



Legislation Text

File #: 17-669, **Version:** 1

TITLE:

Continuation of the Public Hearing: Review of the Sanderway AIS Conditional Use Permit

PURPOSE: To continue the public hearing for the Sanderway Architecturally Integrated Subdivision CUP opened by the Board on Tuesday June 26, 2018. Again, GH-2, LLC has submitted a CUP application for the construction of an 18-lot residential subdivision with associated public and private infrastructure to be located at 1236 Hillsborough Rd. The staff report and attachments from the original agenda item can be found here:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=3537424&GUID=CFD77242-853A-4186-BEA0-70C87392524C&Options=&Search>>

Project Plans can be found here:

<http://carrboro.legistar.com/gateway.aspx?M=F&ID=90e52895-5e97-498a-8a69-a4e64789eb15.pdf>

DEPARTMENT: Planning

CONTACT INFORMATION: Jeff Kleaveland, 919-918-7332

INFORMATION: The Conditional Use Permit, if approved, would allow the creation of an 18 lot residential subdivision, with common shared open spaces, recreation amenities and supporting infrastructure. The subject property is zoned R-20 and is about 8.54 acres in size. The subject parcel is identified by Orange County PIN 9779-14-2354. For a vicinity map, see Attachment A (also contains utility information). The meeting, originally scheduled for September 25, was, by request of the applicant, rescheduled to October 16th. Town staff sent mailed notice of this revised meeting date to residents within 1000' of the subject property.

Staff offers the following information (including responses to Board requests at the June 26th meeting):

Residents of 1242, 1244 & 1246 Hillsborough St: Specific Concerns and Professional representation

The owners of the above-referenced properties have provided the attached summary of their stormwater concerns (Attachment B). Furthermore they have secured legal representation by the Morningstar Law Group as well as professional engineering representation by the John R. McAdams Company. Their legal advisors have been in discussions with the applicant's legal advisor, Wayne Hadler. Regarding engineering review, Daniel Perry, PE of McAdams has prepared the attached report (Attachment C). The Town Engineer's (Bill Roark from McGill Associates) responses to this report are attached (Attachment D). McAdams and Morningstar provided presentations to the Stormwater Advisory Commission at their September 20, 2018 meeting.

Patricia Malarkey, one of the above residents, raises specific concerns about the completeness of the Sanderway application as it was presented to the Board at the first public hearing in June due to the findings in the McAdams report (see Attachment E - (reformatted for improved readability)).

Responses to Advisory Board Comments

The applicant has provided these. Staff has enclosed the original recommendation sheets (Attachment F & G).

Additional recommendations were provided from the following advisory boards on meetings held in September:

- Affordable Housing Advisory Commission

The project was presented to this commission on 9/19/2018. Their recommendations are attached (Attachment H).

- Stormwater Advisory Commission Meeting

As requested by the Board, the project was presented to the Stormwater Advisory Commission (SWAC) for review (on 9/20/18); their recommendations are attached (Attachment I). The applicant finds the SWAC's proposed conditions therein acceptable.

At this meeting, representatives from Morningstar and McAdams detailed the concerns regarding the Sanderway plans from their client, the residents of 1242, 1244 & 1246 Hillsborough St. Other residents expressed their concerns as well. See the attached attendance sheet (Attachment J). See the attached *draft* minutes from this meeting (Attachment K).

In response to the meeting, the applicant requested to delay the public hearing from September 25th to October 16th to offer their team additional time to discuss the neighbor's concerns. During this time, attorney's representing the three neighbor's and the applicant's attorney worked on new conditions as well as edits to existing conditions so as to address concerns. In addition, the applicant's engineer further refined their plans.

Maintenance of Shared Driveway/Multi-use path segment

The three existing lots north of Sanderway (1242, 1244 & 1246 Hillsborough St) currently depend on a driveway easement that crosses over the subject parcel. It is staff's understanding that this existing easement cannot be abandoned without the consent of these property owners. Because of this, the current easement alignment is expected to remain. In light of this, Please see the corrected page 4 of the original staff report removing reference to providing bollards on this existing driveway; this will not be possible (Attachment L).

They access their lots and homes via a gravel driveway. The Sanderway plans show a portion of this driveway alignment will be directed onto the new public street while the driveway itself will be collocated with the proposed paved, multi-use path. The developer intends to maintain one lane of access to the homes throughout construction.

The Town's default policy for multi-use paths built in new subdivisions is that they be constructed within a public easement to AASHTO paving standards and maintained by the Homeowner's Association. This being said, the Sanderway Homeowner's Association, as a continuing requirement of their permit, would also be responsible for the continued maintenance of the public multi-use trail, including the segment that serves also as the driveway to these three lots.

OWASA

Staff and the applicant have met with OWASA to discuss future possible sewer alignments that would benefit

See the attached OWASA summary email (Attachment M).

Possible Stormwater flooding of existing wells:

Staff investigated the subject of flooding damage to water supply wells with Orange County Environmental Health (OCEC) to see if existing well heads at risk could be retrofitted to make them flood-proof. In short, OCEC does not issue permits for such modifications.

Maintaining utility service throughout construction

Utility services will be located prior to construction and the risks accordingly assessed and mitigated as needed.

Solid Waste Pickup

The current pick-up arrangement will remain with the added improvement of a paved turn around apron at the tee that leads to the lower three lots.

Negotiated Conditions with Applicant and Neighbors

The 1242, 1244 & 1246 Hillsborough St. resident's attorney, Patrick Byker, the applicant's attorney, Wayne Hadler, and the Town Attorney worked together to draft conditions. The attached conditions are those found to be acceptable by the applicant and generally acceptable by the Town Attorney (with a few minor revisions) (Attachment N).

For comparative reference, the neighbors final preferred conditions, as represented by Mr. Byker, are also attached (Attachment O).

The Town Attorney recommended condition clarifications pertaining conditions 18, 22, 23 & 24.

Final staff revisions of these conditions were not complete at the time of this agenda's publishing.

FISCAL & STAFF IMPACT: Applicant has paid the associated fees with the permit request.

RECOMMENDATION: Town staff requests that the Board continue the public hearing started on June 26th 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 complete the attached CUP Worksheet to consider approval of the 18 lot Sanderway AIS CUP based on compliance with the Land Use Ordinance, subject to the following conditions:

- Final Conditions pending; though they will be substantially similar to Attachment N.