



Town of Pittsboro, North Carolina

Department of Planning

(919) 542-1655

TO: Bryan Gruesbeck, Town Manager

FROM: Jeff Jones, Planning Director

SUBJECT: Preliminary Plat Review: Davie Street Cottages SUB-2015-03

DATE: June 8, 2016

The application of a Preliminary Plat from the Orange Development Group, LLC was heard on September 28 by the Town Board of Commissioners. At this meeting a motion to approve the Preliminary Plat for 9 lots was made and seconded by the Board of Commissioners. The subsequent vote was Two (2) Commissioners in favor of the Motion and Three (3) Commissioners not in favor of the motion to approve. The Motion then failed. No further motions were offered by the Board of Commissioners. It is staff's opinion that the Town Board of Commissioners did not take a vote of denial of the project, thus the project is coming back to the Town Board of Commissioners for another vote.

At the June 13th, meeting the Town Board of Commissioners may give the project full consideration again. Meaning the Board could approve or deny the project with the appropriate vote to that affect. The applicant desires to have a final vote on this project, so he can move forward with his future plans of developing the project.

According to Section 4.7.A (1) of the Subdivision Regulations the Board may approve, disapprove or approve subject to modifications a proposed preliminary plat. If the plat is disapproved or approved with modifications the necessary reasons for disapproval or the modifications must be specified.

Recommendation

Staff continues to believe that this application meets technical requirements of the Zoning Ordinance and acknowledges the applicant's offer to add landscaping, to reduce the number of proposed dwelling units from 9 to 8, and to offer grading assistance to adjacent properties to help address existing stormwater management issues not related to the proposed development of this site.

However, to meet the subdivision ordinance of frontage along a street, the Board will need to grant an exception. The exception language is below.

6.4 Lots

A. Adequate Building Sites. Each lot shall contain a building site suitable for habitation as defined in Section 6.1 and 6.6.

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B. Arrangement. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial curved street lines. Every lot shall have frontage on a public street except as provided below.

(1) Planned unit developments which have direct access to a public street having a street right of way not less than 50 feet may utilize private streets provided the streets are designed and constructed in conformity with NCDOT design standards and provided that a homeowners association is created with the responsibility for street maintenance under the terms of the North Carolina Unit Ownership Act.

(2) Rural Subdivision lots may be allowed on a private road as specified in Section 6.2D, provided that every lot has the minimum required frontage on the private road for the zoning district in which it is located. No lot on a private road shall be less than three acres with a minimum five (5) acre average for all lots in the subdivision except as noted in Section 6.4B(3). Tracts larger than ten (10) acres will not be included when calculating the average lot size of the subdivision. All land within lot lines except public right-of-ways may be included in lot area calculations to meet this requirement.

(3) Lots created by gift from a parent or a child located within the Town's extraterritorial area and a maximum of three rural residential subdivision lots may be allowed provided that every lot has at least 30 feet of frontage on a Perpetual easement not less than thirty (30) feet in width that meets a public road; provided, however, that parent/child lots authorized herein fronting on a private easement less than thirty (30) feet in width and suitable for public safety access may be allowed if the easement was in existence prior to March 1, 1992. If additional lots are to be created and served by the easement, the private easement shall meet the standards required in Section 6.2D. The easement shall not be within 100 feet of another easement of this type unless approved by the Planning Board after considering topography, lot design and other appropriate information. Proof of the permanence of the easement, the relationship of the parties involved, and the nature of the gift transaction shall be provided to the planning director and certified by the applicant's attorney.

(4) A comprehensive multi-family, group housing, or other unified and planned development, including unified design and construction of units together with necessary drive and way of access, may be approved by the Town Board of Commissioners upon recommendation by the Planning Board, even though the design may depart from the foregoing standards for streets and lots and subdivision arrangements, if the design meets the general intent of the ordinance. Lots within a cluster of subdivision located in a public water supply watershed shall comply with the cluster development requirements of Article V, Section 5.5.5 of the Pittsboro Zoning Ordinance.

Additionally, the project never received sewer allocation for the 8 units proposed. The applicant is now requesting an allocation of 3,120. See the letter of request from the applicant.

Below is the staff report submitted to the Board of Commissioners for their September 28, 2015 Board meeting.

This application for approval of a Preliminary Plat comes from Orange Development Group, LLC, for a one-acre site on Davie Street. The property is zoned R-10, Pocket Neighborhood. The application proposes development of nine residential lots with associated infrastructure.

The application was reviewed and discussed by the Planning Board on June 17, 2015. The applicant was asked to consider adjustments to the proposed development. A revised application returned to the Planning Board on August 3, 2015. On August 3 the Planning Board voted 3-3 on a resolution to recommend approval, so there is no recommendation from the Planning Board.

On August 24, 2015, the Board of Commissioners discussed this application. Issues were identified for further consideration. The Board asked the applicant for additional information and referred the application back to the applicant and staff.

Application materials are attached here. This memorandum provides the applicant's responses.

Staff recommends that the Board of Commissioners approve the application.

Background

Developer: Orange Development Group, LLC

Location: Davie Street, Pittsboro NC

Property Identification Numbers: 9741-97-68604, 9741-97-7594

Current Zoning: R-10, Pocket Neighborhood (PN)

Adjacent Zoning: R-10, Pocket Neighborhood (PN)

Acreage: 1.06 acres

Existing Use: Undeveloped

Proposed Use: 9-lot Pocket Neighborhood Subdivision

Discussion

The applicant is proposing a Pocket Neighborhood development, consisting of eight single-family residences, common open space and amenities, and a 20-space parking lot on a 1.05 acre site. This site consists of two undeveloped lots in an area of previously developed, small single family residential homes. Accompanying this package is a reduced full set of drawings.

Following the Planning Board's June 17 discussion, the applicant made adjustments to plans including more attention to landscaping, and offering assistance to adjacent property owners to help with addressing existing stormwater runoff issues. The revised plan was brought to the Planning Board on August 3, 2015. The plans have been reviewed in accordance with the Town's applicable development ordinances by the appropriate

departments, and we believe the application meets ordinance standards. The staff recommendation to the Planning Board on August 3 was to recommend that the Board of Commissioners approve the application.

After discussion of the proposed development and questions to the applicant, the Board considered a resolution to recommend approval, and the resolution failed to pass (3-3 vote). Accordingly, there is no recommendation from the Planning Board for this application.

In addition to adding landscaping and offering assistance to adjacent property owners to help with addressing existing stormwater runoff issues, the applicant has also reduced the proposed number of dwelling units on the site from nine to eight. A ninth lot will be used for common space by the residents, with no residential dwelling unit.

Following is a list of the issues raised on August 24, and comments in response by the applicant (shown in italics):

- Maintenance of Pipe along Davie Street

Drainage and access easement has been added to allow for maintenance. This is no different spatially than maintaining a roadside ditch. Based on the depth of the proposed pipe, there is adequate room for full maintenance operations.

- Berm and Design of the Bio-retention area

The typical detail has been updated accordingly to reflect the max 2:1 berm slope. The BMP has been designed in accordance with all NCDWQ BMP Manual and Town of Pittsboro standards, as well as being reviewed and approved by the Town Stormwater Engineer. 3

- Perimeter Swales/Diversions for off-site run-off and overland relief during larger storms

The plan has been revised in order to use a combination diversion swale/berm that is completely on the project property. The plan has also been clarified to more clearly show the overland relief path for larger storms and verify that the designed swale has capacity to handle the larger events. Additionally, the minimum finished floor elevations for all of the units are noted at a minimum of 30" above the finished grade for each lot. As previously mentioned, the plan meets all Town of Pittsboro standards.

- Re-route the sanitary sewer for easier maintenance

The sanitary sewer system has been re-routed in order to pull it further away from the bio-retention area and alleviate any concerns over maintenance access.

- Landscaping/Hardscaping/Screening

A note for the railing on the top of the retaining wall has been added. Perimeter screening plants have been added and quantified on the plans.

- Existing Drainage Issues on Farrel Property

The potential of adding a piped system along the Farrel property was reviewed and it is not possible physically without filling the entire low-lying area east of Davie. The most practical solution that the developer is willing to accommodate is the grading/shaping of a grassed swale along the course of the existing flow path. This swale would be 6' wide at the bottom with 2:1 side sloped berms that are 2' tall in total, whereby giving the larger flows a specific flow path and helping to prevent staging up of water onto the physical structures on her property.

The attached plans incorporate these changes.