHT FIXTURES I	PROVIDED IN THE
-	SB	2	LITHONIA LIGHTING KVF2 250M SYMFL VOLTAGE RP09 SCWA DDB LPI (POLE MT @ 15 FT AFG)	KVF2_400M_S YMFL_(PULSE _START).ies	19500	0.75	CRITERIA CALLED FOR FINAL ADJUSTMENTS TRESPASS OR GLARE SUBSTITUTION OF THE	N THE STATISTIC TO AIMING ANGLE/ ONTO ADJOINING F E LIGHT FIXTURES V	S, THESE MUST DIRECTION OF FI PROPERTIES OR WILL RESULT IN	BE REPLACED IXTURES MAY B ROADWAYS. A DIFFERENT IL	WITH THE ONES E REQUIRED TO LUMINATION COV	PROPOSED. ELIMINATE LIGHT
 ALL THE THE WITH 	NEW LUM TOTAL LU PHOTOME	INAIRE JMEN/ TRIC E VANCE		OFF. WITHIN THE RECTED IN THE RE	EQUIREMI EADINGS,	ENTS. AT THE						ERAGE AND

1.- NOT ALL SYMBOLS ARE USED.

2.- R OR EL DENOTES RELOCATED. 3.- E DENOTES EXISTING.

4.- ER DENOTES EXISTING TO BE REMOVED.

GENERAL NOTES - ELECTRICAL

- GENERAL CONDITIONS: THE GENERAL CONDITIONS FORM A PART OF THE SPECIFICATIONS FOR THIS TRADE AND EACH SUBCONTRACTOR MUST READ THE GENERAL CONDITIONS AS WELL AS THE SPECIFICATIONS FOR WORK OF THE OTHER TRADES TO ASCERTAIN WHAT WORK AND MATERIALS HE MUST SUPPLY TO THE OTHER CONTRACTORS.
- 2 SITE INVESTIGATION: IT SHALL BE THE RESPONSIBILITY OF BIDDERS TO VISIT THE SITE OF THE WORK AND TO ACQUAINT THEMSELVES WITH ALL INFORMATION REGARDING THE BUILDING.
- 3 MATERIALS: THE MATERIALS USED SHALL ALL CONFORM TO LOCAL CODE REQUIREMENTS. ALL MATERIALS USED SHALL BE LISTED OR SHALL BEAR U.L. APPROVAL.
- 4 DESIGN: THE INSTALLATION OF THE WIRING SYSTEM ON THESE DRAWINGS SHALL CONFORM TO THE REGULATIONS OF THE LOCAL CODES AND ORDINANCES, N.E.C. AND LOCAL UTILITY COMPANIES.
- 5 GUARANTEE: THE SUB-CONTRACTOR SHALL FURNISH A WRITTEN GUARANTEE THAT ALL WORK EXECUTED UNDER THIS CONTRACT SHALL BE FREE FROM DEFECTS OF WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE FINAL ACCEPTANCE AND THAT HE WILL AT HIS OWN EXPENSE, REPAIR AND REPLACE ALL WORK WHICH BECOMES DEFECTIVE DURING THE TIME OF THE GUARANTEE.
- CONDUCTORS: ALL CONDUCTORS SHALL BE OF 98% CONDUCTIVITY COPPER. CONDUCTOR INSULATION SHALL BE TYPE THW OR THWN FOR NO. 8 AWG AND LARGER AND TYPE THHN/THWN FOR NO. 10 AWG OR SMALLER UNLESS OTHERWISE NOTED ON PLANS OR IN THE SCHEDULES.
- 7 RACEWAYS: ALL CONDUCTORS SHALL BE IN RACEWAYS AS FOLLOWS:
 - A PVC SCHEDULE 40 SHALL BE USED UNDERGROUND, IN CONCRETE, OR UNDER GROUND FLOOR SLAB.
 - B I.M.C. OR R.G.S.C. SHALL BE USED WHERE EXPOSED OUTDOORS, UP TO A POINT 12" BELOW GRADE WHERE TRANSITIONS TO PVC SHALL BE MADE.
- C FLEXIBLE CONDUIT SHALL BE USED FOR CONNECTION TO ALL VIBRATING EQUIPMENT AND TO ALL RECESSED MOUNTED FIXTURES. FLEXIBLE CONDUIT SHALL BE LIQUID-TIGHT WHERE EXPOSED TO WEATHER.
- D ELECTRICAL METALLIC TUBING SHALL BE USED INDOORS, WHERE CONCEALED, ABOVE GRADE.

- A.- OVERALL INSTALLATION: THE INSTALLATION SHALL COMPLY WITH THE FOLLOWING:
- 1- LIFE SAFETY CODE (NFPA 101). 2- NATIONAL ELECTRICAL (NFPA 70). 3- INTERNATIONAL ENERGY CONSERVATION CODE
- 4- LOCAL CODES AND REGULATIONS. B.- CONDUCTORS CALCULATIONS: CONDUCTORS CALCULATIONS ARE BASED ON 75'C. ALL CONDUCTORS TO BE COPPER.THWN.
- . GENERAL: THE GENERAL AND SPECIAL CONDITIONS AND REQUIREMENTS OF THE CONTRACT AND SPECIFICATIONS AS WELL AS PLANS AND SPECIFICATIONS OF OTHER DISCIPLINES AND TRADES SHALL BE A PART OF THE WORK HEREBY SPECIFIED. THESE SPECIFICATIONS AND ACCOMPANYING PLANS ARE INTENDED TO PROVIDE FOR THE COMPLETE FURNISHING AND INSTALLATION OF THE ELECTRICAL SYSTEMS. TO PROVIDE MEANS TO FURNISH AND INSTALL.
- 2. COMPLIANCE: WORKMANSHIP, MATERIALS AND INSTALLATION SHALL BE IN STRICT ACCORDANCE WITH THE APPLICABLE EDITION OF THE SBC, NEC, NFPA, NEMA, ASTM, OSHA, UL, ANSI, HRS HEALTH AGENCIES AND OTHER APPLICABLE NATIONAL, STATE AND LOCAL CODES AND PERTAINING REGULATIONS ESTABLISHED BY THE RULING AUTHORITY HAVING JURISDICTION. CONTRACTORS SHALL ALSO MEET THE REQUIREMENTS STRICT THAN THOSE STANDARDS CITED ABOVE.
- WORKMANSHIP: ALL WORK SHALL BE PERFORMED BY CONTRACTORS LICENSED IN THEIR RESPECTIVE DISCIPLINE. WORK SHALL BE DONE IN A FIRST CLASS MANNER, FULLY OPERATIVE, AND TO THE ACCEPTANCE OF THE ARCHITECT AND ALL NECESSARY LABOR AND MATERIAL REQUIRED FOR THE COMPLETION OF THE WORK INCLUDING BUT NOT LIMITED TO RELATED WORK SUCH AS CONNECTION OF EXISTING SYSTEMS, EXCAVATIONS AND BACK FILLING.
- 4. MATERIALS: CONTRACTOR SHALL PROVIDE ALL NEW MATERIALS OF AMERICAN MANUFACTURE, BEARING THE UNDERWRITER'S LABORATORY (UL) LABEL AS APPLICABLE. MATERIALS SHALL BE NEW, SUITABLE FOR THE APPLICATION AND ABOVE STANDARD QUALITY NORMALLY USED FOR THE PURPOSE AS CALLED FOR ON PLANS. SUPPLEMENTAL MATERIALS, PRODUCTS AND COMPONENTS NECESSARY TO COMPLY WITH THE INTENT OF THE CONTRACT DRAWINGS AND/OR SPECIFICATIONS, BUT NOT NOTED OR SPECIFIED ON THESE SECTIONS, SHALL BE RESPONSIBLE FOR PROVISIONS AND COORDINATION OF DELIVERY OF MATERIALS. EQUIPMENT MARRED DURING SHIPMENT OR INSTALLATION SHALL BE TOUCHED UP AND REFINISHED TO FACTORY FINISH, REPLACED WHERE NOT ACCEPTABLE.

- ARE POSSIBLE. IN THE SCOPE OF THIS WORK. COMPLY WITH ABOVE.
- EXACT LOCATION AND DIMENSIONS.
- BE AVOIDED.
- BASIS OF BIDDING. REQUESTS FOR COMPARABLE AND BASIC DESIGN, CONSTRUCTION, STANDARDS AND EQUALITY OF SUBSTITUTION: CIRCUMSTANCES, BE REQUIRED TO PROVE TO THE SPECIFIED ITEM. SHALL BE PAID BY THE CONTRACTOR.

ELECTRICAL SPECIFICATIONS

- 5. PERMITS AND INSURANCE: CONTRACTOR SHALL SECURE AND PAY FOR ALL PERMITS, FEES, TAXES, INSPECTIONS, TESTS, FINES AND OTHER ITEMS AS REQUIRED FOR THE INSTALLATION OF THE COMPLETE ELECTRICAL SYSTEMS AS OUTLINED HEREIN AND SHOWN ON PLANS. CONTRACTOR SHALL PROVIDE ALL REQUIRED INSURANCE FOR PROTECTION AGAINST PUBLIC LIABILITY AND PROPERTY DAMAGE FOR THE DURATION OF THE WORK.
- 6. EXISTING CONDITIONS: THIS DESIGN IS BASED ON FIELD OBSERVATIONS, DEVIATIONS
- PRIOR TO BID THE CONTRACTOR SHALL VISIT THE JOB SITE AND DETERMINE THE EXTENT OF REVISION TO EXISTING EQUIPMENT AND WIRING TO ACCOMMODATE CHANGES AND ADDITIONS, ALL THE NECESSARY REROUTING, RELOCATING AND/ OR REMOVAL OF EXISTING EQUIPMENT, WIRING ETC. SHALL BE INCLUDED EXTRAS SHALL NOT BE ALLOWED FOR FAILURE OF THE CONTRACTOR'S PART TO
- 7. PLANS: DRAWING ARE BASICALLY DIAGRAMS INTENDED TO DEPICT APPROXIMATELY EQUIPMENT LOCATIONS AND ARRANGEMENTS. NOT TO SHOW EVERY MINOR DETAIL. PLANS SHALL NOT BE SCALED TO DETERMINE
- 8. INTERFERENCE: THE CONTRACTOR SHALL COORDINATE HIS WORK WITH OTHER TRADES SO THAT INTERFERENCE WITH EXISTING CONDITIONS, CONDUITS, PIPING, EQUIPMENT, ARCHITECTURAL AND STRUCTURAL MEMBERS
- 9. SUBSTITUTIONS: PRODUCTS AND MATERIALS CALLED OUT BY TRADE NAME AND/OR CATALOG NUMBERS ESTABLISH A STANDARD OF QUALITY, APPEARANCE, PERFORMANCE AND DIMENSION. CONTRACTORS SHALL BASE HIS PROPOSAL ON THOSE ITEMS AS THEY SHALL BE CONSIDERED AS A STANDARD SUBSTITUTION SHALL BE SUBMITTED IN WRITING TO THE ARCHITECT/ENGINEER, DEMONSTRATING THAT PRODUCT IS OF WARRANTIES, DIMENSIONS TO FIT WITHOUT CHANGE, AND DOES NOT CAUSE EXTRA WORK TO OTHER TRADES. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING ARCHITECT/ENGINEER WILL UNDER NO
- SUCH ITEM IS OR IS NOT OF EQUAL QUALITY ARCHITECT/ENGINEER EXPENSES INCURRED

- 10. RECORD DRAWING: MAINTAIN A COMPLETE SET OF PRINTS FOR INDICATING ALL CHANGES. USED COLORED PENS TO MARK CHANGES AT THE TIME OF EXECUTION AND DELVER THE SET TO THE ARCHITECT/ENGINEER UPON COMPLETION. CONTRACTOR SHALL STAMP "AS BUILT" ON PRINTS AND PLANS, DATE AND SIGN IN INK.
- 11. DATA/TELECOMMUNICATION SYSTEMS: A.- FOR DATA/TELECOMMUNICATION SYSTEMS UTILIZE CONTRACTOR EXPERIENCED IN THE INSTALLATION OF COMMUNICATION SYSTEMS AND CERTIFIED BY BUILDING INDUSTRY CONSULTING SERVICE INTERNATIONAL.
- 12. CUTTING AND PATCHING: A.- MAJOR CUTTING, PATCHING AND PAINTING REQUIRED BY THIS CONTRACT WILL BE PERFORMED IN A NEAT AND WORKMANLIKE MANNER. ALL SURFACES SHALL BE RETURNED TO ORIGINAL CONDITIONS AFTER THE INSTALLATION OF THE EQUIPMENT.
- 13. FIELD CHANGES: A.- THE ELECTRICAL CONTRACTOR SHALL CONSULT THE ENGINEER BEFORE THE IMPLEMENTATION OF FIELD CHANGES, MODIFICATIONS OR ADDITIONS COVERING ELECTRICAL EQUIPMENT, ELECTRICAL INSTALLATION. DISTRIBUTION OF THE ELECTRICAL LOADS, ELECTRICAL RISER OR SERVICE ENTRANCE THAT DEVIATES FROM THE ORIGINAL SIGNED, SEALED AND APPROVED ELECTRICAL PANS.
- B.- PROPOSED ELECTRICAL CHANGES, ADDITIONS AND MODIFICATIONS THAT DEVIATE FROM THE ORIGINAL SIGNED, SEALED PLANS ORIGINALLY APPROVED BY THE BUILDING DEPT. WHICH ARE INTENDED TO BE INCLUDED BY THE ELECTRICAL CONTRACTOR IN ITS "AS BUILT" DRAWINGS SHALL BE REVIEWED BY THE ENGINEER FOR A WRITTEN APPROVAL BEFORE THE CHANGES, MODIFICATIONS OR ADDITIONS ARE IMPLEMENTED. THE ENGINEER SHALL NO BE RESPONSIBLE AND WILL NOT INTEGRATE FIELD CHANGES INTO THE ORIGINAL PLANS THAT HAVE NOT BEEN CONSULTED AND PRE-APPROVED BEFORE THEIR FIELD IMPLEMENTATION.
- C.- THE INTEGRATION BY THE ENGINEER OF FIELD CHANGES, MODIFICATIONS AND ADDITIONS INTO THE ORIGINAL SET OF PLANS TO CREATE A FINAL OF "AS BUILT" PLANS IS NOT INCLUDED IN THE ORIGINAL CONTRACT AND SHALL BE CONSIDERED AN OPTIONAL ITEM.

	ARCHITECTURAL DESIGN COLLABORATIVE
C O F/	35 ALCAZAR AVENUE ORAL GABLES, FL 33134 FFICE: (305) 442-1188 AX: (305) 445-1509 //WW. ADCINTERNATIONAL.NET
	STATE OF NORTH CAROLINA #52695 RAYMUNDO FEITO #11887
[Architect • Seal/Signature
	BANK OF AMERICA DRIVE-UPATM INSTALLATION at:
	CARRBORO BANKING CENTER 104 EAST MAIN STREET, CARRBORO, NC 27510
	IssueDate & Issue DescriptionDrawn ByChecked By0112/31/12JGP&G
-	PERMIT ISSUE 02 06/04/13 JG P&G BLDG COMMENTS
	Date & Delta Description Drawn By Checked By
-	
	Client Information
	C.D. NICHAND ELLIS 3604 TRAIL 23 DURHAM, NC 27707 PH: 919-280-8447
	CONTACT: Dan O'Toole Project Number
	12374 CAD File Name BOA-CARRBORO-D/U ATM CDs
	Description GENERAL NOTES, SYMBOLS, AND LIGHT FIXTURE SCHEDULE. Scale SEE PLAN
	Consultant • Seal/Signature
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5	P&G ENGINEERING DESIGN GROUP CORP. CA-29977
<u>-</u> う	21 SW 102 CT. MIAMI, FL. PH. 786.863-7 FAX. 305. 220.
	LUIS D. PEREZ NORTH CAROLINA, PE 039629



N DENOTES NEW LIGHT FIXTURE.

NUMBERED NOTES (1) EXISTING LUMINAIRE TO REMAIN CLEAN AND RE-LAMP AS REQUIRED. (2) NEW CUTOFF LUMINARIE MOUNTED ON CONCRETE POLE. REFER TO LIGHTING FIXTURE SCHEDULE FOR ADDITIONAL INFORMATION. (3) NEW FLOOD LIGHT FIXTURE TO BE INSTALLED UNDER THIS CONTRACT. REFER TO LIGHTING FIXTURE SCHEDULE FOR ADDITIONAL INFORMATION. (4) REFER TO ATM UNIT DRAWING FOR EXACT LOCATION OF CONDUITS STUB UP. (5) PRIOR TO DIGGING OR TRENCHING VERIFY THE LOCATION OF ALL UNDER GROUND LINES. CALL NORTH CAROLINA 811 AT LEAST 48 HRS IN ADVANCE TO TRENCHING OR EXCAVATING. (6) INSTALL UNDERGROUND CONDUITS IN TRENCH. (7) RUN PVC CONDUITS 18" MINIMUM BELOW GRADE. SAW CUT ISLAND/ROAD AS REQUIRED TO ALLOW CONDUIT'S INSTALLATION. AFTER CONDUITS INSTALLATION RESTORE PAVEMENT/ISLAND TO ITS ORIGINAL CONDITIONS. (8) EMPTY CONDUITS FOR SECURITY, DATA/TELEPHONE, ALARM WIRING ETC; PULL STRING CORD SHALL BE PROVIDED. VERIFY WITH ARCHITECT THE FINAL TERMINATION POINT FOR THESE CONDUITS. (9) PROVIDE FIRE STOP SEAL AT THE CONDUIT POINT OF ENTRANCE INTO THE BULDING CEILING SPACE. (10) REMOVE EXISTING VEHICULAR SIGNAGE AT DRIVE THRU CANOPY. (11) PROVIDE A NEW DRIVE UP ATM SIGN, PER B.O.A. STANDARD. (12) EXISTING V.A.T. TO BE REMOVED ALONG WITH ALL ASSOCIATED EQUIPMENT. (13) PULL THE WIRES BACK TO THE PANEL AND REMOVE THEM; AFTER REMOVAL, IDENTIFY ASSOCIATED CIRCUIT BREAKERS AS SPARE. (14) PROPOSED ILLUMINATION AND PHOTOMETRIC ARE BEING DESIGNED TAKING INTO CONSIDERATION BANK OF AMERICA STANDARDS (LIGHT FIXTURES); WHERE INDICATED, THE CONTRACTOR MUST INSTALL/REPLACE/RE-LAMP WITH NEW LIGHT FIXTURES AS CALLED FOR IN THE SCHEDULE. UNLESS, AFTER FIELD VERIFICATIONS THE EXISTING FIXTURES ARE FOUND IN GOOD CONDITIONS AND THE SAME MEET THE PERFORMANCE OF THE SPECIFIED REPLACEMENT. THE CONTRACTOR MUST PROVIDE CERTIFICATION THAT EXISTING TO REMAIN FIXTURES MEET THE SPECIFIED REQUIREMENTS. (15) CONDUIT RUNNING VERTICALLY TRANSITIONING FROM OVERHEAD TO UNDERGROUND, RUN CONDUITS THRU EXISTING COLUMN EXTERIOR SURFACE AND PROVIDE PULL BOX ABOVE CEILING, AS REQUIRED. (16) OVERHEAD CONDUITS TO EXISTING ELECTRICAL PANEL "A". (17) OVERHEAD CONDUITS TO TELECOMMUNICATION ACTIVE EQUIPMENT.

- (18) EXISTING PANEL "A" TO REMAIN. CONTRACTOR SHALL INTERCEPT EXISTING CONDUIT AND FEEDER COMING FROM MAIN BUILDING (PANEL "MDP") AND RE-ROUTE THEM TO THE NEW SAFETY SWITCH AS INDICATED ON THIS DRAWINGS. REFER TO PARTIAL PROPOSED ELECTRICAL RISER DIAGRAM FOR DETAILS.
- (19) NEW SAFETY SWITCH. REFER TO PARTIAL PROPOSED ELECTRICAL RISER DIAGRAM FOR DETAILS.





PANEL EXISTING PROTECTION POL AMPS 1 | 30 |NEW ATA (B)-(B)– 20 NEW ATA TOP LIGHT (C)-SPACE (A)- * * EXISTING LOAD (A)- * * EXISTING LOAD * * EXISTING LOAD (A)-(A)- * * EXISTING LOAD (A)- * * EXISTING LOAD (A)-20 EXISTING LOAD (C)-SPACE SERVICE _ — LIGHTING R – RECEPTACLES (FIRST 10 KVA) R - RECEPTACLES (REMAINING)H – H.V.A.C. E – GENERAL EQUIPMENT K – KITCHEN EQUIPMENT S – SUB-FEEDER LM - BIGGEST MOTOR LOAD TOTAL KVA TOTAL AMPS (KVA / 208 X $\sqrt{3}$) (A)-EXISTING C.B., BRANCH CIRCUIT AND CONDUITS TO REMAIN.

(C)- EXISTING SPACE TO REMAIN AS IS.

(*)- DENOTES 20A/20A AMPERAGE RATING TANDEM CIRCUIT BREAKER.

(T)- CONTROLLED BY EXISTING EXTERIOR LIGHTING CONTACTOR AND TIME CLOCK. CONTRACTOR SHALL VERIFY SPARE CAPACITY ON SUCH LIGHTING CONTACTOR TO BE USED BY THIS CIRCUIT, OTHERWISE, NEW CONTACTOR SHALL BE PROVIDED.

LOAD BASED ON FIELD OBSERVATIONS AND/OR MAXIMUM CIRCUIT CAPACITY.

CORAL OFFICE FAX: (3	ARCHITECTURAL DESIGN CAZAR AVENUE GABLES, FL 33134 E: (305) 442-1188 05) 445-1509 ADCINTERNATIONAL.NET	
RAYM Archite Const DR at:	OF NORTH CAROLINA UNDO FEITO ect • Seal/Signature ruction Documents for: BANK OF AN IVE-UPATM IN	· • • • • • • •
104 EA CARR 01 02	Date & Issue Description Date & Issue Description 12/31/12 PERMIT ISSUE 06/04/13 BLDG COMMENTS	Drawn By Checked By JG P&G JG P&G
	Date & Delta Description	Drawn By Checked By
C.I 3604 DURH PH: 9 CONT	Information B. RICHARD TRAIL 23 IAM, NC 27707 19-280-8447 ACT: Dan O'Toole	ELLIS
BOA- Descri PHOT PLAN Scale SEE I	ile Name CARRBORO-D/U ATM CDs	ELECTRICAL POWER PANEL SCHEDULE.
	G ENGINEERI ROUP CORP. SW 102 CT. MIAN PH. 786.863 FAX. 305. 220	3-7 MUMULTIA

NORTH CAROLINA, PE 039629

E DENOTES EXISTING TO REMAIN.



LENGTH OF POLE	_20_FT.			
EMBEDMENT SPECIFIED	<u>5</u> rt.			
HEIGHT ABOVE GROUND	<u>15</u> FT.			
WEIGHT	<u>770</u> LBS.			
WIND VELOCITY (mph)	120	140	150	
MAXIMUM EPA* (sq. ft.)	8	4	з	

STANDARD PIPE TENON SIZE					
Nominal Diameter (in)	Outside Diameter (in)				
2"	2 3/8"				
2 1/2"	2 7/8"				
3"	3 1/2"				
3 1/2"	4"				
4"	4 1/2"				



BRANCH CIRCUIT TO E-ROUTED AS R SHALL REPLACE NG 100A FEEDER).
G EXISTING OR SHALL PROVIDE

- 1 EXISTING ELECTRICAL PANEL "MDP"
- TO BE REUSED. (3 POLE-100A C.B. SERVING EXISTING PANEL "A") 2 PROVIDE NEW HEAVY-DUTY SERVICE
- DISCONNECT 3 POLE/100A MAX./100A FUSES, 240 VAC, 10 KAIC, NEMÁ 3R.
- 4 INTERCEPT EXISTING CONDUIT AND PROVIDE PULL BOX IF REQUIRED..
- ARCHITECTURAL DESIGN COLLABORATIVE 235 ALCAZAR AVENUE CORAL GABLES, FL 33134 OFFICE: (305) 442-1188 FAX: (305) 445-1509 WWW. ADCINTERNATIONAL.NET STATE OF NORTH CAROLINA **#**52695 RAYMUNDO FEITO #11887 Architect

 Seal/Signature Construction Documents for: BANK OF AMERICA DRIVE-UP ATM INSTALLATION CARRBORO BANKING CENTER 104 EAST MAIN STREET, CARRBORO, NC 27510 Issue Date & Issue Description Drawn By Checked By JG P&G 01 12/31/12 PERMIT ISSUE 02 06/04/13 JG P&G BLDG COMMENTS Date & Delta Description
 Drawn By Checked By Client Information **C.B. RICHARD ELLIS** 3604 TRAIL 23 DURHAM, NC 27707 PH: 919-280-8447 CONTACT: Dan O'Toole Project Number 12374 CAD File Name BOA-CARRBORO-D/U ATM CDs Description LIGHTING POLE DETAILS Scale SEE PLAN Consultant • Seal/Signature Ω OP&G ENGINEERING DESIGN GROUP CORP. CA-29977 21 SW 102 CT. MIAMI, FL. Рн. 786.863-7 FAX. 305. 220. Luis o. Perez NORTH CAROLINA, PE 039629



FEATURES & SPECIFICATIONS

INTENDED USE — Use for parking lots, streets and surrounding areas.

CONSTRUCTION — Heavy gauge die-formed aluminum housing is fabricated using robotic continuous seam-weld process for weather-tight integrity. Integral structural support plate for mounting arm and electrical components ensures rigidity and strength. Hinged aluminum door frame incorporates stainless steel hardware. Continuous silicone gasketing surrounds lens for weather-tight seal. Optional tool-less hardware is available to maximize installation and maintenance ease.

Lens: Thermal shock resistant tempered glass lens. Choice of contoured drop lens or flat lens is available in standard product.

Standard finish is dark bronze corrosion resistant electrostatically applied powder paint. Optional linear embossed accent reveals are available.

OPTICS — Most flat lens configurations meet full-cutoff criteria. See www.lithonia.com for details. Verticallamp reflectors are 1-piece spun and formed anodized aluminum. Specialized distributions available for either drop lens or flat lens. Reflectors are independently designed to optimize light output for the lens type. Horizontal-lamp reflectors also available.

ELECTRICAL — All electrical components are mounted to a heavy-gauge plate to maximize heat dissipation and ensure structural integrity for optimal component life. Ballast: Constant wattage autotransformer. Metal Halide: Super CWA (pulse start ballast), 88% efficient and EISA legislation compliant, is required for 175-400W (SCWA option) for US shipments only. CSA, NOM or INTL required for probe start shipments outside of the US. Pulse-start ballast (SCWA) required for 200W, 320W, 350W, 450W, 750W, 775W or 875W. Ballast is 100% factory-tested.

Socket: Mogul-base porcelain socket with copper alloy, nickel-plated screw shell and center contact. Vertically-oriented for types SYM, ASY, and VFA distributions. Horizontal position-oriented for types R2, R3 and R4. UL listed 1500W-600V, 4kV pulse rated. Reflectors are rotatable and interchangeable.

INSTALLATION — Extruded aluminum arm with integral splice compartment. Standard arm is 9" in length. Aluminum fitter for 4" to 6" OD poles.

LISTINGS — UL Listed to US and Canadian safety standards (see Options). NOM Certified (see options). UL listed for 25°C ambient and wet locations. Optical chamber IP65 rated.

For shortest lead times, configure products using **bolded options**.

WARRANTY — 1-year limited warranty. Complete warranty terms located at

www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx Note: Specifications subject to change without notice.

ORDERING INFORMATION

Notes Туре **Square Area Lighting**



Catalog

Number

KVF2

METAL HALIDE: 175-1000W HIGH PRESSURE SODIUM: 250-1000W 20' to 40' Mounting

Specifications

Square: 21-1/2 (54.6)		
Flat lens height: 14 (35.5)		
Drop lens height: 17 (43.2)	Post top	
<u>Arm mount</u>	EPA: 2.8 ft ² (0.25 m ²)	
EPA: 2.8 ft ² (0.25 m ²), incl. arm	Weight: +2 lbs to *	Mou
*Weight: 53 lbs (24 kg)	Overall Height: 22-3/4 (57.8)	S
* Weight as configured in examp	ple below.	

FH DH Square

unting Option Drilling Template SPxx, RPxx, WBxx 6 WWxx

Dimensions in inches (centimeters)unless otherwise specified.

