

BOARD OF ALDERMEN

ITEM NO.: D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 21, 2005

**TITLE: REQUEST FOR A MINOR MODIFICATION TO THE TWIN MAGNOLIAS
CONDITIONAL USE PERMIT**

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ___ No <u>X</u>
ATTACHMENTS: A. RESOLUTION B. PLANS FOR MINOR SUBDIVISION OF SINGLE-FAMILY RESIDENCE C. LETTER FROM MARIANA FIORENTINO	FOR INFORMATION CONTACT: MARTY ROUPE, 918-7333 JAMES THOMAS, 918-7335

PURPOSE

Williams Construction Company is requesting a Minor Modification to the original Twin Magnolias Condominiums Conditional Use Permit, originally issued by the Board of Aldermen on November 12, 2002. The modification would allow the existing single-family residence to be subdivided from the twenty-two (22) built condominiums. Town Staff requests that the Board review, deliberate, and make a decision on the Minor Modification request.

INFORMATION

Rick Williams, owner of Rick Williams Construction Company and current president of the Homeowner's Association for Twin Magnolias, is requesting a Minor Modification to the original Conditional Use Permit issued by the Board of Aldermen on November 12, 2002. The applicant is requesting that the existing single-family residence (**see attachment B**) be subdivided from the twenty-two (22) built condominiums.

The proposed subdivision meets all the provisions for the R-7.5 Residential Zoning District, such as minimum setbacks and lot size. Two specific issues are worth noting:

1) A portion of the five (5) foot brick walkway will be within the borders of this "newly" created lot for the single-family residence. Because of this, it is necessary to create (and record with Orange County Land Records) a shared access and maintenance easement agreement. The purpose of this easement is to ensure that is acceptable in perpetuity for residents and guests of the condominiums to traverse the portion of sidewalk contained on the newly-created single-family lot. The agreement also must clearly specify arrangements for maintenance of the sidewalk. It will also be necessary to record a subdivision plat to officially create the lot. Therefore, if the Board approves the request, staff requests inclusion of the following condition on the approval resolution:

- That a shared access and maintenance easement agreement be recorded with the Orange County Register of Deeds at the same time as the minor subdivision plat. The agreement shall clearly allow residents and guests of the condominiums to traverse the portion of sidewalk contained on the newly-created single-family lot. It also must clearly specify arrangements for maintenance.

2) The applicant also requests that they be allowed to retain the existing driveway for the single-family house, whereas it was slated for removal. Originally, parking for this home was to be placed alongside the other parking spaces in the development. This request, if approved, would allow the driveway to remain and serve as parking for the single-family home. The Zoning Division has discussed this matter with Public Works. No problems are anticipated from this change, given the relative few number of vehicular trips associated with only one (1) single-family home.

Per Section 15-64(b) of the Land Use Ordinance (LUO), minor design modifications or changes are those that have no substantial impact on neighboring properties, general public or those intended to occupy or use the proposed development. This minor modification to the original Conditional Use Permit will not have an effect on the general public or those intending to occupy the development. The reasoning for the minor modification is for the ability of bank financing for this existing single-family residence.

Public Hearing

It is within the purview of the Board of Aldermen to call a public hearing before rendering a decision on the requested changes. Specifically, with regard to Minor Modification requests, Section 15-64(b) of the LUO states the following: “Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification.”

FISCAL IMPACT

N/A

STAFF RECOMMENDATION

Town Staff recommends that the Board of Aldermen adopt the attached resolution approving the Minor Modification to the Twin Magnolias Conditional Use Permit, which would allow the existing single-family residence to be subdivided from the twenty-two (22) built condominiums. The resolution includes one recommended condition stating that the access easement (**see attachment B**) for the brick sidewalk that will reside on the newly created lot be recorded at the same time as the minor subdivision plat in the Orange County Register of Deeds.