



Legislation Text

File #: 19-342, **Version:** 1

TITLE:

Continuation of 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 continue the public hearing regarding a request for a Conditional Use Permit for Phase 1 of Shops at Lloyd Farm at 700 & 706 Old Fayetteville Road.

DEPARTMENT: Planning

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INFORMATION: On October 15, 2019, the Board of Aldermen opened a public hearing for consideration of a Conditional Use Permit for Phase 1 of Shops at Lloyd Farm at 700 and 706 Old Fayetteville Road. The Board continued the public hearing to the October 22, 2019 meeting.

As additional background, previous agenda items and discussion about the Lloyd Farm property extend back several years. The applicant first presented a concept plan to town advisory boards in 2011. After that a CUP application was filed, and was taken to a public hearing in 2014. The Board ultimately did not vote on the application, with discussions following about the project. A decision was made in Spring 2015 to have mediation sessions regarding development of the property.

Selected neighborhood representatives, the developer, and selected Board of Aldermen members participated in mediation sessions over the course of Summer 2015. Matters such as buffering the project from existing neighbors and including a non-vehicular path to the adjacent neighborhood were discussed at length during the sessions. The outcome of the mediation sessions was to recommend that the project proceed as a conditional rezoning application. Doing so made the process and vote a legislative decision rather than a quasi-judicial decision, which allowed for maximum communication between community members, elected officials, and the applicant throughout review of the application and up to the actual vote on the application. A conditional rezoning application seeking to rezone property at 700 Old Fayetteville Road was then submitted in March 2018 and ultimately approved by the Board of Aldermen in October 2018. Agenda materials from the approved rezoning may be viewed here:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=3707566&GUID=EEACFBE8-8449-4EA7-AD8E-9757247221DF&Options=&Search=>

The CUP plans were then revised and resubmitted to reflect matters discussed throughout the previous years and consistent with the conditions placed on the rezoning of the property. Following plan review, the CUP has reached the public hearing again. Agenda materials from last week's meeting may be viewed here:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=4159023&GUID=6122C3A5-47D1-43FA-9F62-31B61C899884&Options=&Search=>

During last week's meeting, the Board of Aldermen asked the applicant to provide written responses to comments from advisory boards. That information has been provided as Attachment A. Two citizens spoke during the public hearing and the hearing was left open so that the Board of Aldermen could receive additional

public input at the continued hearing.

Discussion also took place regarding the height of proposed light poles. During the meeting, the applicant agreed to lower the height of poles on the northern portion of the main road, where it runs east to west in closest proximity to adjacent neighbors north of the site. Staff is drafting a condition regarding this matter and will present it at the meeting. Staff is currently assessing the request from the Board regarding an opinion on the height of the light poles in relation to International Dark Sky Association standards and will report on this matter during the October 22, 2019 meeting.

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

RECOMMENDATION: Town staff recommends that the Board of Aldermen continue the public hearing for review of the Conditional Use Permit proposal with the following staff conditions. The CUP Worksheet is attached (Attachment B):

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.