Example: KVF2 400M SYMDL TB SCWA SP09 LPI

KVF2										
Series	ries Wattage			Distribution		Voltage	Ballast	Mounting		
KVF2	<u>Metal</u> <u>halide</u> 175M ¹ 200M ² 250M ³ 320M ²	400M ³ 450M ^{1, 2} 750M ² 775M ^{2,4} 875M ^{2,4} 1000M ⁵	High pressure sodium ⁶ 250S 400S 750S	Vertical lamp. ⁸ SYM Symmetric square ASY Asymmetric VFA Vertical forward throw automotive Horizontal lamp. ⁸	High-performance horizontal lamp. ⁹ SR2FL Type II roadway SR3FL Type III asymmetric SR4SCFL Type IV forward throw, sharp cutoff	120 208 ¹⁰ 240 ¹⁰ 277 347 480 ¹⁰	(blank) Magnetic ballast CWI Constant wattage isolated Pulse Stort SCWA Super CWA ballast	Type SP Square pole RP Round pole WB Wall bracket WW Wood pole or wall bracket	<u>Size¹³</u> 06 6" arm 09 9" arm 12 12" arm	
	350M ^{1,2}		1000S ⁷	R2 Type II R3 Type III	SR4WFL Type IV forward throw, wide	TB ¹¹ 23050HZ ¹²	Note: For shipments to U.S. territories, SCWA must be specified to comply with EISA.	PT Post top; opentop pole	4 4" OD 4.5 4.5" OD 5 5" OD 6 6" OD	

Options	Finish ²⁰				Lamp (required)					
Shipped installed in fixtureSFSingle fuse 120, 277, 347V14DFDouble fuse 208, 240, 480V14KW1KiloWatch® 120V control relay14,15KW4KiloWatch® 277V control relay14,15PERNEMA twist-lock receptacle only (photocontrol not included)QRSQuartz restrike system16QRSTDQRS time delay12,16EAEmbossed accent	EHS EHSB CSA NOM INTL REGC1	External houseside shield (matches fixture finish) ^{17, 18, 19} External houseside shield black (painted black to maximize light control) ^{17, 19} Listed and labeled to comply with Canadian Standards NOM certified ¹² Available for 175M probe start ship- ping outside the U.S. California Title 20 effective 1/1/2010	Shipp VG PE1 PE3 PE4 PE7 SC	vandal guard ^{18, 19} NEMA twist-lock PE (120,208,240V) NEMA twist-lock PE (347V) NEMA twist-lock PE (480V) NEMA twist-lock PE (277V) Shorting cap	(blank) DBL DGC DMB DNA DWH <u>Super Dur</u> DDBXD	Dark bronze Black Charcoal gray Medium bronze Natural aluminum White <u>rable Finishes</u> Dark bronze	DBLXD DNAXD DWHXD DDBTXD DBLBXD DNATXD DWHGXD	Black Natural aluminum White Textured dark bronze Textured black Textured black Textured natural aluminum Textured white	NC FF Consistent & Green	Lamp included Less lamp

Notes

These wattages do not comply with California Title 20 regulations.

Must be ordered with SCWA.

- These wattages require the REGC1 option to be chosen for shipments into California for Title 20 compliance. 250M REGC1 in not available in 347 or 480V.
- Must specify voltage (120, 208, 240, 277, 347 or 480). Not available in TB. 208,

240, and 480v not available in Canada

Use reduced jacketed lamp.

- Not available with SCWA. 750S must specify voltage (120, 208, 240, 277,
- For drop lens, specify DL. For flat lens, specify FL. Example: SYMDL or R2FL.
- 9 Not available with 750M, 775M, 875M, 1000W or post top.
 10 Must specify CWI for use in Canada.

Optional multi-tap ballast (120, 208, 240, 277V; 120, 277, 347V in Canada). 11 12

Consult factory for available wattages.

13

14 Not available with TB. Must specify voltage.

15 Available in vertical lamp orientation	only for 200-400M SCWA. Any

orientation on 250S or 400S only

16 Maximum allowable wattage lamp included

17 May be ordered as an accessory.

18 Specify finish when ordered as an accessory

- 19 Prefix with KVF2 when ordering as an accessory. Order as KVF2EHSFL U for high-performance reflectors.
- 12" arm required when two or more luminaires are oriented on a 90° drilling pattern. 20 See www.lithonia.com/archcolors for additional color options.

010	SC	Shorting cap	DDBXD	Dark bro

347 or 480); available with SYM, ASY or VFA only. Available in ASYDL, SYMDL or VFADL. Standard ED25 lamp.





Notes

- 1 Photometric data for other distributions can be accessed from the Lithonia Lighting Web site (www.lithonia.com)
- 2 For electrical characteristics, consult outdoor technical data specification sheets on www.lithonia.com.
- 3 Tested to current IES and NEMA standards under stabilized laboratory conditions. Various operating factors can cause differences between laboratory and actual field measurements. Dimensions and specifications are based on the most current available data and are subject to change.

Mounting Height Correction Factor

(Multiply the fc level by the correction factor) 25 ft= 0.64 30 ft= 0.45 40 ft= 0.25

 $\left(\frac{\text{Existing Mounting Height}}{\text{New Mounting Height}}\right)^2$ = Correction Factor

Accessories: Tenon Mounting Slipfitter* Order as separate catalog number.										
Tenon O.D.	One	Two@180°	Two@90°	Three@120°	Three@90°	Four@90°				
2-3/8 (6.0)	T20-190	T20-280	T20-290	T20-320	T20-390	T20-490				
2-7/8 (7.3)	T25-190	T25-280	T25-290	T25-320	T25-390	T25-490				
4 (10.2)	T35-190	T35-280	T35-290	T35-320	T35-390	T35-490				

* Arm mount only.



An **Cuity**Brands Company



FEATURES & SPECIFICATIONS

INTENDED USE — For building- and wall-mounted applications.

CONSTRUCTION — Rugged, die-cast, single-piece aluminum housing. Die-cast doorframe has impactresistant, tempered glass lens. Doorframe is fully sealed with a closed-cell silicone gasket.

Finish: Standard finish is textured dark bronze (DDBT) polyester powder finish, with other architectural colors available

OPTICS — Hydroformed reflector for superior uniformity and control. Vertical lamp orientation for improved lamp output and life.

ELECTRICAL — HID 70W-150W utilizes a high-reactance, high power factor ballast. 175W utilizes a constant-wattage autotransformer ballast. Super CWA Pulse Start ballasts, 88% efficient and EISA legislation compliant, are required for 151-200W (must order SCWA option) for US shipments only. CSA, NOM or INTL required for probe start shipments outside of the US. 200M is only available with SCWA. HEB maximum wattage 100M. Quick-disconnect plugs easily disconnect reflector from ballast and fixture from supply wires. Ballasts are precision-wound and 100% factory tested. Ceramic metal halide lamps are recommended for use in applications where superior color rendition, lumen maintenance and longer lamp life are desired. Socket: For HID porcelain, medium-base socket (G12 for 70MHCT6) with copper alloy, nickel-plated screw shell and center contact.

INSTALLATION — Universal mounting plate with integral mounting bolts supports the fixture for easy, one-person installation.

LISTINGS — CSA Certified to U.S. and Canadian standards. Down orientation only. NOM Certified (see Options). IP65 rated. HID-175W and below-listed to 40° C ambient. 200W listed to 25° C ambient. The ELED option is listed to 25°C ambient. ELED: U.S. Patent No. 7,737,640.

Note: Specifications subject to change without notice.





Specifications Width: 16 (40.6) Height: 10 1/16 (25.6) Depth: 9-5/8 (24.4) *Weight: 24 lbs (10.9 kg) All dimensions are inches (centimeters) unless otherwise indicated. *Weight as configured in example below. Wall-Mounted Luminaire



METAL HALIDE: 70M-200M HIGH PRESSURE SODIUM: 70S-150S



Example: TWF1 100M TB LPI

ORDERING INFORMATION	lead times will vary depending on options selected. Consult with your sales representative.

Series	Wattage	Voltage	Ballast	Mounting	Options			Finish ¹⁶		Lamp	17
TWF1	Metal halide 70M 100M 150M 175M 200M Ceramic metal halide ¹ 70MHC 100MHC 150MHC 150MHC 70MHCT6 <u>High pressure</u> sodium 70S 100S 150S	120 208 ² 240 ² 277 347 480 ² TB ³ 23050HZ ⁴	 (blank) Magnetic ballast CWI Constant wattage isolated HEB Electronic ballast⁵ Puessor CWA pulse start ballast⁶ Note: For shipments to U.S. territories, SCWA must be specified to comply with EISA. 		SF	nstalled in fixture Single fuse (120, 277, 347V, n/a TB) Double fuse (208, 240, 480V, n/a TB) Quartz restrike with time delay ^{9,10} Quartz restrike system ^{9,10} Emergency circuit ^{9,10} Emergency LED secondary source battery pack (-4° F min. operating temperature) ^{10,11,12} Emergency LED secondary source (two modules) battery pack (-4° F min. operating temperature) ^{10,11,12} Emergency circuit 12-volt (35W lamp included) ^{10,13} Emergency circuit 12-volt (two 35W lamp included) ^{10,13} Emergency circuit 12-volt (two 20W lamp included) ^{10,13,14} Photoelectric cell-button type (n/a TB or 480V) ^{12,15} CSA certified NOM certified ⁴ International shipment for 175M	Shipped separately ⁷ WG Wire guard VG Vandal guard	(blank) DSST DNAT DWHG DBLB CR CR	Dark bronze, textured Sandstone, textured Natural aluminum, textured White, textured Black, textured Corrosion- resistant finish Non-stick protective coating (black only)		Lamp included Less lam

Consult factory for availability.

Available in 70W or 100W metal halide only. HEB voltage must be specified as MVOLT, 120, 208, 240 or 277 only.

Maximum allowable wattage lamp included.

10 Cannot be ordered with any other emergency option.

11 Maximum wattage 100M and 70S. Only available in 120V or 277V.

16 See www.lithonia.com/archcolors for additional color options.

17 Must be specified.

TWF1 Metal Halide, High Pressure Sodium, Wall Mounted



Luminaire Efficiency: 56.3%

TWF2 250M TEST NO: LTL18478

ISOILLUMINANCE PLOT (Footcandle)



250W pulse start metal halide lamp, rated 22000 lumens. Footcandle values based on 20 mounting height.

Classification: Unclassified (Type II, Very Short), Full Cutoff Luminaire Efficiency: 60.2%





200W pulse start metal halide lamp, rated 21000 lumens. Footcandle values based on 20' mounting height.

Classification: Unclassified (Type III, Very Short), Full Cutoff Luminaire Efficiency: 56.3%



4



May 2, 2013

Mr. Martin Roupe Town Planner 301 West Main Street Carrboro, NC 27510

Dear Mr. Roupe,

Please accept this as the official reply to your Request For Information regarding Bank of America's proposed drive up ATM addition at 104 E. Main Street, Carrboro, NC 27510. This Bank of America banking center services approximately 18,000 transactions a month including: 5,000 walk up teller transactions, 2,000 drive up teller transactions and 11,000 ATM transactions. The existing ATM at this location is a walk up.

Bank of America sees a need for a drive up ATM at this location to better serve our customers. The new drive up ATM will be replacing an existing vacuum actuated tube system that is used to provide drive up teller service during normal banking hours. The new drive up ATM will serve our customers 24 hours a day, 7 days a week.

Our experience shows that an average drive up teller transaction takes 105 seconds. The average drive up ATM transaction takes 75 seconds. This will reduce the idle time of each car in the drive thru by an average of 30 seconds.

While we expect the walk up ATM to continue meeting the needs of pedestrian customers in the central business area of Carrboro, we see a strong need to provide a drive up ATM option. Our customers tell us they want to be able to choose how and when they bank with us... a live teller, ATM, telephone, cell phone, on line, etc.

Thank you for your favorable consideration of our request for adding a DU ATM at our Carrboro banking center. If you have further questions please let us know.

Sincerely,

ATTACHMENT C-2





Town Hall 301 W. Main St. Carrboro, NC 27510

Agenda Item Abstract

File Number: 13-0347

Agenda Date: 6/25/2013

Version: 1

Status: Consent Agenda

File Type: Abstract

In Control: Board of Aldermen

Agenda Number: 4.

TITLE: Town Commons Follow-Up Report

PURPOSE: This is an informational item to inform the Board of Aldermen of the process used to gather community feedback on future use of Town Commons.

DEPARTMENT: Town Manager's Office

CONTACT INFORMATION: Alderman Michelle Johnson and Alderman Sammy Slade

INFORMATION: During a discussion about the Town Commons on March 12, 2013, Alderman Slade suggested that we increase the use of Town Commons along with including a sliding fee scale and increasing support for local non-profit organizations. The Board was willing to consider additional uses and amenities to the space.

Aldermen Johnson and Slade have been working on how to gather community input. Alderman Johnson met with Patricia McGuire on June 7, 2013 to discuss the Town Commons space. Also, on June 13th she met with Recreation and Park staff to discuss how to solicit feedback from the community. As a result of the recent meeting, a brief survey will be developed for the community to fill out. The survey can be distributed at the Farmer's Market, the 4th of July event and other activities. Additionally, the survey can be tweeted, placed on Facebook and posted on the Town's website. Hopefully the month of July will provide enough time to solicit feedback. Participants will be requested to send survey results to Alderman Johnson. Once compiled, a summary of feedback and a proposal for some additional uses of Town Commons will come back to the Board for consideration. The information can also be used for the future planning and redesign project partnering with the Farmer's Market.

FISCAL & STAFF IMPACT: Staff will assist with development, marketing and distribution of the survey during events and through social media options.

RECOMMENDATION: Accept the report.



Town Hall 301 W. Main St. Carrboro, NC 27510

Agenda Item Abstract

File Number: 13-0362

Agenda Date: 6/25/2013

Version: 1

Status: Consent Agenda

File Type: Abstract

In Control: Board of Aldermen

Agenda Number: 5.

TITLE:

Adoption of an Ordinance Limiting the Amount of Contributions to Candidates

PURPOSE: The purpose of this item is for the Board to adopt an ordinance limited campaign contributions to any candidate for town office.

DEPARTMENT: Town Attorney

CONTACT INFORMATION: Mike Brough

INFORMATION: Section 5-15 of the Town Code, set to expire 60 days prior to the filing for the 2013 regular town election, limits the amount of campaign donations to \$250.00. The ordinance provided as Attachment A to the Board will reenact the expiring limitation.

FISCAL & STAFF IMPACT: None

RECOMMENDATION: It is recommended that the Board adopt the attached ordinance.

AN ORDINANCE TO REENACT THE EXPIRING PROVISIONS OF SECTION 15-15 OF THE CARRBORO TOWN CODE, WHICH LIMIT THE AMOUNT OF CONTRIBUTIONS THAT CAN BE MADE TO CANDIDATES FOR TOWN OFFICES

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 5-15 of the Carrboro Town Code, which by its own terms expires automatically 60 days prior to the opening of filing for the 2013 regular town election, is reenacted and amended to read as follows:

Section 5-15 Limitation on Campaign Contributions for Town Offices

(a) No person, political committee, or other entity may contribute to any candidate for the office of mayor or any candidate for the office of alderman any money or in-kind contribution in any election (regular or special) in excess of \$250.00.

(b) The definitions in Article 22A of Chapter 163 of the General Statutes apply to the provisions of this section. In addition, as used herein, the word "candidate" also means a political committee authorized by the candidate for that candidate's election.

(c) The provisions of this section do not apply to contributions made by a candidate or a candidate's spouse, domestic partner registered with a government agency, parents, brothers, or sisters.

(d) The provisions of this section are authorized and shall be interpreted in accordance with Sections 2-8 and 2-9 of the Town Charter, as established by Chapter 97 of the 2008 Session Laws.

(e) The provisions of this section shall expire 60 days prior to the opening of filing for the 2015 regular town election, except that such expiration will not make lawful any contribution made before that date that is in violation of this section.

Section 2. This ordinance shall become effective upon adoption. The section it replaces is not immediately repealed but shall expire 60 days prior to the opening of filing for the 2013 regular town election. The Town Clerk shall replace the expiring version of Section 15-15 in the Town Code with the version set forth above.



Town Hall 301 W. Main St. Carrboro, NC 27510

Agenda Item Abstract

File Number: 13-0363

Agenda Date: 6/25/2013

Version: 1

Status: Consent Agenda

File Type: Abstract

In Control: Board of Aldermen

Agenda Number: 6.

TITLE: Financial Assistance for Folklore Society

PURPOSE: The purpose of this item is for the Board of Aldermen to consider providing financial award to help support the celebration and summit of the Folklore Society.

DEPARTMENT: Town Manager

CONTACT INFORMATION: David Andrews, 918-7315; Arche McAdoo, 918-7439

INFORMATION: On June 18, 2013 representatives from the Folklore Society appeared before the Board and presented their plans for a celebration and summit in the Town of Carrboro in the fall. They outlined the activities and noted they were in need of \$1,000-\$1,500 to rent the Carrboro Elementary School to host some of the activities. The Board asked staff to research available funding and report back to the Board by June 25th.

A contingency fund in the amount of \$15,000 is included in the annual budget for 2013-14. Appropriation of contingency funds must be authorized by the Board.

FISCAL & STAFF IMPACT: If the Board authorizes the use of \$1,500 to support Folklore Society's celebration and summit, this would leave a balance of \$13,500 in the contingency fund.

RECOMMENDATION: That the Board consider adoption of the attached resolution to provide financial assistance to the Folklore Society to help support their planned celebration and summit.

ATTACHMENT A

RESOLUTION TO AWARD CONTINGENCY FUNDS TO SUPPORT FOLKLORE SOCIETY EVENTS

WHEREAS, the Board of Aldermen of the Town of Carrboro on June 18, 2013 adopted the annual budget for the fiscal year beginning July 1, 2013 and ending June 30, 2014; and,

WHEREAS, funds for a contingency fund was established in the nondepartmental budget; and,

WHEREAS, transfers from this contingency account may be executed only by the Board of Aldermen; and,

WHEREAS, the Board of Aldermen deems it appropriate to provide funding to support the Folklore Society's planned celebration and summit.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with the Town's Annual Budget Ordinance for FY 2013-14, the Town Manager is authorized to provide \$1,500 from the Contingency Fund to the Folklore Society to support its celebration and summit.

This resolution is effective immediately.



Agenda Item Abstract

File Number: 13-0361

Agenda Date: 6/25/2013

Version: 1

Status: Consent Agenda

File Type: Abstract

Town Hall 301 W. Main St. Carrboro, NC 27510

In Control: Board of Aldermen

Agenda Number: 7.

TITLE:

Request to Approve a Resolution Authorizing the Town Manager to Enter into an Agreement Allowing the Construction of the Homestead-Chapel Hill High School Multi-use Path on State of North Carolina-University of North Carolina Property

PURPOSE: The Board is asked to approve a resolution authorizing the Town Manager to enter into a right of entry agreement with the University of North Carolina and-or the State Property Office to allow for the construction of the Homestead-Chapel Hill High School Multi-use Path. The path will extend on State/UNC land east of Bolin Creek.

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Brubaker - 918-7329; Racquel Benedict - 918-7308

INFORMATION: Preliminary engineering for the Homestead-Chapel Hill High School Multi-use Path (path) is nearly complete. Before approval of plans, specifications, and an estimate (PS&E) for the project by NCDOT, the Town is required to obtain right-of-way certification. ROW certification is the assurance that ROW has been obtained for the project corridor and that federal policy and regulations have been adhered to during ROW acquisition. During pre-project planning and preliminary engineering, the Town has coordinated with UNC staff on the appropriate mechanism and process for obtaining right-of-entry. Town staff formally submitted a right-of-entry request to UNC on June 13, 2012. In May 2013, UNC staff stated that the State Property Office will execute a lease agreement with the Town to establish public greenway access. The property is already leased to Orange County - with Chapel Hill-Carrboro City Schools as a sub-lessee - for the purpose of athletic facilities. Executed in 2001, the lease extends for 30 years. A joint use agreement between the Town and Orange County, covering one of the soccer fields (then-proposed), was executed in 2000. Construction of the athletic facilities required a Conditional Use Permit with the Town, which was granted in 2001. The CUP included conditions regarding coordination between the Town, UNC, and CHCCS relating to establishing a public access easement on the property. Town staff are also coordinating with the private property owner (Parker Louis) on the west side of the creek to obtaining easements for the path as part of the Claremont and Claremont South residential subdivisions.

In order for the project to progress toward the construction phase beginning late summer, it is necessary to obtain ROW certification in a timely manner. Authorizing the Town Manager to execute an agreement allows for the Town to continue coordination and finalize the ROW certification this summer.

Two mechanisms for moving forward have been discussed. The lease agreement discussed by UNC would allow the Town to build the path and for public access on the path to be guaranteed. An interim right-of-entry agreement is an option for allowing the Town access to the site in order to begin constructing the project while a permanent lease agreement is being finalized. Town staff have been in communication with NCDOT ROW staff regarding a right-of-entry agreement that would be sufficient for ROW certification. The interim agreement mechanism may be the preferred approach to expedite the construction of the path. Several factors suggest that beginning the construction phase in Summer 2013 is beneficial compared to a delay until Spring 2014, which will be the case if the lease agreement process is not completed until Fall 2013.

* The path is being funded in part by federal Surface Transportation Program (STP-DA) funds, administered by NCDOT and managed by the MPO. MPO policy stipulates timely completion of STP-DA projects and outlines the process for redistribution of funds to other projects if they are not progressing.

* The Town and NCDOT executed a Municipal Agreement for the project. The Municipal Agreement includes milestone dates for the completion of preliminary engineering, ROW acquisition, environmental documentation and construction of the project that must be extended in the case of significant project delays. The agreement also stipulates that for any period longer than six months during which an invoice is not submitted, an explanation is to be provided. The agreement also calls for quarterly progress reports.

* STP-DA funding that is allocated but not authorized may be subject to Congressional rescission. Obligation occurs after FHWA authorization has been obtained. FHWA authorization of construction funding will not occur until final PS&E are approved by NCDOT. Final PS&E cannot be submitted for approval until ROW certification has been obtained.

* The path is also being funded in part by Sidewalks and Greenways Bond program funding, to which certain timelines for use apply.

* Construction costs may increase as the advertising period for construction is delayed further.

FISCAL & STAFF IMPACT: No substantial fiscal or staff impacts accrue from the authorization. The Board has already directed that the project be implemented. Obtaining ROW certification is a necessary step in that implementation.

RECOMMENDATION: Staff recommend that the Board adopt the resolution in ATTACHMENT A.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT RELATING TO RIGHT-OF-WAY FOR THE HOMESTEAD-CHAPEL HILL HIGH SCHOOL MULTI-USE PATH

WHEREAS, on March 1, 2011, the Board of Aldermen approved a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Homestead-Chapel Hill High School Multi-use Path project (NCDOT TIP #U-4726-DE); and,

WHEREAS, NCDOT requires that projects obtain right-of-way certification prior to approval of final plans, specifications, and the estimate; and,

WHERAS, on June 13, 2012, Town of Carrboro staff submitted a right-of-entry agreement request to UNC to allow for construction of, and future public access on, the portion of the Homestead-Chapel Hill High School Multi-use Path on property owned by the State Property Office and University of North Carolina; and,

WHEREAS, timely execution of a right-of-entry or lease agreement would allow for the timely transition of the project to the construction phase, which is subject to certain timelines;

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board authorizes the Town Manager to enter into a right-of-entry or lease agreement with the University of North Carolina and-or the North Carolina State Property Office for the purpose(s) of constructing and-or ensuring public access on (for nonmotorized transportation with the exception of authorized maintenance vehicles) the Homestead-Chapel Hill High School Multi-use Path.

This is the 25th day of June in the year 2013.


Town of Carrboro

Agenda Item Abstract

File Number: 13-0364

Agenda Date: 6/25/2013

Version: 1

Status: Consent Agenda

File Type: Abstract

Town Hall 301 W. Main St. Carrboro, NC 27510

In Control: Board of Aldermen

Agenda Number: 8.

TITLE:

Approval of Extending the Town's Fiber Optic Infrastructure Along Smith Level Road

PURPOSE: The purpose of this item is for the Board of Aldermen to consider approving funds for the extension of the Town's fiber optic network infrastructure along Smith Level Road and to authorize the Town Manager to enter into an agreement with NCDOT and/or their contractors.

DEPARTMENT: IT

CONTACT INFORMATION: Andy Vogel, 918-7305

INFORMATION: The NCDOT is currently in the process of constructing road improvements along Smith Level Road under NCDOT project U-2803. The Town could now leverage this current construction work to have innerduct installed along the east side of Smith Level Road at a greatly reduced cost. The proposed fiber optic infrastructure extension would install conduit and access boxes along the length of the east side of Smith Level Road from the south side of Woodcrest Drive to the bridge over Morgan Creek. There would also be innerduct paths placed crossing from the East side of Smith Level Road to the West side at major intersections.

This proposed extension would install innerduct, and fiber optic capability, along a major artery of the Town of Carrboro that would typically be cost prohibitive. The additional infrastructure could potentially foster and facilitate the delivery of super-fast internet access speed and coverage to this region of Carrboro that has a very high density of Town residents. This infrastructure could also potentially be used to help serve Carrboro High School with increased bandwidth at lower costs in the future.

FISCAL & STAFF IMPACT: The Town has currently budgeted \$219,198 for the installation of additional fiber optic infrastructure as part of the NCDOT Carrboro-Chapel Hill traffic signal upgrade project. The proposed fiber optic infrastructure extension along Smith Level Road would cost \$110,000. The fiber optic installation occurring as part of the NCDOT signal upgrade project came in at \$31,000 under budget. An additional budget transfer of \$79,000 into the fiber optics project fund would bring the total from \$219,198 to \$298,198. This total would then include funding for the signal system fiber optic installation and the Smith Level Road fiber optic infrastructure installation.

RECOMMENDATION:

Staff recommends that the Board of Aldermen adopt the

attached resolution.

ATTACHMENT A

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ENTER INTO A CONTRACT WITH NCDOT FOR THE INSTALLATION OF INNERDUCT ON SMITH LEVEL ROAD

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES THAT THE TOWN MANAGER IS HEREBY AUTHORIZED TO:

Section 1. Transfer \$79,000 from Undesignated Capital Reserve Fund to the fiber optics project in the Capital Projects Fund.

Section 2. Increase the total budget for the fiber optics project from \$219,198 to \$298,198.

Section 3. To enter into a contract with NCDOT and/or the contractor associated with this project.

Section 4. This resolution shall become effective upon adoption.

Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.



Town of Carrboro

Agenda Item Abstract

File Number: 13-0324

Agenda Date:

Version: 1

Status: Other Matters

File Type: Abstract

Town Hall 301 W. Main St. Carrboro, NC 27510

In Control: Board of Aldermen

Agenda Number: 1.

TITLE:

Public Hearing to amend the Land Use Ordinance Relating to the Location of Dwellings to be Occupied by More than Four Unrelated Persons, Parking Requirements and Related Issues.

PURPOSE: The purpose of this item is for the Board to consider amending the Land Use Ordinance relating to the location of dwelling units to be occupied by more than four unrelated persons. A draft ordinance has been prepared along with an alternative version. The Board must receive public comments before taking action on (either) draft ordinance.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-7325; Mike Brough - 929-3905; Patricia McGuire - 918-7327

INFORMATION: Section 15-321 of the Land Use Ordinance (LUO) provides for the Board of Aldermen to initiate amendments to the LUO and for the Town Attorney to, in consultation with the Planning Department, draft appropriate ordinances for Board consideration. At the May 7, 2013 Board of Aldermen meeting the Town Attorney, in response to a Board request, provided information related to HB 150 under consideration by the General Assembly and provided suggestions to address issues associated with the construction of duplexes containing more than three bedrooms. The Town Attorney also prepared two draft ordinance amendments for the Board's consideration.

The Board requested follow up on the second draft amendment which if adopted would establish the definition of a dormitory dwelling unit, adding the new use to the Table of Permissible Uses and identifying four zoning districts where the use could occur subject to a conditional use permit. The Board also asked for two potential modifications to the draft ordinance: 1) to add language to require on-site parking to be located in a defined parking area and 2) to provide alternative language whereby the number of parking spaces would be controlled by a maximum number (cap) rather than a minimum number.

Based on these comments the Town Attorney revised the two draft ordinances for consideration at the Board's May 21st meeting. The second ordinance, labeled [Alternative Version with Limits on Number of Parking Spaces], provides for a maximum number of parking spaces for single-family (use classification 1.100), two-family (1.200) and multi-family (1.300) residences. A memorandum from the Town Attorney (Attachment D-1) explains the difference between the two draft ordinances section by section.

