

STAFF REPORT

TO: Board of Aldermen

DATE: August 20, 2002

PROJECT: Conditional Use Permit for Major Subdivision of Property in the Watershed Residential Zoning District located at 130 Lavinia Lane

APPLICANT: Sammy Martin
306 Waterside Drive
Carrboro, NC 27510

OWNER: Walter T. McFall
5909 Orange Grove Road
Hillsborough, NC 27278

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.

EXISTING ZONING: WR – Watershed Residential

TAX MAP NUMBER: 7.114..28

LOCATION: 130 Lavinia Lane (private drive off south side of Highway 54 West leads to property)

TRACT SIZE: 17.491 acres (762,736 square feet)

EXISTING LAND USE: Use 1.111, Single-Family Residence

PROPOSED LAND USE: Use 26.100, Major Subdivision, consisting of three (3) lots

SURROUNDING LAND USES: North: WR, Vacant
South: WR, Use 1.111, Single-Family Residence
East: WR, Use 1.111, Single-Family Residence
West: WR, Use 1.111, Single-Family Residence

ZONING HISTORY: WR, Watershed Residential since May 1990

RELEVANT ORDINANCE SECTIONS: Section 15-146, Table of Permissible Uses
Section 15-196, Active Recreational Areas and Facilities Required
Section 15-265, Designated Buffer Areas in Watershed
Section 15-266, Impervious Surface Limitations

ANALYSIS

Background

The Walter T. McFall property is a 17.491 acre tract of land in the Watershed Residential zoning district (**Attachment A**). The property owner has submitted an application (**Attachment B**) seeking a Conditional Use Permit (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 C**). One single family dwelling is located on the property, on what would become 'Lot 2.' No plans for further development of the property exist at this point. Should the subdivision be approved, the property owner would sell the lots and prospective builders would be required to present plans for developing each of the two new undeveloped lots. Plans submitted for development of either of the two new lots would have to exhibit compliance with all aspects of the Town of Carrboro Land Use Ordinance (LUO).

The applicant requests that the Board of Aldermen consider, deliberate, and make a decision on the proposed CUP to allow a major subdivision (Use 26.100) of property located at 130 Lavinia Lane to create three lots from a 17.491 acre tract of land located in the Watershed Residential zoning district.

Density, Lot Size, and Impervious Surface Limitations

Density for the proposed subdivision was calculated per Section 15-181 of the LUO. Section 15-181(a) dictates a five acre minimum lot size for lots created in the Watershed Residential zoning district; however, Section 15-181(b) allows the creation of up to five lots containing a minimum of two (2) acres of land for properties in existence as of May 15, 1990. Pursuant to Section 15-181, the 17.491 acre subject property yields a permissible density of six (6) lots (5 lots @ 2 acres each + 1 lot @ 5 acres = 6 lots requiring a minimum of 15 acres). In this case, the applicant is proposing to create three lots, consisting of a 3.242 acre lot, 7.623 acre lot, and 6.626 acre lot.

Impervious surface limitations for each lot were calculated per Section 15-266 of the LUO. Specifically, Section 15-266(b) states that any lot in excess of five (5) acres may not exceed an impervious surface area equal to four percent (4%) of the lot size, and that the permissible impervious surface for lots below 5 acres shall be determined as outlined in the 'Table of Impervious Surface Calculations' in the LUO. For the proposed subdivision, the 3.242 acre lot would yield 6,900 square feet of permissible impervious surface (per table), the 7.623 acre lot would yield 13,242 square feet (4% of 7.623 ac = 13,242 square feet), and the 6.626 acre lot would yield 11,500 square feet (4% of 6.626 ac = 11,500 square feet).

By adding the individual lot totals together, the total amount of impervious surface allowed on the property is found to be 31,642 square feet. Per Section 15-266(c), and as identified on the plat (**Attachment A**), the applicant proposes to allocate an equal amount of impervious surface to each lot. This amounts to an impervious surface allotment of 10,547 square feet for each lot (i.e.- the total of 31,642 square feet/3 lots = 10,547 square feet per lot). The calculations were performed in accordance with Section 15-266(c) of the LUO, which dictates how impervious surface shall be allocated when subdividing land, and the information has been placed on the face of the final plat, per Section 15-266(c)(5) of the LUO.

Conclusion:

All of the provisions of the LUO pertaining to density and impervious surface allocations have been met by the applicant.

