

DECISION ON SPECIAL USE PERMIT-A

Newbury Architecturally Integrated Subdivision, 820 Homestead Road, 904 Homestead Road, and 310 Lucas Lane

On November 19, 2024 and January 7, 2025, the Town Council held a quasi-judicial hearing on the application of Parker Louis, LLC for a Special Use Permit-A to allow for construction of an architecturally integrated subdivision with 36 dwelling units (24 single-family homes and 12 duplexes) and up to ten (10) accessory dwelling units, along with associated infrastructure on three lots currently addressed as 820 Homestead Road, 904 Homestead Road, and 310 Lucas Lane. Based on the evidence submitted at the hearing, the Council makes the following Findings of Fact, Conclusions, and Decision:

Findings of Fact

1. The properties that are the subject of the application, located at 820 Homestead Road, 904 Homestead Road, and 310 Lucas Lane, PIN Nos. 9779-28-4165, 9779-27-6844, and 9779-28-8116, is 9.7 acres in size and is zoned Residential-3 Conditional Zoning, R-3 CZ.
2. The surrounding land uses are: to the North, single-family and multi-family homes; to the South, Homestead Road Right of Way; to the West, vacant land; and to the East, single-family homes.
3. The applicant proposes to build an architecturally integrated subdivision with 36 dwelling units (24 single-family homes and 12 duplexes) and up to ten (10) accessory dwelling units, along with associated infrastructure and open space on the properties, which is a permitted use with a Special Use Permit-A in the R-3 conditional zoning district under classifications 26.100 and 1.111, 1.232, and 1.220 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.

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5. Mr. John McPhaul, III, a N.C. Certified Appraiser, rendered the opinion that the proposed use will have no negative impact on the nearby property values.

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 Parker Louis, LLC, 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 the required affordable housing payment must be submitted to the town before the final plat for the project is approved. The amount to be paid will be in accordance with the amount identified in the town's fee schedule for an affordable housing payment-in-lieu at the time the payment is submitted.

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4. The Fire Marshall shall review and approve the final design for the traffic calming feature on Lucas Lane before the construction plans are approved.
5. That the construction plans must incorporate standard curb and gutter in accordance with the design in the Town of Carrboro Land Use Ordinance, instead of the previously proposed roll type curb.
6. That the applicant must receive a driveway permit from NCDOT prior to construction plan approval.
7. That the construction plans must include a connection to the existing sidewalk in the Claremont subdivision along Homestead Road.
8. That all street trees planted in accordance with the requirements of LUO Section 15-316 must be located within the public right of way.
9. That the applicant shall provide to the Zoning Division, prior to the approval of a 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, prior to issuance of a CO, a final plat, or 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 shall follow all established town procedures associated with the installation of SCMs within the development, including but not limited to filing Operation and Maintenance Agreements and submitting and receiving approval of as-built drawings for all SCMs, in accordance with established town procedures in place at the time. The developer must also make clear to both the town staff and the HOA representatives in place at

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such time exactly when any related responsibilities have transitioned to the HOA.

13. That the developer must submit the final version of the project's design to the electric utility and must provide another written statement from such electrical utility stating that electric service can still be provided to all locations shown on the construction plans prior to the approval of the construction plans.
14. Fire flow calculations shall be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
15. That the construction plans for the project must include modifications to the AIS setback notes on the cover sheet, clearly indicating that any and all portions of structures are subject to zero-foot setback from the right of way line, related to front yard setbacks.
16. 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.
17. That, prior to final plat approval, the Town Attorney must review and approve the Homeowner's declarations and covenants to ensure that they comply with the Land Use Ordinance.
18. *Draft A, per Town Council's request:* That the construction plans must include flexible pedestrian crossing sign, to be installed in the center of the proposed raised crosswalk.
Draft B, per Town Council's request: That the construction plans must include flexible pedestrian crossing sign, to be installed in the center of the proposed raised crosswalk. If Duke Power agrees to allow a bulb out design adjacent to the street within their easement, then such a design shall also be included in the construction plans.

Signed, this the ____ day of January 2025.

Barbara Foushee, Mayor, Town of Carrboro