Per Section 15.323 of the LUO, the Board of Aldermen must receive public comment before adopting a text amendment. The Board referred both draft ordinances, "An Ordinance Amending the Carrboro Land Use Ordinance to Limit the Locations where it is Permissible for Dwellings to be Occupied by More than Four Persons who are not Related by Blood, Adoption, Marriage, or Domestic Partnership" (Attachment D-2) and the "[Alternative Version . . .]" (Attachment D-3) to Orange County and to the Town Planning Board, Appearance Commission, Transportation Advisory Board and Economic Sustainability Commission. The draft ordinances were presented at the June 6th Joint Review meeting; comments are provided (Attachment F). The Board also requested that staff use the HOA listservs to inform residential neighborhoods of the proposed amendments, in addition to the standard notification of publishing notice in the local newspaper. Notice was sent via email on Wednesday, June 19th.

The Board has four options for proceeding:

- Adopt one of the proposed ordinances and amend the LUO. Resolutions of consistency have been provided for the Board to consider adopting the draft ordinance (Attachment A-1) or the alternative version (Attachment B-1). Should the Board wish to adopt one of the proposed ordinances, three steps would be necessary: 1) adopt the resolution of consistency for the selected ordinance, 2) adopt the resolution rejecting the other ordinance, and 3) adopt the ordinance.
- 2. Deny the proposed ordinance and the alternative version of the proposed ordinance; no change to the LUO. Should the Board wish to proceed with this option, two steps would be necessary--adopt the resolution for rejecting the ordinance (Attachment A-2) and adopt the resolution for rejecting the alternative version (Attachment B-2).
- 3. Request minor modifications to the language in one or both of the proposed ordinances and/or request additional staff analysis. Continue the public hearing to a set date, such as the September 24, 2013 public hearing.
- 4. Consider more substantial modifications to one or both of the proposed ordinances. Table the decision. Set a new public hearing when the revised amendment is ready to come forward.

The resolution included as Attachment C provides the Board with the opportunity to continue the public hearing to a predetermined time, such as September 24th, table the decision until some future time, or to consider some other course of action.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen review the options outlined above and consider taking action on the resolutions and/or ordinances that are provided.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 regarding efforts to encourage compatible development that can be accommodated by existing infrastructure such as parking and as further described in the following sections:

- 2.32 New development that blends single-family and multi-family units should be designed and landscaped to ensure compatibility.
- 2.53 Careful attention should be paid to the carrying capacity of the existing infrastructure as growth occurs.
- 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.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. This resolution becomes effective upon adoption.

This the 25th day of June 2013.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 25th day of June 2013.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP. [ALTERNATIVE VRESION WITH LIMITS ON NUMBER OF PARKING SPACES]

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 regarding efforts to encourage compatible development that can be accommodated by existing infrastructure such as parking and as further described in the following sections:

- 2.32 New development that blends single-family and multi-family units should be designed and landscaped to ensure compatibility.
- 2.53 Careful attention should be paid to the carrying capacity of the existing infrastructure as growth occurs.
- 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.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. This resolution becomes effective upon adoption.

This the 25th day of June 2013.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP. [ALTERNATIVE VERSION WITH LIMITS ON NUMBER OF PARKING SPACES]

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 25th day of June 2013.

A RESOLUTION SPECIFYING FOLLOW UP ACTIONS ON THE CONSIDERATION OF AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO THE OCCUPANCY OF DWELLING UNITS BY UNRELATED INDIVIDUALS, PARKING REQUIREMENTS AND RELATED ISSUES

Draft Resolution No.

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP; and

WHEREAS, an alternative version of the above described amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP. *[ALTERNATIVE VERSION WITH LIMITS ON NUMBER OF PARKING SPACES];* and

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance.

OPTION #3:

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro requests minor modifications to the language in one or both of the proposed ordinances referenced above, and/or additional staff analysis.

BE IT FURTHER RESOLVED THAT, the Board of Aldermen of the Town of Carrboro resolves to continue the public hearing on September 24, 2013.

OPTION #4:

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro in consideration of more substantial modifications to one or both of the proposed ordinances referenced above, resolves to table the decision, and set a new public hearing when the revised amendment is ready to come forward.

BE IT FURTHER RESOLVED that the Board directs staff to:

1. ______ 2. _____ 3. _____

This the 25th day of June 2013.

MEMORANDUM

Memorandum to:	Carrboro Mayor and Board of Aldermen
From:	Mike Brough
Subject:	Ordinance amendments dealing with occupancy of dwelling units by unrelated individuals, parking requirements, and related issues.
Date:	May 14, 2013

I have prepared two alternative versions of an amendment to the LUO to deal with the above referenced issues. The first version does the following:

Section 2 revises the definition of "dwelling unit" to exclude dwellings that are occupied by four or more unrelated individual. The effect is that single-family, two-family, and multifamily dwellings cannot be occupied by more than four unrelated individuals, unless such a use is permissible as a "dormitory dwelling unit" or falls within another permissible use category (e.g. a group home).

Section 3 adds a definition of "dormitory dwelling unit."

Section 4 makes "dormitory dwelling units" a conditional use in the RR, B-1(C), B-1(G), and B-2 zoning districts.

Section 5 amends the Table of Parking Requirements to require one space per bedroom for dormitory dwelling units.

Section 6 increases the required number of parking spaces for duplexes containing four or more bedrooms per dwelling unit. The current ordinance requires two spaces; the amendment requires three spaces for four-bedroom dwelling units and one additional space for each additional bedroom.

Section 7 provides that dormitory dwelling units are regulated like other dwelling units except for requirements related to location and parking.

Section 8 requires that parking areas for single-family and two-family dwellings be demarcated (if not paved) and provides that no front yard parking is allowed except in the demarcated parking area. This requirement only applies to residences constructed after the effective date of the amendment.

The second version (labeled at the top "Alternative Version") is identical to the first version except that, instead of requiring *more* parking, it requires *less* parking.

Section 5 provides that dormitory dwelling units are to provide two spaces, rather than one per bedroom.

Section 7 adds a new subsection (b) to Section 15-302 to provide that the Table of Parking Requirements for single-family, two-family, and multi-family uses not only establishes the presumptive minimum number of spaces for these uses but also establishes the maximum number of spaces that can be created.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP.

DRAFT 5-14-2013

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. All section references in this ordinance refer to the Carrboro Land Use Ordinance, Chapter 15 of the Carrboro Town Code.

Section 2. The definition of the term "dwelling unit" as set forth in Section 15-15 is amended to read:

"(36) **DWELLING UNIT.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family; provided that a structural enclosure that would otherwise be characterized as a dwelling unit under the foregoing definition shall be classified as a "dormitory dwelling unit" if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership and the use does not fall within another use classification.

Section 3. Section 15-15 is amended by adding a new definition to read as follows:

"(32.1) **DORMITORY DWELLING UNIT.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family consisting of more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership, under circumstances where the use does not fall within another use classification.

Section 4. Subsection 15-146 (Table of Permissible Uses) is amended by adding use classification 1.800, entitled "dormitory dwelling units" and by adding the letter "C" opposite this use classification under the RR, B-1(C), B-1(G), and B-2 zoning district columns to indicate that this use is permissible with a conditional use permit in those districts.

Section 5. Subsection 15-291(g) (Table of Parking Requirements) is amended by adding use classification 1.800 and, opposite this use classification adding the following requirement: "One space per bedroom."

Section 6. Subsection 15-291(g) (Table of Parking Requirements) is amended by revising the statement of the parking requirement opposite use classification 1.200 (Two-family dwellings), to read as follows: "1 space for each one-bedroom dwelling unit, 2 spaces for each dwelling unit containing two or three bedrooms, and one additional space for each bedroom beyond three bedrooms in each dwelling unit.

Section 7. Article XI, Part II is amended by adding a new Section 15-180.1 to read as follows:

Section 15-180.1 Dormitory Dwelling Units.

Dormitory dwelling units shall be subject to the same requirements and shall be otherwise treated the same under this chapter as other dwelling units except to the extent that this chapter establishes different requirements applicable to dormitory dwelling units in the Table of Permissible Uses and the Table of Parking Requirements.

Section 8. Section 15-296 is amended by adding the following subsection (b1):

(b1) The provisions of this subsection shall apply to the portions of vehicle accommodation areas that are used for the parking of vehicles to serve single-family and two-family residences constructed pursuant to a building permit issue after the effective date of this subsection. If such parking areas are not provided with the type of surface specified in subsection (a) above, (i) they shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion, and (ii) except to the extent necessary to provide access to such parking areas, the perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. On lots where the provisions of this subsection apply, no parking shall be allowed within the building setback area applicable to streets (as set forth in Subsection 15-184(a)) except within a parking area that complies with the provisions of this subsection.

Section 9. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 10. This ordinance shall become effective upon adoption.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP. [ALTERNATIVE VERSION WITH LIMITS ON NUMBER OF PARKING SPACES]

DRAFT 5-14-13

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. All section references in this ordinance refer to the Carrboro Land Use Ordinance, Chapter 15 of the Carrboro Town Code.

Section 2. The definition of the term "dwelling unit" as set forth in Section 15-15 is amended to read:

"(36) **DWELLING UNIT.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family; provided that a structural enclosure that would otherwise be characterized as a dwelling unit under the foregoing definition shall be classified as a "dormitory dwelling unit" if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership and the use does not fall within another use classification.

Section 3. Section 15-15 is amended by adding a new definition to read as follows:

"(32.1) **DORMITORY DWELLING UNIT.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family consisting of more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership, under circumstances where the use does not fall within another use classification.

Section 4. Subsection 15-146 (Table of Permissible Uses) is amended by adding use classification 1.800, entitled "dormitory dwelling units" and by adding the letter "C" opposite this use classification under the RR, B-1(C), B-1(G), and B-2 zoning district columns to indicate that this use is permissible with a conditional use permit in those districts.

Section 5. Subsection 15-291(g) (Table of Parking Requirements) is amended by adding use classification 1.800 and, opposite this use classification, adding the following requirement: two spaces per dormitory dwelling unit.

Section 6. The first sentence of Subsection 15-291(a) is amended to read: "Subject to Subsections 15-292.1 and 15-302(b), all developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question."

Section 7. Section 15-302 is amended to read as follows:

Section 15-302 Limitation on the Number of Parking Spaces

(a) No development approved after the effective date of this section may construct more than 110 percent of the number of parking spaces determined by the permit issuing authority to be necessary to satisfy the requirements of Section 15-291.

(b) The number of parking spaces specified in Subsection 15-291(g), the Table of Parking Requirements, for use classifications 1.100, 1.200, and 1.300, shall not only establish the presumptive minimum number of spaces for such uses but shall also establish the maximum number of parking spaces that may be provided by such uses.

Section 8. The provisions of this subsection shall apply to the portions of vehicle accommodation areas that are used for the parking of vehicles to serve single-family and two-family residences constructed pursuant to a building permit issue after the effective date of this subsection. If such parking areas are not provided with the type of surface specified in subsection (a) above, (i) they shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion, and (ii) except to the extent necessary to provide access to such parking areas, the perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. On lots where the provisions of this subsection apply, no parking shall be allowed within the building setback area applicable to streets (as set forth in Subsection 15-184(a)) except within a parking area that complies with the provisions of this subsection.

Section 9. Article XI, Part II is amended by adding a new Section 15-180.1 to read as follows:

Section 15-180.1 Dormitory Dwelling Units.

Dormitory dwelling units shall be subject to the same requirements and shall be otherwise treated the same under this chapter as other dwelling units except to the extent that this chapter establishes different requirements applicable to dormitory dwelling units in the Table of Permissible Uses and the Table of Parking Requirements.

Section 10. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 11. This ordinance shall become effective upon adoption.

ARTICLE XVIII

PA RKIN G

Section 15-290 Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

- (1) **CIRCULATION AREA.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (2) **DRIVEWAY**. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- (3) **GROSS FLOOR AREA.** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- (4) **LOADING AND UNLOADING AREA**. That portion of the vehicle accommodation area used to satisfy the requirements of Section 15-300.
- (5) **PARKING AREA AISLES.** That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces. (AMENDED 2/4/86)
- (6) **PARKING SPACE**. A portion of the vehicle accommodation area set for the parking of one vehicle.
- (7) **VEHICLE ACCOMMODATION AREA.** That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
- (8) **VEHICLE STORAGE AREA.** That portion of a vehicle accommodation area used in connection with a 9.200 or 9.400 classification use as a place to park vehicles temporarily while they are waiting to be worked on or pending the pick-up of such vehicles by their owners.

Section 15-291 Number of Parking Spaces Required.

(a) Subject to Section 15-292.1, all developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. In addition, all 9.200 and 9.400 classification uses shall provide sufficient vehicle storage area to accommodate the number of vehicles likely to be on the premises awaiting work or pending removal of their owners. (AMENDED 2/4/86; 5/18/04)

(b) The presumptions established by this article are that: (*i*) a development must comply with the parking standards set forth in subsection (g) to satisfy the requirement stated in subsection (a), and (*ii*) any development that does meet these standards is in compliance. However, the Table of Parking Standards is only intended to establish a presumption and should be flexibly administered, as provided in Section 15-292.

(c) Uses in the Table of Parking Requirements [subsection (g)], are indicated by a numerical reference keyed to the Table of Permissible Uses, Section 15-146. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(d) With respect to any parking lot that is required to be paved (see Section 15-296): (AMENDED 9/13/83)

- (1) The number of parking spaces required by this article may be reduced by a total of one space if the developer provides a bikerack or similar device that offers a secure parking area for at least five bicycles.
- (2) In non-residential districts, the number of parking spaces required by this article may be reduced by one space for each motorcycle pad provided, up to a total of five percent of the required number of spaces.

(e) Whenever a building is constructed with the intention that it be used in whole or in part for use classification 2.120, 2.220, 2.320, 3.120, or 3.220, the building shall be constructed on the lot in such a manner that sufficient usable space remains on the lot to add the additional parking spaces that would be required to convert the use of the building entirely to use classification 2.110, 2.210, 2.310, 3.110, or 3.210. In addition, whenever a developer proposes to construct a building to be used for purposes that require a lesser number of parking spaces than other uses to which the building might well be put at some future date, the administrator shall send to the developer a certified letter explaining that sufficient space should be left on the lot to add parking spaces at a later time if required. (AMENDED 2/4/86)

(f) The Board recognizes that the Table of Parking Requirements set forth in subsection (g) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements using this table as a guide. In addition, the Board of Aldermen may authorize a reduction of up to 25 percent in the parking requirement when approving a Village Mixed Use Master Plan or Conditional Use Permit or an Office/Assembly development Conditional Use Permit. Land necessary to meet the full, presumptive, parking requirement must be identified during the plan approval process and must be reserved should the need for additional parking arise in the future. (AMENDED 05/25/99)

(g) Table of Parking Requirements (AMENDED 11/28/06)

<u>Use</u>	Part I. Parking Requirement (except as noted in Part II of this				
	TABLE)				
1.100	2 spaces per dwelling unit plus one space per room rented out in each dwelling unit (see Accessory Uses, Section 15-150). These required spaces shall be in addition to any space provided within an enclosed or partially enclosed garage. (AMENDED 2/24/84; 08/27/96)				

<u>Use</u>	<u>Part I.</u> <u>Parking Requirement (except as noted in Part II of this</u> <u>table)</u>			
1.200	2 spaces for each dwelling unit, except that one bedroom units require only one space.			
1.300	With respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the requirement shall be 1½ spaces for each one bedroom unit and 2 spaces for each unit with two or more bedrooms. Multi-family units limited to persons of low- or moderate-income or the elderly require only 1 space per unit. All other multi-family units require 1 space for each bedroom in each unit plus 1 additional space for every four units in the development. (AMENDED 5/10/83)			
1.340	1 space per every four dwelling units. (AMENDED 01/11/00)			
1.410 1.420	1 space for each bedroom.			
1.430	1 space for each room to be rented.			
1.510	1 space per room plus additional spaces for restaurant or other facilities. (AMENDED 11/28/06)			
1.61 1.62 1.63	3 spaces for every five beds except for uses exclusively servicing children under 16, in which case 1 space for every 3 beds shall be required.			
1.900	4 spaces for offices of physicians or dentists; 2 spaces for attorneys; 1 space for all others.			
2.110	1 space per 200 square feet of gross floor area.			
2.120 2.130	1 space per 400 square feet of gross floor area.			
2.140	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window. (AMENDED 2/4/86)			
2.150	1 space per 200 square feet in the portion of the building to be used for retail sales plus 1 space for every two employees on the maximum shift. (AMENDED 04/15/97)			
2.210	1 space per 200 square feet of gross floor area. (AMENDED 2/4/86)			
2.220 2.230	1 space per 400 square feet of gross floor area.			
2.240	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.			

<u>Use</u>	<u>Part I.</u> <u>Parking Requirement (except as noted in Part II of this</u> table)				
2.310	1 space per 200 square feet of gross floor area.				
2.320	1 space per 400 square feet of gross floor area.				
2.330	1 space per 400 square feet of gross floor area.				
3.110	1 space per 200 square feet of gross floor area.				
3.120	1 space per 400 square feet of gross floor area.				
3.130	1 space per 150 square feet of gross floor area.				
3.150	1 space per 200 square feet of ground floor area. (AMENDED 06/20/95)				
3.210	1 space per 200 square feet of gross floor area.				
3.220	1 space per 400 square feet of gross floor area.				
3.230	1 space per 200 square feet of area within main building plus reservoir lane capacity equal to five spaces per window (10 spaces if window serves two stations).				
3.250	3 spaces arranged in close proximity to this use. (AMENDED 09/01/92)				
4.100 4.200	1 space for every two employees on the maximum shift except that in the B-1-G, B-2, B-3, and B-4 zones, such uses may provide 1 space per 200 square feet of gross floor area.				
5.110	1.75 spaces per classroom in elementary schools5.0 spaces per classroom in high schools.				
5.120	1 space per 100 square feet of gross floor area.				
5.130	1 space per 150 square feet of gross floor area.				
5.200	1 space per every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of gross floor area designed to be used neither for services nor residential purposes.				
5.310 5.320	1 space per 300 square feet of gross floor area.				
5.400	1 space per 300 square feet of gross floor area.				
6.110	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion example tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation.				
6.120	1 space for every four seats.				

<u>Use</u>	Part I. Parking Requirement (except as noted in Part II of this table)			
6.130				
6.140	1 space for every 200 square feet of gross floor area within enclosed buildings (AMENDED 2/2/88)			
6.210 6.220	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.			
6.230	Miniature golf course – 1 space per 300 square feet of golf course area plus 1 space per 200 square feet of building gross floor area; Driving range 1 space per tee plus 1 space per 200 square feet in building gross floor area; Par Three Course 2 spaces per golf hole plus 1 space per 200 square feet of building gross floor area.			
6.240	1 space per horse that could be kept at the stable when occupied to maximum capacity.			
6.250	1 space for every three seats.			
6.260	1 space per speaker outlet.			
7.100	2 spaces per bed.			
7.200	3 spaces for every 5 beds			
7.300 7.400	1 space for every two employees on maximum shift.			
8.100	1 space per 100 square feet of gross floor area. (AMENDED 2/24/87)			
8.200	1 space for every four outside seats. (AMENDED 2/24/87)			
8.300	1 space for each drive-in service spot. (AMENDED 2/24/87)			
8.400	Reservoir lane capacity equal to five spaces per drive-in window. (AMENDED 2/24/87)			
8.500	Spaces to be determined according to projected level of carry-out service. (AMENDED 2/24/87)			
8.600	1 space per 200 square feet of floor area plus one space per employee engaged in delivery service. (AMENDED 2/24/87)			
9.100	1 space per 200 square feet of gross floor area plus an extra 810 square foot vehicle storage area per repair bay.			
9.200	2 regular spaces per bay plus a 1,540 square foot vehicle storage area per bay. (AMENDED 2/4/86)			
9.300	1 space per 200 square feet of gross floor area of building devoted primarily to gas			

<u>Use</u>	<u>Part I.</u> <u>Parking Requirement (except as noted in Part II of this</u> <u>table)</u>				
	sales operation; plus sufficient parking area to accommodate 2 vehicles per pump without interfering with other parking spaces.				
9.400	2 regular spaces per bay and office plus an 810 square foot vehicle storage area per bay. (AMENDED 2/4/86, 10/20/92)				
9.500	Conveyer type1 space for every three employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operation. Self-service type2 spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall.				
10.210 10.220	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).				
11.000	1 space per 200 square feet of gross floor area.				
12.100 12.200	1 space per 200 square feet of gross floor area.				
13.100 13.200 13.300 13.400	1 space per 200 square feet of gross floor area.				
14.100 14.200 14.300 14.400	1 space for every 2 employees on maximum shift.				
15.100 15.200	1 space per 200 square feet of gross floor area.				
15.300	1 space for every 2 employees on maximum shift.				
15.400	1 space per 100 square feet of gross floor area.				
15.500	1 space per 400 square feet of gross floor area of the collection facility plus 1 space per employee or attendant. (AMENDED 6/28/83)				
16.100	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.				
16.200	1 space per 200 square feet of gross floor area.				
19.000	1 space per 1,000 square feet of lot area used for storage, display, or sales. (AMENDED 5/12/81)				
20.000 21.000	1 space per 200 square feet of gross floor area.				
22.000	1 space for every employee plus 1 space per 250 square feet of floor area used for day				

<u>Use</u>	Part I. Parking Requirement (except as noted in Part II of this				
	TABLE)				
	care in addition to spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses.				
23.000	 space per 200 square feet of gross floor area. space per room plus additional space for restaurant or other facilities. 				
34.000 34.100 34.200	 space per room plus additional spaces for restaurant or other facilities. spaces per main dwelling unit plus 1 space per room. (AMENDED 06/22/99; 11/28/06) 				
	PART II. (APPLIES TO PROPERTIES LOCATED WITHIN THE B-1(C),				
	B-1(G), AND B-2 ZONING DISTRICTS				
USE	PARKING REQUIREMENT				
1.100	1 per bedroom and no more than 2				
1.200	1 per bedroom and no more than 2				
1.300	1 per bedroom and no more than 2				
1.500	.75 per room (Note: This does not include parking for associated conference and/or				
	restaurant facilities.)				
2.000	1 per 300 square feet of gross floor area				
3.000	1 per 400 square feet of gross floor area				

(AMENDED 02/04/97; 01/11/00; 5/18/04)

(h) Bicycle parking shall be provided in accordance with the provisions of this subsection by all developments that fall within the use classifications shown in the following Table of Bicycle Parking Standards.

When determination of the number of spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less shall be disregarded, while a fraction in excess of one-half shall be counted as one space.

	Table of Bicycle Parking Standards		
Use	Bicycle Parking Requirement		
1.300	1.5 spaces per unit		
2.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces		
2.200			
2.300			
3.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces		
3.200			
5.100	1 space per 10 students plus 1 space per 10 employees		
6.200	1 space per 4 presumptively required auto spaces		
8.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces		

8.200		
10.100	1 space per 10 auto spaces, with a minimum of 5 spaces	
34.100	1 space per 5 rooms, up to 50 rooms; 1 space per 10 rooms above 50 rooms	
(AMENDED 6/19/12)		

Section 15-292 Flexibility in Administration Required

(a) The Board recognizes that due to the particularities of any given development, the inflexible application of the parking standards set forth in Subsection 15-291(g) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Section 15-191, the permit-issuing authority may permit deviations from the presumptive requirements of Subsection 15-291(g) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in subsection 15-291(a). In addition, that same flexible approach shall be followed with respect to the vehicle storage area requirements set forth in the preceding table.

(b) Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth in Subsection 15-291(g) when it finds that:

- (1) A residential development is irrevocably oriented toward the elderly;
- (2) A residential development is located on a bus line, is located in close proximity to the central business district, and is committed to a policy of placing restrictions on the vehicle ownership of its tenants.
- (3) A business is primarily oriented to walk-in trade.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Subsection 15-291(g), it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Subsection 15-291(g) for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XX.

Section 15-292.1 Payment of Fee In Lieu of Providing Parking Spaces

(a) With respect to properties within the B-1(C), B-1(G), and B-2 districts that are developed for commercial purposes, the permit issuing authority may authorize the developer to fore-

go the construction of parking spaces otherwise required on the developer's property pursuant to the provisions of Section 15-291 of this Article for commercial uses if (i) the permit issuing authority finds that the parking needs of such development can be met by public parking facilities that are located or expected to be constructed within a reasonable time within reasonable proximity to the proposed development, and (ii) the developer pays to the town for each such space that is not constructed a fee in lieu of providing that space in an amount determined as provided in subsection (b) of this section. This fee shall be paid before an occupancy permit is issued to the development, unless the permit issuing authority by condition establishes another time.

(b) The amount of the fee authorized by this section shall be determined by estimating the cost of providing a paved parking space (including land and improvement costs) that meets the requirements of this Article. This determination shall be made annually and the fee shall be included in the Miscellaneous Fees and Charges Schedule adopted by the Board of Aldermen.

(c) Any fees collected in accordance with this section shall be reserved and used exclusively to meet the purposes for which they have been obtained as specified above in subsection (a).

Section 15-293 Parking Space Dimensions (AMENDED 9/13/83)

(a) Subject to subsection (b) and (c), parking spaces shall contain a rectangular area at least eight and one-half feet wide and eighteen feet long. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, as long as the parking spaces so created contain within them the rectangular area required by this section. (AMENDED 2/5/08)

(b) In parking areas containing ten or more spaces, up to 40% of the parking spaces may be set aside for the exclusive use of compact cars, provided the compact car area is designated for exclusive use by compact cars, and that adequate signs are provided designating and informing the public of the exclusive use. A compact parking space shall contain a rectangular area eight feet wide and fifteen feet long. (AMENDED 4/24/12)

(c) Wherever parking consists of spaces set aside for parallel parking, one foot shall be added to the minimum required width, and three feet to the minimum required length.

(d) Motorcycle pads shall contain a rectangular area at least four feet wide and eight feet long. Spaces shall be located at either end of parking aisles and shall have, centered, a concrete or metal strip one square foot in area to accommodate the use of kick stands.

Section 15-294 Required Width of Parking Area Aisles (AMENDED 5/18/04)

(a) Subject to subsections (b) and (c) parking area aisles shall have a minimum width between parking spaces as follows: (AMENDED 6/26/84)

	STANDARD, OR NON-SUBCOMPACT AREA PARKING ANGLE			
AISLE TYPE	0 °	45°	60°	90°
ONE WAY	13	13	18	24
TWO WAY	19	21	23	24

(b) In parking areas where subcompact spaces are provided pursuant to 15-293(b) of this ordinance, parking aisle spaces adjoining subcompact spaces shall have a minimum width between such parking spaces as follows:

	STANDARD AREA PARKING ANGLE			
AISLE TYPE	0 °	45°	60°	90°
ONE WAY	13	13	14	20
TWO WAY	19	21	23	24

- (c) The width of a parking aisle serving 90° angle parking may be reduced to eighteen feet if (*i*) not more than ten spaces are to be served by an aisle with such reduced width, and (*ii*) the aisle "dead ends", i.e., is not used as an access way to other areas. (AMENDED 6/26/84)
- (d) Driveways shall be not less than ten feet in width for one way traffic and eighteen feet in width for two way traffic, except that ten foot wide driveways are permissible for two way traffic when (i) the driveway is not longer than fifty feet, (ii) it provides access to not more than ten spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street. (AMENDED 6/26/84)
- (e) Notwithstanding the other provisions of this section, the permit issuing authority may allow the use of geometric standards other that those specified in this section if the permit issuing authority finds that (i) the plans for the vehicle accommodation area are sealed by a registered engineer with recognized expertise in parking facility design, and (ii) the alternative design will satisfy off-street parking requirements as adequately as would a facility using the specifications set forth in this section and would otherwise be consistent with public safety.

Section 15-295 General Design Requirements (AMENDED 5/18/04)

(a) Vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units.

Art. XVIII PARKING

(b) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(c) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

- (d) Vehicle storage areas are not required to observe any particular configuration but shall be so located and designed so that the entire amount of required square footage of such areas can be used for the purpose intended without creating any substantial danger of injury to persons or property and without impeding vehicular movement in the adjacent street. (AMENDED 2/4/86)
- (e) To the extent practicable, parking shall not be allowed between a building façade and a street right-of-way in the B-1(c), B-1(g), and B-2 zoning districts.

Section 15-295.1 Design Standards for Bicycle Parking (AMENDED 6/19/12)

(a) Bicycle parking may be located in any parking area or in other locations that are easily accessible, clearly visible from the entrance it serves, and do not impede pedestrian or motorized vehicle movement into or around the site. At least 50 percent of bicycle parking shall be sheltered. Designating space for bicycle parking within buildings is an option to consider when feasible.

(b) When a percentage of the required motorized vehicle spaces are provided in a structure, an equal percentage of the required bicycle spaces shall be located inside that structure, unless an equivalent number of other accessible covered bicycle parking spaces are located elsewhere on the site.

(c) Where bicycle parking facilities are not clearly visible to approaching cyclists, signs shall be posted to direct cyclists to the facilities.

