

**RECOMMENDATION:** Town staff requests that the Board continue the public hearing started on June 26<sup>th</sup> and consider all pertinent evidence presented. In absence of public, health, safety and/or welfare reason(s) to deny, staff recommends that the Board of Aldermen approve the 18 lot Sanderway AIS CUP based on compliance with the Land Use Ordinance, subject to the following conditions:

1. That Certificates of Occupancy for the final two units may not be issued until such time as the *payment in lieu* for 4.25 affordable units is made (in accordance with the Town's fee schedule at the time of payment). A note to this effect shall be required on the final plat.
- ~~2. That, prior to construction plan approval, the roadway section is shown on the plans continuing to southeast to terminate at the property line.~~
2. *(Reworded) That, prior to construction plan approval, the new Pathway Drive roadway section is shown on the plans continuing to southeast to terminate at the property line.*
3. 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.
4. 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 1/3<sup>rd</sup> of the street trees retained and/or proposed for this purpose are evergreen.
5. That the developer and, when this responsibility is transferred, the Homeowner's Association, assume full maintenance and repair responsibility for the Filtera stormwater treatment devices located within the proposed public street right-of-way. This responsibility includes, but is not limited to, incidental damages caused by routine Public Works street operations which include, but are not limited to, plowing, road salting, waste collection, and leaf pickup. Related language detailing this responsibility shall be included in the Homeowner's Association declarations and covenants as well as their stormwater operations and maintenance documents.
6. 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.
7. 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 the Town engineer and Environmental Planner for approval prior to construction plan approval.

8. That, prior to issuance of a CO, a final plat, or the certification of a stormwater BMP, the Town may require a performance security be posted for a period of two years per the provisions of Section 15-263(i).
9. That utilities shall be installed underground per the provisions or 15-246 of the Land Use Ordinance.
10. 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;
11. That fire flow calculations must be submitted and approved by the Town Engineer and Town Fire Department prior to construction plan approval.
12. 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.
13. 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.

#### Additional Conditions Applicant will Accept

14. That the existing non-exclusive easement providing access to the three lots (1242, 1244 & 1246 Hillsborough Road) located directly north of the Sanderway AIS, not be abandoned and that all rights and privileges of the three lot owners as well as the underlying property owner not be altered in any manner.
15. ~~That, in the event the owners of the homes located at 1242, 1244 & 1246 Hillsborough Road agree to execute and record in the Orange County Register of Deeds Office documentation that terminates the non-exclusive easement providing access to 1242, 1244 & 1246 Hillsborough Road, then the developer and the owners of the 1242, 1244 & 1246 Hillsborough Road properties shall jointly petition the Carrboro Board of Aldermen to accept the dedication of the paved multi-use path referred to below for public maintenance, with the understanding that the Board of Aldermen shall accept or not accept such dedication, in its sole and absolute discretion. Notwithstanding, developer shall not be responsible for costs related to a jointly filed petition. (This condition has been removed as it is no longer needed with the revised driveway/multi-use path scheme which maintains the existing private nature of the existing driveway).~~
16. ~~(Minor revision, see strike thru below)~~ That the Sanderway Homeowner's Association will maintain the existing drainage ditch coming from Hillsborough Road and along the northern side of the existing gravel driveway and the paved public multi-use path portion of the non-exclusive access easement that is used by the owners of 1242, 1244 & 1246

~~Hillsborough Road to access their properties. This portion of the paved public multi-use path shall be maintained to Town standards. In the event that the said portion is not adequately maintained, the Town will require the Sanderway Homeowner's Association to repair the area. In the event that the HOA does not act within 30 days in a timely manner to correct maintenance problems, the Town is authorized to make necessary repairs and charge the cost of this work to the Sanderway HOA directly, or, and if the HOA does not reimburse the Town within 30 days, then the Town may file a lien against the HOA property for the amount due. In light of this arrangement, the Sanderway Homeowner's documents will include language that describes their responsibility both for the maintenance of the multi-use path and, if they fail in this responsibility, their responsibility for the reimbursement of the Town for repairs made by the Town. This language shall also reference the Town's ability to use liens on the HOA to secure reimbursement.~~