Transportation

Vehicular access to the property is provided via an existing 'private ingress & egress easement' (Lavinia Lane) beginning off the south side of Highway 54 West (**see Attachment A**), which currently serves a single family dwelling on the property. Since Lavinia Lane does not meet public or private street standards

contained in the LUO, development of the property is limited to the creation of three lots, per Section 15-220(d) of the LUO. Further, per Section 15-220(d)(1), each lot may only contain one single family dwelling. A note to this effect has been added to the final plat. The driveway would be extended as necessary to serve the additional homes.

Two additional single family homes on the property would add approximately twenty-one (21) daily trips to Highway 54 West. Highway 54 West is an arterial street, and the anticipated additional traffic is not expected to negatively impact the road's performance.

Additionally, related to transportation, please note that staff did discuss with the property owner the possibility of dedicating to the Town a thirty-foot (30') easement along Morgan Creek, which is located along the southern, eastern, and western property lines. Further discussion of this matter is found under the 'Recreation and Open Space' section below.

Conclusion:

The applicant has met all of the provisions of the LUO pertaining to transportation.

Tree Protection

Section 15-316 of the LUO specifies that all trees greater than eighteen (18) inches in diameter and all rare tree species must be preserved, to the extent practicable. For purposes of issuing a CUP and recording a final plat, no trees would be disturbed on the property. As further explanation, please note that the applicant only desires to create two additional lots on the property. No plans exist at this time for further development of the lots. As previously mentioned, an application to locate a house on a newly-created lot would involve the submittal of plans to the Zoning Division exhibiting compliance with the LUO. Once plans are submitted, the Zoning Division would review the tree protection plan for each individual lot. Please note that the applicant has placed a note on the final plat stating that "no trees will be disturbed on the property except as necessary to locate the houses per Section 15-316 of the LUO" (**Attachment A, Note #8**).

Conclusion:

The proposed project complies with the requirements of the LUO pertaining to tree protection.

Grading and Drainage Review and Stream Buffer

As previously mentioned, no plans for development of the property exist at this point. Therefore, since the property is not being disturbed, no grading or drainage review is necessary at this time. However, since permission to develop the newly-created lots would be granted pursuant to a CUP, the Town Engineer must review any subsequent application for development on the property. Specifically, each development application must address the water quality and water quantity provisions of Section 15-263 of the LUO. This requirement has been referenced in the 'approval' letter from the Town Engineer (**Attachment D**), and a note to this effect has been placed on the final plat (**Attachment A, Note #12**).

Please note that a portion of Morgan Creek is located along the southern and eastern edges of the property. Also, a tributary of Morgan Creek is located along the western edge of the property. The FEMA regulated floodway/floodplain associated with Morgan Creek and the tributary has been shown on the plat. Additionally, the required stream buffer, calculated per Section 15-265(b)(1) of the LUO, is identified on the plat. The width of the stream buffer varies across the property in relation to the amount of slope in the area, as fully described in Section 15-265(b)(1) of the LUO. Lastly, per Section 15-184(g) of the LUO, an impervious surface setback line has been delineated on the plat 20 feet (20') from the edge of the stream buffer. No new development may take place within the aforementioned areas. The Town Engineer has verified all delineated locations for the floodway, floodplain, and stream buffer.

Section 15-267 of the LUO further restricts where development may take place on any of the subject lots. Specifically, per Section 15-267(b), a final plat for the subdivision of land within the Watershed Residential zoning district must show a buildable area and approximate driveway location for all lots within the subdivision. Thereafter, no buildings or driveways may be constructed outside of the identified area unless the Zoning Administrator makes a written finding that the proposed location complies with the provisions of Section 15-267(a) and Section 15-266. As required, building envelopes and approximate driveway locations have been shown on the plat (**Attachment A**).

Conclusion:

The proposed project complies with the requirements of the LUO pertaining to drainage, grading, and stream buffers.

