

STAFF REPORT

TO: Board of Aldermen

DATE: October 15th, 2019

PROJECT: Conditional Use Permit for Phase 1 of Shops at Lloyd Farm

APPLICANTS: VHB Engineering NC, P.C.
940 Main Campus Drive, Suite 500
Raleigh, NC 27606

OWNERS: Carrboro Retail, LLC.
13000 S. Tryon Street
Charlotte, NC 28278

PURPOSE: To acquire a Conditional Use Permit for Phase 1 of Shops at Lloyd Farm at 700 & 706 Old Fayetteville Road. Phase 1 consists of grocery store (Harris Teeter), four outparcels retail/restaurant buildings, gas stations, amphitheater, road infrastructure and stormwater devices.

EXISTING ZONING: B-4-CZ

PIN: 9778-09-7922 & 9778-19-6618

LOCATIONS: 700 & 706 Old Fayetteville Road

TRACT SIZE: 35.4 acres (1,542,024 square feet)

EXISTING LAND USE: Cabin and two (2) accessory buildings

PROPOSED LAND USE: High-volume retail- use# 2.110, 2.250, Restaurant- use# 8.100, 8.200, Dry cleaner/laundromat- use# 16.200, Gas station- use# 9.300, Amphitheater- use# 6.210 etc.

SURROUNDING LAND USES: North: R-20, single-family residences (Plantation Acres Subdivision)
South: B-4, commercial building (Carrboro Plaza)
West: WR, single-family residences
East: R-20, single-family residences (Plantation Acres Subdivision)

ANALYSIS

Background

Background

VHB Engineering NC have submitted an application for a Conditional Use Permit (CUP) to allow for the development of Phase 1 of Shops at Lloyd Farm located at 700 and 706 Old Fayetteville Road.

The Board of Aldermen rezoned the properties to B4-CZ in June of 2018 (**Attachment C**). The development consists of two (2) tracts for a total acreage size of 35.40. As stated above, the applicant is requesting a CUP for Phase 1 of the proposed development. The list below shows the proposed uses on the new parcels:

- Lot 1- Harris Teeter with four (4) outparcel building consisting of retail, restaurants etc.
- Lot 2- open space/stormwater infrastructure
- Lot 3- open space (amphitheater, shade pavilion)
- Lot 4- parking lot to be built at the present time (office/retail building in the future)
- Lot 5- gas station
- Lot 6- stormwater infrastructure
- Lot 8- stormwater infrastructure

The two properties are identified as Orange County parcel identification numbers 9778-09-7922 & 9778-19-6618.

Attachment C, referenced above, includes annotated comments from the applicant regarding compliance with the conditions attached to the rezoning. Staff assessments of the conditions are included as well, along with additional CUP conditions noted below as needed where compliance will be demonstrated during construction plan review.

Traffic, Parking Lots, Bike Parking, Loading/Unloading Areas, Greenways/Sidewalks, and Transit

Traffic

Kimley-Horn and Associates, Inc. update the Traffic Impact Analysis in October of 2016 and below is a short listing of the improvements to accommodate this project:

NC-54 at Old Fayetteville Road:

- Extend the storage of the existing southbound left-turn land on Old Fayetteville Road and construct an additional southbound left-turn land to provide dual left-turn lanes with an average of 325' of storage each on that approach.

- Construct an exclusive southbound right-turn lane on Old Fayetteville Road with 100 feet of storage and appropriate tapers.
- Modify the existing traffic signal to accommodate the recommended lineage.

NC-54 at Site Drive:

- Construct an exclusive eastbound left-turn lane on NC 54 with 200 feet of storage and appropriate tapers.
- Construct an exclusive westbound right-turn lane on NC 54 with 100 feet of storage and appropriate tapers.

Old Fayetteville Road at Site Drive:

- Construct an exclusive southbound left-turn land on Old Fayetteville Road with 100 feet of storage and appropriate tapers.
- Construct an exclusive northbound right-turn lane on Old Fayetteville Road with 100 feet of storage and appropriate tapers.
- Provide separate westbound left and right-turn land exiting the Site Driveway.

This phase of the development will provide two new entrances- one off of Old Fayetteville Road (called Merchants Way) that will have one entrance lane and a left and right turn exit lane; one off of Highway 54 (called Trade Drive) that will have one entrance lane and a right turn exit lane only.

This project will use the existing entrance that currently serves the Post Office. This entrance consists of one entrance lane and one right turn only exit lane.

Parking

The applicant is requesting a 35 percent reduction in parking for Lot 1 (**Attachment D**) per Section 15-291(f) of the LUO. The parking requirements for Lot 1 would require a total of 539 parking spaces. With the parking reduction – a total of 350 parking spaces would be required, but the applicant will provide 358 parking spaces.

