

**From:** [Randy Dodd](#)  
**To:** [James Thomas](#)  
**Subject:** RE: Response from applicant in regard to 4th review of Lloyd Farm Development.  
**Date:** Friday, August 15, 2014 5:14:50 PM  
**Attachments:** [image001.png](#)

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James,

Here are my outstanding comments:

- 1) I did speak with their engineer about the composite curve #, but have not received written documentation of his calculation of that #.
- 2) With regard to comment #4, I believe at the May development review meeting we had a useful discussion, but I still have some reservation from Mr. Smyre's comments during that discussion as well as the written response "Therefore, there is little chance that the project will force an erosion control device to function beyond its design life as the more permanent stormwater management pond and retention basin/swale systems will replace them after grading is complete and the site is stabilized with vegetative cover" that they have demonstrated that they understand and are willing to commit to addressing my concern. The essence of the tension is that they have a grading, phasing and development plan that is driven by market forces rather than concern for the risk of impacts to surface waters. I understand that it can be expected that much of the site will be developed and converted in a reasonable time frame; I am not hearing however that they understand or are willing to accept responsibility for environmental impacts for unanticipated delays. I'm not asking, nor do I think that they should be allowed to have an erosion control device function beyond its design life, and am not really interested in their anticipated low probability of that occurring. I am seeking a commitment to a grading and phasing plan that minimizes the amount and time that large portions of the site are left as graded but not fully developed (regulated by an erosion control plan but not a stormwater management plan), and clarity about what they are willing to commit to convert sections of the site from an erosion control only status to a stormwater device status. In the absence of that, they could offer mitigation funds that could be spent offsite. It's my perspective that it is not my place to dictate how they do this, but do request that they offer more than the response to my comment offers. Examples of what they could offer include: additional notations on the plans or a permit condition regarding what they will do in the way of grading management, soil restoration, and plantings to maximize infiltration after mass grading; oversizing of erosion control devices or other "above and beyond" erosion control plan requirements; installation of elements of the final stormwater management plan they are willing to install prior to final build out; and/or any mitigation funds they are willing to offer in the event of significant delays. We have experience in Carrboro that large sites that comply with erosion control plans but take a long time to develop impact stream health and it is my responsibility to limit the risk of that occurring and the amount of potential impact.

Mr. Symre conveyed at the May discussion that he felt that there was no difference between the current condition and the condition of a graded and stabilized site. I disagree with that assessment. The grading will alter the soil structure and the stabilized vegetative cover will not have the same

root depth as the current vegetation, pasture or woody. They will remove substantial amount of woody vegetation that significantly affects hydrology through interception, infiltration, and evapotranspiration. The net effect will be a development site that has a lower infiltration rate and more runoff than the current condition. This is not a hypothetical condition. Erosion control devices are designed to prevent erosion of primarily larger soil particles, but are not designed to significantly manage stormwater.

Randy Dodd  
Environmental Planner  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510  
919 918-7326  
[rdodd@townofcarrboro.org](mailto:rdodd@townofcarrboro.org)



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**From:** James Thomas  
**Sent:** Wednesday, August 13, 2014 1:55 PM  
**To:** Randy Dodd  
**Subject:** Response from applicant in regard to 4th review of Lloyd Farm Development.

Randy-

I have attached the response from the applicant in regard to the 3<sup>rd</sup> review comments. Please review and let me know if all your comments have been addressed per your latest review. I am trying to address the few final comments by not having to send out complete sets of plans. I do have one set of the 4<sup>th</sup> submittal plans in my office if you need to look at them, but they do not contain all the civil pages. Thank-you.

James Thomas  
Town of Carrboro Planner/Zoning Development Specialist  
(919)918-7335- phone  
(919)942-1720- fax  
[jthomas@townofcarrboro.org](mailto:jthomas@townofcarrboro.org)

**From:** [Jeff Scouten](#)  
**To:** [James Thomas](#)  
**Subject:** RE: Response #4 for Lloyd Farm Development.  
**Date:** Wednesday, August 13, 2014 2:52:20 PM

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James:

The note on the plan looks fine.

Thanks for sending it to me.

Jeff Scouten  
Environmental Enforcement Supervisor  
Orange County Solid Waste Management  
P.O. Box 17177  
Chapel Hill, NC 27516-7177  
919-968-2788 x 107 (Office)  
919-932-2900 (Facsimile)  
[jscouten@orangecountync.gov](mailto:jscouten@orangecountync.gov)  
<http://orangecountync.gov/recycling/candd.asp>



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**From:** James Thomas [<mailto:JThomas@townofcarrboro.org>]  
**Sent:** Wednesday, August 13, 2014 2:13 PM  
**To:** Jeff Scouten  
**Subject:** RE: Response #4 for Lloyd Farm Development.

See attachment.... Thanks.

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**From:** Jeff Scouten [<mailto:jscouten@orangecountync.gov>]  
**Sent:** Wednesday, August 13, 2014 2:05 PM  
**To:** James Thomas  
**Subject:** RE: Response #4 for Lloyd Farm Development.

James:

Please send me a PDF of plan sheet SP3 if you have it.

I want to see for myself that it is on the plan.

Thanks.

Jeff Scouten  
Environmental Enforcement Supervisor

Orange County Solid Waste Management  
P.O. Box 17177  
Chapel Hill, NC 27516-7177  
919-968-2788 x 107 (Office)  
919-932-2900 (Facsimile)  
[jscouten@orangecountync.gov](mailto:jscouten@orangecountync.gov)  
<http://orangecountync.gov/recycling/candd.asp>



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**From:** James Thomas [<mailto:JThomas@townofcarrboro.org>]  
**Sent:** Wednesday, August 13, 2014 2:02 PM  
**To:** Jeff Scouten  
**Subject:** RE: Response #4 for Lloyd Farm Development.

Jeff-

My bad- I messed up. I have attached the correct comments related to Solid Waste. Just need to scroll down on the 1<sup>st</sup> attached page. Thanks.

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**From:** Jeff Scouten [<mailto:jscouten@orangecountync.gov>]  
**Sent:** Wednesday, August 13, 2014 1:57 PM  
**To:** James Thomas  
**Subject:** RE: Response #4 for Lloyd Farm Development.  
**Importance:** High

James:

The attachment you sent me reference's OWASA's comments (Orange Water and Sewer Authority and not Orange County Solid Waste). I can see where you might get them confused.

Anyway, Nick Parker with OWASA is their plan reviewer and to whom the response should be sent.

If you do in fact have response to comments related to solid waste and/or recycling, they should be sent to me.

Thanks.

Jeff Scouten  
Environmental Enforcement Supervisor  
Orange County Solid Waste Management  
P.O. Box 17177  
Chapel Hill, NC 27516-7177  
919-968-2788 x 107 (Office)  
919-932-2900 (Facsimile)  
[jscouten@orangecountync.gov](mailto:jscouten@orangecountync.gov)

<http://orangecountync.gov/recycling/candd.asp>



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**From:** James Thomas [<mailto:JThomas@townofcarrboro.org>]  
**Sent:** Wednesday, August 13, 2014 1:41 PM  
**To:** Jeff Scouten  
**Subject:** Response #4 for Lloyd Farm Development.

Jeff-

Attached is a response from the applicant regarding your comments on the 3<sup>rd</sup> review of the Lloyd Farm Development. Please let me know if you are ok with this statement from the applicant or if you need that sheet sent to you. I am trying to address the few final comments without sending out the full plans. Thank-you.

James Thomas

Town of Carrboro Planner/Zoning Development Specialist

(919)918-7335- phone

(919)942-1720- fax

[jthomas@townofcarrboro.org](mailto:jthomas@townofcarrboro.org)

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**From:** [Nick Parker](#)  
**To:** [James Thomas](#)  
**Subject:** RE: Response from applicant to 3rd review comments for Lloyd Farm Development.  
**Date:** Wednesday, August 13, 2014 2:38:58 PM

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James,

I am satisfied with the response comments. The project is setting up abandonment of the easement but there's no need to do so now.

Nick Parker  
**Orange Water and Sewer Authority**  
400 Jones Ferry Road  
Carrboro, NC 27510  
(919) 537-4201

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**From:** James Thomas [mailto:[JThomas@townofcarrboro.org](mailto:JThomas@townofcarrboro.org)]  
**Sent:** Wednesday, August 13, 2014 1:48 PM  
**To:** Nick Parker  
**Subject:** Response from applicant to 3rd review comments for Lloyd Farm Development.

Nick-

I have attached responses from the applicant in regard to the 3<sup>rd</sup> review comments for Lloyd Farm Development. Please review and let me know if you are ok with the response from the applicant. I was trying to not send out full plans due to the few remaining comments and hope the attached response is acceptable. Thank-you.

James Thomas

Town of Carrboro Planner/Zoning Development Specialist

(919)918-7335- phone

(919)942-1720- fax

[jthomas@townofcarrboro.org](mailto:jthomas@townofcarrboro.org)

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be disclosed to third parties.



**TOWN OF CARRBORO**  
NORTH CAROLINA  
WWW.TOWNOFCARRBORO.ORG

August 14<sup>th</sup>, 2014

The Design Response  
Attention: Liz King  
PO Box 3585  
Cary, NC 27519-3585

**Re: 4<sup>th</sup> Review of Conditional Use Permit for Lloyd Farm Conditional Use Permit.**

Dear Liz King,

The Zoning Division has completed the fourth review of the Conditional Use Permit for the proposed Lloyd Farm Development, further identified as Orange County Tax Reference Numbers 9778-19-6618, 9779-10-7351, 9778-09-7922 and 9779-20-0449. The properties are presently zone a combination of B-4 and R-10 according to the Town of Carrboro Zoning Map.

**This review has been shortened with only those outstanding comments from the 3<sup>rd</sup> review:**

**Comment from 3<sup>rd</sup> review:**

1. A discussion will need to take place between town staff and the developers to determine the zoning district to be established in order to allow the 293 apartments on this property. In essence, a new zoning district will need to be established with the rezoning of this property to allow the density of the 293 apartment units on lot 8 of this development.  
In addition, do you intend for the existing combination of R-10 and R-20 zoning districts to remain for the townhouse lots or do these lots plan to be rezoned to another zoning district?

**4<sup>th</sup> Review Comment: No further comments.**

**Generalized Information:**

1. Please include a statement (or statements, if necessary) on the plans regarding compliance with the performance standards contained in Sections 15-161 thru 15-169 of the Town of Carrboro Land Use Ordinance.

2<sup>nd</sup> Review Comment: Staff will await these documents.

3<sup>rd</sup> Review Comment: Staff is still awaiting this document.

**4<sup>th</sup> Review Comment: Document has been submitted.**

2. The sign information for this development will be reviewed separate from this letter.

2<sup>nd</sup> Review Comment: The 2<sup>nd</sup> review of the master sign permit will be reviewed separate from this review and forwarded to you once it is completed.

3<sup>rd</sup> Review Comment: Comments will be submitted separately.

**4<sup>th</sup> Review Comment: No further comments.**

## **Cover Sheet:**

1. Under the “Permissible Uses” section, it is noting as all permissible uses. If you look closely, there are some that likely don’t make much sense such as antennas and towers- it would be more helpful to list those uses that you are requesting. In addition, this makes the parking justification difficult to judge when the statement of all permissible uses is made.

2<sup>nd</sup> Review Comment: Please add the following statement to the Proposed Use Categories by Zoning District: “as of the project approval date.”

This statement is ensuring the present allowable uses in the B4 zoning district are allowable, but not any future possible uses that may be added by the Board of Aldermen.

3<sup>rd</sup> Review Comment: Thank you for the addition of the statement being placed on the cover sheet of the plans. This is an item that will be discussed in a future meeting in order to reword the phrasing of this statement on the cover sheet.

**4<sup>th</sup> Review Comment: No further comments.**

2. Please provide the following information in the Summary Information: 1.) existing use category- list the single-family residences and use # 1.110 if applicable 2.) provide the Parking Information on the Cover Sheet (this information is provided on other pages, but place on Cover Sheet). What is the reasoning for not providing any “compact” parking within commercial portion of the development- Section 15-293(b) of the LUO allows up to 40 percent of the spaces can be compact spaces 3.) sheet MP1 is showing the phasing and proposed uses- please provide this information on the cover sheet in the addition of the parking spaces associated with that phase 4.) the apartment unit mix breakdown 5.) primary and secondary constraint details 6.) recreation points data. This may cause the Cover Sheet to be crowded, but maybe you could include an additional data only sheet.

2<sup>nd</sup> Review Comment: Zoning staff would suggest that two options be included in the plans related to compact parking- one option showing compact parking and the other option not showing compact parking.

The zoning staff is seeing this issue being prominent at both the advisory board meeting and also, the Board of Aldermen meeting.

3<sup>rd</sup> Review Comment: Your written response will be provided in the staff report to Advisory Boards and the Board of Aldermen.

**4<sup>th</sup> Review Comment: No further comments.**

## **Site Plan:**

1. Please explain why the drive-thru use is included on the grocery store lot. Is this for a possible drug store in the grocery store itself? If so, please show the location.

2<sup>nd</sup> Review Comment: Thank-you for explanation of drive thru being for grocery pickup etc.

3<sup>rd</sup> Review Comment: Please note, the text amendment for drive thru is set to go to public hearing within the next several weeks and town staff will hopefully have a more clear indication as to whether the proposed grocery pick up will be allowed or not.

This is an item that may require addition discussion at a future meeting after all 3<sup>rd</sup> review comments are received.

**4<sup>th</sup> Review Comment: No further comments.**

### Utility Plan:

1. Per a review of the lighting plan, the zoning division has the following comments:
  - 1.) there are several areas where the .2 footcandle is being surpassed—example areas are adjacent to the Post Office, corner of Old Fayetteville Road and Highway 54, at the proposed entrance off Old Fayetteville Road.  
2<sup>nd</sup> Review Comment: Please note, there are still areas where the limitation of .2 footcandle is being surpassed. I understand your explanation, but Section 15-242.5 of the LUO is stating this footcandle limitation and this development will need to adhere to this regulation.  
  
3<sup>rd</sup> Review Comment: It is agreed that the streetlights within the public right of way should not be part of the footcandle calculation- in essence, the eight (8) proposed streetlights that you intend to install within this development can be removed from the lighting plan.  
In addition, please either change the scale of the light plan sheet or use concentric circles for light footcandle for easier viewing—it is very hard to read the information of this sheet.  
  
**4<sup>th</sup> Review Comment: No further comments.**
  - 2.) provide justification for light poles that will exceed fifteen (15) feet and it is an understanding that a text amendment is being requested. Has the use of LED type lights been investigated? The use of these lights has been shown to require less lights and a lower height level.  
2<sup>nd</sup> Review Comment: Staff awaits this justification.  
  
3<sup>rd</sup> Review Comment: It was agreed that Section 15-242.5(f) of the LUO was applicable in this situation, but the written justification would be needed in order for the permit issuing authority to grant this relief and to date, staff has not received this. Please provide in next submittal.  
  
**4<sup>th</sup> Review Comment: Per our discussion, you will be submitting this information via email once you compile it. Thank-you.**

### Recreation Amenities:

1. Section 15-196(f) of the LUO requires that a minimum of 5 percent of recreation amenities be geared towards kids under the age of 12 years. Please review the proposed amenities and verify that this section of the LUO is being met.  
  
2<sup>nd</sup> Review Comment: This section of the LUO states: Play equipment suitable for children under 12 *should*..... the word should is suggesting the inclusion. Please provide justification for not including this play equipment so that it can be included in the staff report to Advisory Boards and the Board of Aldermen.  
  
3<sup>rd</sup> Review Comment: Thank you for your response to this comment. Please note, this item of not having play equipment aimed towards smaller children will be placed in the staff report to the Advisory Boards and the Board of Aldermen. In some past projects, the Board of Aldermen has required that a tot lot be integrated into a project even though it is clearly not required per the Land Use Ordinance- this is just more of a heads up.  
  
**4<sup>th</sup> Review Comment: Written justification has been provided and will be included in the staff report to Advisory Board and the Board of Aldermen.**
2. Section 15-198(d) of the LUO relates to the inclusion of an open play field based on the number of dwelling units- per a review of this development, there are no open fields shown meeting this section of the LUO.  
  
2<sup>nd</sup> Review Comment: This comment has not been addressed. Review Section 15-198(d) of the LUO that states the required field sizes based on the number of dwelling units (400 sf of field area per dwelling unit). If you are requesting that storm water areas be counted as fields, then provided written justification and the Board of Aldermen will determine if this is acceptable at the public hearing.  
As for the field size requirement, either this section of the LUO will need to be met or a text amendment will need to be requested.

3<sup>rd</sup> Review Comment: The inclusion of the open field requirements per Section 15-198(d) of the LUO is not in compliance of the Land Use Ordinance with the present plans.

**4<sup>th</sup> Review Comment: No further comments.**

Per our previous phone conversation, zoning staff has been forwarding comments directly to you via e-mail once they are received.

If you have any questions/comments, please call me at 918-7335. Thank-you.

Sincerely,

James Thomas  
Planner/Zoning Development Specialist