Recreation Facilities & Open Space

Per Section 15-196(d)(2) of the LUO, the proposed subdivision is exempt from the requirement of providing on-site recreational facilities, due to the small number of lots proposed (i.e.- less than 15 lots). However, the applicant is still required to pay a fee-in-lieu of providing the facilities. The fee is determined in accordance with Section 15-196(c) of the LUO, and in accordance with the 'payment-in-lieu' fee of \$160.01 per recreation point, as identified on the 2002-2003 Town of Carrboro Miscellaneous Fees & Charges Schedule. The fee must be paid prior to the recordation of the final plat. For this project, a total of three single-family homes would be permissible if the subdivision is approved. Each single-family home must provide 10.39 points, per Section 15-196(c). At \$160.01 per point, the total fee required for this project is \$4,987.51 ($\$160.01 \times 10.39 \times 3 = \$4,987.51$). The applicant has placed a note on the plat stating their intention to pay this fee (**Attachment A, Note #9**), but the fee has not been paid to date. Accordingly, staff recommends that the Board attach the following condition to the CUP:

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

Regarding the Open Space requirements of Section 15-198 of the LUO, please note that the applicant has provided a 'private common open space easement' traversing all three (3) proposed lots (**Attachment A**). The easement would provide access to common open space on each property to each of the eventual property owners. Since the property is 17.491 acres in size, the open space requirement totals 6.99 acres, or 304,763 square feet. The 'private common open space easement' shown on the plat totals 7.023 acres, or 305,921 square feet.

As mentioned previously, staff did discuss with the applicant the possibility of dedicating a thirty foot (30') easement to the Town along the southern, eastern, and western property lines. The easement would be located along the creek within the private common open space easement, and it potentially would provide a vital link to an eventual public greenway system along Morgan Creek. The applicant indicated to staff that they do not desire to follow through with this request. With that in mind, the Board may wish to discuss the matter with the applicant at the public hearing to explore alternatives. Please note, however, that the LUO does not require such a dedication as a part of the subdivision of the property.

Conclusion:

The Recreation and Open Space requirements of the LUO have been met by the applicant, with the exception of the receipt of the payment-in-lieu of providing active recreational facilities (see recommended condition); however, the Board may wish to discuss with the applicant the possibility of dedicating a 30' public access easement to the Town along the periphery of the southern, eastern, and western property lines. Please note that staff is recommending that the following condition be attached to the CUP:

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

Utilities

As the attached letter indicates, Piedmont Electric Membership Corporation is willing to provide electric service to the proposed subdivision (**Attachment E**). Additionally, BellSouth Telecommunications, Inc. has provided a letter stating that they are willing to provide telephone service to the proposed subdivision (**Attachment F**). No other public utilities are necessary or proposed at this time. Section 15-246 of the LUO requires that all new utility lines must be placed underground. The applicant will adhere to this requirement, and has provided a note on the plat stating as much (**Attachment A, Note #10**).

Regarding water and sanitary needs, please note that the proposed lots would be served by private wells and private septic tank systems. The plat shows the expected locations of these facilities for each lot. However, as described in the attached letter from Orange County Environmental Health (**Attachment G**), some outstanding issues have not been resolved with respect to proposed 'Lot 3.' The applicant requested that staff bring the project forward to the Board of Aldermen even though this issue has not been fully resolved. To that end, the applicant is making every effort to resolve this issue prior to the public hearing. If the issue is not resolved before the public hearing, then staff recommends that the following conditions be attached to the CUP:

- 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;
- 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.

Conclusion:

The applicant has met all of the provisions of the LUO relating to utilities. However, the Administration recommends:

- That the applicant receive 'final approval' for the locations of all well and septic sites 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;
- 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.

Miscellaneous Issues

Per Section 15-201 of the LUO, the applicant must submit to the Zoning Division a copy of homeowner's association (or similar legal entity) documents. The Zoning Division will coordinate review of the documents with the Town Attorney to ensure that the documents address all necessary items. Per Section 15-201(1) of the LUO, the documents must be submitted prior to the recordation of the final plat. These documents have not been submitted to date. To that end, staff recommends that the Board attach the following condition to the permit:

- That homeowner's association (or similar legal entity) documents be reviewed and approved by the Town Attorney prior to recordation of the final plat.

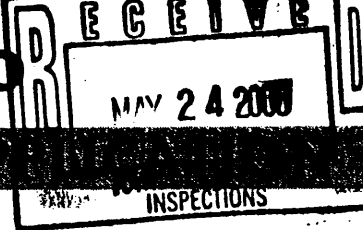
Lastly, the applicant cited the low density nature of development in the area in choosing to not conduct a 'neighborhood information meeting' prior to bringing the project before the Board of Aldermen.

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.

