

BOARD OF ALDERMEN

ITEM NO.: D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: AUGUST 20, 2002

**SUBJECT: PUBLIC HEARING FOR MCFALL WATERSHED RESIDENTIAL MAJOR SUBDIVISION
CONDITIONAL USE PERMIT, 130 LAVINIA LANE**

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| DEPARTMENT: PLANNING DEPARTMENT | PUBLIC HEARING: Yes <u>X</u> No <u> </u> |
| ATTACHMENTS: A. FINAL PLAT PLAN B. STAFF REPORT C. COPY OF LAND USE PERMIT APPLICATION D. AREA MAP E. LETTER FROM TOWN ENGINEER F. LETTER FROM ELECTRIC COMPANY G. LETTER FROM TELEPHONE COMPANY H. LETTER FROM ORANGE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT I. ADVISORY BOARD RECOMMENDATIONS AND SUMMARY SHEET J. CONDITIONAL USE PERMIT WORKSHEET | FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333 |

PURPOSE

Mr. Sammy Martin, representing property owner Walter T. McFall, has submitted an application for a Conditional Use Permit (CUP) to allow a major subdivision of property (Use 26.100) to create three lots from a 17.491-acre tract located at 130 Lavinia Lane. The property is accessed from an existing private drive (Lavinia Lane) located off of Highway 54. The Board of Aldermen must hold a public hearing to receive input before reaching a decision on a conditional use permit application.

INFORMATION

The Walter T. McFall property is a 17.491-acre tract of land in the Watershed Residential zoning district. The property owner is seeking a CUP to allow the property to be subdivided into a total of three lots, which all would be served via an existing private drive named Lavinia Lane. The property is located directly to the east of the Stoneybrook subdivision and directly to the west of the Morgan Glen subdivision (see **Attachment A**). A detailed staff report is attached.

RECOMMENDATION

The Administration recommends that the Board of Aldermen approve the Conditional Use Permit request to allow a Major Subdivision (Use 26.100) of property located at 130 Lavinia Lane to create three (3) lots from a 17.491 acre tract of land located in the Watershed Residential zoning district, subject to the following conditions:

1. That the payment-in-lieu of providing recreational facilities must be paid prior to the recordation of the final plat; and

2. That the applicant receive 'final approval' from the Orange County Environmental Health Department (OCEH) before recordation of the final plat and that no well or septic site will be located within a stream buffer; and
3. That if the applicant must change or adjust any property line, reduce the number of proposed lots, or otherwise modify the site plan in order to receive 'final approval' from OCEH, then the applicant must bring the revised plat back before the Board of Aldermen for consideration as a Minor Modification to the CUP; and
4. That homeowner's association (or similar legal entity) documents be reviewed and approved by the Town Attorney prior to recordation of the final plat.