16. *(Revised – ditch language moved to Condition 18, clarifications added)* That the Sanderway Homeowner's Association will maintain the paved public multi-use path portion of the non-exclusive access easement that is used by the owners of 1242, 1244 & 1246 Hillsborough Road to access their properties. As such, prior to the recording of a final plat, this path portion, where it overlaps the existing driveway easement, shall show a public multi-use path easement conferring the maintenance responsibility to the HOA and clarifying the HOA's right of access for maintenance. This portion of the paved public multi-use path shall be maintained to Town standards. In the event that the said portion is not adequately maintained, the Town will require the Sanderway Homeowner's Association to repair the area. In the event that the HOA does not act within 30 days to correct maintenance problems, the Town is authorized to make necessary repairs and charge the cost of this work to the Sanderway HOA directly, or, and if the HOA does not reimburse the Town within 30 days, then the Town may file a lien against the HOA property for the amount due. In light of this arrangement, the Sanderway Homeowner's documents will include language that describes their responsibility both for the maintenance of the multi-use path, and, if they fail in this responsibility, their responsibility for the reimbursement of the Town for repairs made by the Town. This language shall also reference the Town's ability to use liens on the HOA to secure reimbursement.
17. ~~That during the construction process, continued accessibility for the three lots shall be maintained uninterrupted.~~
17. *(Reworded)* ~~That during the construction process, continued accessibility for the three lots shall be maintained without undue disruption.~~
17. *(Reworded)* That prior to construction plan approval, the applicant submit a construction management plan that addresses safety concerns associated with existing pedestrian walk-to-school use of the gravel driveway during construction, and, addresses the logistics of providing continued accessibility to the residents of the three lots (242, 1244 & 1246 Hillsborough Road) to include language that, 1) limits closures to between 11:00 am and 4:00 pm, 2) prohibits closures on garbage and solid waste pickup days until after

the pickup is completed and 3) requires that written advanced notification be provided to the owners of the three lots at least 24 hours of the closure.

- ~~18. That the cross section of the paved multi-use path referred to in Condition 15 shall be constructed to drain exclusively into the existing drainage ditch behind the Barrington subdivision and that the paved multi-use path shall be twelve feet (12') wide with an eight inch aggregate base and one and one half inches of asphalt with shoulders as indicated by Town of Carrboro design standards, which are incorporated herein by reference. (This conditions has been reworded below. The design standard for the multi-use path paving is now covered in new condition 26).~~
- ~~18. (Reworded) That the cross section of the paved multi-use path shall be constructed to drain exclusively into the existing drainage ditch behind the Barrington subdivision.~~
18. (Reworded for clarification) That the Sanderway Homeowner's Association will maintain the full length of the existing drainage ditch associated with the existing gravel driveway on the Barrington Hills side of the Sanderway development. Furthermore, that this drainage ditch, due to its integral function within the overall stormwater system for the Sanderway development, shall be considered a stormwater control measure (SCM) whose maintenance shall be the purview of the Sanderway Homeowner's Association. As such, the cross section of the proposed paved multi-use path shall be constructed to drain exclusively into this ditch. As such, prior to the recording of a final plat, this ditch section, where it overlaps the existing driveway easement used by the owners of 1242, 1244 & 1246 Hillsborough Road shall show a private SCM easement conferring the maintenance responsibility to the HOA and clarifying the HOA's right of access for maintenance purposes. All portions of the ditch outside of the access easement will be assumed to be the responsibility of the HOA. This condition does not prevent the ability of the developer to make minor changes to the ditch location and design in order to accommodate their development plan so long as the overall drainage capture outflow of the ditch section remains functionally equivalent to the current situation.
- ~~19. That the transition between the paved multi-use path and the existing gravel drive serving lots 1242, 1244 and 1246 Hillsborough Road shall be located and designed with a paved five foot (5') apron. (This condition has been removed as it is no longer needed with the revised driveway/multi-use path scheme which maintains the existing private nature of the existing driveway).~~
20. That "No Parking" signs will be installed and maintained along the frontage of any Lot within the Sanderway AIS adjacent to the non-exclusive access easement that is used by the owners of 1242, 1244 & 1246 Hillsborough Road to access their properties.
- ~~21. That, all impervious surfaces, except as set forth in CUP stipulation 18, must drain to the stormwater management system.~~
21. (Reworded) That, all impervious surfaces, excluding the impervious surfaces associated with the multi-use path (including the shared driveway), must drain to the stormwater management system.
- ~~22. That, the Applicant's submission of construction documents will demonstrate, that the development complies with all stormwater management requirements. The Applicant's construction design will not increase the peak flow at the downstream limits of the development and may include improvements to existing culverts. To the extent required by Town of Carrboro ordinance, the Applicant will supply to the Town supporting~~

~~calculations, construction plans, and tables reflecting pre- and post-construction stormwater conditions for the post development -1, -2, -5, -10, and -25 year 24-hour storms. The supporting information shall include impacts to the peak flow due to installation of a sewer line along the OWASA easement and any other clearing of vegetation and trees. (This condition is reworded below to clarify the exact drainageway being described).~~