TOWN OF CARRBORO



Attachment C



DATE: ~~5/17/00~~ 5/27/00

FEE: \$1,090 -

APPLICANT: Sammy Martin	OWNER: Tom McFall
ADDRESS 306 Waterside Dr. Carrboro, NC 27510	ADDRESS: 5909 Orange Grove Rd, Hillsborough, NC 27278
TELEPHONE: 919 929 7174	TELEPHONE: 919 967 0275

LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: Agent / Developer	
PURPOSE OF PERMIT & USE CLASSIFICATION: Subdivision of tract into three lots / Residential 1.111	
STREET ADDRESS: NE Intersection 1944-1005	
TAX MAP(S), BLOCK(S), LOT(S): 7 0114 0 0028	
PRESENT LAND USE & USE CLASSIFICATION: Undeveloped forest	
LOT AREA: 17.51 Acres	762,736 Square Feet
ZONING DISTRICT(S) AND AREA WITHIN EACH: WR 17.51 acres	

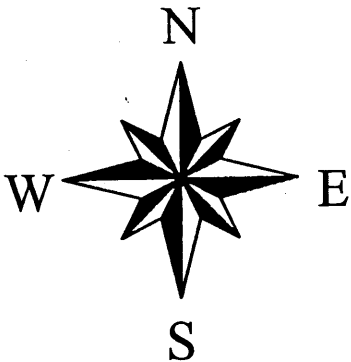
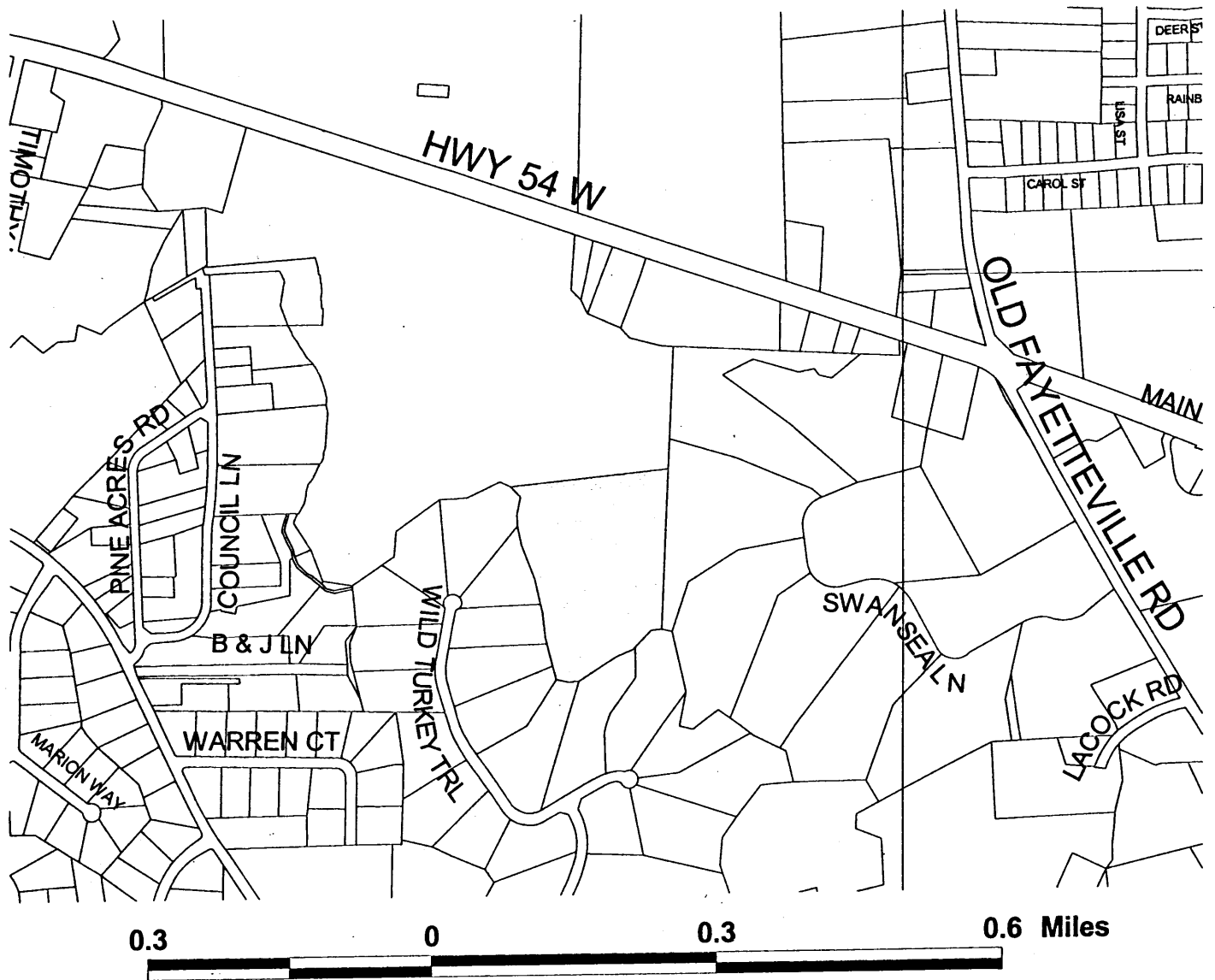
# OF BUILDINGS TO REMAIN NA	GROSS FLOOR AREA NA square feet
# OF BUILDINGS PROPOSED NA	GROSS FLOOR AREA NA square feet

