



Legislation Text

File #: 19-322, **Version:** 1

TITLE:

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

PURPOSE: The purpose of this item is for the Board of Aldermen to hold a public hearing regarding a request for a Conditional Use Permit for Phase 1 of Shops at Lloyd Farm at 700 & 706 Old Fayetteville Road. See Attachment A for staff report.

DEPARTMENT: Planning

CONTACT INFORMATION: James Thomas 919-918-7335

INFORMATION: 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.

FISCAL & STAFF IMPACT: Plan review fees and staff time.

RECOMMENDATION: Town staff recommends that the Board of Aldermen review the Conditional

Use Permit proposal with the following staff 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.