The number of parking spaces associated with the lots is listed below:

Lot 1- 358 parking spaces

Lot 4- 59 parking spaces

Lot 5- 8 parking spaces

Throughout Phase 1 of this project, a total of eleven (11) electric vehicle parking spaces will be provided- additionally, these spaces will provide the necessary charging infrastructure.

It should be noted that the applicant has not chosen to provide compact parking spaces within this development. Section 15-293(b) of the LUO allows up to 40 percent of the spaces to be compact.

The parking lot layout and number of spaces is consistent with what is shown on the site plan exhibit attached to the approved conditional rezoning for the property. Staff has prepared the following CUP condition, which should be included if the Board finds the number of proposed parking spaces acceptable:

- That the Board of Aldermen finds that 358 parking spaces are sufficient to serve Phase 1 of the Lloyd Farm project. This finding is based on information provided by the applicant regarding the proposed mix of uses, which should result in this portion of the development having sufficient parking.

Bike Parking

Section 15-295.1 of the Land Use Ordinance regulates the necessary bike parking- with fifty percent required to be covered bike parking. There are two locations of covered bike parking- one location north of the grocery store providing 28 spaces and one location at the pavilion provided 6 spaces.

Below is a listing of bike parking for each lot #:

Lot 1- 54 bike parking spaces

Lot 4- 6 bike parking spaces

Lot 5- no bike parking spaces, but there will be a bike repair area

Loading and Unloading Areas

The grocery store will have a two loading/unloading areas behind the building facing out to Old Fayetteville Road. The applicant intends to screen this area from view of the street with intermittent shrubs and trees.

The retail shops and restaurants in the western portion of Lot 1 will not be providing loading/unloading zones, but deliveries will be at a time when businesses are not open to the general public and not affect the use of parking spaces.

Greenways/Sidewalk

Within Phase 1, the applicant will construct a ten (10) wide asphalt pathway on the northern side of Merchants Way. There will be a ten (10) foot asphalt pathway that will connect to Lisa Drive.

Additionally, a temporary pathway will be constructed from the end of Merchants Way (adjacent to Post Office) to James Street- this will be a 10 foot wide gravel path. This will be a temporary pathway due to this portion of the development being constructed in future phases of this development.

Additionally, there will be a five (5) foot sidewalk on the southern side of Merchants Way from the gas station to Post Office Drive.

Transit

In accordance with rezoning condition number 20, staff has been in an ongoing discussion with Chapel Hill Transit regarding serving the development. Currently they have indicated a desire to decide on one or more locations without designating formal pull off areas for the buses. In other words, buses would simply stop roadside at the designated spots, then continue on in traffic. Discussions will continue during review of the construction plans and the following CUP condition is recommended:

- That prior to construction plan approval staff will continue to coordinate with Chapel Hill Transit and NCDOT locations for transit service with possible stops in the vicinity of the grocery store and senior living complex.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to traffic, parking, loading/unloading areas, greenways/sidewalks, and transit subject to the approval of the request for a reduction in parking. Staff would recommend the Board of Aldermen review the request for relief stated above and decide whether to allow the request for parking reduction.

Tree Protection, Screening, Shading and Tree Canopy

Tree Protection

The applicant provided a detailed tree survey for this property and identified 178 hardwood trees and 184 evergreen trees that are 18” and greater in diameter. Section 15-316 of the Land Use Ordinance states that every development shall retain all existing trees eighteen (18) inches in diameter or more unless such trees would unreasonably burden the development.

The applicant has provided justification (**Attachment E**) for the removal of 179 trees that meet this criteria.

Tree protection fencing will be installed around all trees to be retained prior to any site work beginning and will be inspected throughout the construction process to verify compliance.

Screening

The screening requirements for Phase 1 of this project are listed below:

- Northern portion of property (along Carol Street)- requires a Type A screen. The applicant will retain the existing wooded area between Merchants Way and the rear property line of those houses on Carol Street. In addition, the applicant intends to install an opaque fence along this property line and install varying landscaping along Merchants Way in order to meet the Type A screening requirements.

Vehicle Accommodation Area Shading

Section 15-318 of the LUO requires that 35% of all vehicle accommodation areas be shaded with retained or newly installed trees.

Below is a listing of the shading being provided for each lot:

Lot 1- 42.6 percent

Lot 4- 46.1 percent

Lot 5- 37.9 percent

Tree Canopy

Section 15-319 of the LUO requires a 30 percent tree canopy for portion of the development- requires 10.62 acres of tree canopy and the applicant will be providing 13.65 acres of tree canopy with retention of existing trees and installation of new trees. This will be providing a 38.2 percent tree canopy.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to tree protection, screening, shading of the parking lots and tree canopy requirements.