NAME OF DEVELOPMENT: _____

TYPE OF REQUEST		INFORMATION REQUESTED (Refer to Attached Key)
<input type="checkbox"/>	SUBDIV. FINAL PLAT	1, 15, 19, 26, 27, 29
<input checked="" type="checkbox"/>	CONDITIONAL USE PERMIT (CUP)	1, 2, 4, 6, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 27, 29, 30
<input type="checkbox"/>	CUP AMENDMENT	SAME AS CONDITIONAL USE PERMIT (CUP)
<input type="checkbox"/>	SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, 27, 29, 30
<input type="checkbox"/>	SUP AMENDMENT	SAME AS SPECIAL USE PERMIT (SUP)
<input type="checkbox"/>	ZONING PERMIT	1, 3, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 20, 21, 22, 23, 24, 27, 29, 30
<input type="checkbox"/>	SIGN PERMIT	12
<input type="checkbox"/>	VARIANCE	5, 6, 10, Attachment A
<input type="checkbox"/>	APPEAL	Attachment B

APPLICANT: Sammy Martin DATE: 5/17/00
 OWNER: Tom McFall DATE: 5-18-2000

Walter T. McFall Property





Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

915 Jones Franklin Road • Raleigh, NC 27606 • Phone 919.859.2243 • Fax 919.859.6258

August 2, 2002

Ms. Jane Tuohey, Program Support Assistant II
Zoning Division
Town of Carrboro Planning Department
301 W. Main Street
Carrboro, N.C. 27510

Re: Minor Subdivision Plat Review for the McFall Subdivision

Dear MsTuohey:

We have completed a fourth review of the minor subdivision plat proposed for the McFall Subdivision. A portion of the plan relating to the flood plain was faxed to us by Marty Roupe today. Our review comments and recommendations are as follows:

Comments:

1. Compliance with Article XIV, Section 15-220 (d), (e) and (f) of the Town of Carrboro LUO should be demonstrated, either on the plat or with supporting documentation, as appropriate.

This comment has been satisfactorily addressed.

2. All utility certifications required by Article XV, Sections 15-239 and 241 of the LUO should be provided.

This comment has been satisfactorily addressed.

3. The regulatory floodway and floodplain limits with base flood elevations noted at 1.0' intervals should be shown on the plat. The information on the present submittal is not consistent with the Town's official map boundaries. If the applicant has field evidence to indicate that the Town's flood mapping is in error, then the established procedure for map amendment or revision should be followed. Stream buffer limits should be calculated and revised accordingly.

This comment has been satisfactorily addressed.

4. The statement required in Article XVI, Section 15-255 (c) of the LUO should be added to the plat.

This comment has been satisfactorily addressed.

5. Compliance with Article XVI, Section 15-263 of the LUO is assumed, as no construction or land-disturbing activities are proposed. However, approval of the plot plans to be submitted for development on each lot and all improvements or

extensions to the existing driveway access should be subject to review for compliance with this section.

6. Buildable area and approximate driveway locations should be shown on each lot in accordance with Article XVI, Section 15-267 (b).

This comment has been satisfactorily addressed.

Recommendations:

Upon review of the information submitted we conclude that this proposed minor subdivision plat meets the minimum engineering requirements for approval. Therefore, we recommend approval of the plat as submitted.


If you have any questions, or need further information, please contact me.