(d) Facilities shall provide at least a 30 inch clearance from the centerline of each adjacent bicycle rack/support structure and at least 24 inches from walls or other obstructions.

(e) An aisle or other space shall be provided for bicycles to enter and leave the facility. The aisle shall have a width of at least four feet to the front or the rear of a standard six-foot bicycle parked in the facility.

(f) Each bicycle parking space shall be sufficient to accommodate a bicycle at least six feet in length and two feet wide. Overhead clearance shall be at least seven feet.

(g) Bicycle parking spaces shall be clearly marked as such and shall be separated from motorized vehicle parking by some form of physical barrier designed to protect a bicycle from being hit by a motorized vehicle.

(h) Each bicycle parking space shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using either a chain and padlock or a U-lock. The frame shall support a bicycle in a stable position without damage to the frame, wheels, or components. The rack designs commonly known as "inverted U", "A", and "post-and-loop" are preferred types. The "wave", "toast", and "comb" racks, as described in Chapter 7, Figure 7-60, of the Comprehensive Bicycle Transportation Plan, are discouraged.

(i) Bicycle racks should be designed and constructed according to Design Guidelines of the Carrboro Bicycle Plan.

Section 15-296 Vehicle Accommodation Area Surfaces

(a) Subject to subsections (e), (f), (g), and (h) vehicle accommodation areas that (i) include lanes for drive-in windows; (ii) are required to contain more than 1,000 square feet of vehicle storage area; or (iii) contain parking areas that are required to have more than ten parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in Appendix D. (AMENDED 2/4/86; 3/4/86; 6/26/90; 5/6/03)

(b) Vehicle accommodation areas that are not provided with the type of surface specified in subsection (a) shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in subsection (a) for a distance of fifteen feet back from the edge of the paved street. This subsection shall not apply to single-family residences, duplexes, multi-family residences consisting of two dwelling units, homes for the handicapped or infirm, or other uses that are required to have only one or two parking spaces.

(c) Parking spaces in areas surfaced in accordance with subsection (a) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (b) shall be demarcated whenever practicable.

(d) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good

condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(e) Vehicle accommodation areas that constitute 10.100 classification uses (independent automobile parking lots or garages) and that contain more than ten parking spaces shall meet the surfacing requirements set forth in subsection (a) unless it clearly appears that the 10.100 classification use is intended to be temporary (not exceeding four years). In no event may the 10.100 use continue for more than four years unless the lot is paved in accordance with this subsection. Notwithstanding the provisions of Article VIII (Nonconforming Situations), (i) any parking lot made nonconforming by this subsection on its effective date shall be brought into compliance within twelve months after the effective date, and (ii) unpaved temporary 10.100 uses in operation on the effective date of this subsection must be paved or terminated within one year thereafter or four years from the initial use of such lot, whichever comes later. (AMENDED 3/11/86)

(f) The paving requirement of subsection (a) shall not apply to parking areas owned or leased by the town that are used for public parking for a period of time less than four years. If such areas are used for parking for a period in excess of four years, then such areas must be paved if otherwise required under the standards set forth in subsection (a). (AMENDED 3/4/86)

- (g) The paving requirement of subsection (a) shall not apply to any lot within the B-1(c) zoning district. However, lots that would otherwise be required to be paved but for this exception shall be required to comply with the shading provisions set out in Subsection 15-317. (AMENDED 6/26/90)
- (h) When any tract of land is developed under circumstances requiring the issuance of a special or conditional use permit, and paving is required per Section 15-296(a), the vehicle overhang area located behind a parking stop may be unpaved as shown in Appendix D-3. (AMENDED 5/6/03)

Section 15-297 Joint Use of Required Parking Spaces (AMENDED 5/18/04)

(a) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

(b) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

(c) With respect to properties within the B-1(c), B-1(g), and B-2 districts where two or more use classifications on the same site have two or more distinct peak parking usage periods, the number of parking spaces required may be reduced to the amount that results from dividing the total number of spaces otherwise required by the following ratios:

Use Classifications	Reduction Ratio
2.000 and 3.000 uses	1.2
2.000 and 1.500 uses	1.3
2.000 and 1.100/1.200/1.300 uses	1.2
3.000 and 1.500 uses	1.7
3.000 and 1.100/1.200/1.300	1.4
1.500 and 1.100/1.200/1.300	1.1

(d) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 15-298 are also applicable.

<u>Section 15-297.1</u> Creation of Public Parking Lots from Private Parking Areas (AMEND-MENT 4/15/03)

Notwithstanding any other provision of this chapter, within the B-1(c) and B-1(g) zoning districts:

- (1) The town may acquire through lease or purchase portions of one or more lots and create out of the area so acquired an independent parking lot (use classification 10.100);
- (2) Acquisition by the town and use of portions of lots as provided in this section shall not be regarded as creating a non-conforming situation with respect to parking on such lots or making any existing situation more non-conforming with respect to parking.

(3) When the town acquires and uses portions of lots as provided in this section, the number of spaces within the public parking lot so created that are attributable to the portion of the parking lot acquired from each "donor" lot shall be regarded as still being located on each "donor" lot for purposes of determining whether each "donor" lot complies with the parking requirements of this article.

Section 15-298 Satellite Parking

(a) If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off- site spaces are referred to in this section as "satellite" parking spaces.

(b) All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

(c) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number or parking spaces.

(d) Subject to subsection (e), persons who obtain satellite parking spaces in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this article. (AMENDED 3/11/86)

(e) Satellite parking may be obtained from an independent automobile parking lot or garage [use classification 10.100, see definition subdivision 15-15(32.1)]. However, if a separate lot is owned by an enterprise needing off-site parking and is leased by that enterprise for a period of more than four years (including automatic renewals or renewal options) and is used as a parking lot by that enterprise (and others may lawfully be excluded), then such off-site lot shall be regarded as part of the lot on which the enterprise is located for purposes of the paving and other design requirements of this chapter. (AMENDED 3/11/86)

<u>Section 15-299</u> Special Provisions for Lots With Existing Buildings and Lots within <u>Neighborhood Preservation Districts</u> (AMENDED 9/26/89)

(a) Notwithstanding any other provisions of this chapter, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this chapter, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 15-291 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used

for parking, then the developer need only comply with the requirements of Section 15-291 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available as provided in Section 15-298. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

(b) Whenever the neighborhood preservation district commission determines that the number of parking spaces otherwise required by this article for a development within the neighborhood preservation district would render such development incongruous with the special character of the district, it may recommend that the permit-issuing authority wholly or partially waive such parking requirements. Upon such recommendation, the permit-issuing authority may authorize a lesser number of parking spaces than that presumptively required under this article if it concludes that such deviation (i) will not create problems due to increased on-street parking and (ii) will not constitute a threat to public safety. (AMENDED 09/26/89)

Section 15-300 Loading and Unloading Areas.

(a) Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

GROSS LEASABLE AREA OF BUILDING	NUMBER OF SPACES WITH MINIMUM DIMENSIONS OF 12' x 55' AND OVERHEAD CLEARANCE OF 14' FROM THE STREET GRADE
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,999	4
192,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
Plus one (1) for each additional 72,000 square feet or fraction thereof.	

(c) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (*i*) maneuver safely and conveniently to and from a public right-of-way, and (*ii*) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(d) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

Section 15-301 No Parking Indicated Near Fire Hydrants.

Whenever a fire hydrant is located adjacent to any portion of a vehicle accommodation area required to be paved under subsection 15-296(a), the pavement shall be clearly marked to indicate that parking within fifteen feet of such hydrant is prohibited. (AMENDED 4/27/82)

Section 15-302 Limitation on the Total Lot Coverage Devoted to Surface Parking

No development approved after the effective date of this section may construct more than 110 percent of the number of parking spaces determined by the permit issuing authority to be necessary to satisfy the requirements of Section 15-291.

Section 15-303 Reserved.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT Craig N. Benedict, AICP, Director Administration (919) 245-2575 (919) 644-3002 (FAX) www.orangecountync.gov Administration (919) 245-2575 (919) 644-3002 (FAX) (919) 644-3002 (FAX) (919) 644-3002 (FAX) (919) 644-3002 (FAX) (919) 644-3002 (FAX)

TRANSMITTAL DELIVERED VIA EMAIL

June 3, 2013

Christina Moon, AICP Planning Administrator Town of Carrboro 301 W. Main St. Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on May 24, 2013 and proposed for town public hearing on June 25, 2013:

• An Ordinance to Limit the Locations Where it is Permissible for Dwellings to be Occupied by More than Four Persons who are not Related by Blood, Adoption, Marriage, or Domestic Partnership.

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan.*

If you have any questions or need additional information, please let me know.

Sincerely,

Perdita Holtz

Perdita Holtz, AICP Planning Systems Coordinator



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

THURSDAY, JUNE 6, 2013

LAND USE ORDINANCE TEXT AMENDMENT RELATING TO THE LOCATION OF DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR UNRELATED PERSONS, PARKING REQUIREMENTS AND RELATED ISSUES

Motion was made by <u>Clinton</u> and seconded by <u>Davis</u> that the Planning Board recommends that the Board of Aldermen <u>reject</u> both versions of the draft ordinance.

VOTE: AYES: (7) Adamson, Barton, Chaney, Clinton, Davis, Eldred, Hunt ABSENT/EXCUSED: (2) Poulton, Foushee NOES: (0) ABSTENTIONS: (1) Jahre

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the rejection of either amendment.

Furthermore, the Planning Board membership finds that <u>neither version of the proposed text</u> <u>amendment is</u> consistent with Carrboro Vision 2020, particularly as described in the following sections:

2.0 The community should continue to foster diversity, welcoming people of all races, ages, ethnicity, sexual orientations, and social and economic backgrounds.

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.

Rationale:

Our overarching concern is that both versions of the proposed amendment aim to accomplish too much and to solve unrelated problems. As such they lack the context and clarity needed to be of real benefit. We have three specific concerns related to this lack of context and clarity:
- 1. We feel it is inappropriate to define relationship for any purpose related to the Land Use Ordinance. While we understand town staff took great care to establish a broad definition of relationship, it is nonetheless an onerous one.
 - The housing choices for unrelated people should not be any different than housing choices for related people.
 - Establishing such a definition sets a dangerous and unwelcome precedent for institutionalized discrimination in a town where immigrants, students, and individuals of diverse backgrounds live and socialize communally and cooperatively. Indeed, it is contrary to the goals articulated in Carrboro Vision 2020.
 - We are concerned that if town staff seeks establish the relationship of occupants in a particular dwelling unit, the result could be civil rights, fair housing, or equal protection complaints, including those related to racial or ethnic profiling.
 - The definition also fails to recognize the fluidity of relationships and changing circumstances in people's lives. A residence that starts out as a couple and a boarder might turn into a couple, a boarder and his/her partner. A residence might be purchased by an investor to rent to students. Tying classification to the property itself is limiting and will inevitably lead to nonsensical, clumsy and unintended results.

2. The revised definition of "dwelling unit" and the added definition of "dormitory dwelling unit" lack the clarity needed to be meaningful.

- It is unclear whether a "dwelling unit" and "dormitory dwelling unit" are static classifications based on as-built qualities of a residence or building, or dynamic classifications based on occupancy alone.
 - Unless the LUO clearly defines the as-built qualities that signal a property is "designed for" a related family and those that are "designed for" unrelated persons, the phrase "designed for" should be deleted or changed.
 - If the only difference between the classifications is the relationship between occupants, then establishing, monitoring and enforcing the classification and applicable ordinances will be an onerous, wasteful and inefficient use of limited staff time and invasion of the residents' privacy.
- The proposed number of "unrelated persons" that triggers the classification of a "dormitory dwelling unit" seems arbitrary. For the purposes of land use planning, the planning board sees no qualitative difference between:
 - A related family of five
 - A married couple and three unrelated boarders
 - Five unrelated adults
- The definitions seem to apply to both owner-occupied housing as well as rental (thus commercial) housing, in which case the classifications may be rightly interpreted by

Carrboro's homeowners as overreaching. We believe this was not the intent of the proposed ordinance but it should be clarified.

- It appears the "dormitory dwelling unit" classifications only applies to new construction, and only in certain zones. Yet plenty of housing options in other neighborhoods currently could be classified as "dormitory dwelling units" under the proposed definition. It is unclear whether or how the LUO or other town policies could or would be amended to benefit these neighborhoods and uniformly address parking, infrastructure and quality of life issues related to this kind of housing.
- The change in classification applies to all residences, but the parking change is only applied to duplexes. It does not seem reasonable to create a dual system that applies broadly in one arena (where there is no problem) and narrowly in the other (where the perceived problem exists). This creates a large imposition that applies to a wide range of residences without addressing the heart of the issue.

3. Changes in parking requirements should not be tied to the number of related or unrelated people living in a particular dwelling unit. They should be tied to the Town's overall transportation and parking goals.

- Designating different parking requirements for a four-bedroom "dormitory dwelling unit" and a four-bedroom "dwelling unit" is unfair. The planning board sees no qualitative difference between:
 - A related family of five with three cars between them
 - A married couple and three unrelated boarders with three cars between them
 - o Five unrelated adults with three cars between them
- Instead, there are other remedies available to solve parking problems related to dwelling units no matter who lives in them or where they are situated. For example:
 - Enforcing current parking regulations to ease crowding on residential streets or in commercial areas
 - o Restricting hours during which on-street parking is allowed
 - o Restricting on-street parking to one side of the street only
 - Enacting a residential parking permit program
 - Creating structured parking in high-traffic, mixed-use areas
- As parking availability is most often a decision rule for prospective homebuyers and renters, clear, uniformly-applied parking policies can encourage resident self-selection and positive behaviors.

We strongly recommend to the Board of Aldermen that any change in the LUO related to parking be in the context of a comprehensive parking policy that takes into account the needs, rights, and responsibilities of the <u>whole community and its visitors</u>. Such a policy should include long-term planning for structured parking downtown. Defining maximum rather than minimum required parking spaces for all kinds of dwelling units would be our preference. There are other ways to address issues that may be caused by housing that is not occupied in accordance with its permit and North Carolina state building code.

Moved by <u>Barton</u>; seconded by <u>Adamson</u>.

VOTE:

AYES: (7) Adamson, Barton, Chaney, Clinton, Davis, Eldred, Hunt ABSENT/EXCUSED: (2) Poulton, Foushee NOES: (0) ABSTENTIONS: (1) Jahre

Bethany E Chancy

Planning Board Chair

June 20, 2013

MARCH 3, 1911	TOWN OF CARRBORO
	TRANSPORTATION ADVISORY BOARD
	RECOMMENDATION
ATH CAROLING	June 20, 2013

SUBJECT: Land Use Ordinance Amendments Relating to the Location of Dwellings to be Occupied by More than Four Unrelated Persons, Parking Requirements and Related Issues

MOTION: The Transportation Advisory Board does not recommend approval of either "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP" or the "*ALTERNATIVE VERSION WITH LIMITS ON NUMBER OF PARKING SPACES*". For an explanation of the reason for the recommendation, please see the attachment.

Moved: Perry

Second: Štolka

VOTE: Ayes (6): LaJeunesse, Štolka, Perry, Haac, Nicopoulos, Barclay. Nays (0). Abstain (0). Absent (1): Kim. A

aleunesse

TAB Chair

<u>6</u> / Z/ /13 DATE

Recommendation for creating a "Dormitory Dwelling Unit" conditional use designation in Carrboro's Land Use Ordinance (LUO).

The TAB recommends that the Board of Aldermen not adopt the draft ordinance.

Firstly, requiring one parking space for every bedroom is likely to have unintended consequences, the most probable of which is an oversupply of parking. The proposed "dormitory dwelling unit" conditional use seeks to predict who will live in dwelling units with five or more bedrooms. Yet, it is virtually impossible to predict who will reside in such dwelling units in the near future, and especially the more distant future. Recall Mayor Chilton's narrative about developments along NC-54 on February 19th of this year. In short, he relayed that initially, the apartment complexes along the southern edge of NC-54 were expected to be occupied by students so that student populations would subsidize use of the Chapel Hill Transit buses while indirectly augmenting the Town of Carrboro's property-derived revenue. And true to form, NC-54 apartments were occupied by students for the first couple of years. However, forty years later, these apartments are predominantly occupied by low- and middle-income families and individuals. Might we expect similar trends for the new "dormitory dwelling units"? It seems plausible that immigrant groups with larger, extended families may desire to reside in five or more bedroom dwelling units. Also, older people appear to be forging non-traditional living arrangements with groups of couples and individuals looking to cohabitate in retirement. Are we to prevent these groups from living in larger dwelling units? Do we intend to provide them with significantly more car parking than they need or want?

Secondly, the proposed land use amendment—especially its provision to limit the location of dormitory dwelling units to downtown zones B-1(C) and B-1(G) and its potential to oversupply automobile parking—is counter to many of Carrboro's community goals and aspirations. Specifically, parking requirements affiliated with dormitory dwelling units directly contradict the following policy statements from the *Carrboro Vision2020* document (*with supporting findings from academic planning and transportation literature*):

- 1. 3.21: "To double commercial square footage in the downtown from that existing in the year 2000.
 - a. To accommodate additional square footage by building up, not out.
 - b. To increase the density of commercial property in the downtown area.

Excess parking displaces buildings, gardens, parks, and other valuable uses of land.¹

c. To develop transit and traffic initiatives which enhance the viability of downtown."

Excess parking helps create low-density land use patterns with dispersed destinations and unattractive streetscapes, that are ill-suited for walking, and therefore for transit, since transit trips usually involve pedestrian links²

¹ Lee, R. E., S. K. Mama, K. P. McAlexander, H. Adamus, and A. V. Medina. Neighborhood and PA: Neighborhood Factors and Physical Activity in African American Public Housing Residents. Journal of Physical Activity and Health, Vol. 8, 2011, S83-S90.

² Litman, T. (2012). Transportation cost and benefit analysis II: Parking costs. Retrieved June 16, 2013, from http://www.vtpi.org/tca/tca0504.pdf.

Authors of a recent study which examined built environment predictors of walking behavior, discovered that the number of businesses per acre was the strongest indicator of whether people walked in their neighborhood. That is, people living in neighborhoods with more business establishments per acre traveled more within their neighborhood and were more likely to travel by walking.³ Clearly, surface parking, especially in B-1(C) and B-1(G) zones, will decrease the density of downtown businesses and therefore downtown's walkability.

3.24: "Frequent, accessible public transit is necessary for a thriving downtown. Multimodal access to downtown should be provided. As traffic increases, Carrboro should consider perimeter parking lots served by shuttles to bring people downtown."

According to North Carolina's Complete Streets Planning and Design Guidelines, Carrboro's downtown would be classified as an urban center. "Urban centers are areas that are developed at moderate to high levels of intensity, including areas outside the central business district in larger cities and the downtowns of small to mid-sized municipalities...The transportation network should allow for access to the center by a variety of modes, as well as provide for high levels of connectivity within the center, particularly for pedestrians, cyclists, and transit (where appropriate). This can allow urban centers to develop into **'park once'** destinations (p. 35)"⁴ Continuing to provide decentralized parking downtown will compromise downtown's ability to develop into a "park once" destination.

2. 3.25: "Walkability should be encouraged downtown and pedestrian safety and comfort should be a goal. The town should improve lighting and shading, and create auto barriers."

Communities in the US and Germany that reduce car parking availability have lower levels of car use and higher levels of walking and bicycling.^{5,6}

3. 5.13: "Carrboro should work to preserve open space and greenways through all available means, such as direct purchase, conservation easements, donations, and federal and state grants.

Excess parking displaces buildings, gardens, parks, and other valuable uses of land. Land used for residential parking facilities could be rented or sold, or converted into parks. Costs of not doing so include reduced income and taxes and/or the loss of benefits from a park.¹

4. 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."

Excess parking reduces housing affordability by using land that could otherwise be used for housing.^{7,8}

³ Boarnet, M.G., Joh, K., Siembab, W., Fulton, W., & Nguyen, M.T. (2011, Fall). *Retrofitting the suburbs to increase walking.* Access, *39*.

⁴ North Carolina Department of Transportation. (2012, July). *Complete Streets planning and design guidelines*. Retrieved June 16, 2013, from http://www.completestreetsnc.org/wp-

content/themes/CompleteStreets_Custom/pdfs/NCDOT-Complete-Streets-Planning-Design-Guidelines.pdf ⁵ Broaddus, A. (2010). Tale of two ecosuburbs in Freiburg, Germany: Encouraging transit use and bicycle use by restricting parking provision. *Transportation Research Record, Journal of the Transportation Research Board, 2187*, 114-122.

⁶ Rodríguez, D. A., S. Aytur, A. Forsyth, J. M. Oakes, and K. J. Clifton (2008). Relation of modifiable neighborhood attributes to walking. *Preventive Medicine*, *47*(3), 260-264.

In a survey of dozens of neighborhoods in New York City, McDonnell, Madar, and Been (2011) found that parking requirements "increased the direct cost of new housing by forcing developers to incur the construction and maintenance costs of providing more parking than otherwise demanded by the market or needed by low and moderate income residents. Required oversupplies of parking, by consuming potential building area, might also reduce the effective density at which developers would otherwise be able to build new housing, possibly restricting the supply of new units and increasing housing costs indirectly. Additionally, by requiring the construction of an oversupply of new parking spaces, cities may also be facilitating higher levels of car ownership and thwarting efforts to affect modal shift, reduce traffic congestion and emissions of carbon and other pollutants, thereby undermining environmental goals(p. 46)."⁸

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."

3.63: The town should encourage the development of underutilized property in the downtown area.

⁷ Cutter, W.B., Franco, S.F., & DeWoody, A. (2010). *Do parking requirements significantly increase the area dedicated to parking? A test of the effect of parking requirements values In Los Angeles County*, Paper No. 20403, Retrieved June 11, 2013, from http://mpra.ub.uni-muenchen.de/20403/1/MPRA_paper_20403.pdf.

⁸ McDonnell, S., Madar, J., & Been, V. (2011). Minimum parking requirements and housing affordability in New York City. *Housing Policy Debate, 21*, 45-68.



Town of Carrboro

Agenda Item Abstract

File Number: 13-0353

Agenda Date: 6/25/2013

Version: 1

Status: Public Hearing

File Type: Abstract

Town Hall 301 W. Main St. Carrboro, NC 27510

In Control: Board of Aldermen

Agenda Number: 2.

TITLE: Public Hearing On A Proposed Economic Development Agreement

PURPOSE: The purpose of this agenda item is to take public comment on a proposed economic development agreement between the Town of Carrboro, Fleet Feet, Kalisher, and Main Street Properties

DEPARTMENT: Economic and Community Development

CONTACT INFORMATION: Annette D. Stone, AICP (919) 918-7319

INFORMATION: Attached is a proposed Economic Development Agreement between the Town of Carrboro, Fleet Feet, Kalisher and Main Street Properties. The agreement lays out in detail all the performance measures for each party in accordance with NC Gen. Stat. 158-7.1 (a) (b). Without this agreement, Fleet Feet Inc., the Fleet Feet retail store and Kalisher's businesses will relocate outside of Carrboro.

The economic and community benefits include job retention and creation by Fleet Feet and Kalisher with annual payrolls of \$2.5 million and \$7.95K respectively. Property tax and sales tax revenues (\$45,129 annually) from new construction of the next phase for 300 East Main and the retention of the Fleet Feet Store. The new construction will result in 36,000 square feet of office and retail space in the Downtown. Fleet Feet Inc. brings over 300 business travelers annually to Carrboro for franchise recruitment. The average mid-week business traveler spends \$285 per day. The estimated revenues from business travelers for Fleet Feet alone is \$85,000 in local dollars spent annually. Fleet Feet coordinates community runs on weekends and evenings with 800 to 1000 local residents participating, they produce or sponsor local races with over 21,000 participants in 2012 and host numerous other events and services to the local community promoting healthy active lifestyles. Jesse Kalisher supports many local, state and national non-profits and was the founder of the Walk Carrboro campaign.

NC General Statutes require that the Board of Aldermen hold a public hearing prior to execution of a development agreement. The public hearing for June 25th has been duly advertised ten days prior to the hearing as required by the general statutes. The Board should take public comment prior to considering any action on the attached resolution and budget amendment.)

FISCAL & STAFF IMPACT: The purchase price of the condo owned by Fleet Feet is

\$563,000 plus estimated closing costs of \$5,000. The lease of the condo back to Fleet Feet will net the Town \$54,026.00 annually. Funding for the cost of this acquisition are available in the General Fund unassigned fund balance.

RECOMMENDATION: Staff recommends the Board hold the public hearing and consider adoption of the attached resolution authorizing the development agreement; and, adoption of a budget amendment to appropriate funds from fund balance for property acquisition purposes.

RESOLUTION AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN FLEET FEET, KALISHER, AND MAIN STREET PROPERTIES

June 25, 2013

WHEREAS, Fleet Feet, Kalisher and MSP own and operate businesses located within the corporate limits of the Town of Carrboro, North Carolina;

WHEREAS, Fleet Feet, Kalisher and MSP contribute significantly to the success and vitality of the local economy in and around the Town of Carrboro by providing jobs, generating sales tax (and other) revenues, and otherwise acting as good corporate citizens;

WHEREAS, Fleet Feet has outgrown its current offices located at 110 East Main Street, Unit 200, in Carrboro, and at the building it owns known as 406 East Main Street in Carrboro, and it would be beneficial for Fleet Feet to consolidate its operations now conducted in these two different locations in one, larger headquarters location;

WHEREAS, Kalisher currently operates its business at 209 East Main Street in Carrboro, is in need of a larger facility for its growing business;

WHEREAS, MSP owns and is in the process of re-developing property known as 300 East Main Street and expects to have commercial space suitable for Fleet Feet's use, available for lease in Phase 2 of the Project in approximately 24 months;

WHEREAS, the Town of Carrboro desires to facilitate the creation and/or retention of jobs in Carrboro by Fleet Feet and Kalisher, and maintain and/or increase the tax base in the Town by participating in an agreement with Fleet Feet, Kalisher and MSP to help insure the continued, successful operation and growth of the respective businesses in the Town of Carrboro; and

WHEREAS, the Town, in the discretion of its governing body, and in accordance with authority granted by its charter and by N.C. Gen. Stat. 158-7.1(a) and (b), has agreed to make appropriations for the purpose of aiding and encouraging economic activity that will help increase business prospects for the benefit of the Town and its residents, in accordance with the terms of this Agreement.

NOW THEREFORE BE IT RESOLVED, the Carrboro Board of Aldermen does hereby approve the attached Economic Development Agreement and authorize the Mayor to execute said agreement.

FURTHER BE IT RESOLVED, that the Town Manager is authorized to execute future documents as necessary to facilitate the implementation of the Economic Development Agreement.

This 25th day of June, 2013.

ECONOMIC DEVELOPMENT AGREEMENT TOWN OF CARRBORO, ORANGE COUNTY, NORTH CAROLINA

THIS AGREEMENT is entered into as of the _____ day of ______, 2013 by and between the Town of Carrboro, a North Carolina municipality, 301 West Main Street, Carrboro, North Carolina 27510 (the "Town") and Fleet Feet, Inc., a North Carolina corporation, 406 East Main Street, Carrboro, North Carolina 27510 ("Fleet Feet"), Kalisher Holdings, LLC, 9425 Bridle Spur, Chapel Hill, North Carolina 27516 ("Kalisher"), and Main Street Properties of Chapel Hill, LLC, 206 East Main Street, Carrboro, North Carolina 27510 ("MSP"),.

WHEREAS, Fleet Feet, Kalisher and MSP (collectively referred to as the "Companies") own and operate businesses located within the corporate limits of the Town of Carrboro, North Carolina;

WHEREAS, Fleet Feet, Kalisher and MSP contribute significantly to the success and vitality of the local economy in and around the Town of Carrboro by providing jobs, generating sales tax (and other) revenues, and otherwise acting as good corporate citizens;

WHEREAS, Fleet Feet has outgrown its current offices located at 110 East Main Street, Unit 200, in Carrboro, and at the building it owns known as 406 East Main Street in Carrboro, and it would be beneficial for Fleet Feet to consolidate its operations now conducted in these two different locations in one, larger headquarters location;

WHEREAS, Kalisher currently operates its business at 209 East Main Street in Carrboro, is in need of a larger facility for its growing business;

WHEREAS, MSP owns and is in the process of re-developing property known as 300 East Main Street (the "Project"), and expects to have commercial space suitable for Fleet Feet's use, available for lease in Phase 2 of the Project in approximately 24 months;

WHEREAS, the Town of Carrboro desires to facilitate the creation and/or retention of jobs in Carrboro by Fleet Feet and Kalisher, and maintain and/or increase the tax base in the Town by participating in an agreement with Fleet Feet, Kalisher and MSP to help insure the continued, successful operation and growth of the respective businesses in the Town of Carrboro; and

WHEREAS, the Town, in the discretion of its governing body, and in accordance with authority granted by its charter and by N.C. Gen. Stat. 158-7.1(a) and (b), has agreed to make approportions for the purpose of aiding and encouraging economic activity that will help increase business prospects for the benefit of the Town and its residents, in accordance with the terms of this Agreement.

