

DECISION ON SPECIAL USE PERMIT-A
Jade Creek Architecturally Integrated Subdivision, 8522 Old NC 86

On May 23, 2023 and June 13, 2023, the Town Council held a quasi-judicial hearing on the application of KB Home for a Special Use Permit-A to allow for construction of an architecturally integrated subdivision with 72 single-family home lots and associated infrastructure at 8522 Old NC 86. Based on the evidence submitted at the hearing, the Council makes the following Findings of Fact, Conclusions, and Decision:

Findings of Fact

1. The property that is the subject of the application, located at 8522 Old NC 86, PIN No. 9860-81-0089, is 36.7 acres in size and is zoned Residential-20, R-20.
2. The surrounding land uses are: to the North, single-family homes; to the South, single-family homes; to the West, Old NC 86 Right of Way; and to the East, single-family homes.
3. The applicant proposes to build an architecturally integrated subdivision with 72 single-family home lots and associated infrastructure and open space on the property, which is a permitted use with a Special Use Permit-A in the R-20 district under classification 26.100 and 1.111 in the Table of Permissible Uses.
4. According to the Staff Report, the Application is complete and the proposed use satisfies all of the Land Use Ordinance requirements regarding traffic, parking, bike parking, tree protection, screening, shading of the parking lot, tree canopy, drainage and grading, and requirements pertaining to utilities and refuse collection.
5. Mr. Richard Kirkland, Jr, and Mr. Nicholas Kirkland, both N.C. Certified Appraisers, rendered the opinion that the proposed use will not substantially injure the value of adjoining property and will be in harmony with the intensity, scale, and character of development existing or planned in the surrounding area.

Conclusions

1. The Application is complete.
2. The Application complies with all applicable requirements for the Land Use Ordinance.
3. The proposed use will not materially endanger the public health or safety.
4. The proposed use will not substantially injure the value of adjoining or abutting property.
5. The proposed use will be in harmony with the area in which its is to be located.
6. The proposed use will be in general conformity with the Land Use Plan and Thoroughfare Plan.

Decision

Based on the foregoing findings of fact and conclusions, the Council grants the requested Special Use Permit-A to KB Home, subject to the following statements and conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Council, 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 Certificates of Occupancy for the final four units may not be issued until such time as Certificates of Occupancy have been granted for the four affordable units constructed within the development and the payment in lieu is received for 11.3 additional units satisfied by way of a payment to the town's Affordable Housing Revenue Fund, in the amount equivalent to 11.3 times the amount included in the Town's fee schedule at the time of payment. A note to this effect shall be required on the final plat.
4. That the continued affordability of four units 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.

5. That 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.
6. That the applicant must receive a driveway permit from NCDOT prior to approval of the construction plans.
7. Prior to construction plan approval, the plans need to include a standard detail, per section 15-291 of the LUO, demonstrating that each lot can provide off-street parking sufficient to accommodate two cars, excluding those spaces provided within the garage.
8. That flexibility be allowed in the execution of the street tree planting plan (subject to the approval of public works and the planning department), such that the combination of existing and proposed trees along all publicly dedicated streets in the subdivision meet the street tree requirements of Section 15-315 of the Land Use Ordinance and that the final arrangement is such that 1/3rd of the street trees retained and/or proposed for this purpose are evergreen.
9. 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 PDF format and shall include a base map of the whole project and all separate plan sheets. As-built PDF 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.
10. Per Section 15-263.1, that the developer shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each stormwater BMP in the development, 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 Stormwater Utility staff for approval prior to construction plan approval.

11. That concurrent with the town's acceptance and approval of the certification of a stormwater BMP, the applicant shall submit a performance security to be posted and held by the Town for a period of two years per the provisions of Section 15-263(i).
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 must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
14. That the applicant must submit a voluntary annexation request and that the town must approve the annexation thereby bringing the property into the Town's municipal limits prior to the recording a final plat for the project.
15. That the applicant receive(s) CAPS from the Chapel Hill-Carrboro City Schools district pursuant to Article IV, Part 4 of the Carrboro Land Use Ordinance prior to construction plan approval.
16. That, prior to final plat approval, the Homeowner's declarations and covenants shall satisfy the applicable provisions of the Land Use Ordinance subject to review and approval of the Town Attorney.
17. That the applicant agrees to construct all homes in a manner that makes rooftop solar an available option at the time each home is purchased.
18. That the applicant agrees to construct all homes in a manner that makes EV charging stations an available option at the time each home is purchased.
19. That the applicant agrees to install educational signage about the SCMs to inform the public of their purpose and requirements.
20. That the applicant agrees to leave in place the access easements to the SCMs, as currently shown on the plans and in accordance with LUO provisions.
21. That the applicant voluntarily agrees to maintain their commitment to designing SCMs in a manner that will handle 100-year storm events, above and beyond the LUO required 25-year storm events. The SCM designs shown on the construction plans must adhere to this requirement.
22. That the construction plans must fully comply with all aspects of the Type A screening requirement along Old NC 86, in accordance with LUO provisions.
23. That the four homes constructed in accordance with the LUO's affordability provisions shall not be unduly isolated or segregated from other dwelling units within the development, in accordance with LUO provisions.
24. That the applicant agrees to leave in place a 15-foot buffer on the east side of the property, adjacent to the existing homes in the Lake Hogan Farms

subdivision. The construction plans must show a 15-foot buffer instead of the 10-foot buffer shown on the SUP-A plans.

Signed, this the ____ day of June 2023.

Damon Seils, Mayor, Town of Carrboro