Sincerely,

SUNGATE DESIGN GROUP, PA



Henry Wells, PE, Sungate Design Group

**Piedmont Electric Membership Corporation**A Touchstone Energy Cooperative 

General Office: P. O. Drawer 1179 • Hillsborough, NC 27278 • (919) 732-2123 • Fax: (919) 644-1030
Branch Office: P. O. Box 1327 • 5135 Oxford Road • Roxboro, NC 27573 • (336) 599-0151 • Fax: (336) 597-9088
NC Wats: 1-800-222-3107

May 22, 2002

McFALL, WALTER

Mr. Chris Murphy
Zoning Administrator
Town of Carrboro Zoning Division
301 West Main Street
Carrboro NC 27510

RE: Lavinia Lane

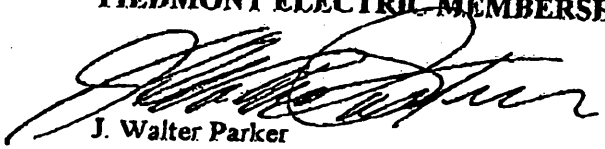
We have reviewed the utility plan for the above referenced project. These plans were presented to us by the applicant for approval as part of the Town of Carrboro requirements for construction plan approval.

We have determined we can provide service to the proposed development. The applicant must coordinate their construction schedule with us to allow timely installation.

Piedmont Electric Membership Corporation will be more than happy to supply the electrical power requirements for three lots - subdivision Lavinia Lane - off Hwy 54 West.

We will serve this development with overhead or underground service under our service rules and regulations in effect at the time of your need for electrical service. If we may be of any further assistance, please call us at 1-800-222-3107 or 732-2123.

Sincerely,

PIEDMONT ELECTRIC MEMBERSHIP CORPORATION

J. Walter Parker
Supervisor, Engineering

c: Hampton Building Company
Attn: Dale J. Giera



BellSouth Telecommunications, Inc.
Room 307
5715 Glenwood Avenue
Raleigh, NC 27612

Raleigh District Engineering

April 30, 2002

Att: Marty Roupe
Town of Carrboro
301 W. Main St
Carrboro, NC 27510

Re: Lavinia Lane

Dear Mr Roupe,

Bellsouth will provide telephone facilities at Lavinia Lane when it is required. Service will be contingent upon the following conditions:

- A. It will be the responsibility of the developer to provide BellSouth with a final site plan showing all phases and their estimated schedules. It must also include official street names and street address numbers approved by the appropriate jurisdiction. This plat will be required when any grading or construction on the site starts or by the time of requirements in Item "B" below:
- B. A minimum of 120 calendar days will be required from the time BellSouth starts design work until permanent telephone facilities are available.
- C. All buried power company facilities must be in place prior to start of any telephone cable construction.
- D. A final grade and adequate, clear right-of-way for placing telephone facilities must be available for telephone construction to start. No cable will be placed before final grade exists due to high probability that it will be damaged because of changes in the existing grade.
- E. Billing will be rendered for any rearrangements or relocations of permanent cables and/or terminals.

Sincerely,

A handwritten signature in black ink, appearing to read "William Potter", with a long horizontal flourish extending to the right.

William Potter
Engineer



Jonathan Klein, MD, Chair
Orange County Board of Health

Orange County Health Department

Rosemary L. Summers, MPH, DrPH
Health Director

Janet Southerland, DDS, Vice-Chair
Orange County Board of Health



Environmental Health Division
Ron Holdway, Division Director

306-C Revere Road, P.O. Box 8181
Hillsborough, NC 27278
www.co.orange.nc.us/orange/envhlth/

Betty Borland
Administrative Assistant

Barbara Stokes
Office Assistant

Phone: (919) 245-2360 FAX: (919) 644-3006
Chapel Hill Durham Mebane
(919) 968-4501 (919) 688-7331 (919) 227-2031

TO: Zoning Division
Town of Carrboro
301 West Main Street
Carrboro, NC 27510

FROM: Alan Clapp
Soil Scientist

DATE: June 14, 2002

RE: McFall Watershed Residential Minor Subdivision Review and Comments
Final Plat for CUP-Review #2
Orange County TMBL: 7.114..28

I have reviewed the above referenced project per your request. The plans for Lots 1 and 2 appear to be sufficient as proposed. However, Lot 3 has some additional requirements that have not been met. The soils were evaluated on all three lots on April 3 and 4, 2002. At that time it was noted that the proposed house site for Lot 3 was in the drainfield area and that the drainfield area was limited in usable soils square footage. Subsequently, Mr. McFall and his realtor, Mr. Sammy Martin were notified that the drainfield would need to be laid out, which means field staked line by line by use of laser or transit, and the proposed house site moved accordingly. Based on the application for a four-bedroom dwelling and the soil long-term acceptance rate, 640 feet of drainfield will be required for the initial system and 640 feet of drainfield will be required for the repair system. The plat attached to the review request shows the house in a somewhat different location but the drainfield layout has not been completed to my knowledge.