22. *(Reworded for clarification) That, the Applicant's submission of construction documents will demonstrate, that the development complies with all stormwater management requirements. The Applicant's construction design will not increase the peak flow at the downstream limits of the development and may include improvements to existing culverts located on the Sanderway property and serving the existing drainageway that runs southwest to northeast immediately adjacent to the existing gravel driveway along the northwestern property line. To the extent required by Town of Carrboro ordinance, the Applicant will supply to the Town supporting calculations, construction plans, and tables reflecting pre- and post-construction stormwater conditions for the post development -1, -2, -5, -10, and -25 year 24-hour storms. The supporting information shall include impacts to the peak flow due to installation of a sewer line along the OWASA easement and any other clearing of vegetation and trees.*
23. ~~That the construction drawing stormwater management system requirements set forth in Condition 22 shall be peer reviewed collaboratively with the Project Engineer, the Town Engineer and a third-party licensed engineer, subject to the condition that the third-party engineer shall be chosen and paid for by the property owners at 1242, 1244 & 1246 Hillsborough Road. When the design is fifty percent (50%) complete and again when the design is ninety percent (90%) complete the peer reviews shall be accomplished in designated meetings attended only by the three (3) engineers. In addition, the Project Design engineer shall certify the as-built stormwater management system is in compliance with the Town of Carrboro Land Use Ordinance. (This condition is replaced with the condition below).~~
23. *(Replacement Condition 23) That the property owners of 1242, 1244 & 1246 Hillsborough Road will be notified when construction plans and supporting documentation are submitted to the Town for review and that these materials will be made available to them. The Town Engineer, if necessary, can also be made available to meet with the neighbors or their representative to discuss the plans.*
24. ~~That, the Final Plat shall contain a specific note that the section of the ephemeral stream located on lot 7 shall be designated as a drainage easement.~~
24. *(Revised for clarification) That, the Final Plat shall contain a specific note that the section of the existing drainage way that runs southwest to northeast immediately adjacent to the existing gravel driveway along the northwestern property line located on lot 7, shall be designated as a drainage easement to potentially allow for a segment of drainage pipe to be installed on this lot.*

#### New Conditions

25. That Certificates of Occupancy for the final two units may not be issued until such time as the *payment in lieu* for 58.85 recreation points (in accordance with the Town's fee schedule at the time of payment). The funds from this payment will be directed to the

proposed Martin Luther King Park on Hillsborough Rd which has been found to be close enough to the development to reasonably serve its residents. A note to this effect shall be required on the final plat.

26. That the cross-section of the paved multi-use path utilize the same standards for asphalt paving, base and path width as does the Town-constructed Homestead Road-Chapel Hill High School Multi-Use Path except that the pavement section may be reduced from 10' to 8' in width in the section that parallels the existing gravel driveway.
27. That, prior to construction plan approval, the pavement markings of the multi-use path will be reviewed by the Town Transportation planner.
28. ~~That the transition between the paved multi-use path and the existing gravel drive serving lots 1242, 1244 and 1246 Hillsborough Road shall be located and designed with a crossing detail consistent with AASHTO multi-use path standards.~~
28. *(Revised to add bollard language) That, prior to construction plan approval, the transition between the paved multi-use path and the existing gravel drive serving lots 1242, 1244 and 1246 Hillsborough Road shall be located and designed with a crossing detail consistent with AASHTO multi-use path standards. Furthermore, that emergency-only mountable bollards be provided in the vicinity of the western terminus of the new Pathway Drive public right-of-way, sufficient to prevent vehicular access from Sanderway to the existing driveway that serves the three lots referenced herein.*
29. That a new non-exclusive private utility and driveway easement section tie into the existing non-exclusive driveway easement providing access to the three lots (1242, 1244 & 1246 Hillsborough Road), from the terminus of the new Pathway Drive public right-of-way.
30. That "Private Driveway" signage be provided at the terminus of the new Pathway Drive public right-of-way whereby the new private driveway/private utility easement begins.
31. That prior to construction plan approval, the grading plan provides sufficient information to ensure that the stormwater plan is not compromised during the issuance of building permits for individual lots. Because of this, each building permit for each lot will require review and approval by the Town Engineer.

#### Additional New Conditions

32. That, prior to construction plan approval, the developer explore the feasibility of sufficiently relocating the underground stormwater storage pipes (now shown to be sharing the existing gravel driveway) to prevent manholes or other surface appurtenance from being located within the gravel driveway for the purpose of reducing future maintenance problems. Should this revision not be feasible, the developer then take steps to minimize future maintenance problems for surface stormwater appurtenance located within the existing gravel driveway.
33. That the construction plans demonstrate that, where the northern segment of the proposed multi-use path crosses the perennial stream, the existing elevations of the existing crossing will not be further raised thereby preventing higher flood elevations for the properties upstream of said crossing.