NOW, THEREFORE, based on these premises and in consideration of the mutual undertakings set forth herein, and for other mutual consideration stated herein, the sufficiency of which is acknowledged by all parties, the Town, Fleet Feet, Kalisher and MSP agree as follows:

1. The Town agrees to purchase from Fleet Feet for good and valuable consideration at a price to be determined by the Town and Fleet Feet, and Fleet Feet agrees to convey to the Town by warranty deed good and marketable title, free of liens and encumbrances, to the condominium now owned by Fleet Feet and located at 110 East Main Street, Suite 200, Carrboro, North Carolina (Orange County PIN 9778-86-9017.002) (the "Condominium Property"). The Town's obligation to purchase the Condominium Property is conditioned on the submission to the Town by Fleet Feet of proof of an executed lease as set forth in paragraph 2 below. Closing of this transaction shall occur within _____ days of satisfaction of all the terms of paragraphs 2 and 3 of this Agreement.

2. Fleet Feet shall lease from MSP a minimum of 15,000 square feet of retail and office space in a building to be constructed by MSP known as Phase 2 of the Project at 300 East Main Street, for a minimum ten year lease term with two five-year options, so that Fleet Feet's minimum lease term at the Project will be ten years with an option to extend that term for up to ten additional years. The lease agreement between Fleet Feet and MSP Fleet Feet shall also include a right of first refusal for Fleet Feet to lease an additional 10,000 square feet in the building to be constructed as part of the Phase 2 of the 300 East Main Street Project in Carrboro.

3. Kalisher shall purchase from Fleet Feet and Fleet Feet shall convey to Kalisher by warranty deed good and marketable title, free of all liens and encumbrances, to the property and building now owned by Fleet Feet and known as 406 East Main Street in Carrboro (Orange County PIN No. 9788-06-0243) (the "Property") at a purchase price to be determined by Kalisher and Fleet Feet. Closing on this transaction shall occur on or before

5. Kalisher and the Town agree that should MSP notify them in writing during the initial ten year term referred to in paragraph 4 above, that MSP has determined that there is, or may be, insufficient parking space available in the parking deck at The Project, then Kalisher and the Town shall make a good faith effort to identify and negotiate for the right to use parking spaces within a reasonable distance of the Property for Kalisher's use. If the Town and Kalisher are successful in identifying and negotiating for the lease, purchase or right to use other parking spaces, Kalisher will surrender its rights to the parking spaces in the parking deck at the Project.

6. MSP shall provide 20 parking spaces in the parking garage for Kalisher for an additional ten year term, if spaces are available (i.e., if such spaces are not allocated to other tenants/uses pursuant to either lease agreements or Town land use regulations). However, if

^{4.} Provided that Kalisher purchases the Property as stated in paragraph 3 above, then beginning on the date that Kalisher commences occupancy of the Property, and continuing for ten years thereafter, MSP shall make available to Kalisher, and Kalisher shall lease from MSP, up to twenty (20) parking spaces in the parking deck now being constructed by MSP as part of Phase 1 of the 300 East Main Street Project. Kalisher shall pay to MSP during the first year of the parking space lease term an annual rental rate of \$250.00 per parking space for each space actually leased by Kalisher, such rate to increase three percent (3%) per year during the initial ten year term.

parking spaces are not available at the parking garage located at 300 East Main Street upon the expiration of the initial ten year term provided pursuant to paragraph 4 above, then the Town shall assist Kalisher by either (a) locating additional parking spaces available for Kalisher's use within a reasonable distance (to be determined by mutual agreement of the Town and Kalisher) from the Property, or (b) making a lump sum payment to Kalisher in the amount of \$80,000 (the "Parking Assistance Payment", representing \$400.00 per parking space, per year, for a ten year period).

7. The Town shall reimburse Kalisher for the actual rent paid to MSP by Kalisher during the initial ten year term of the lease for up to 20 parking spaces in the parking garage located at 300 East Main Street in accordance with paragraph 4 above, upon presentation by Kalisher to the Town of an invoice for other proof of payment of rent for parking spaces by Kalisher to MSP.

8. In the event that Kalisher ceases operation of its business at the Property during the additional 10 year term referred to in paragraph 5 above, then Kalisher shall re-pay the Town a prorata portion of the Parking Assistance Payment, the repayment amount being calculated by multiplying \$80,000 by a fraction, the numerator of which is the number of years remaining in the additional 10 year term at the time that Kalisher ceases operation at the Property, and the denominator of which is ten (10) (e.g., if Kalisher cease operations during the 4th year of the additional 10 year term, then Kalisher shall repay the Town \$48,000 (\$80,000 times 6/10).

9. The Town agrees to lease the Condominium Property referred to in paragraph 1 above back to Fleet Feet, Inc. for a period of two years commencing on the date that the Town acquires title to the Condominium Property from Fleet Feet, Inc. Fleet Feet agrees to pay the Town, and the Town agrees to accept from Fleet Feet in consideration for the lease of the Condominium Property, lease payments in the amount per square foot, per year, payable in monthly installments of \$_____, for the term of the lease. Fleet Feet shall be responsible for all insurance, property taxes, utilities, repair and maintenance costs for the Condominium Property during the lease term.

10. Fleet Feet agrees that it expects to continue to operate its business in the Town of Carrboro for a period of at least _____ years from the date of this Agreement, and that it shall establish or maintain the equivalent of at least_____ full time employment positions in the Town of Carrboro during that period of time, with an average annual payroll of \$_____.

11. Kalisher agrees that it expects to continue to operate its business in the Town of Carrboro for a period of at least ____ years from the date of this Agreement, and that it expects to establish or maintain the equivalent of at least ____ full time employment positions in the Town of Carrboro during that period of time, with an average annual payroll of \$_____.

12. Performance by each of the parties to this Agreement of their respective obligations stated herein is expressly conditioned on the performance of each other party of its obligations, and if any party shall fail, or be unable, to perform its obligations as set forth in this Agreement then this Agreement shall terminate, with no party having any contractual obligation to any other party under this Agreement

13. <u>Indemnification</u>. Fleet Feet, Kalisher and MSP each hereby agree to indemnify, protect and save the Town and its officers, councilmembers and employees harmless from all liability, obligations, losses, claims, damages, actions, suits, proceedings, costs and expenses, including reasonable attorneys' fees, arising out of, connected with, or resulting directly or indirectly from the Project or the transactions contemplated by or relating to this Agreement, including without limitation, the possession, condition, construction or use thereof, insofar as such matters relate to events subject to the control of the Companies, and not the Town. The indemnification arising under this paragraph shall survive the Agreement's termination.

14. <u>Disclaimer Of Warranties</u>. The Companies acknowledge that the Town has not designed the Project, that the Town has not supplied any plans or specifications with respect thereto and that the Town is not, in any way, a guarantor or warrantor of the Project or any component parts of the Project, and that the Town has not made any warrant or other representation, express or implied, regarding the Project or any component part thereof or any property or rights relating thereto; it being agreed that the Companies bear all risks relating to the Project and to the success of their respective business operations.

15. <u>Assignment</u>. No party shall sell or assign any interest in or obligation under this Agreement without the prior written consent of the other party.

16. <u>Limited Obligation Of Town</u>. No provision of this Agreement shall be construed or interpreted as creating a pledge of the faith and credit of the Town within the meaning of any constitutional debt limitation. No provision of this Agreement shall be construed or interpreted as delegating governmental powers nor as a donation or a lending of the credit of the Town within the meaning of the State constitution. This Agreement shall not directly or indirectly or contingently obligate the Town to make any payments beyond those appropriated in the Town's sole discretion for any fiscal year in which this Agreement shall be in effect. No provision of this Agreement shall be construed to pledge or to create a lien on any class or source of the Town's moneys, nor shall any provision of the Agreement restrict to any extent prohibited by law, any action or right of action on the part of any future Town governing body. To the extent of any conflict between this paragraph and any other provisions of this Agreement, this paragraph shall take priority.

17. <u>Governing Law</u>. The parties intend that this Agreement shall be governed by the laws of the State of North Carolina.

- 18. Notices.
 - (a) Any communication required or permitted by this Agreement must be in writing except as expressly provided otherwise in this Agreement.
 - (b) Any communication shall be sufficiently given and deemed given when delivered by hand or five days after being mailed by firstclass mail, postage prepaid, and addressed as follows:

(1)	Fleet Feet, Inc.	
(2)	Kalisher Holdings, LLC	
(3)	Main Street Partners	
(4)	Town of Carrboro	

(c) Any addressee may designate additional or different addresses for communications by notice given under this Section to the other.

19. <u>Severability</u>. If any provision of this Agreement shall be determined to be unenforceable, that shall not affect any other provision of this Agreement.

20. <u>Entire Agreement</u>. This Agreement constitutes the entire contract between the parties, and this Agreement shall not be changed except in writing signed by both parties.

21. <u>Binding Effect</u>. Except as otherwise provided in this Agreement, the rights and obligations herein shall be binding upon and inure to the benefit and be enforceable by the parties and their respective successors and assigns.

22. <u>Time</u>. Time is of the essence in this Agreement and each and all of its provisions.

Liability Of Officers And Agents. No officer, agent or employee of the Town shall be subject to any personal liability or accountability by reason of the execution of this Agreement or any other documents related to the transactions contemplated hereby. Such officers, agents, or employees shall be deemed to execute such documents in their official capacities only, and not in their individual capacities. This paragraph shall not relieve any such officer, agent or employee from the performance of any official duty provided by law.

IN WITNESS WHEREOF, the parties hereto, acting pursuant to authority duly given, have caused this Agreement to be duly executed the day and year first above written.

TOWN OF CARRBORO

By:	
5	Mark Chilton, Mayor
	FLEET FEET, INC.
By:	,President
	KALISHER HOLDINGS, LLC
By:	, Member/Manager
	MAIN STREET PROPERTIES OF CHAPEL HILL, LLC
By:	

_____, Member/Manager

AMENDMENT TO FY 2012-13 ANNUAL BUDGET ORDINANCE

WHEREAS, the Board of Aldermen for the Town of Carrboro on June 19, 2012 adopted an annual budget ordinance number 33/2011-12 for the fiscal year beginning July 1, 2012 and ending June 30, 2013; and,

WHEREAS, the Board of aldermen has approved an economic development agreement with Fleet Feet, Inc., Kalisher Holdings, LLC, and Main Street Properties of Chapel Hill, LLC to facilitate the creation and/or retention of jobs in Carrboro and maintain and/or increase the tax base in the Town; and,

WHEREAS, sufficient funds are available in the Fund Balance in the General Fund to support the economic development agreement; and,

WHEREAS, the Board of Aldermen desires to appropriate the necessary funds to undertake this economic development agreement for the purpose of aiding and encouraging economic activities that will help increase business prospects for the benefit of the Town and its residents;

NOW THEREFORE, THE BOARD OF ALDERMEN FOR THE TOWN OF CARRBORO AMENDS THE 2012-13 ANNUAL BUDGET ORDINANCE TO:

- 1. Transfer <u>\$563,000</u> from Fund Balance in the Town's General Fund to the Capital Projects Fund for the acquisition of office condominium now owned by Fleet Feet and located at 110 East Main Street, Suite 200, Carrboro, NC.
- 2. Funds are appropriated in the Capital Projects Fund for the following expenses necessary to acquire the property identified in #1 above:

Purchase Price	\$563,000
Closing Costs	<u>\$ 5,000</u>
Total Appropriation	\$568,000

Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this ____ day of ___ 2013.



Town of Carrboro

Agenda Item Abstract

File Number: 13-0355

Agenda Date: 6/25/2013

Version: 1

Status: Other Matters

File Type: Abstract

In Control: Board of Aldermen

Agenda Number: 1.

TITLE:

Request for a Minor Modification to the CUP for the Phase A building at 300 East Main Street

PURPOSE: The purpose of this item is for the Board of Aldermen to consider approving a Minor Modification request for the 300 East Main CUP to allow for changes to the design of the Phase A building.

DEPARTMENT: Planning

CONTACT INFORMATION: Marty Roupe, 918-7333

INFORMATION: The applicant's request is to reduce the Phase A building from its original approval of five (5) stories to three (3) stories. As the applicant's letter explains, the reduction is necessary in order to finance the building in a timely manner (Attachment B). While the CUP allows a large variety of uses, the anticipated uses for the building include retail on the first floor and office on the upper two floors. Since a reduction in size is proposed, the impacts and associated LUO requirements are reduced nominally. Therefore, the proposed change does conform to the LUO.

Staff did discuss with the applicant that the reduction in overall size results in less potential tax base associated with the overall project. The applicant stated in response that the only way it is currently possible to finance construction of the building is to lower the total proposed square footage.

FISCAL & STAFF IMPACT: The proposal to reduce the overall size of the building should facilitate it being constructed sooner, but also will result in an reduction of the commercial tax base originally associated with the approval of the project.

RECOMMENDATION: Town staff requests that the Board review the information, deliberate what is proposed, and consider adopting the attached resolution approving the Minor Modification request.

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE 300 EAST MAIN CONDITIONAL USE PERMIT AUTHORIZING REDUCTION IN SIZE FROM FIVE STORIES TO THREE STORIES AND ASSOCIATED CHANGES TO THE BUILDING'S DESIGN

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for 300 East Main; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen approve the Minor Modification request to allow for a reduction in size from five stories to three stories, along with the associated changes in the building's design.

This the 25th day of June, 2013



June 2, 2013

To: Marty Roupe, Town of Carrboro Zoning Administrator From: Main Street Properties of Chapel Hill, LLC

Re: 300 East Main CUP modifications

Main Street Properties ("MSP") seeks four minor modifications to the 300 East Main Conditional Use Permit ("CUP"):

- 1. Reductions to the size, footprint and total square footage of building A (adjacent to the railroad tracks) to accommodate the needs of an anchor tenant.
- 2. Addition of the 1.331 multi-family use as a permitted use for the upper floors of buildings B, C and E.
- 3. Approval of a hard cover over the outdoor dining space for 370 E. Main St., Suite 110 (the Hickory Tavern space).
- 4. Limited authority for future tenant-specific, non-structural facade changes (such as awnings) to not be considered deviations or modifications from the 300 East Main CUP.

The following is a narrative describing the need for each modification and referencing the attached drawings and supplemental information.

1. Building A changes.

Subject to certain contingencies of which the Town is aware, Fleet Feet, Inc., has selected 300 East Main as the preferred site on which to consolidate its corporate headquarters and develop a new retail space. Specifically, upon the resolution of all contingencies, Fleet Feet would lease both retail and office space in Building A (using the parlance of the 300 East Main CUP) on the 300 East Main site. Building A is to be built on the west side of the 300 East Main project adjacent to the railroad tracks.

To meet Fleet Feet's schedule, MSP needs to begin demolition and environmental remediation work on the building site by July 15, 2013, to begin structural building design immediately, and to begin building construction in October.

As currently approved in the 300 East Main CUP, building A would have contained 48,800 square feet in five stories. However, given that Fleet Feet proposes to lease approximately 11,850 square feet of office space and 4,350 square feet for its Carrboro retail store in the new building, MSP cannot finance the construction of anything larger than a three story building (first floor retail, second and third floor offices) containing approximately 36,000 sf.

We believe that keeping Fleet Feet's headquarters and retail store in Carrboro is good for the whole of the Town of Carrboro, for the downtown area, and for 300 East Main, and we therefore have opted to redesign the building to fit Fleet Feet's needs and our financing capabilities.

The redesign maintains a similar sized building footprint, and enlarges the upper two floors by reducing or eliminating the balconies that were envisioned for possible upperfloor restaurants. The building now will house shops and restaurants on the ground floor only, with Fleet Feet occupying one of the office floors and other office tenants using the other office floor.

The building is designed to be almost entirely brick in red and brown tones, with limited use of stucco in the same tones possible only the third floor, and with lighter-color architectural block to be used on the ground floor retail facades on portions of the north, east and west elevations. Architectural roof elements, canopies, storefront and downspouts, as applicable, will be pre-finished metal. Downspouts on the east elevation may be left visible as architectural features or encased in brick to create vertical visual demarcation along the building's elevation.

The retail floor is planned to be 18 feet high, and the office floors are planned to be 14 feet floor to floor. MSP will still add a bus pull off and bus shelter along Main Street in front of the building as indicated in the currently approved CUP for 300 East Main. Further, as in MSP's existing CUP, the proposed new building will be set back from the street to allow for wide sidewalks (28 feet in width along much of the Main Street frontage save for the area where the bus shelter is to be located) and outdoor dining.

The smaller building conforms with the town's downtown architectural standards, with the exception of ground-floor glazing, where it falls short of the 60-percent standard. We request a meeting of the Appearance Commission as soon as possible to seek a waiver.

A schematic design of the proposed smaller building is attached for your review and approval. We appreciate your prompt review as MSP must begin full scale design efforts immediately in order to meet Fleet Feet's needs and to realize this opportunity for downtown Carrboro.

2. Multi-family use.

You will recall that during 300 East Main's CUP approval process, Carrboro's land-use ordinance required suburban-style open space and ball fields as part of any development with a residential component. Those requirements made it impractical to include residential uses in our original CUP.

Since that time, the Town has replaced the open-space requirement with the Downtown Livability Area and Urban Amenities provisions, making it practical to develop multi-family residential as a part of downtown mixed-use projects. Further, given the slow pace of office absorption in the area, the space currently planned to begin construction soon (including MSP's new building discussed above), and the more limited demand at the price points required with new construction, adding a multi-family component for buildings B, C and E would allow completion of 300 East Main in a much shorter period of time than if the upper stories of buildings B, C and E were limited to office use. If MSP is permitted to include multi-family units on the upper stories of buildings B, C and E, then Main Street expects such buildings will be completed in a single phase beginning in approximately 16 to 18 months and taking a 12 to 16 months thereafter to complete. Absent approval of the multi-family use on the upper stories of buildings B, C and E, MSP expects that, even with good fortune in pre-leasing each buildings a separate phase, it would take ten to twelve years to complete all three buildings.

In addition, MSP recently has acquired control of the "Butler" property (adjacent to the south), which has an approved CUP including multi-family residential use. Adding the multi-family residential use to 300 East Main would create significant efficiencies in





Building A East Elevation



Town of Carrboro

Agenda Item Abstract

File Number: 13-0356

Agenda Date: 6/25/2013

Version: 1

Status: Other Matters

File Type: Abstract

Town Hall 301 W. Main St. Carrboro, NC 27510

In Control: Board of Aldermen

Agenda Number: 2.

TITLE:

Request for a Minor Modification to the CUP for 300 East Main related to adding a residential use category and outdoor uses on the site.

PURPOSE: The purpose of this item is for the Board to consider adopting a resolution approving changes to the sidewalk / courtyard area of the 300 East Main project.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, 918-7333

INFORMATION: Main Street Partners has submitted an application requesting the addition of a residential land use category to the CUP, approval of a covering for an outdoor dining area, and seeking flexibility regarding what changes may take place in the sidewalk and courtyard areas of the site (See Attachment B).

Regarding the addition of a residential use category, the applicant proposes to add use 1.331, multi-family apartments to the upper stories of buildings B, C, and E. The applicant's letter explains reasons why they wish to add this use at this time. Further, the applicant has stated that they understand and acknowledge that this application, if approved, only adds the use category; this approval does not authorize the actual construction of any residential component. The applicant intends to submit an application at a later date detailing how many units, exact locations, how they conform to the associated Downtown Livability and Urban Amenities sections of the ordinance, etc.

Staff has discussed with the applicant that ideally they would retain commercial use of these buildings rather than converting portions of them to residential, as such a change has potential negative implications for the anticipated tax base associated with the project. In doing so, it was noted that the applicant now controls the adjacent 'Butler' project, which effectively amounts to a residential component for the 300 East Main project.

Also proposed is a covering for an outdoor dining area. A restaurant under construction desires to cover an outdoor dining area on the sidewalk area near the hotel entrance (See Attachment B). Per LUO Section 15-64, staff determined that the change should be considered a Minor Modification to the CUP.

The CUP for the project anticipated outdoor dining in areas such as this, but no details were known at the time about exactly where they would be located. The Board authorized in the

original CUP the ability for such areas to change locations over time. Not contemplated at the time, however, was how to treat other changes such as a request to provide a cover to an outdoor dining area. In this case, the covering will be up to 700 square feet (the attached letter reads 500 sf, but should say 700 sf) in size and will provide seating for up to 53 people.

Lastly, the applicant is requesting flexibility regarding how similar potential changes are handled in the future. Some flexibility is provided in LUO Section 15-64 in what is termed an Insignificant Deviation to the permit. Section 15-64 allows for staff review and evaluation of any proposed change based on the perceived impacts of what is proposed. In discussing the above request for a covering with staff, the applicant thought it might be helpful to seek a modification to clarify how all changes should be handled moving forward. They noted that the site likely will change over time with the needs and desires of tenants, and that they would like to be able to negotiate such changes with both existing and prospective tenants without having to tell them that they would need to seek town approval prior to saying whether what was being discussed would be okay.

Staff continued discussing the matter with the applicant and reached a point where we mutually agreed that simple, non-permanent changes, such as small fences to delineate outdoor dining areas or small awnings above storefronts, would be considered Insignificant Deviations at most. Larger changes however, such as a 700 square foot cover, likely would be considered Minor Modifications. The applicant's request, however, seeks the ability to make all such changes without them being considered a modification of the permit.

Also of note is that the applicant's request seeks the ability to potentially alter building facades, as well, to create roll-up or garage door openings, Nanawall windows, and similar changes. While such changes ultimately may improve the appearance and / or viability of the site, staff is concerned that allowing such changes without any oversight by Planning staff and / or the Board of Aldermen may provide too much flexibility with respect to what the Board finds acceptable. Accordingly, staff suggests that the Board consider including the following condition in the resolution (if adopted):

Condition: That the applicant may install, remove, and otherwise change the location of non-structural elements of the outdoor portions of the site without necessitating review under LUO Section 15-64, so long as sidewalks and courtyards remain reasonably open and traversable. Such changes include but are not limited to small awnings, non-structural patio covers up to 200 square feet in size, and fencing, bollards, and similar devices intended to delineate outdoor dining areas. Structural additions and / or larger sized changes exceeding 200 square feet, as well as changes to the façade of a building shall be reviewed by staff. Staff will determine, in accordance with LUO Section 15-64, whether such requests need to be reviewed by the Board as a Minor Modification.

Attached is a statement from members of the Appearance Commission present during a Thursday, June 6, 2013 meeting (a quorum was not present).

FISCAL & STAFF IMPACT: No fiscal impact is associated with the potential approval of this modification. Staff impact involves review time.

RECOMMENDATION: Town staff requests that the Board consider the information,

deliberate the application, and consider adopting the attached resolution approving the request.

The following resolution was introduced by Aldermen ______ and duly seconded by Aldermen ______.

ATTACHMENT A

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE 300 EAST MAIN CONDITIONAL **USE PERMIT ADDING RESIDENTIAL USE CATEGORY 1.331 TO THE PERMIT. AUTHORIZING** INSTALLATION OF AN OUTDOOR DINING COVER UP TO 700 SQUARE FEET IN SIZE, AND AFFIRMING THAT SMALL, NON-STRUCTURAL CHANGES MAY OCCUR WITHOUT ZONING STAFF OR BOARD OF ALDERMEN REVIEW

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for 300 East Main; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit: and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED that the Carrboro Board of Aldermen approve the Minor Modification request to add Use Category 1.331 to the CUP, allow installation of an outdoor dining cover up to 700 square feet in size, and allowing small, non-structural changes to occur without zoning or Board of Aldermen review, subject to the following condition:

That the applicant may install, remove, and otherwise change the location of non-structural • elements of the outdoor portions of the site without necessitating review under LUO Section 15-64, so long as sidewalks and courtyards remain reasonably open and traversable. Such changes include but are not limited to small awnings, non-structural patio covers up to 200 square feet in size, and fencing, bollards, and similar devices intended to delineate outdoor dining areas. Structural additions and / or larger sized changes exceeding 200 square feet, as well as changes to the facade of a building shall be reviewed by staff. Staff will determine, in accordance with LUO Section 15-64, whether such requests need to be reviewed by the Board as a Minor Modification.

This the 25th day of June, 2013



June 2, 2013

To: Marty Roupe, Town of Carrboro Zoning Administrator From: Main Street Properties of Chapel Hill, LLC

Re: 300 East Main CUP modifications

Main Street Properties ("MSP") seeks four minor modifications to the 300 East Main Conditional Use Permit ("CUP"):

- 1. Reductions to the size, footprint and total square footage of building A (adjacent to the railroad tracks) to accommodate the needs of an anchor tenant.
- 2. Addition of the 1.331 multi-family use as a permitted use for the upper floors of buildings B, C and E.
- 3. Approval of a hard cover over the outdoor dining space for 370 E. Main St., Suite 110 (the Hickory Tavern space).
- Limited authority for future tenant-specific, non-structural facade changes (such as awnings) to not be considered deviations or modifications from the 300 East Main CUP.

The following is a narrative describing the need for each modification and referencing the attached drawings and supplemental information.

1. Building A changes.

Subject to certain contingencies of which the Town is aware, Fleet Feet, Inc., has selected 300 East Main as the preferred site on which to consolidate its corporate headquarters and develop a new retail space. Specifically, upon the resolution of all contingencies, Fleet Feet would lease both retail and office space in Building A (using the parlance of the 300 East Main CUP) on the 300 East Main site. Building A is to be built on the west side of the 300 East Main project adjacent to the railroad tracks.

The smaller building conforms with the town's downtown architectural standards, with the exception of ground-floor glazing, where it falls short of the 60-percent standard. We request a meeting of the Appearance Commission as soon as possible to seek a waiver.

A schematic design of the proposed smaller building is attached for your review and approval. We appreciate your prompt review as MSP must begin full scale design efforts immediately in order to meet Fleet Feet's needs and to realize this opportunity for downtown Carrboro.

2. Multi-family use.

You will recall that during 300 East Main's CUP approval process, Carrboro's land-use ordinance required suburban-style open space and ball fields as part of any development with a residential component. Those requirements made it impractical to include residential uses in our original CUP.

Since that time, the Town has replaced the open-space requirement with the Downtown Livability Area and Urban Amenities provisions, making it practical to develop multi-family residential as a part of downtown mixed-use projects. Further, given the slow pace of office absorption in the area, the space currently planned to begin construction soon (including MSP's new building discussed above), and the more limited demand at the price points required with new construction, adding a multi-family component for buildings B, C and E would allow completion of 300 East Main in a much shorter period of time than if the upper stories of buildings B, C and E were limited to office use. If MSP is permitted to include multi-family units on the upper stories of buildings B, C and E, then Main Street expects such buildings will be completed in a single phase beginning in approximately 16 to 18 months and taking a 12 to 16 months thereafter to complete. Absent approval of the multi-family use on the upper stories of buildings B, C and E, MSP expects that, even with good fortune in pre-leasing each buildings a separate phase, it would take ten to twelve years to complete all three buildings.

In addition, MSP recently has acquired control of the "Butler" property (adjacent to the south), which has an approved CUP including multi-family residential use. Adding the multi-family residential use to 300 East Main would create significant efficiencies in

building out both properties together, and would better integrate the two properties with each other and contribute to the vibrant environment of downtown Carrboro.

Final details about the number of units and how the two properties and uses would share parking, recreation facilities and other attributes will require more detailed modifications of both CUPs in the near future once MSP has secured financing pre-qualification and thereafter begun development of detailed design and construction drawings. In the meantime, MSP seeks this minor modification to add the residential use at this time because having such approval will substantially improve MSP's effort to secure pre-qualification for financing to construct buildings B, C and E (and to construct multifamily units over commercial space in the building on the "Butler" property) as a single phase planned to begin in 16 to 18 months. The financing MSP seeks would allow it to maintain a local controlling interest in the multi-family component, rather than selling a large percentage interest to an institutional equity partner.

With this modification, 300 East Main will realize its potential as a true mixed-use development, where people can live, work, shop and dine. Upon completion, less than one third of the total constructed square footage would be for multi-family residential use, with the balance devoted to retail, office and cultural uses.

In summary, this modification would open the door to completing the build out of 300 East Main in the near term, better integrate our development with the Butler property and bring more residents and customers to downtown Carrboro.

3. Hickory Tavern outdoor dining cover.

Hickory Tavern is the lessee of 370 E. Main St., Suite 110, the west-facing retail space immediately adjacent to the Hampton Inn & Suites main entrance. Hickory Tavern plans to erect a hard covering over approximately 500 square feet of patio space containing approximately 48 seats. The cover will have an attractive standing seam metal roof and attractive metal support structures, all in a form and color complementary to the design of the hotel/retail building in which Hickory Tavern is to be located. The cover will not be structurally attached to the hotel/retail building. The covered dining area also would be surrounded by a rail or other decorative and functional feature to delineate the dining area from the surrounding sidewalk.

The outdoor-dining area will add a desired level of liveliness to 300 East Main and downtown in general. Covering the space with a hard top will allow the outdoor area to be used in more weather conditions, for longer hours, and will reduce the amount of noise that could affect the hotel rooms above. This space has one of the widest sidewalks of all the 370 E. Main St. storefronts, so it is the best place for this larger, covered outdoor-seating area.

We will include the covered-seating area in our parking calculations.

4. Facade changes. As tenants move in and out of 300 East Main retail spaces over the years, we hope the spaces will evolve and resemble distinct city street storefronts more than a uniform shopping center. To this end, some tenants will want to add awnings, patio covers, low patio fences or planters, roll-up or garage-door openings, NanaWall windows or other changes to individualize their spaces.

Because these changes will not have discernible effects on neighboring tenants or downtown Carrboro as a whole, MSP seeks official instruction that any such nonstructural changes will not constitute a deviation or modification to the 300 East Main CUP and will need only building-inspections and fire-code approval, when necessary per State building codes or Carrboro's Town Code, prior to their construction.

Hickory Tavern outdoor dining cover

The actual cover will be slightly smaller than this. A sidewalk width of approximately 8 feet will remain on all sides of the cover, including the north side obscured by the angle of this drawing. Hickory Tavern's main entrance will be at the smaller awning shown between the outdoor dining cover and the hotel-entrance porté-cochere.



Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510



THURSDAY, June 6th, 2013

Review of Covered Outdoor Seating Area for Restaurant at the Retail Space of the New Hotel

The Appearance Commission Advisory Board was in favor of the covered outdoor seating area related to the Hickory Tavern Restaurant at the new hotel location.

The Appearance Commission was curious why Zoning Staff did not review these types of changes (ie. awnings, outdoor seating, fenced in areas for seating etc.) as Insignificant Deviations. The Appearance Commission believes that allowing staff to approve such minor changes (rather than advisory boards) will enable commercial growth in Carrboro, rather than inhibit it.

A quorum was not present.

VOTING: AYES: 3 (Tom Wiltberger, Eric Feld, Emily Scarborough) NOES: 0 ABSENT: (Sarah Andrews, Sheryl Forbis, Kim Calandra)

Appearance Commission Chair

6-13-13 Date


Town of Carrboro

Agenda Item Abstract

File Number: 13-0345

Agenda Date: 6/25/2013

Version: 1

Status: Other Matters

File Type: Abstract

Town Hall 301 W. Main St. Carrboro, NC 27510

In Control: Board of Aldermen

Agenda Number: 3.

TITLE: Discussion of Possible Changes to Parking and Towing Rules

PURPOSE: The purpose of this item is for the Board of Aldermen to receive information from Town staff regarding suggested changes to the Town Code related to the towing of vehicles from private property and limitations on parking in Town-owned parking lots.

DEPARTMENT: Town Manager, Planning, Police, Economic & Community Development, Public Works

CONTACT INFORMATION: Matt Efird 918-7314, Trish McGuire, AICP 918-7327, Chief Carolyn Hutchison 918-7412, Annette D. Stone, AICP, 918-7319, George Seiz, 918-7427

INFORMATION: At recent Board of Aldermen meetings, the Board has asked Town staff to look at certain rules related to the towing of vehicles from private property and the rules and enforcement of rules related to parking in Town-owned parking lots. A staff workgroup met several times to discuss the issues brought up by the Board of Aldermen and devised a list of suggested changes to the Town Code to address the issues.

Towing Rules

The existing rules for towing vehicles from private property (according to Carrboro Town Code Chapter 8, Article IX), are as follows. (1) The fee for towing a vehicle is limited to \$100.00. (2) If a vehicle owner returns to their vehicle prior to the town truck operator removing the vehicle from the property, the vehicle must be released to the owner. If the vehicle has already been attached to the tow truck, a maximum fee of \$50.00 may be charged to release the vehicle. (3) The storage fee for a vehicle is limited to \$20.00 per day, and only after a vehicle is stored more than twenty-four hours. (4) Payment for any fees must be accepted in the form of cash, credit card or debit card. (5) The Carrboro Police Department must be notified within thirty minutes of a vehicle being towed to a storage site. (6) In order for a tow truck operator to charge a fee for towing a vehicle, the property must contain signs that warn that vehicles may be towed at the owner's expense and that tow truck operators are required to accept credit and debit cards.

In addition, the Town Charter (Article 8, Section 8-4) requires signage prominently displayed at every entrance to a property to clearly inform, in letters at least three inches tall, the parking restrictions for the property, that violators may be towed at their expense, and a phone number to contact the tow truck operator.

The rules, as currently written, place liability only with the tow truck operators. Staff is recommending changes to the Town Code to place responsibility for adequate signage and adherence to the other towing-related rules on both the property owner and the tow truck operator. The penalty for violation (i.e. towing without proper signage, charging excessive fee, etc.) is \$50.00 for a first offense, \$100.00 for a second offense, and \$250.00 for each subsequent offense. Other changes staff is recommending include requiring signage that states "if you leave this property, your vehicle will be towed," that notifies consumers if video surveillance is used to monitor the property for parking violations, and that clearly state "\$100.00 maximum fee for towing."

Public Parking - Rules and Enforcement

The rules governing public parking in Carrboro are located in Chapter 6, Article IV of the Town Code. Section 6-19(b)(4) specifically provides for a two-hour parking limit between 7:00am and 5:30pm in the municipal lot on E. Main St., in the municipal lot at the intersection of Roberson/Main, at the municipal lot at the intersection of Rosemary/Sunset (M-F only), at the municipal lot on W. Weaver St., and at the municipal lot on S. Greensboro St. The municipal lot on Laurel Ave. is not listed under this section of the Town Code, but staff is recommending that this lot be added to the list of two hour limit lots. Staff has reviewed the signage at all the above-listed lots, and all lots are appropriately signed with the current restrictions. In addition to the Laurel Ave. lot, staff is recommending that the public parking spaces in the 300 E. Main parking deck be added to the list of time-limited parking.

Staff is recommending the following changes to parking regulations: (1) that the Town Code be amended to prohibit parking from 3:00am - 5:00am in the above-listed municipal lots, and the Town Hall/Town Commons lot in addition and (2) that the penalties for violating the parking regulations be increased to \$35.00 for a first offense, \$50.00 for a second offense, and \$100.00 for each subsequent offense.

An ordinance making most of the changes described above related to towing rules and public parking has been prepared (Attachment A). An updated version that includes all the changes will be available at the meeting on Tuesday evening. Town staff is also working on an implementation plan to increase enforcement efforts over the summer and into the new UNC school year. Activities will include a public information campaign and efforts to encourage alternative modes of transportation.

FISCAL & STAFF IMPACT: The fiscal impact of this item is not clear at this time. Depending on the method of enforcement staff goes forward with, there may be up to \$15,000 in capital costs for hardware and software related to citation tracking and collections. Staff time will continue to be needed to consider enforcement options and further staff time will be needed to perform enhanced enforcement. There will also be a small fiscal impact (less than \$1,000) related to updating the signage at municipal parking lots.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the suggested changes to Town Code provisions related to towing and public parking and provide direction to staff specifying follow-up actions.

ATTACHMENT A

AN ORDINANCE AMENDING THE CARRBORO TOWN CODE PROVISIONS DEALING WITH THE TOWING OF VEHICLES FROM PRIVATE PROPERTY

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article IX of Chapter 8 of the Carrboro Town Code ("Towing of Motor Vehicles from Private Property") is rewritten as follows:

Article IX

TOWING OF MOTOR VEHICLES FROM PRIVATE PROPERTY

Section 8-78 Applicability

- (a) The provisions of this article shall apply only to:
- (1) Persons who are engaged in the business of towing motor vehicles, but only when such persons tow a motor vehicle from private property at the request of a person who is not the owner or operator of the motor vehicle that is towed; and
- (2) Persons who are the owners of property from which a motor vehicle is removed by or at the request of a such property owners or their agents; and
- (3) Persons who are the agents of property owners that have authorized such agents to have vehicles removed from the owners' property if such vehicles are parked on that property without the owners' permission.

(d) The provisions of this article shall not apply to the towing of motor vehicles from (i) a driveway or parking area that is manifestly designed to serve up to four dwelling units on a single lot, or (ii) any other area on private property that is manifestly not designed or intended for the parking of motor vehicles.

Section 8-78.1 No Towing In the Absence of Proper Signage

(a) No person to which the provisions of this article are applicable may tow or cause to be towed from a privately owned parking lot any motor vehicle unless the lot from which the vehicle is towed contains signage reasonably designed to inform any motorist entering the lot that:

(1) Parking within such lot is restricted in a manner indicated in such signage. If only some spaces are restricted, the signage shall indicate which spaces are affected and

what the restrictions are. If parking is not restricted on a twenty-four hour continuous basis, the signage shall indicate the days of the week and hours of the day during which parking is restricted. If the parking lot is monitored by video surveillance, the signage shall so indicate.

- (2) Vehicles parked in the lot in violation of the restrictions are subject to being towed at the owner's expense. If vehicles are subject to being towed on a twenty-four hour basis, the signage shall so indicate (e.g., "Towing enforced 24 hours").
- (3) Information as to the location of the towed vehicle may be obtained by calling a specified telephone number.
- (4) The towing operator is required by ordinance to accept payment by major credit and debit cards as well as cash;

(b) No person to which the provisions of this article are applicable may tow or cause to be towed from a privately owned parking lot any motor vehicle that has been parked for less than fifteen minutes on such lot in violation of the restrictions specified in the signage required under subsection (a) unless such signage also contains the phrase "if you walk off this property, you are subject to being towed."

(c) Signage erected to comply with the provisions of this article shall consist of one or more signs, each of which may contain not more than sixteen square feet in surface area, located at each entrance to the parking lot or at such other locations that the information communicated therein is plainly visible to any reasonable observer using such parking lot.

- (1) The lettering on such signs shall be placed on a contrasting background. Lettering informing users of the parking lot what the basic restrictions are (e.g., "parking for customers only," "parking for residents only" etc.) and that violators are subject to towing shall be at least two inches in height. Lettering providing other information shall be at least one and one-half inches in height.
- (2) If vehicles are subject to being towed after sunset and before sunrise, the signage must be located in a lighted area or otherwise illuminated in such a manner that it remains plainly visible to users of the parking lot.
- (3) A property owner may submit a signage plan to the administrative official designated by the manager to review such plans. Approval by such administrative official of such plan shall conclusively establish that the signage erected in conformity with such plan satisfies the requirements of this article. In approving such a plan, the administrative official may allow minor deviations from the specifications of this subsection if the administrative official concludes that the sign plan achieves the objectives of this article.

Section 8-78.2 Limitation on Fees for Towing from Private Property

(a) No person who tows or removes a motor vehicle from private property may charge the owner or operator of the vehicle removed an amount in excess of one hundred dollars (\$100.00) for the towing or removal. No person who stores a motor vehicle so removed may charge the owner or operator of the vehicle a storage fee in excess of twenty dollars (\$20.00) per day. No storage fees shall be charged for the first twenty-four (24) hour time period from the time the vehicle is initially removed from the private property. The fees referred to herein shall be all inclusive; no additional fees may be charged for the use of particular equipment or services.

(b) The towing or storage firm must accept payment by major credit and debit cards in addition to cash for all fees charged in connection with the towing and storage of a vehicle under circumstances regulated by this article (including fees charged under Section 8-78.3). A refusal by a towing operator to accept payment by a major credit or debit card shall constitute a violation of the provisions of this article.

(c) The towing or storage firm must provide a receipt for each payment at the time the payment is made.

Section 8-78.3 Report to Police Department

Within thirty (30) minutes after a vehicle has been placed at a storage site pursuant to this article, the tow truck operator who removed the vehicle shall report by telephone to the Carrboro Police Department that the vehicle has been removed and shall provide a license tag number and a description of the vehicle and its present location.

Section 8-78.4 Release Prior to Tow

If the owner or operator or other person able to move a vehicle that was parked in violation of the restrictions specified in Section 8-78.1 returns to that vehicle before the vehicle has been attached to a tow truck, the towing operator shall release the vehicle to that person without charging any fee. If the vehicle has been attached to the tow truck prior to the arrival of the person, a fee not in excess of fifty dollars (\$50) may be charged.

Section 2. Subsection 6-19(b)(4) of the Carrboro Town Code (parking for not more than two hours between 7:00 p.m. and 5:30 a.m.) is amended by adding a new subdivision (f) as follows:

(f) Within the municipal parking lot located on Laurel Avenue.

Section 3. Subsection 6-19(b) of the Carrboro Town Code (parking prohibited in certain locations at certain times) is amended by adding a new subsection (10) as follows:

(10) No Parking from 3:00 a.m. to 5:00 a.m.

All town parking lots

Section 4. Subsection 6-41(c) of the Carrboro Town Code is amended by raising the \$25.00 civil penalty for the indicated sections to \$35.00.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. This ordinance shall become effective upon adoption.



Town of Carrboro

Agenda Item Abstract

File Number: 13-0332

Agenda Date: 6/25/2013

Version: 1

Status: Public Hearing

File Type: Abstract

In Control: Board of Aldermen

Agenda Number: 4.

TITLE: Minor Modification to the Legends AIS Conditional Use Permit

PURPOSE: The Legends AIS Homeowner's Association has submitted an application requesting a minor modification to their Conditional Use Permit to allow the designated affordable units in the subdivision to be converted to market rate units pursuant to a proposed \$15,000 in-lieu payment being made at the time of the unit's sale.

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Kleaveland (918-7332)

INFORMATION: The Legends AIS Conditional Use Permit was issued on August 22, 2006 (Attachment B). The affordable units in this development were constructed pursuant to the Residential Density Bonuses for Affordable Housing provisions of Section 15-182.4. At the time of Legends permitting, 15-182.4 did not include current provisions which more strongly direct the developer to use professional non-profit management of the affordable units such as is provided by the Community Home Trust (CHT).

This allowed the Legends developer to market these deed restricted affordable units at the maximum price the 15-182.4 formula would allow. See the attached letter from David Weekly showing the calculation formula used to estimate the sale price of these units (Attachment C). Also attached therein is a letter from of the Community Home Trust regarding the Weekly letter.

After multiple meetings with owners of these units, it is evident that this arrangement has proved problematical for both the HOA and the owners. Please see the combined attachments for all of the applicant's written materials (Attachment D).

In summary, the prospect of a poor resale price (due to a change in the areas statistical Average Median Income (AMI) figure), the lack of subsidy (as used by CHT), and rises in Homeowner's Associations dues, have made living in these units less affordable than expected. As the pricing calculation for the units is based, for 100 years, on a two person family with an income at 80% of the AMI the following have lowered the resale value of their homes from their original purchase price. The change in the AMI figure resulted from the boundaries of the MSA being redrawn to include Durham, Chapel Hill and Carrboro rather than Carry and Raleigh.

Year	AMI	80% Median Income for a family of 2
2013	\$67,700	\$43,350
2012	\$68,700	\$44,000
2011	\$67,800	\$43,400
2010	\$66,500	\$43,400 (Notice reduction from previous year)
2009	\$65,500	\$45,650
2008	\$62,100	\$45,650
2007	\$60,100	\$45,650
2006	\$61,700	\$45,650
2005**	\$69,800	\$45,650
2004**	\$69,800	\$45,650

2003** \$69,800 \$45,200 ** Raleigh, Durham, Chapel Hill MSA

Permit Modification Proposal

The applicant (the HOA), staff and Town Attorney find that a reasonable remedy to some of these problems is a permit modification that allows the affordable units to be sold at market rate units pursuant to a payment in lieu for the affordable unit sold. After said payment is made, the unit would no longer be considered affordable. Per the calculations prepared by the applicant on their attached justification letter, they proposed allowing the units to be converted to market rate pursuant to a \$15,000 payment in lieu to be received by the Town at the time of sale. The LUO presents some obstacles to doing this specifically with regards to the density bonus provisions of Section 15-182.4. At this time, only three (3) affordable units can be converted to market rate units without creating an LUO non -conformity at Legends. For this reason, staff outlined the basic structure of a text amendment that would allow the remaining affordable units to be converted. In particular, this amendment would apply only to those subdivisions approved under the old density bonus ordinance which allowed the HOA management scenario that Legends is now experiencing. If the Board finds the applicant's proposal acceptable with the understanding that a future permit modification and text amendment will be forthcoming the following condition is recommended:

Note that the HOA and affordable unit owners assume responsibility for having their covenants, declarations, deeds and plats revised as needed. A condition would be to include language that allows all of the market-rate units to be converted subject to the approval of the text amendment discussed above. The following condition is written accordingly:

1. That, pursuant to a text amendment allowing for the conversion of designated affordable units into market-rate units (with receipt of a payment in lieu for the unit) without violating the density provisions of the LUO (applicable only for developments approved prior to June 2007 that utilized the provisions of Section 15-182.4), the Legends AIS Conditional Use Permit be amended to allow all units designated as "affordable" by the permit to be resold at market rate pursuant to a \$15,000 payment in lieu of the affordable unit to the Town's Affordable Housing Special Revenue Fund. Once said payment is made, the unit shall no longer be required to be maintained as "affordable".

Discussion of Payment in Lieu Proposed

The current payment in lieu for affordable housing Town's 2012-13 Miscellaneous Fees and Charges Schedule is \$31,833. This number is based on a three year rolling average of the median value of all the homes in the CHCCS School District; it does not disaggregate townhomes, which have lower valuation in general. The new payment amount for the 2013-2014 schedule, effective July 1, 2013, is calculated to be \$32,167. Based on comparative costs/square foot, sizes and likely level of finish of the units sold as affordable/market value, it would appear that payment of the standard amount of \$31,833 would be difficult for most homeowners. The homeowners have indicated as much and have proposed the alternative \$15,000 amount.

For a \$160,000 market rate sale of one of the less expensive affordable units, minus a realtor's commission, minus the \$15,000 payment in lieu, leaves only \$1400 of profit (see the applicant's attachments for more detail). Using this example, if the full payment were to be required, the owner would need to sell their townhome, purchased at \$134,500, at around \$177,000 to break even. At \$15,000, the same home would break even if their home sold for just over \$159,000. The smaller fee would also help some owners recoup some of the expense of the higher mortgage rate relative to a CHT home.

Comparative Market Analysis of Ballentine and Legends Affordable Housing For a comparison of Ballentine and Legends affordable housing (which is also a comparison of the CHT managed units (Ballentine) and HOA managed units (Legends)), please see Attachment E. This section also provides market rates pricing references.

FISCAL & STAFF IMPACT: Staff time, application fee collected, potential receipt of payment in lieu moneys.

RECOMMENDATION: Should the Board consider the applicant's request and justifications acceptable,

staff recommends that the Board adopt the attached resolution approving the permit modification (amendment) to the Legends AIS Conditional Use Permit subject to the following condition (Attachments A):

1. That, pursuant to a text amendment allowing for the conversion of designated affordable units into market-rate units (with receipt of a payment in lieu for the unit) without violating the density provisions of the LUO (applicable only for developments approved prior to June 2007 that utilized the provisions of Section 15-182.4), the Legends AIS Conditional Use Permit be amended to allow all units designated as "affordable" by the permit to be resold at market rate pursuant to a \$15,000 payment in lieu of the affordable unit to the Town's Affordable Housing Special Revenue Fund. Once said payment is made, the unit shall no longer be required to be maintained as "affordable".

A RESOLUTION APPROVING A MINOR MODIFICATION TO THE LEGENDS AIS CONDITIONAL USE PERMIT AUTHORIZING THE ACCEPTANCE OF PAYMENTS –IN-LIEU FOR EXISTING AFFORDABLE (AS DEFINED BY THE LUO) TOWNHOME UNITS SUBJECT TO THE CONDITION HEREIN.

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Legends Architecturally Integrated Subdivision on August 22, 2006; and

WHEREAS, Town Staff has determined that this request constitutes a Minor Modification to the Conditional Use Permit; and

WHEREAS, the applicant has met the criteria in the Town's Land Use Ordinance related to Minor Modifications.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Minor Modification request to the Legends AIS CUP subject to the following condition:

1. That, pursuant to a text amendment allowing for the conversion of designated affordable units into market-rate units (with receipt of a payment in lieu for the unit) without violating the density provisions of the LUO (applicable only for developments approved prior to June 2007 that utilized the provisions of Section 15-182.4), the Legends AIS Conditional Use Permit be amended to allow all units designated as "affordable" by the permit to be resold at market rate pursuant to a \$15,000 payment in lieu of the affordable unit to the Town's Affordable Housing Special Revenue Fund. Once said payment is made, the unit shall no longer be required to be maintained as "affordable".

BE IT FURTHER RESOLVED that the Board of Aldermen calls a public hearing on August 27, 2013 to consider adopting "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO THE CONVERSION OF EXISTING AFFORDABLE DWELLING UNITS TO MARKET-RATE UNITS VIA THE PAYMENT IN LIEU MECHANISM."

BE IT FURTHER RESOLVED that MISCELLANEOUS FEES AND CHARGES SCHEDULE FOR FY 2013-14 IS MODIFIED TO INCLUDE A NEW FEE OF \$15,000 FOR PAYMENT IN LIEU FOR AFFORDABLE HOUSING UNITS IN DEVELOPMENTS UTILIZING SECTION 15-182.4 THAT WERE APPROVED PRIOR TO JUNE 2007.

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for expedited review of less than 30 days per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

Appearance Commission	Recreation and Parks Commission
Transportation Advisory Board	Northern Transition Area Advisory Committee
Environmental Advisory Board	
Economic Sustainability Commission	

This the 25th day of June, 2013



ATTACHMENT B-1

M SG

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



ORANGE COUNTY NORTH CAROLINA

TOWN OF CARRBORO CONDITIONAL USE PERMIT GRANTED Jones Property AIS

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

APPLICANT: 1 st American Builders
OWNERS: Priority Development, L.P., a Delaware Limited Partnership
PROPERTY LOCATION (Street Address): 8112 Old NC 86
TAX MAP, BLOCK, LOT(S): 7.23.C.31F 9860.92-6679
PROPOSED USE OF PROPERTY: Major subdivision consisting of 49 single-family detached residences and 16 townhomes.
CARRBORO LAND USE ORDINANCE USE CATEGORY: 26.100, 1.111 and 1.320
MEETING DATES: June 27 and August 22, 2006

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

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



Page 2 Jones Property Conditional Use Permit

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

- 2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void of no effect.
- 3. The continued affordability of the units (lots 51, 52, 55, 56, 59, 60, 61, 62, 63, 64) must be specified in the Homeowner's Association documents per the provisions of Section 15-182.4 of the Land Use Ordinance. These documents must be approved by the Town Attorney prior to construction plan approval.
- Certificates of Occupancy for each of the seven (7) bonus 'market-rate' units may not be issued until such time as all of the affordable units (lots 51, 52, 55, 56, 59, 60, 61, 62, 63, 64) are constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance.
- 5. No additions or interior renovations designed to increase the heated square footage of the size-restricted units (lots 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65) can be approved/completed within the first year following the issuance of the Certificate of Occupancy (CO) per Section 15-188(e). This statement must also be included on the recorded final plat.
- 6. That the single-family home lots, when developed, have sufficient room to conveniently park two cars, off of the street, without blocking the sidewalk. Garages may not be counted toward this requirement. This parking will be shown on individual plot plans during the building permit stage.
- 7. That on the construction plans, a handicap van accessible parking space and corresponding ramp be provided in each of the two townhome parking lots, to be shown on the construction plans
- 8. That, if it is determined that the construction of the sewer in the proposed location will cause a rise in the 100 year flood, the developer will be allowed to construct the sewer only if the Board of Aldermen concludes that such rise does not constitute "damage" to the affected property in accordance with Section 15-263 of the Land Use Ordinance.
- 9. Prior to construction plan approval, the on-site, 100-year floodplain needs to be field-located and that information needs to be shown on the plans, subject to the approval of the Town Engineer. Furthermore, if any lots shown on the preliminary plat are so constricted by areas made unbuildable in accordance with this condition that they cannot practicably be developed, then the preliminary plat must be redesigned to eliminate such lots. Similarly, if any areas shown as bio-retention facilities are shown to fall within the 100 year floodplain, that they will be redesigned to eliminate this encroachment. Any changes required by this condition are subject to the provisions of Section 15-64 of the Land Use Ordinance.
- 10. Prior to construction plan approval, the crossings of the PSNC gas transmission line must be field-verified to meet PSNC's minimum cover and maximum fill requirements, subject to the approval of the Town Engineer.
- 11. That the applicant shall provide to the Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
- 12. That the developer shall include a detailed stormwater system maintenance plan. This maintenance plan shall specify the entity responsible for performance of all elements of this maintenance plan, shall indicate how that entity will fund said maintenance, and shall clearly indicate that the Town of Carrboro is not responsible for these activities. The maintenance plan shall include scheduled maintenance activities for each stormwater best management practice (BMP) in the development, (including but not limited to cisterns,

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ATTACHMENT B-3

Page 3 Jones Property Conditional Use Permit

bio-retention areas, swales, constructed wetlands, level spreaders, energy dissipaters, and buffers), performance evaluation protocol for each BMP, and frequency of selfinspection and self-reporting requirements (including a proposed inspection/reporting template clearly indicating how often reports will be submitted to the Town of Carrboro) for maintenance and performance of each BMP. The maintenance plan and supporting documentation shall be submitted to the Town Engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the maintenance plan and supporting documentation shall be included in the construction drawings and homeowner's association documentation to ensure the long-term maintenance of the BMPs.

- 13. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.
- 14. That an additional fire hydrant be placed, to the satisfaction of the Town Fire Marshall, at the entrance to the development off of Hogan Hills Road and that this hydrant is to be shown on the construction plans.
- 15. That fire flow calculations and building-sprinkler design (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
- 16. That the applicant submit a Voluntary Annexation Petition to the Town Planning Department prior to final plat approval.
- 17. That the applicant receive CAPs from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.
- 18. That, for the townhome parking lots, the Board hereby allows a deviation from the parking requirements of 15-291(g), finding that 31 spaces combined are sufficient to serve the 16 townhomes. Per 15-292(a), the Board makes this finding based on evidence submitted by the applicant as referenced in Attachments G of the staff report.
- 19. That all references to the project as being a part of the Lake Hogan Farms Homeowner's Association or subdivision be removed on the construction drawings.
- 20. That street trees, per the provisions of Section 15-315 of the Land Use Ordinance, be provided along the east side of the Lake Hogan Farms Road extension on the construction drawings.
- 21. In accordance with Section 15-182.4, the developer shall include in the restrictive covenants applicable to the subdivision, and in the deeds for the affordable units, covenants and restrictions that are sufficient to ensure that the affordable units will remain affordable as described in that section. Those covenants and restrictions shall include provisions that will allow the Town of Carrboro to enforce the commitment that the housing units remain affordable. These documents shall be subject to the approval of the Town Attorney.
- 22. That an *additional* speed table be provided, to be located approximately 400 to 500 feet west of the currently proposed speed table on Hogan Hills Road. The exact location of said speed table shall be coordinated during construction plan review.
- 23. That screened storage areas for the rollout garbage containers are provided for the townhome units and that their design and location be coordinated during construction plan review.
- 24. That mulch piles created during construction shall not exceed 8 feet in height, 20 feet in width and 20 feet in length. Piles shall be separated from adjacent piles and other exposures by 50 feet and a fire apparatus access road approved by the Fire Department shall be provided within the 50-foot separation.
- 25. That an area on the development be reserved for a future bus stop.

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Page 4 Jones Property Conditional Use Permit

26. That, in an effort to maintain the rural character of the Northern Transition Area by managing lighting and glare, the street lights be full cutoff —and that the HOA documents require all outdoor lighting fixtures on the new homes or associated with common facilities be International Dark Sky Association (IDA) certified

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

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

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

NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHERE For the town of Carrboro has caused this permit to be issued in its name, and the undersigned bring the property above described, do hereby accept this Conditional Use Permit, togetter with all its conditions, as binding upon them and their successors in interest.

ATTEST: The TOWN OF CARRBORO ATTEST: Town Clerk Town Manager

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

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the $\frac{8}{Ma_{Y}}$ day of Ma_{Y} , 2007.

(SEAL)



Sharming Mirman

My Commission Expires: November 30,2008



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

PRIORITY DEVELOPMENT, L.P. A Delaware Limited Partnership

(SEAL)

By: Fhills
Title: CFO

Teyns	(STATE)
Harris	(COUNTY)

I, <u>Misha F.</u> aforesaid, certify that <u>St</u> this day and acknowledged	Kink	, a N	otary Pub	olic of the	County a	nd St	ate
aforesaid, certify that	nart F	Bitting		personally	appeared be	efore	me
this day and acknowledged	that he is	<u> </u>	CF	D	of	Prior	ity
Development, L.P., a Delaware	Limited Partn	ership, and t	that by aut	hority duly	given and a	as the	act
of the limited partnership, th	ne foregoing	instrument	was sign	ned in its	name by	him	as
CFO	on	behalf	of the	limited	partners	hip	as
CF0	thereo	f all by auth	ority duly	given.			
			-				

Witness my hand and official seal, this	10 th day of October , 2006.
	\langle
	Ministra King Notary Public
(SEAL)	Notary Public
My commission expires: $4-5-10$	O

(Not valid until fully executed and recorded)



-	
[[PREPARED BY AND RETURN TO:
11	TOWN CLERK
	TOWN OF CARRBORO
11	301 West Main Street
	CARRBORO, NORTH CAROLINA 27510



113 Edinburgh South Drive, Suite 120 • Cary, North Carolina 27511 (919) 659 - 1500 (Office) • (919) 460 - 9793 (Fax)

February 2, 2010

MEMORANDUM FOR: Planning Department, Town of Carrboro, North Carolina

SUBJECT:

Legends at Lake Hogan Project - Affordable Housing Pricing

- 1. Purpose. The purpose of this memorandum is to request Town approval for maximum pricing for Affordable Housing Units (AHU), pursuant to the project Conditional Use Permit (CUP) and Section 15-182.4 of the Town of Carrboro Land Use Ordinance (LUO).
- 2. Background.
 - a. A Conditional Use Permit (CUP) was granted for the Legends at Lake Hogan major subdivision project (which was previously known and referred to as the Jones Property) on August 22, 2006. This project consists of 49 single-family detached residences and 16 townhomes.
 - b. This CUP designated ten of the townhome units as Affordable Housing Units.
 - c. This CUP further states that these Affordable Housing Units are to be offered for sale for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance (LUO).
 - d. Section 15-182.4 of the LUO states:
 - i. "[An] affordable housing unit must be offered for sale or rent at a price that does not exceed an amount that can be afforded by a family whose annual gross income equals eighty percent of the median gross annual family income, as most recently updated by the United States Department of Housing and Urban Development, for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located."
 - ii. "It is conclusively presumed that a family can afford to spend thirty percent of its annual gross income on housing costs....[T]he term "housing costs" shall mean the costs of principal and interest on any mortgage, real property taxes, insurance, fees paid to a property owners association, and any ground lease or maintenance fees."



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- 3. Discussion. Weekley Homes, L.P. requests approval to offer the ten Affordable Housing Units within its Legends at Lake Hogan community for sale for \$134,000 each. Such prices are within the threshold defined within Section 15-182.4 of the Town of Carrboro LUO.
 - a. 80% of Median Annual Income (2-person Household): \$45,650
 - b. Annual Income translated to Monthly Income: \$45,650 / 12 = \$3,804
 - c. Available Monthly Housing Cost (30% of Income): \$3,804 x 30% = \$1,141
 - d. Monthly Housing Cost Expenses:
 - i. Insurance: \$35
 - ii. Homeowners' Association Fees: \$130
 - iii. Real Property Taxes:
 - 1. Estimated Assessed Value: \$150,000 (mid-point)
 - 2. \$150,000 x 1.6858% = \$3,119 / 12 months = \$253
 - iv. Subtotal: \$35 + \$130 + \$253 = \$418
 - e. Remaining Monthly Housing Cost to use towards Principal and Interest: \$1,141 minus \$418 = \$723
 - f. Assuming a 30-year, Fixed Rate Mortgage Rate of 5.0% (per Freddie Mac, for the week of 1/28/10, the average 30-year Fixed Rate was 4.98%), and a Principal & Interest payment of \$723, a standard Amortization Schedule yields a Loan Principal of \$134,000 (see enclosed amortization schedule).



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4. Point of contact for this request is the undersigned at (919) 659-1502 / rbowen@dwhomes.com.

Thank you very much.

Thurm Bowen Land Manager, Raleigh Division Weekley Homes, L.P.

Exhibits:

- 1 Department of Housing and Urban Development (HUD) Household Income Data
- 2 Average Mortgage Rates, Freddie Mac
- 3 Amortization Schedule

Notes/Sources: ¹HUD Income Limits for applicable MSA ²Government National Mortgage Association (GNMA) (aka "Ginnie Mae") ³Federal Home Loan Mortgage Corporation ("Freddie Mac")

STATE:NORTE CAROLINA					N C O M E	LIMIT	0 F L P L F L F L F L F L F L F L F L F L	* * * * * * *	
Asheville, NC MSA	PROGRAM	1 PERSON	2 PERSON	3 PERSON	4 PERSON	5 PERSON	6 PERSON	7 PERSON	8 PERSON
Asheville, NC EMFA Ey 2009 Mft: 55700	30% OF MEDIAN VERY LOW INCOME JOW-INCOME	11700 19500 31200	13350 22300 35650	15050 25050 40100	16700 27850 44550	18050 30100 48100	19350 32300 51700	20700 34550 55250	22050 36750 58800
Haywood County, NC EMFA FY 2009 MEI: 49700	JOR MEDIAN JOS OF MEDIAN VERY LOW INCOME	10450	11950	13450 22450	14950	16150 26950	17350 28950	18550 30950	19750 32950
LOW-INCOME Burlington, NC MSA FY 2009 MFI: 54700 30% OF MED VERT LOW I LOW-INCOME Charlotte-Gastonia-Concord, NC-SC MSA	LOW-INCORDE 30% OF MEDIAN VERY LOW INCORDE LOW-INCORDE LOW-SC MSA	27950 11800 19650 31450	31900 13500 22450 35900	35900 15150 25250 40400	39900 16850 28050 44900	43100 18200 30300 48500	46300 19550 32550 52100	49500 20900 34800 55700	52650 22250 37050 59250
Anson County, NC HMEA FY 2009 MFT: 44100 30% OF MEDIAN VERY LOW INCO LOW-INCOME Charlotte-Gastonia-Concord, NC-SC HMEA FY 2009 MFT: 66500 30% OF MEDIAN	30% OF MEDIAN VERY LOW INCOME LOW-INCCARE 10W-INCCARE 30% OF MEDIAN	10450 17450 27950 13950	11950 19950 31900 15950	13450 22450 35900 17950	14950 24950 39900 19950	16150 26950 43100 21550	17350 28950 46300 23150	18550 30950 49500 24750	19750 32950 52650 26350
Durham, NC MSA	VERY LOW INCOME LOW-INCOME 30% OF MEDIAN VERY LOW INCOME	23300 37250 15000 249500	26600 42550 17100 28500	2950 47900 19250 32100	33250 53200 21400 35650	35100 38510 38510 3851000 3851000 3851000 3851000000000000000000000000000000000000	38550 61700 41350 41350	41250 65950 65950 44200	43900 70200 2825 47050
Ferson County, NC HMFA FY 2009 NET: 54300 Fayetteville, NC MSA	LOW-INCORE 30% OF MEDIAN VERY LOW INCOME LOW-INCORE	11400 19000 30400	** 4565U 13050 21700 34750	51350 14650 24450 39100	5/050 16300 27150 43450	17600 29300 46950	66200 18900 31500 50400	70750 20200 33650 53900	7350 21500 35850 57350
Fayetteville, NC HMFA EY 2009 MFT: 51600 Hoke County, NC HMEA FY 2009 MFT: 46300	30% OF MEDIAN VERY LOW INCOME LOW-INCOME 30% OF MEDIAN VERY LOW INCOME LOW-INCOME	10850 18850 28900 28900 19450 17450 27950	12400 20650 33050 11950 19950 31900	13950 23200 37150 13450 22450 35900	15500 25800 41300 14950 24950 39900	16750 27850 44600 16150 26950 43100	18000 29500 47900 17350 28950 46300	19200 32000 51200 18550 30950 49500	20450 34050 54500 19750 32950 52650

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2010 PRIMARY MORTGAGE MARKET SURVEXCHMENT C-5 Summary page with all rate types - U.S. averages

We make home possible

Week	U.S. 30 yr FRM	30 yr fees & points	U.S. 15 yr FRM	15 yr fees & points	U.S. 5/1 ARM	5/1 ARM fees & points	5/1 ARM	U.S. 1 1 yr ARM	yr ARM fees & points	U.S. 1 yr ARM margin	30 yr FRM/ 1 yr ARM spread
1/7	5.09	0.7	4.50	0.7	4.44	0.6	2.74	4.31	0.6	2.75	0.78
1/14	5.06	0.7	4.45	0.6	4.32	0.6	2.74	4.39	0.5	2.75	0.67
1/21	4.99	0.7	4.40	0.6	4.27	0.6	2.74	4.32	0.6	2.74	0.67
1/28	4.98	0.6	4.39	0.6	4.25	0.6	2.74	4.29	0.5	2.75	0.69

Although Freddie Mac attempts to provide reliable, useful information in this document, Freddie Mac does not guarantee that the information is accurate, current or suitable for any particular purpose. Estimates contained in this document are those of Freddie Mac currently and are subject to change without notice.

Mortgage Amortization

Loan principal amount \$134,000.00 Annual Ican payments \$8,681 Annual interest rate 5.050% Monthly payments \$723 Loan period in years 30 Interest in first calendar year \$6,722 Base year of loan 1 Interest over term of loan \$126,438 Base month of loan Jan Sum of all payments \$260,438 Payments in First 12 Months \$260,438 \$260,438 1 Jan \$134,000.00 \$723,44 \$159.52 \$563.92 \$159.52 \$563.92 \$133,840 Feb \$133,840.48 \$723,44 \$160.19 \$563.25 \$319.71 \$1,127.17 \$133,680 Mar \$133,519.42 \$723.44 \$160.87 \$562.57 \$480.58 \$1,689.74 \$133,357 Mar \$133,519.42 \$723.44 \$161.55 \$561.89 \$642,13 \$2,251.63 \$133,357 May \$133,357.87 \$723.44 \$162.23 \$561.21 \$804.36 \$2,812.84 \$133,195 Jun \$133,032.73 \$723.44 \$162.51 \$\$642,13 \$2,251.63 \$133,032 <t< th=""><th>Inpu</th><th>Ji tyaye P</th><th></th><th></th><th></th><th>Key Figures</th><th></th><th></th><th></th></t<>	Inpu	Ji tyaye P				Key Figures			
1 Jan \$134,000.00 \$723.44 \$159.52 \$563.92 \$159.52 \$563.92 \$133,840 Mar \$133,860.29 \$723.34 \$160.87 \$562.57 \$480.58 \$160.87 \$133,519 Mar \$133,519.42 \$723.44 \$161.55 \$561.89 \$642.13 \$2,251.63 \$133,519 May \$133,357.87 \$723.44 \$162.23 \$561.21 \$804.16 \$3,73.37 \$133,030.21 Jul \$133,027.3 \$773.44 \$162.39 \$559.85 \$1,130.66 \$3,933.22 \$132,070.45 Sep \$132,704.86 \$723.44 \$166.97 \$557.77 \$1,625.78 \$5,608.62 \$132,374 Nov \$132,374.82 \$723.44 \$166.57 \$557.77 \$1,625.78 \$5,608.62 \$132,374 Nov \$132,207.85 \$723.44 \$166.57 \$557.77 \$1,625.78 \$5,608.62 \$132,374 Stope \$132,070.85 \$723.44 \$166.57 \$557.77 \$1,625.78 \$5,608.62 \$132,374 Nov \$132,207.85 \$723.44 \$166.57 \$557.79 \$1,52,534.06	Luan Annu Loan Base	principal amount ial interest rate period in years year of loan		5.050% ³ 30		Annual Ioan p Monthly payn Interest in fir Interest over	bayments hents st calendar yea term of loan	r .	\$8,681.28 \$723.44 \$6,722.06 \$126,438.40 \$260,438.40
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ATTACHMENT C-7



Jim Tucker President Mary Bratsch Vice President Lisa Inman Secretary Michael Hansen Treasurer

John Cooper Laurin Easthom Gary Giles Jacquelyn Gist Pam Hemminger Brian Lowen Bruce Runberg Mary Jean Seyda Jonathan Weiler

Robert Dowling Executive Director

Funding Provided by:

Town of Chapel Hill Orange County Town of Carrboro Town of Hillsborough

PO Box 307 104 Jones Ferry Road Suite C Carrboro, NC 27510 919.967.1545 Fax 919.968.4030 CommunityHomeTrust.org October 16, 2009

Date:

To:	Steve Stewart, Carrboro Town Manager
From:	Christine Westfall, Community Home Trust
Copy:	James Harris, Jeff Kleaveland, Robert Dowling

Subject: Legends at Lake Hogan Affordable Housing Pricing

Jeff Kleaveland asked me to review David Weekley Homes' proposal for pricing affordable housing for the Legends at Lake Hogan project. I reviewed the September 15th memorandum and have the following comments:

1. David Weekley Homes' assumptions for monthly housing cost expenses, including insurance, homeowners' association dues, and property taxes seem reasonable to me and in line with expenses we see on our Home Trust properties. However, the buyers of these homes may also have to pay private mortgage insurance (PMI), which could add \$60 to \$80 a month to their housing expenses. The Town might want to request that David Weekley Homes add PMI to their affordability calculations.

I would also like to note that while these expense assumptions are in line with today's figures, the actual cost of these items may rise, due to inflation, by the time these homes close.

David Weekley calculates that after the above expenses are taken into account, a family earning \$45,650 a year would have \$651 left over to pay their mortgage (principle and interest), if their housing payment does not exceed 30% of their gross monthly income. Our amortization spreadsheets show that a mortgage payment of \$651 corresponds to a loan amount of \$114,655. David Weekley calculations return a loan amount of \$142,035. If \$114,655 is the correct amount, than that would represent the maximum price that would be affordable to households of 2 at 80% of the area median income.

2. David Weekley Homes' memo does not outline their plan for maintaining the affordability of the homes upon resale, so I cannot comment on this aspect of their affordable housing plan.

I would be happy to answer any questions you have about our calculations or this memorandum, and can be reached at (919) 967-1545 ext 305.

Mundone Wes ffell

TOWN OF CARRBORO

LAND USE PERMIT APPLICATION



DATE: 06-11-1.	3	· · · · · · · · · · · · · · · · · · ·	
APPLICANT: Legends of huke A	LOGAN HOA	OWNER: SAME	
ADDRESS PAPER de Way	0	ADDRESS:	
CITY/STATE/ZIT	110 270-11	CITY/STATE/ZIP	
TELEPHONE/EMAIL:	C, 27516.	TELEPHONE/EMAIL:	
PHONE: EMAIL: N	/+	PHONE: EMAIL:	
LEGAL RELATIONSHIP OF APPLICANT TO PROPER	Association	PIN: Multino	
PROPERTY ADDRESS:	ILLI AV	PROPOSED LAND USE & USE CLASSIFICATION:	
PRESENT LAND USE & USE CLASSIFICATION	line	LOT AREA:	
ZONING DISTRICT(S) AND AREA WITHIN EACH (incl	uding Overlay Districts):	Acres / U/+ Square Feet	
R = 20			
# OF BUILDINGS TO REMAIN		# OF BUILDINGS PROPOSED NA	
EXISTING GROSS FLOOR AREA OF BUILDING(S) GROSS FLOOR AREA (of proposed BUILDING / proposed ADDITION) ADDITION			
N Asquare feet	/	VA square feet NA square feet	
NAME OF PROJECT/DEVELOPM	MENT: Lege	ends AIS	
TYPE OF REQUEST	**INFORM	MATION REQUESTED (Refer to Attached Key)	
SUBDIV. FINAL PLAT / EXEMPT PLAT	1, 18, 19, 21, 23, 31, 33		
CONDITIONAL USE		, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27 28, 29,	
PERMIT (CUP)	30, 32, 34, 35, 36, 37, 3 SAME AS CONDITIO	° NAL 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,	
SUP MODIFICATION	30, 32, 34, 35, 36, 37, 3 SAME AS SPECIAL U		
ZONING PERMIT (Project)		, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34,	
ZONING TERMIT (Troject)	35, 36, 37, 38		
ZONING PERMIT (Building) Residential Infill & Additions	9, 10, 22, 24, 34, 37 (als	so see "Building Permit Review – Residences Only" checklist)	
SIGN PERMIT	1, 10, 13, 14, 17, 20, 38		
	1, 10, 10, 14, 17, 20, 50		
	4, 5, 10, 20, 29, 34, 38,		
VARIANCE APPEAL			
VARIANCE	4, 5, 10, 20, 29, 34, 38,	Attachment A	

egends at hake HogAN HOA DATE: 06-11-13 APPLICANT: HOH

DATE: 06-11-13

Land Use Permit Application Form

Updated 11-8-11

Town of Carrboro - Affordable Townhome issue Legends at Lake Hogan Farms

June 11, 2013

In this letter we propose a solution to the Legends at Lake Hogan Farms affordable townhome issue that has been discussed recently with the town. This solution is being recommended by the Legends at Lake Hogan HOA Board, a majority of the Legends at Lake Hogan Affordable Townhome owners and by Robert Dowling of the Community Home Trust. We believe that the proposed solution will provide relief to the affordable townhome owners while keeping resources in the affordable housing funds and minimizing impact on other stakeholders.

Issue History

Legends at Lake Hogan Farms

(49) Single family homes

(16) Townhomes- 6 "market rate" townhomes & 10 "affordable" townhomes

- David Weekley Homes introduced an affordable home concept at the Legends at Lake Hogan Farms Townhomes that fell within the guidelines of the town's Affordable housing initiative, but unfortunately the concept has proven to be unsustainable in its current form. The sales prices for these units were in keeping with the Affordable house initiative, but the program lacked sufficient resources to assist homeowners in affordable units with increasing cost items such as HOA dues, HOA assessments for common area issues as well as utilities, taxes, etc.

-In contrast to the Legends Affordable Townhomes there is the Community Home Trust, affordable home concept. In this program potential increases in variable cost items such as HOA dues, etc, are anticipated by the Community Home Trust and they advise homeowners of these probable cost increases prior to the home purchase. Community Trust homes have lower purchase prices and thereby enabling residents to better manage these monthly costs. I would add that Community Home Trust homes have tended to have lower purchase prices than the Legends homes which make homes more affordable for qualifying homeowners. In summary, the Community Home Trust is a successful program that provides their home owners an affordable home with guidance and resources to assist in retaining home ownership.

- The Legends affordable home situation is regrettable as the townhome owners have no institutions or advocates to help manage the variable costs and maintain their home as an affordable home. The Legends at Lake Hogan HOA inquired about the possibility of having Legends Affordable units integrated into the Community Home Trust but Robert Dowling, Executive Director of Community Home Trust advises this is not possible due to established Govt. regulations and funding guidelines.

- Currently there are Affordable Townhome residents at Legends who have serious financial challenges due to job losses, stagnant wages, and the increasing costs of homeownership. A number of these residents do not think they can continue to afford living at Legends under the Town of Carrboro's ordinance that applies restrictions to the resale price of affordable units. A letter from one of the Affordable Townhome owners is enclosed for your consideration

The Town of Carrboro ordinance includes a "resale formula" that forces residents who wish to sell to market their homes at thousands of dollars less than their original purchase price. Some of these residents report that they do not possess the capital necessary to sell their home at a loss, while also paying real estate commissions on a sale.

In short, some of our residents are in an untenable situation. They cannot afford to stay in their homes and they cannot afford to sell their homes given the restrictions currently in place.

The David Weekley affordable home concept at the Legends development is not accomplishing its intended purpose and will continue to be a problem for all future residents of these affordable townhomes. The affordable townhomes were sold at a lower price than the "market rate" townhomes in the Legends development but everything else including HOA fees, etc., is at market rate. We seek a practical solution to ease the burden of homeowners.

Hal Dickson

President, Legends at Lake Hogan HOA

The following solution for the Legends Affordable Townhomes is being recommended by the Legends at Lake Hogan HOA Board, a majority of the Legends at Lake Hogan Affordable Townhome owners and by Robert Dowling of the Community Home Trust.

Affordable Home Resale Solution

<u>Goals:</u> Ease burden on homeowners, keep resources in affordable housing, minimize financial burden on other stakeholders

-Affordable Townhomes will be sold at market rate when owners choose to sell their home

-Town of Carrboro to receive Payment in Lieu to change from affordable to market rate homes

-Townhome owner to recover initial investment in home

-Townhome owner recovers real estate commission and unbudgeted HOA fees

- A Payment in Lieu of \$15,000 is paid to the Town for the Town of Carrboro Affordable Housing Special Revenue Fund

-Town receives increase in annual tax revenue on units converted to market rate

Current resale formula restriction

Allowable sale price

-2 .5 X the annual median income for a 4 person family, multiplied by 80%

- 80% of the Median Income (2013) in Raleigh-Durham Chapel Hill @ \$ 54,150

Allowable sale price	2.5 X \$54,150 =	\$135,375
LESS: Original purchase price		(\$134,000)
Real estate commissions (6	% X \$135,375)	(<u>\$8,122)</u>
Net Loss for Affordable home	e cost of \$134,000	= (\$6,747)
Net loss for homeowner whose home cost \$1	141,000 =	(\$13,747)
Example of Proposed resale plan		
Townhome sells at market rate of app	proximately	\$160,000
Less		
Original home price		(\$134,000)
Real estate commission	s @ 6%	(\$ 9,600)
Payment in Lieu of to the To	own of Carrboro	(\$15,000)
Amount remaining for other out	of pocket sale costs	\$1,400

The Payment in Lieu of \$15,000 would be paid to the Town of Carrboro for the Town Affordable Housing Special Revenue Fund or for use as the Town determines.

A possible partial use of these proceeds may be to subsidize the HOA dues, fees and assessments of the remaining Affordable Townhome owners that are trying to retain home ownership. An application from the Legends at Lake Hogan HOA to seek assistance to subsidize unforeseen assessment costs for the Affordable Townhomes in our HOA may be forthcoming.

To: The Town of Carrboro

In 2010, I purchased an Affordable Housing townhouse in the Legends at Lake Hogan neighborhood. Our neighborhood consists of three types of homes: Affordable Housing townhomes, Market Value townhomes, and Market Value Single Family Homes. Unlike the other similarly mixed types of neighborhoods in this area, our Affordable Housing units were not placed in the Community Home Trust

It was my understanding that the Affordable Housing townhomes were built for people like me. I have lived and worked in Chapel Hill for 10 years, had never owned a home before and make a low income salary, less than 80% of the area median income.

While my home is classified as Affordable Housing, there are no provisions from the Town or in the HOA covenants stating explicitly what it means to be Affordable Housing. All of the other Affordable Housing units in Chapel Hill and Carrboro are managed by the Community Home Trust, but the 10 of us are not. The original sales price of our units (about 20% below Market Value) is the only aspect of our homes that is Affordable. All of the other expenses associated with our homes and living in our neighborhood are Market Value.

Because our units were not placed in the Community Home Trust, I am lumped in with the market value homes in our HOA, most of which cost between \$400,000 and \$500,000. I am currently charged the same mandatory common area fees as those market value homes. That fee is \$65 per month, which is in addition to the \$98 per month Townhome maintenance fee.

My home is valued at \$129,000 based upon the resale formula in the Town of Carrboro ordinance for Affordable homes. I work for the state, make a low income salary, and have not received a raise in 5 years. I cannot afford the same dues as someone in a half million dollar home. An annual fee of \$780 is not the same for someone living in a 4,000 square foot \$500,000 home as it is for someone living in a 1,000 square foot \$129,000 home.

The Community Home Trust manages the HOA fees for their homeowners so that the homes remain Affordable. However, in our situation the HOA board is allowed to increase the dues 10% per year with no vote from the Homeowners. As a result, our dues have increased 20% in 2 years. The HOA president stated in last year's annual community meeting that we can expect 10% increases for the next several years, at least. That equates to a 40% increase in dues since we purchased these homes in 2010.

We can also be billed special assessments at any time and failure to pay them will result in a lien on our homes. Again, an assessment of \$500 is a vastly different sum of money for someone who is low income, living in an Affordable Housing unit versus someone living in a \$500,000 home.

I'm currently paying almost 10% of my monthly income to the HOA. I have paid over \$5,000 into the HOA in just 3 years. If these fees increase much more, I will be forced to sell my home.

In addition to these escalating HOA fees, according to the Town of Carrboro, the price we can sell these homes for has decreased more than \$7,000 since we moved in 3 years ago. This figure is based on a formula that is attached to our titles and restricts resale value based on a figure from HUD. That formula is 2.5 X 80% of the Area Median Income. This figure was \$142,675 when we purchased our homes 3 years ago, but is now only \$135,375. So, while I am struggling to afford the increasing HOA dues for our neighborhood, I also cannot afford to sell at such a huge financial loss.

Up until the end of 2012, the Affordable Housing units within the Community Home Trust gained 1.5% appreciation with each year of homeownership. By that formula, we should have 4.5% appreciation by now (\$6,000 in equity). Instead, by the formula our homes are bound by, we have <u>negative</u> \$7,000 equity in just 3 years. This does not make sense, and is not fair. If this number continues to go down, we will all be in serious financial jeopardy. We are paying top dollar to the HOA to maintain these homes, and to maintain the condition of the neighborhood while the number we can resell these units for continues to go down. We can see no return on investment as this situation stands currently. Something about this formula must change.

The Affordable Housing model clearly works well within the confines of the Community Home Trust, where there is an organization in place with donors, Federal funding, and full-time staff members managing the Affordable Housing units, but it does not work in our neighborhood. We have no local support, no aid from Federal subsidies, and we have no support from a non-profit like the Community Home Trust. Our HOA Board is comprised of unpaid, volunteer homeowners. These people are not equipped to manage Affordable Housing units.

I need the help of the Town of Carrboro to change the resale guidelines for my home and the other 9 Affordable townhomes. The only viable solution for me if I am unable to afford the escalating costs of the HOA fees is to sell my home and attempt to recover my original purchase price and some of the expenses associated with the sale of the home and outstanding HOA fees. I believe this could best be accomplished by selling my home at the Market Value rate and in exchange for being allowed to do so I would make a payment to the Town of Carrboro.

We are requesting an amendment to the Conditional Use Permit for the Legends at Lake Hogan neighborhood. We are requesting that the formula used to determine the sales price of the Affordable Housing units be eliminated and that we be allowed to sell for Market Value. In return, we will return \$15,000 of the profit associated with the Market Value sale of each unit to the Town of Carrboro for use in the Special Revenue Fund. This payment will be considered the "payment in lieu" of Affordable Housing and will equal \$15,000 exactly. If there is any additional profit beyond that \$15,000, the homeowner may keep that profit. Upon resale, these homes will be come Market Value homes from that point on. All Deed Restrictions associated with these homes will be eliminated upon resale because the Town will have received "payment in lieu" in the amount of \$15,000.

Thank you for your consideration, Kristen Hensley 409 Legends Way Chapel Hill, NC 27516

Ballentine CHT versus Legends affordable Townhomes, prices

The following information is for the Board's reference. Note that a significant source of affordability for CHT homes is the housing subsidy which lowers the mortgage total and also lowers the tax valuation of the property.

BALLENTINE Community Home Trust Affordable Townhomes (Built to date)

			Square
Address	Mortage Amount (and tax valuation)	Bedrooms	footage
202 Lexes Trail	100,000	3	1243
204 Lexes Trail*	125,000	2	1155
208 Lexes Trail*	125,000	2	1155
212 Lexes Trail	75,000	2	1144
216 Lexes Trail	89,250	2	1155
220 Lexes Trail	80,000	2	1155
224 Lexes Trail	75,000	2	1144
228 Lexes Trail	135,000	3	1273
*	u se u se su se su de stale star se le se al		

* sold to over-80% buyer so no subsidy involved.

Average Price:	\$100,531
Average Square Footage:	1178.00
Average Price/Square Feet:	\$85.00

LEGENDS Homeowner's Association managed Affordable Townhomes (all)

	~~~~~	<u>_</u>	Square
Address	Tax valuation	Bedrooms	footage
203 Legends Way	131,000	2	1135
205 Legends Way	133,422	2	1203
207 Legends Way	129,275	2	1090
209 Legends Way	133,422	2	1199
401 Legends Way	133,422	2	1199
403 Legends Way	129,275	2	1090
405 Legends Way	130,354	2	1135
407 Legends Way	133,422	2	1203
409 Legends Way	129,275	2	1090
411 Legends Way	133,422	2	1199
Ave	erage Price:	\$131,629	

Average Price:	\$131,629
Average Square Footage:	1154.30
Average Price/Square Feet:	\$114.00

## Market Rate Data

The following tables show similar data for *market-rate* townhomes in Ballentine and Legends. This data may be useful in approximating possible market-rate sale prices for the Legends affordable units.

#### **BALLENTINE** Market Rate Comparables (based on tax valuation at time of sale)

			Square
Address	Tax valuation	Bedrooms	footage
250 Lexes Trail	289,600	3	2524
254 Lexes Trail	253,600	3	2074
258 Lexes Trail	253,800	3	2074
262 Lexes Trail	253,600	3	2074
266 Lexes Trail	253,600	3	2074
270 Lexes Trail	253,600	3	2074
274 Lexes Trail	289,600	3	2524
	Average Price:	\$263,914	
	Average Square Footage:	2202.57	
	Average Price/Square Feet:	\$119.00	

#### LEGENDS Market Rate Comparables (based on tax valuation at time of sale)

	Average Square Footage: Average Price/Square Feet:	1288.00 \$151.00	
	Average Price:	\$195,149	
319 Legends Way	194,500	2	1299
317 Legends Way	195,300	2	1277
219 Legends Way	194,538	2	1299
217 Legends Way	195,287	2	1277
215 Legends Way	195,287	2	1277
213 Legends Way	195,982	2	1299
Address	Tax valuation	Bedrooms	footage
			Square



# **Town of Carrboro**

# Agenda Item Abstract

File Number: 13-0199

Agenda Date: 6/25/2013

Version: 1

Status: Other Matters

File Type: Abstract

In Control: Board of Aldermen

Agenda Number: 5.

TITLE: Lloyd Square AIS CUP Minor Modification

PURPOSE: Layton and Mary Wheeler, the developers of the Lloyd Square AIS, a 16 unit subdivision , seek permission from the Board to revise the layout of the subdivision, reduce the density by one unit, and replace the affordable units with payments-in-lieu.

#### DEPARTMENT: Planning

#### CONTACT INFORMATION: Jeff Kleaveland

INFORMATION: The Lloyd Harbor Architecturally Integrated Subdivision (AIS) Conditional Use Permit was approved by the Board of Aldermen on September 22, 2009. The permit and minutes to this meeting are attached (Attachments B). The permit allowed for the creation of a 16 unit development. Of these units 2 were designated as affordable by the provisions of the LUO and a fractional unit (.55) was offered as payment in lieu of affordable housing. This fractional payment enabled the development to be exempt from the "small house" requirements of Section 15-188 by providing 85% of the affordable units available to the project (the maximum number of affordable units available (with the density bonus) is 3; (2.55/3 =85%)

The developers wish to reduce the total number of units in the subdivision from 16 to 15 and replace the affordable units with payments-in-lieu equal to ----three units. The written justification and proposed site plan for the modification are attached (Attachments C & D). This results in a total of 15 market rate units and 3 payments-in-lieu of affordable units. Community Home Trust, who was intended to market the affordable units, has been notified of the proposed modification. Their response is attached (Attachment E).

In addition, this modification revises the stormwater design of the plan, consolidating four private bioretention cells that were each located on private lots, to one unified cell serving the four houses located within the open space. Also, a crossing (a driveway) of the intermittent stream along the southern border of the property has been removed. Removing this crossing frees the applicant from the HEC/RAS stormwater analysis requirement of the original permit.

Please see the Conditional Use Permit of the original approved Lloyd Square AIS that is attached (Attachment B). If the Board approves of the proposed minor modification, Conditions 3, 5 and 8, which pertain to long term management of affordable units and the HEC/RAS study, need to be removed from the original permit and Condition 4 needs to be reworded. Because of this the following conditions are recommended:

• That conditions 3, 5 and 8 from the original approved Conditional Use Permit be removed from the permit as the proposed changes to the permit no longer require provisions pertaining to the long term management of affordable units and the revised layout no longer requires a HEC/RAS study.

• That Condition 4 from the original approved Conditional Use Permit be replaced with the following condition: Certificates of Occupancy for each of the three (3) bonus 'market-rate' units may not be issued until such time as a corresponding payment in lieu for an affordable unit is made to the Town. This is equivalent to a total of three payments in lieu of affordable units. The fee shall be set in accordance with the Town's fee schedule at the time of payment. The three bonus units are to be identified on the plans

prior to construction plan approval and shall be identified on the final plat.

The revised plans were distributed to the Town Engineer, OWASA, Public Works and the Environmental Planner for review. All comments have been addressed subject to the following Public Works recommendations:

• That the existing sanitary sewer service to serve Lot 12 can be realigned beginning within 2' of the existing Lisa Dr. pavement edge and angled south across the Lisa Dr. roadway shoulder and swale to access the established Lot 12 sanitary sewer service easement.

That the realigned Lot 12 sanitary sewer service line shall be constructed of 4" ductile iron pipe and associated fittings from its connection point 2' outside of the pavement edge and extending to the property line or 1' outside of the existing Lisa Dr. public right-of-way.

• That all excavated soils shall be sufficiently compacted and all disturbances within the public right-of-way fully restored to existing conditions and surface elevations within 5 days of the initial excavation.

• That the contractor shall provide appropriate Traffic Control Devices, Road Work Ahead(2); traffic cones for separating the work area from public traffic lane and flagman provided as needed to safely direct motorist around the work area. All excavations shall be backfilled daily. That Public Works will be notified prior to beginning work within the Lisa Dr. public right-of-way.

FISCAL & STAFF IMPACT: Staff time; fees collected from the applicant, reduction in building density.

RECOMMENDATION:..r Town Staff recommends that the Board of Aldermen review, deliberate and make a decision regarding the applicant's request. If the request is approved it is recommended that the attached resolution approving the Minor Modification to the Lloyd Harbor Conditional Use Permit be adopted subject to the following conditions:

1. That conditions 3, 5 and 8 from the original approved Conditional Use Permit be removed from the permit as the proposed changes to the permit no longer require provisions pertaining to the long term management of affordable units and the revised layout no longer requires a HEC/RAS study.

2. That Condition 4 from the original approved Conditional Use Permit be replaced with the following condition: Certificates of Occupancy for each of the three (3) bonus 'market-rate' units may not be issued until such time as a corresponding payment in lieu for an affordable unit is made to the Town. This is equivalent to a total of three payments in lieu of affordable units. The fee shall be set in accordance with the Town's fee schedule at the time of payment. The three bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.

3. That the existing sanitary sewer service to serve Lot 12 can be realigned beginning within 2' of the existing Lisa Dr. pavement edge and angled south across the Lisa Dr. roadway shoulder and swale to access the established Lot 12 sanitary sewer service easement.

4. That the realigned Lot 12 sanitary sewer service line shall be constructed of 4" ductile iron pipe and associated fittings from its connection point 2' outside of the pavement edge and extending to the property line or 1' outside of the existing Lisa Dr. public right-of-way.

5. That all excavated soils shall be sufficiently compacted and all disturbances within the public right-of-way fully restored to existing conditions and surface elevations within 5 days of the initial excavation.

6. That the contractor shall provide appropriate Traffic Control Devices, Road Work Ahead(2); traffic cones for separating the work area from public traffic lane and flagman provided as needed to safely direct motorist around the work area. All excavations shall be backfilled daily. That Public Works will be notified prior to beginning work within the Lisa Dr. public right-of-way.
The following resolution was introduced by Aldermen ______ and duly seconded by Aldermen ______

### A RESOLUTION APPROVING THE MINOR MODIFICATION TO THE CUP FOR THE LLOYD HARBOR ARCHITECTURALLY INTEGRATED SUBDIVISION LOCATED AT 100 DEER STREET ALLOWING THE REDUCTION IN DENSITY BY ONE UNIT (FROM 16 TO 15), THE ACCEPTANCE OF PAYMENTS IN LIEU OF THREE AFFORDABLE UNITS, AND, THE REVISIONS TO THE LOT LAYOUT AS PRESENTED TO THE BOARD DURING THE MEETING.

WHEREAS, the Carrboro Board of Adjustment approved a Conditional Use Permit for the 16 lot Lloyd Harbor Architecturally Integrated Subdivision (AIS) located at 100 Deer Street on September 22, 2009; and

WHEREAS, the Town of Carrboro Land Use Ordinance requires that any modification of an existing Conditional Use Permit that does not substantially impact neighboring properties, the general public, or the intended occupants of the project, constitutes a minor modification to the original Conditional Use Permit; and

WHEREAS, the Board of Adjustment finds that the applicant has satisfied the requirements related to minor modifications contained in the Land Use Ordinance.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Adjustment that the Board of Adjustment approve the minor modification to the Lloyd Harbor Architecturally Integrated Subdivision (AIS) located at 100 Deer Street allowing the reduction of the density by one unit (from 16 to 15), the acceptance by the Town of payments in lieu of affordable units, and, the revisions to the lot layout as presented to the Board during the meeting subject to the following conditions:

- 1. That conditions 3, 5 and 8 from the original approved Conditional Use Permit be removed from the permit as the proposed changes to the permit no longer require provisions pertaining to the long term management of affordable units and the revised layout no longer requires a HEC/RAS study.
- 2. That Condition 4 from the original approved Conditional Use Permit be replaced with the following condition: Certificates of Occupancy for each of the three (3) bonus 'market-rate' units may not be issued until such time as a corresponding *payment in lieu* for an affordable unit is made to the Town. This is equivalent to a total of three payments in lieu of affordable units. The fee shall be set in accordance with the Town's fee schedule at the time of payment. The three bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.
- 3. That the existing sanitary sewer service to serve Lot 12 can be realigned beginning within 2' of the existing Lisa Dr. pavement edge and angled south across the Lisa Dr. roadway shoulder and swale to access the established Lot 12 sanitary sewer service easement.
- That the realigned Lot 12 sanitary sewer service line shall be constructed of 4" ductile iron pipe and 4. associated fittings from its connection point 2' outside of the pavement edge and extending to the property line or 1' outside of the existing Lisa Dr. public right-of-way.
- 5. That all excavated soils shall be sufficiently compacted and all disturbances within the public right-of-way fully restored to existing conditions and surface elevations within 5 days of the initial excavation.
- That the contractor shall provide appropriate Traffic Control Devices, Road Work Ahead(2); traffic cones 6. for separating the work area from public traffic lane and flagman provided as needed to safely direct motorist around the work area. All excavations shall be backfilled daily. That Public Works will be notified prior to beginning work within the Lisa Dr. public right-of-way.

This the 25th day of June, 2013.



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# ORANGE COUNTY NORTH CAROLINA

### TOWN OF CARRBORO CONDITIONAL USE PERMIT GRANTED Lloyd Square Architecturally Integrated Subdivision

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

**APPLICANT: Layton Wheeler** 

OWNERS: Layton Wheeler PROPERTY LOCATION (Street Address): 100 Deer Street PARCEL IDENTIFICATION NUMBER: 9779115880

TAX MAP, BLOCK, LOT(S): 7.107B.H.1

PROPOSED USE OF PROPERTY: Major subdivision to allow the creation of 16 lots.

CARRBORO LAND USE ORDINANCE USE CATEGORY: 26.100 - major subdivision consisting of the following uses: 1.111 - single-family detached, 1.231 - duplex, maximum 20% units  $\geq 3$  bedrooms/unit

maß

MEETING DATES: September 22, 2009

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

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



Page 2 Lloyd Square Conditional Use Permit

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

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

3. That, prior to construction plan approval, the developer demonstrates how the objectives of Section 15-182.4 of the LUO are to be satisfied. Section 15-182.4 requires the continued affordability of the units located on lots 5 & 6 and requires that these units are offered only to qualified buyers.

4. Certificates of Occupancy for each of the two (2) bonus 'market-rate' units may not be issued until such time as a corresponding affordable unit (located on lots 5 & 6) is constructed and offered for sale or rent for an amount consistent with the language found in Section 15-182.4 of the Town of Carrboro Land Use Ordinance, and, the *payment in lieu* for .55 of an affordable unit is made (in accordance with the Town's fee schedule at the time of payment). The two bonus units are to be identified on the plans prior to construction plan approval and shall be identified on the final plat.

5. That, if the developer chooses Community Home Trust (CHT) to manage the affordable units per Section 15-182.4 and CHT is unable to secure subsidy money and/or unable to market the affordable units at the price authorized by the LUO, then the Town Attorney must approve an alternative arrangement for ensuring long term affordability of these units.

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

7. That prior to construction plan approval, a Type C screen be shown between the new lots and the public right of way. This requirement may be satisfied by a combination of existing and proposed trees per the guidelines as established in Appendix E and Article XIX of the Land Use Ordinance.

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

9. That flexibility is allowed in the execution of the drainage plan as outlined in the applicant's letter. These changes will be processed as insignificant deviations so long as they are found not to have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

10. 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.

11. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity, schedule and creation of reserve fund for future maintenance needs. The plan shall include scheduled maintenance activities for each unit in the development, (including, bio-retention areas, swales, and dry detention basin), 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



Page 3 Lloyd Square Conditional Use Permit

Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.

12. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.

13. That fire flow calculations (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.

14. That the applicant receive(s) CAPs from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.

15. That the applicant be required to submit a road dust control plan that incorporates the guidance provided by EPA in <u>http://www.epa.gov/owow/nps/gravelroads/sec4.pdf</u> as part of construction plan approval, with a schedule approved by the Town Manager. This plan would be in effect while construction traffic for this development is using Deer Street.

16. That the developer would consult with the Chapel Hill-Carrboro City Schools and town staff to prepare a construction schedule that restricts delivery and crew arrivals during school let-in/let-out times.

17. That the construction traffic management plan be submitted to the Town Manager for approval.

18. That natural mulch be used for the tot lot.

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

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

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

Page 4 Lloyd Square Conditional Use Permit

### NORTH CAROLINA

### ORANGE COUNTY

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

	OF CARRO	THE TOWN OF CARRBORO	
ATTEST:	1911		
Town Clerk	OBAL)	BY It that Town Manager	

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

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the  $12^{th}$  day of 3anuary, 2011.

10/24/2015



Althui and Muls-



Page 5 Lloyd Square Conditional Use Permit

**OWNERS** 

BY: 1trafta NEWYOR County and County Rosse Hi MALA I, | hereby certify that Edward 3 Hahn personally appeared before me this day and acknowledged the due execution of the foregoing instrument. Witness my hand and official seal, this the <u>Stu</u> day of <u>November</u>, 2009. 2010. MARY AMANDA DUFF Notary Public, State of New York No. 01DU6227170 Qualified in Suffolk County Commission Expires Sept. 7, 20/ Notary Public (SEAL) 2014 My Commission Expires:

(Not valid until fully executed and recorded)

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suggested that the School System take part in discussions to reduce that traffic. He explained that a sewer easement document has been prepared that would allow for Mr. Rabinowitz access to the sewer line.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONTINUE THIS PUBLIC HEARING TO OCTOBER 6, 2 009 WITH THE REQUEST THAT THE TOWN STAFF REPORT BACK ON OPTIONS FOR DEALING WITH PEAK HOUR TRAFFIC ON HOMESTEAD ROAD. VOTE: AFFIRMATIVE ALL

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### <u>A PUBLIC HEARING ON A CONDITIONAL USE PERMIT REQUEST FOR THE LLOYD SQUARE</u> <u>ARCHITECTURALLY INTEGRATED SUBDIVISION (ITEM B(2)</u>

Layton Wheeler, as represented by Phil Post and Associates, has submitted an application for the construction of a 16-dwelling unit subdivision located at 100 Deer Street. If approved, this conditional use permit would allow the creation of 16 lots, two of which will be occupied by duplexes. The project will rely upon existing infrastructure and does not require the creation of new roadways.

Jeff Kleaveland, one of the town's Zoning Development Specialists, was sworn in and made the staff presentation.

Phil Post was sworn in and presented the site plan. He stated that they agree with staff recommendations, that there will only be a small portion of sewer line needed as far as infrastructure, and one tree will be need to be removed to build the infrastructure. He stated that they will pay a 55% payment in lieu of affordable housing for the third unit, and will install a 6-foot tall chain link fence along their property on the Quail Roost Drive side to separate the building lots from the Quail Roost sidewalk. In addition, the construction parking and supply storage will be on one of the lots within the development. The ditch along Lisa Drive should separate the construction from that street. He suggested the installation of a temporary rubber speed bump during construction. He stated that gravel and clay can be mixed together to reduce dust, with the addition of water. He stated that the developer will initiate a street paving petition to pave Deer Street.

Layton Wheeler was sworn in. He stated that the homes will be from 2800 to 3200 square feet. He presented drawings of the proposed homes. He stated that he does not plan to install fire sprinklers in the homes. He stated that he plans to build most the homes himself.

Ken Mills was sworn in. He asked how the developer would put speed bumps on a dirt road and expressed concern about construction traffic on Deer Street that has no sidewalks.

Bob Kirschner was sworn in and asked that the developer volunteer to add sprinkler systems to the homes, specifically to the duplex.

Mark Alexander was sworn in. He expressed concern about construction traffic tearing up the newly paved Lisa Drive and asked who would be responsible for making repairs.

Chuck James, a resident of 110 Lisa Drive, was sworn in. He expressed concern about Deer Street being used as a race track, and also expressed concern about his yard being flooded.

Mr. Post stated that they cannot have water backup even on public a right-of-way.

Marsha Mills was sworn in. She expressed concern about children in the area of construction and flooding on their property from this development.

Phil Post stated that there is a retention facility within the development

George Seiz, the town's Public Works Director, was sworn in. He stated that the town has used temporary speed bumps in the past, and expressed concern about damaging any existing pavement.

MOTION WAS MADE BY LYDIA LAVELLE AND SECONDED BY DAN COLEMAN TO CLOSE THE PUBLIC HEARING. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY JOAL HALL BROUN THAT THE APPLICATION IS COMPLETE. VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL THAT THE APPLICATION COMPLIES WITH ALL APPLICABLE REQUIREMENTS OF THE LAND USE ORDINANCE. VOTE: AFFIRMATIVE ALL

# MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY DAN COLEMAN THAT THE APPLICATION IS GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

3. That, prior to construction plan approval, the developer demonstrates how the objectives of Section 15-182.4 of the LUO are to be satisfied. Section 15-182.4 requires the continued affordability of the units located on lots 5 & 6 and requires that these units are offered only to qualified buyers.

4. That, prior to construction plan approval, the developer demonstrates how the objectives of Section 15-182.4 of the LUO are to be satisfied. Section 15-182.4 requires the continued affordability of the units located on lots 5 & 6 and requires that these units are offered only to qualified buyers.

5. That, if the developer chooses Community Home Trust (CHT) to manage the affordable units per Section 15-182.4 and CHT is unable to secure subsidy money and/or unable to market the affordable units at the price authorized by the LUO, then the Town Attorney must approve an alternative arrangement for ensuring long term affordability of these units.

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

7. That prior to construction plan approval, a Type C screen be shown between the new lots and the public right of way. This requirement may be satisfied by a combination of existing and proposed trees per the guidelines as established in Appendix E and Article XIX of the Land Use Ordinance.

8. That, prior to Construction Plan approval, a HEC-RAS flood study shall be approved by the Town Engineer to study the 100 year flood (with backwater analysis) for both the existing and proposed conditions; any substantial design changes made as a result of this study (to comply with the LUO) will require the approval of either staff or the Board of Aldermen (with possible public hearing) per the provisions of 15-64 of

the LUO. Substantial design changes would be defined as those that have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

9. That flexibility is allowed in the execution of the drainage plan as outlined in the applicant's letter. These changes will be processed as insignificant deviations so long as they are found not to have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.

10. 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.

11. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity, schedule and creation of reserve fund for future maintenance needs. The plan shall include scheduled maintenance activities for each unit in the development, (including, bio-retention areas, swales, and dry detention basin), 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.

12. That the developer provide a written statement from the electrical utility stating that electric service can be provided to all locations shown on the construction plans prior to the approval of the construction plans.

13. That fire flow calculations (as required) must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.

14. That the applicant receive(s) CAPs from the Chapel Hill Carrboro City Schools District pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.

15. That the applicant be required to submit a road dust control plan that incorporates the guidance provided by EPA in <u>http://www.epa.gov/owow/nps/gravelroads/sec4.pdf</u> as part of construction plan approval, with a schedule approved by the Town Manager. This plan would be in effect while construction traffic for this development is using Deer Street.

16. That the developer would consult with the Chapel Hill-Carrboro City Schools and town staff to prepare a construction schedule that restricts delivery and crew arrivals during school let-in/let-out times.

17. That the construction traffic management plan be submitted to the Town Manager for approval.

18. That natural mulch be used for the tot lot.

### VOTE: AFFIRMATIVE ALL

Alderman Broun requested that the town staff monitor speeding on Deer Street.

MOTION WAS MADE BY DAN COLEMAN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO ASK THE ENVIRONMENTAL ADVISORY BOARD AND ENVIRONMENTAL PLANNER TO REVIEW THE LIST OF PLANTINGS FOR RAIN GARDENS AND BIO-RETENTION AREAS TO ENSURE THAT

### ATTACHMENT B-9 THE QUESTIONS ABOUT DEER RESISTANT AND NON-EVASIVE PLANTS ARE ADDRESSED. VOTE: AFFIRMATIVE ALL

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# MOTION WAS MADE BY RANDEE HAVEN-O'DONNELL AND SECONDED BY JACQUELYN GIST TO ADJOURN THE MEETING AT 10:41 P.M. VOTE: AFFIRMATIVE ALL

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Mayor

Town Clerk

Jeff Cleveland, Zoning Town of Carrboro **301 W Main** Carrboro, NC 27510 Date 4/22/13



Dear Members of the Planning and Zoning Departments,

As the owners of Lloyd Square AIS, Edward Hahn, Joanne Rossetti Hahn, Layton and Mary Wheeler, we thank you for your time in considering our request for three modifications to our approved CUP.

1. We would like to make a payment in lieu for our affordable housing requirement. Our affordable housing commitment is 2.4 units. Lots 5 / 6 are currently designated as an affordable housing duplex lot. Our plan had always been to build the duplex and pay in lieu for the remaining .4 unit. It is our understanding that our payment in lieu amount is \$31,833 per unit for a total payment in lieu of \$95,499.

Why we want to make this modification-

- The affordable housing requirement offers a payment in lieu option that we must take. Whether we end up finding a buyer for this project, building the homes ourselves or just selling individual lots, a payment in lieu will serve to provide us with a concrete number with which we can work. As owner, developer and builder for this project, Layton Wheeler is simply not able to borrow the money from a bank to fund the building of the affordable units. We are asking you to approve this option for us and please note that Robert Dowling has assured us he will support our request.
- 2. We are seeking to change the driveway locations that will provide access to lots #'s 12, 13, 14 & 15. Rather than crossing the drainage way at the bottom of the development on Deer St. we would like to create 1-2 driveways further up Deer St. in order to avoid the drainage way.

Why we want this modification-

- By not crossing the drainage way, we eliminate Sungate Design Group's concerns about storm water bottlenecking and backing up at the drainage way.
- 3. Create flag lots of lots #'s 12, 13, 14 & 15. in order to access two, existing, extra water and sewer connections on Lisa Street and to reach the existing manhole at the curve on Deer Street for lots 14 & 15.

Why we want this modification-

• This simple fix eliminates the additional expense of extending OWASA's sewer 200 feet on Deer St.

### Before Modification

- An affordable duplex plus payment in lieu of one unit.
- Sixteen total lots, two affordable units plus fourteen market rate lots.
- Crossing the drainage way at the bottom of Deer St. which may create a bottleneck and storm water drainage issues.
- Extending the existing sewer lines 200' up Deer St.
- 40% Open Space



## After Modification

- A payment in lieu of \$95,499 to the Town of Carrboro.
- Fifteen market rate lots.
- Driveway access further up Deer St.
- Use existing sewer access points by making lots 12-15, flag lots.
- Additional Open Space added at bottom.



Sincerely yours,

Layton and Mary Wheeler , Joanne and Edward Hahn

MaryWheeler46@gmail.com 919 608 2001











SIGNIFICANT TREE TO BE REMOVED

SIGNIFICANT TREE

PROPOSED FIRE HYDRANT



PROPOSED SANITARY SEWER

EXISTING OWASA SANITARY SEWER MANHOLE

LEGEND

MAGNETIC







n the places	ID MANAGEMENT LLC 9779210655	M BUFFER (c) B& CELISA A ELE 11726	7.5' TOT LOT WITH PLAY EQUIPMENT LIGHTING PROPOSED) LF OF 4' NATURAL WALKING TRAIL ASLIE 9129051	9779220229	
	an area is stabilized, remove any erosion nd properly dispose of all accumulated so is from the devices and stabilize the devic sge a final inspection with the erosion con to confirm that all the requirements of th erosion control plan have been complete eroson CONTROL CHART 8" OAK	<ul> <li>any other applicable agencies.</li> <li>2. Schedule and hold a pre-construction conference with the Engineer or Owner's representative, Orange County Erosion Control Officer (245-2586), Contractor, and any other appropriate persons.</li> <li>3. All erosion control measures shall conform to the plans, details, and specifications as shown on the approved plans before beginning any land disturbing activities.</li> <li>5. Temporary diversions, with stone check dams as necessary, shall be installed as needed to direct all sediment-laden runoff into a sediment basin or into an area controlled by silt fence. Areas may be identified after work begins, either by the Engineer or Erosion Control personnel, which require such measures and do not appear on the approved plans.</li> <li>6. The contractor shall adhere to all clearing limits and disturb only as necessary to install infrastructure.</li> <li>7. Inspect and maintain erosion measures as required after each rain event.</li> <li>8. All graded areas are to be planted or provided with protective cover sufficient to restrain erosion within 15 working days.</li> <li>9. All land clearing days.</li> <li>9. All land debris off the streets and drives at all 10.</li> </ul>	<u>EROSION CONTROL SEQUENCE</u> 1. Obtain all necessary permits from Orange County and		
P       YEVISIONS         9       C-4	SCALE       1"=50'         DRAWN BY       MOP         CHECKED BY       PNP         DATE       4/16/2013         PROJECT NO.       510501         DRAWNG NO.       C157SP04         This drawing is the property of Philip Post and Associates inc. and is not to be reproduced or copied in whole or in part. It is only to be used for the project and for the site specifically identified herein and is not to be used on any other project or site. It is to be returned upon the written request of Philip Post & Associates, Inc.         COPYRIGHT 2009      Philip Post & Associates, Inc.	LLOYD SQUARE SUBDIVISION GRADING, DRAINAGE, TREE PROTECTION & EROSION CONTROL PLAN CONSTRUCTION PLANS TOWN OF CARRBORO	Kortelinin Sevieninan Only Dy Map Only Urposes	PHILIP POST & ASSOCIATES	ENGINEERS PLANNERS SURVEYORS 401 Providence Rd. #200 Chapel Hill, NC 27514 919.929.1173 919.493.2600 Greensboro: 336.580.8169 Firm License C-0347

From:	Robert Dowling
To:	Jeff Kleaveland
Subject:	RE: Lloyd Square Minor Modification Proposal
Date:	Tuesday, May 14, 2013 1:20:02 PM

Jeff,

Although the affordable homes in Lloyd Square would have been very desirable to low-income families, it does not appear that the development is viable as approved. Mary Wheeler explained the challenges they faced with financing the construction of spec homes, and the challenges of trying to sell the entire development to another developer. Restrictive lending guidelines have made it very difficult for the developers to proceed in any direction, in part due to the presence of the affordable lots.

Given the challenges the developers have faced it seems to me that the payment-in-lieu option would serve them best while at the same time helping the Town's affordable housing initiatives. The \$95,000 would allow the Town to address a variety of affordable housing concerns.

Will this go before the BOA?

Thanks Jeff.

Robert

Robert Dowling Executive Director Community Home Trust 104 Jones Ferry Road, Carrboro, NC 27510 rdowling@communityhometrust.org (919)967-1545 ext 307 www.communityhometrust.org

From: Jeff Kleaveland [mailto:JKleaveland@townofcarrboro.org]
Sent: Tuesday, May 14, 2013 11:59 AM
To: Robert Dowling
Subject: Lloyd Square Minor Modification Proposal

Dear Robert,

Attached you will see plans for the proposed minor modification to the Lloyd Harbor AIS CUP lot layout (as well as the existing layout). Note that the developer is proposing removing the two affordable units and instead, paying the fee-in-lieu for the units (per the provisions in the ordinance).

Does CHT have any thoughts about this?

The developers are Layton and Mary Wheeler. Also attached is their justification letter.

Best regards,

Jeff Kleaveland, Planner/ZDS, RLA

Town of Carrboro Planning Department

301 West Main Street

Carrboro, NC 27510

(919) 918-7332 – phone

(919) 942-1720 - fax

jkleaveland@townofcarrboro.org-email

www.townofcarrboro.org – Town of Carrboro Homepage

www.townofcarrboro.org/pzi/zoning.htm -- Zoning Division Homepage

Town of Carrboro, NC Website - <u>http://www.townofcarrboro.org</u> E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.