Since the drainfield issues on Lot 3 have not been addressed, I would not be able to issue an Improvement Permit on this lot at this time. I would recommend that the drainfield layout work be completed before approving the subdivision. In many cases after the layout is completed, property lines are adjusted, site plans are redrawn or the number of proposed bedrooms of the dwelling reduced for a subdivision proposal to work.

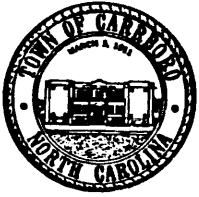
Please feel free to contact me if you have any further questions.

CC: Walter T. McFall
Sammy Martin
Ron Holdway
Tom Konsler

**SUMMARY SHEET OF STAFF AND ADVISORY BOARD
RECOMMENDATIONS**

***CONDITIONAL USE PERMIT — MCFALL WATERSHED RESIDENTIAL
SUBDIVISION***

Recommended by	Recommendations
1. Staff, AC, TAB, EAB, and PB	That the payment-in-lieu of providing recreational facilities must be paid prior to the recordation of the final plat.
2. Staff, AC, TAB, EAB, and PB	That the Town Attorney must review and approve the 'private common open space easement' document prior to the recordation of the final plat, and that the easement document must be recorded at the same time as the final plat.
3. Staff, AC, TAB, EAB, and PB	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.
4. Staff, AC, TAB, EAB, and PB	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.
5. Staff, AC, TAB, EAB, and PB	That the homeowner's association (or similar legal entity) document be reviewed and approved by the Town Attorney prior to recordation of the final plat, and that the document must be recorded at the same time as the final plat.
6. PB	That the dedication of the greenway easement be made contingent upon the continuity of the greenway easement from Highway 54 through the subdivision property and continuing on to University Lake.
7. PB	That the Town of Carrboro is able to properly manage the greenway easement at the time of the acceptance of the offer of dedication.
8. TAB	That the Board of Aldermen, during the review of the McFall Subdivision, try to give an incentive for the applicant to dedicate a greenway easement along Morgan Creek.
9. EAB	That the Board request a thirty (30) foot easement along Morgan Creek for future connection to greenway system.



PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

AUGUST 15, 2002

CONDITIONAL USE PERMIT REQUEST FOR MAJOR SUBDIVISION OF PROPERTY IN THE WATERSHED RESIDENTIAL ZONING DISTRICT TO BE LOCATED AT 130 LAVINIA LANE

MOTION WAS MADE BY SUSAN POULTON AND SECONDED BY ANDE WEST THAT THE PLANNING BOARD RECOMMENDS THAT THE BOARD OF ALDERMEN APPROVE THE CONDITIONAL USE PERMIT REQUEST TO ALLOW A MAJOR SUBDIVISION OF PROPERTY TO CREATE THREE LOTS FROM A 17.491 ACRE TRACT LOCATED AT 130 LAVINIA LANE SUBJECT TO THE CONDITIONS RECOMMENDED BY STAFF AND WITH THE ADDITIONAL RECOMMENDATION:

1. THAT THE DEDICATION OF THE GREENWAY EASEMENT BE MADE CONTINGENT UPON THE CONTINUITY OF THE GREENWAY EASEMENT FROM HIGHWAY 54 THROUGH THE SUBDIVISION PROPERTY AND CONTINUING ON TO UNIVERSITY LAKE, AND
2. THAT THE TOWN OF CARRBORO IS ABLE TO PROPERLY MANAGE THE GREENWAY EASEMENT AT THE TIME OF THE ACCEPTANCE OF THE OFFER OF DEDICATION.

VOTE: AYES (7) BABISS, HAVEN-O'DONNELL, HAMMILL, MARSHALL, POULTON, SEARING AND WEST;
NOES (0); ABSENT/EXCUSED (2) HOGAN AND LUDWIG.