Drainage and Existing Ponds on Property

Drainage

The applicant has provided a Stormwater Impact Analysis and below is a listing of the stormwater devices, type of device and location:

<u>Device #</u>	<u>Type of device</u>	<u>Location on-site</u>
SCM 1	Wet Pond	Adjacent to Lisa Drive
SCM 2-1	Bio-retention	Adjacent to gas station
SCM 2-2	Wet Pond	Adjacent to Post Office Drive

The report concludes with the installation of the above stormwater devices that there will not be an increase in peak discharge rates for the 1, 2, 5, 10, 25, 50 and 100 year storm.

Furthermore, the drainage plans and report have been reviewed by the town's engineer to verify compliance with both the LUO and also, conditions of the rezoning of the property by the Board of Aldermen in June 2018. The town engineer has concluded in agreement with the applicant that the proposed stormwater will complies with the additional requirements imposed through the rezoning condition at the applicant's property line. No additional materials were reviewed regarding analysis beyond the property line in accordance with the final wording of the rezoning condition. Both the applicant's engineer and town engineer will be available during the public hearing for further discussion of this topic if needed.

The following two CUP conditions are always recommended to be included so that the town may collect necessary information regarding the installation of stormwater infrastructure:

- 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.
- That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), 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.

Existing Ponds on Property

Located in the western portion of this development are two (2) ponds that were constructed as farm ponds in the past and are listed as non-jurisdictional ponds not subject to the Clean Water Act 404/401Jurisdiction. The applicant intends to fill these ponds in as part of this development plan, but condition #18 of the conditional zoning requires that the applicant contact NC State Turtle Rescue Team which they intend to do in the future. A CUP condition should be included regarding this topic, worded as follows:

- That in accordance with rezoning condition number 18 and in advance of draining the property's constructed ponds near Old Fayetteville Road, the applicant will engage a wildlife relocation organization such as NC State Turtle Rescue Team to assess options for developing and implementing a strategy to relocate turtles currently residing in the ponds. The applicant shall evaluate its stormwater management plan to determine if the construction of stormwater devices can provide a receiving area for some or all of the existing turtles. This condition must be satisfied prior to the approval of construction plans for the project.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to Drainage and Grading.

Utilities, Lighting, Deliveries, Refuse Collection, and Landscaping

Utilities

All utilities will be placed underground for the proposed development. The applicant has provided written justification from those utilities providers that this development can be served by them (ie Duke Energy).

Lighting

Section 15-242.5(d) of the Land Use Ordinance recommends maximum light output of 70,000 lumens per acre. The applicant has stated that the lumens per acres will be 56,285.

Section 15-242.5(f) of the Land Use Ordinance presumptively limits the maximum height of the light poles to fifteen (15). The applicant is requesting relief from this requirement- the applicant has stated that as the mounting height of the lights and poles goes down, the number of lights and poles goes up and lighting uniformity becomes poorer. A 15 foot pole height would require approximately 20 percent more poles. Additional poles would increase the electricity and lumens/acre. The applicant will speak directly to the Board during the public hearing regarding this matter in order to answer any questions that may arise and to provide further justification if needed. Staff has prepared the following CUP condition, should the Board choose to allow the taller poles to be used in the project:

- That the Board of Aldermen finds that the height of the light poles may be twenty-five (25) feet within Phase 1 of the development. This finding is based on the applicant's justification that requiring the use of fifteen (15) foot poles would require approximately twenty (20) percent more poles and would increase electricity usage and lumens/acre.

Regarding Section 15-242.6 of the LUO related to the lighting beneath the canopy of the gas station, the proposed lighting meets the requirements of this section of the LUO.

Deliveries

Regarding rezoning condition number 11, additional information must be reviewed during review of and prior to the approval of the construction plans. Accordingly, the following CUP condition should be included:

- That consistent with rezoning condition number 11, review and approval of the tenant agreement restricting hours for deliveries to between the hours of 6 am and 10 pm on weekdays and 7 am to 10 pm on weekends must take place prior to approval of the construction plans.

Refuse Collection

The information related to the location of dumpsters and recycling areas is broken down by lots in the following list:

Lot 1- This lot contains the grocery store and four retail/restaurant buildings. The grocery store portion of this lot will have private collection and use a compactor system located behind the store. Cardboard will be bundled and taken off site for recycling by a private collection service.

The four retail buildings will share common facilities for trash and recycling located between Shop B and Shop C. There will be four (4) dumpsters in enclosures along with roll out bins for recycling.

Lot 4- At this time, the parking lot for this lot will be constructed with a future phase approving the office/retail building. The applicant will still be installing the dumpster/recycling bin enclosure during Phase 1.

Lot 5- The gas station lot will have one dumpster along with recycling bins within an enclosure.

It should be noted that condition #12 of the Conditional Rezoning limits the collection of trash/recycling between the hours of 7:30am to 10:00pm and not after 9:00pm whenever possible. No additional information has been submitted to date regarding this topic. Accordingly the following CUP condition should be included:

- That consistent with rezoning condition number 12, review and approval of the tenant agreement restricting hours for collection of trash and recycling must take place prior to approval of the construction plans.

Landscaping

It should also be noted that condition #13 of the Condition Zoning limits landscaping maintenance hours to between 8 am and 6 pm or sunset, whichever is earlier, on Monday to Saturday, and 12 pm to 6 pm or sunset, whichever is earlier on Sundays. No additional information has been submitted to date regarding this topic. Accordingly the following CUP condition should be included:

- That consistent with rezoning condition number 13, review and approval of restrictions to landscaping maintenance hours must take place prior to approval of the construction plans.

CONCLUSION – The project meets all the requirements of the Land Use Ordinance pertaining to utilities and refuse collection. Staff recommends that the Board of Aldermen review the request for exceeding the height limitation of the light poles and decide whether to allow 25 foot tall poles.

Miscellaneous

Neighborhood Information Meeting

The applicant held a Neighborhood Meeting here at town hall on September 12th, 2019 at 5:00pm. For this meeting the applicant did not contact all property owners and renters within 1000 feet of the subject property, but instead contacted a certain number of adjacent neighbors with whom they have discussed the project in the past.

Driveway Permit from NCDOT

NCDOT will need to issue a driveway permit for the project prior to construction plan approval. Information contained within rezoning condition number 15 will be further considered and analyzed at that time. Of note the applicant has not modified the approved site plan exhibit in any way that further encroaches into the area designated for the side path. The following CUP condition is recommended:

- That NCDOT must issue a driveway permit for the project prior to approval of the construction plans. The side path along NC Highway 54 must be discussed in detail during review of the driveway permit.

Easement

Regarding rezoning condition number 23, an easement has been identified on a 1994 plat extending from Old Fayetteville Road east, approximately 200 feet. The applicant intends to abandon the easement while building the project. A CUP condition is recommended as follows in accordance with this rezoning condition:

- That the 60 foot easement shown on the 1994 plat shall be abandoned during and by way of recording a final plat for the project in accordance with the new shapes and configurations of lots as shown on the CUP plans.

STAFF RECOMMENDATIONS:

Town staff recommends that the Board of Aldermen review the Conditional Use Permit proposal with the following conditions and prepare recommendations. The CUP worksheet is attached (**Attachment G**):

1. That the rezoning conditions for the Lloyd Farm project created for the subject properties have been hereby satisfied subject to the remaining conditions of this Conditional Use Permit. Modifications to the rezoning conditions approved for the project will require approval by the Board of Aldermen subject to an additional public hearing.
2. That the Board of Aldermen finds that 358 parking spaces are sufficient to serve Phase 1 of the Lloyd Farm project. This finding is based on information provided

by the applicant regarding the proposed mix of uses, which should result in this portion of the development having sufficient parking.

3. That prior to construction plan approval staff will continue to coordinate with Chapel Hill Transit and NCDOT locations for transit service with possible stops in the vicinity of the grocery store and senior living complex.
4. 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.
5. That the developer shall include detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development, (including cisterns, bioretention areas, swales, check dams, and irrigation pond), 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.
6. That in accordance with rezoning condition number 18 and in advance of draining the property's constructed ponds near Old Fayetteville Road, the applicant will engage a wildlife relocation organization such as NC State Turtle Rescue Team to assess options for developing and implementing a strategy to relocate turtles currently residing in the ponds. The applicant shall evaluate its stormwater management plan to determine if the construction of stormwater devices can provide a receiving area for some or all of the existing turtles. This condition must be satisfied prior to the approval of construction plans for the project.
7. That the Board of Aldermen finds that the height of the light poles may be twenty-five (25) feet within Phase 1 of the development. This finding is based on the applicant's justification that requiring the use of fifteen (15) foot poles would require approximately twenty (20) percent more poles and would increase electricity usage and lumens/acre.
8. That consistent with rezoning condition number 11, review and approval of the tenant agreement restricting hours for deliveries to between the hours of 6 am

and 10 pm on weekdays and 7 am to 10 pm on weekends must take place prior to approval of the construction plans.

9. That consistent with rezoning condition number 12, review and approval of the tenant agreement restricting hours for collection of trash and recycling must take place prior to approval of the construction plans.
10. That consistent with rezoning condition number 13, review and approval of restrictions to landscaping maintenance hours must take place prior to approval of the construction plans.
11. That NCDOT must issue a driveway permit for the project prior to approval of the construction plans. The side path along NC Highway 54 must be discussed in detail during review of the driveway permit.
12. That the 60 foot easement shown on the 1994 plat shall be abandoned during and by way of recording a final plat for the project in accordance with the new shapes and configurations of lots as shown on the CUP plans.