



TOWN OF CARRBORO

NORTH CAROLINA

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SANDERWAY AIS CUP RECOMMENDED CONDITIONS

(FOR MARCH 5, 2019 BOARD MEETING)

(with edits to condition #18 and new condition #34 as requested by the Board)

(The following conditions include revisions that reflect the changes in the site civil engineering as well as capturing various neighborhood concerns. Those conditions that specifically were developed as a result of the neighborhood meetings (including SWAC) are identified by an asterisk “*”).

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 (See Attachment B for CUP Worksheet):

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 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.
4. That, prior to construction plan approval, the new Pathway Drive roadway section be shown on the plans continuing to the southeast to terminate at the property line.
5. Prior to construction plan approval, the plans need to include a standard detail, per section 15-291 of the Land Use Ordinance, demonstrating that each lot can provide off-street parking sufficient to accommodate two cars, excluding those spaces provided within the garage.
6. 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.

7. That the developer and, when this responsibility is transferred, the Homeowner's Association, shall 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 in their stormwater operations and maintenance documents referred to in the condition below.
8. Per Section 15-263.1 of the Land Use Ordinance, 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 Control Measure (SCM) 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.
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 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.
10. That, prior to certification of an SCM, the Town shall require a performance security be posted for a period of two years per the provisions of Section 15-263(i) of the Land Use Ordinance.
11. That utilities shall be installed underground per the provisions or 15-246 of the Land Use Ordinance.
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 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.

15. 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.
16. *That the owners of the three lots (1242, 1244 & 1246 Hillsborough Road) retain all rights and privileges of the existing non-exclusive access easement to their properties.
17. *That the Sanderway Homeowner's Association (HOA) will maintain the paved public multi-use path portion 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 meet or exceed the design standards of the North Carolina State Fire Code and shall be maintained by the Homeowner's Association 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. 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. The Sanderway Homeowner's documents will include language that describes the foregoing responsibilities of the Sanderway Homeowner's Association. This language shall also reference the Town's ability to use liens on the HOA to secure reimbursement.
18. *(*Reworded condition*) That prior to construction plan approval, the applicant shall 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 partial or full closures by providing continued accessibility to the residents of the three lots (1242, 1244 & 1246 Hillsborough Road) including provisions that limit disruptions on garbage and solid waste pickup days until after pickup is completed and, provides 24 hours of advanced written notification to the owners of the three lots prior to partial or full closure of their driveway.
19. *That prior to construction plan approval, drainage maintenance areas will be identified for the portions of the existing driveway's drainage ditches that are captured by the Sanderway storm drainage system. These areas will be maintained by the Sanderway Homeowner's Association and shall be recorded on the final plat. 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.
20. * That "No Parking" signs will be installed where needed to prevent blocking of ingress and egress to 1242, 1244 & 1246 Hillsborough Road.
21. * That, all impervious surfaces, excluding the impervious surfaces associated with the multi-use path, 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 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 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 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 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.
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 is made (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, 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.
29. *The applicant shall grant for the benefit of the three lots (1242, 1244 & 1246 Hillsborough Rd.) a new non-exclusive private utility and driveway easement section ties into the existing non-exclusive driveway easement providing access to the three lots from the terminus of the new Pathway Drive public right-of-way.
30. *That "Private Driveway" signage be provided in the vicinity 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.

32. *The final construction plans shall show that there are no underground storage pipes, conveyances, manholes, and other surface appurtenance within the existing driveway that serves 1242, 1244 & 1246 Hillsborough Road except as required for crossing underneath the 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.
34. (*New condition*) That, prior to construction plan approval, the erosion control plan be approved by the Town Engineer and Orange County Erosion Control. It will also address both an incremental development scenario whereby lots are sold and developed over an extended period of time as well as the full development scenario, whereby all the lots are developed in roughly the same time period.