Adam Searing by MW 8/16/02
Adam Searing, Chair (date)

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

August 15, 2002

SUBJECT: Conditional Use Permit for McFall Watershed Residential Subdivision

Motion # 1: The Transportation Advisory Board (TAB) recommends that the Board of Aldermen approve the Conditional Use Permit for McFall Watershed Residential Subdivision with staff recommendations.

Moved: Andreas Hay; Second: Dazzie Lane; VOTE: Ayes (All Present), Noes (None)

Motion # 2: The Transportation Advisory Board (TAB) recommends that the Board of Aldermen, during the review of the McFall Subdivision, try to give an incentive for the applicant to dedicate a greenway easement along Morgan Creek.

Moved: Andreas Hay; Second: Ellen Perry; VOTE: Ayes (All Present), Noes (None)

CHRIS VAN HASSELT (Chair)
TAB Chair

8-15 / 20 02
DATE



TOWN OF CARRBORO

ENVIRONMENTAL ADVISORY BOARD

Meeting on August 15, 2002 at 7:30 p.m.
at the Carrboro Town Hall
Carrboro, North Carolina

RECOMMENDATION

McFALL SUBDIVISION CONDITIONAL USE PERMIT APPLICATION

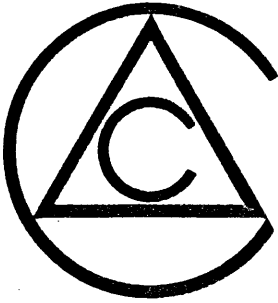
MOTION WAS MADE BY RICKIE WHITE AND SECONDED BY MERRILIE BROWN THAT THE ENVIRONMENTAL ADVISORY BOARD RECOMMENDS THAT THE BOARD OF ALDERMEN APPROVE THE CONDITIONAL USE PERMIT APPLICATION SUBJECT TO THE FOLLOWING:

1. REQUEST THIRTY (30) FOOT EASEMENT ALONG MORGAN CREEK FOR FUTURE CONNECTION TO GREENWAY SYSTEM.

VOTE: AYES (4) (Gore, Gallagher, Brown, White); NOES (0); ABSENT/EXCUSED (2) (Burwell, Mathews).

James Thomas (for chair)
Glynis Gore, Chair (date)

Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510



THURSDAY, AUGUST 15, 2002

**McFALL WATERSHED RESIDENTIAL SUBDIVISION CONDITIONAL USE PERMIT, 130
LAVINIA LANE**

Via 'Committee as a Whole,' the Appearance Commission Advisory Board recommends approval of the McFall Watershed Residential Subdivision CUP as presented, subject to staff's recommendations.

VOTING:

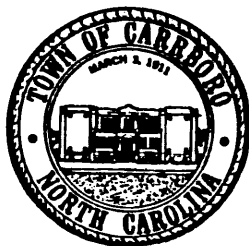
AYES: 3 (Chuck Morton, Wendy Wenck, and Leslie Rountree)

NOES: 0

Mary Rountree (on behalf of Chair)
Appearance Commission Chair

8-16-2
Date

TOWN OF CARRBORO



CONDITIONAL OR SPECIAL USE PERMIT WORKSHEET

I. COMPLETENESS OF APPLICATION

- ☐ The application is complete
☐ The application is incomplete

II. COMPLIANCE WITH THE ORDINANCE REQUIREMENTS

- ☐ The application complies with all applicable requirements of the Land Use Ordinance
☐ The application is not in compliance with all applicable requirements of the Land Use Ordinance for the following reasons:

III. CONSIDERATION OF PROPOSED CONDITIONS

If the application is granted, the permit shall be issued subject to the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.

IV. GRANTING THE APPLICATION

- ☐ The application is granted, subject to the conditions agreed upon under Section III of this worksheet.

V. DENYING THE APPLICATION

- ☐ The application is denied because it is incomplete for the reasons set forth above in Section 1.
- ☐ The application is denied because it fails to comply with the Ordinance requirements set forth above in Section II.
- ☐ The application is denied because, if completed as proposed, the development more probably than not:

1. Will materially endanger the public health or safety for the following reasons:

2. Will substantially injure the value of adjoining or abutting property for the following reasons:

3. Will not be in harmony with the area in which it is to be located for the following reasons:

4. Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board of Aldermen for the following reasons:
