

# BOARD OF ALDERMEN

ITEM NO. D(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: MAY 18, 2004

**TITLE: REQUEST FOR A MINOR MODIFICATION TO THE LAKE HOGAN FARMS  
CONDITIONAL USE PERMIT FOR THE REMOVAL OF SPECIFIC RECREATION  
FACILITIES**

<b>DEPARTMENT: PLANNING DEPARTMENT</b>	<b>PUBLIC HEARING: YES __ No <u>X</u></b>
<b>ATTACHMENTS:</b> A. RESOLUTION B. AREA MAP SHOWING PERTINENT LOCATIONS C. EXCERPT FROM APPROVED PROJECT PLANS SHOWING SUBJECT FACILITIES D. RESPONSE LETTER FROM STAFF REGARDING REQUESTED CHANGES E. NOVEMBER 2003 LETTER FROM RESIDENTS F. APRIL 2004 LETTER FROM RESIDENTS G. SUMMARY SHEET FROM RESIDENTS H. LAND USE PERMIT APPLICATION	<b>FOR INFORMATION CONTACT:</b> <b>MARTY ROUPE, 918-7333</b>

### PURPOSE

Mr. Michael Dean Chadwick of 1<sup>st</sup> American Builders, LLC, along with residents of Lake Hogan Farms Subdivision, has submitted an application (**Attachment H**) requesting a minor modification of the Conditional Use Permit (CUP) issued on September 27, 1994 for the Lake Hogan Farms subdivision. Specifically, the application requests that two (2) recreation facilities shown on the approved plans be removed as a requirement. These facilities include a 'private trail' and a 'garden plot' area. The Administration requests that the Board of Aldermen review, deliberate, and make a decision regarding the requested changes.

### INFORMATION

**Details Related to Request:** The request before the Board is for permission to not install a 'private trail' and 'community garden plots' area, which were included on the approved Conditional Use Permit (CUP) plans for the project. The four-foot (4') wide private gravel trail begins at Long Meadow Road and heads to the south where it eventually connects to the asphalt greenway trail, which runs east to west (**see Attachments B and C**). The garden plots area is located alongside the private trail approximately halfway between Long Meadow Road and the greenway trail (**see Attachment C**).

Both facilities are shown on the approved CUP plans for the project, but did not formally receive recreation points. In other words, the developer more than satisfied the required number of recreation points through the construction of other facilities, which have already been built (i.e.: swimming pool, tennis courts, clubhouse, etc). Therefore, it is possible for the private trail and garden plots to be removed from the plans without negatively affecting the number of recreation points required for the subdivision.

**Additional Background:** While preparing to construct the subject facilities (approximately one year ago), the developer learned that some number of residents living in the subdivision did not wish to see the facilities constructed. Upon learning this information, an application was submitted requesting that the facilities be deleted from the plans. Staff responded with a letter requesting additional clarifying information in order to more fully understand the nature and origin of the request (**Attachment D**). At that point, the developer essentially informed the residents that he would honor their request to not build the facilities so long as the residents could obtain permission from the Town of Carrboro for the removal of the requirement from the CUP. To that end, residents of the subdivision now have provided additional information for the Board's consideration. As further described below, the information provided is largely the type of information requested, but it does not fully represent the scope of information staff requested.

**Specific Information Submitted Supporting the Request:** As noted in item #3 on page 1 of Attachment D, staff suggested polling the entire community of Lake Hogan Farms in order to provide sufficient evidence of unanimous community wide support for the request. Staff also noted that the future residents of the townhomes portion of Lake Hogan Farms might be unhappy to learn that these specific amenities were not to be constructed.

In November 2003, certain residents of the subdivision submitted a letter explaining reasons they do not wish to see the facilities constructed (**Attachment E**). Afterwards, staff met with a representative of the subdivision and explained the original request to conduct a poll of all homeowners within the subdivision and to address the issue of the future residents of the townhomes. Instead of formally conducting a poll, the residents chose to take the matter before the residents during their annual homeowners meeting in April 2004. After this meeting, additional information was submitted from the residents further explaining their request (**Attachment F**). The information includes signatures from thirty (30) residents and does include an explanation of why the townhome residents may not utilize the garden plots. The residents also provided a summary sheet of their reasons for objecting to the construction of the subject facilities. The summary sheet is provided as **Attachment G**.

Since the townhomes are now under construction, staff contacted Mr. Jim Brandewie, of Homescape Building Company (party building the townhomes), to ascertain whether he had any concerns with the request. By way of a telephone conversation, Mr. Brandewie indicated that he is hesitant to support the current request unless the developer offers alternative facilities to serve the residents of the townhomes. He would prefer to see the facilities put in place and see whether they are used. If it turns out they are not utilized much, then he possibly would support their removal at a later date.

Residents of the subdivision likely will appear before the Board of Aldermen to further explain their request and to answer questions from Board members.

### **RECOMMENDATION**

The Administration recommends that the Board of Aldermen review, deliberate, and make a decision regarding the two requested changes. A resolution has been offered, which may be completed as the Board desires (**Attachment A**).