

# BOARD OF ALDERMEN

ITEM NO.: D(5)

## AGENDA ITEM ABSTRACT

MEETING DATE: JUNE 6, 2006

**TITLE: MINOR MODIFICATION TO LAKE HOGAN FARM CONDITIONAL USE PERMIT FOR  
SANITARY SEWER EASEMENT RE-LOCATION**

<b>DEPARTMENT: PLANNING DEPARTMENT</b>	<b>PUBLIC HEARING: YES ___ No _X_</b>
<b>ATTACHMENTS:</b> <b>A. RESOLUTION</b> <b>B. SANITARY SEWER EASEMENT PLANS</b> <b>C. LAND USE APPLICATION FORM</b> <b>D. ORIGINAL CUP</b> <b>E. COMMENTS FROM SUNGATE</b> <b>F. COMMENTS FROM OWASA</b>	<b>FOR INFORMATION CONTACT:</b> <b>JAMES THOMAS, 918-7335</b>

### PURPOSE

M/I Homes of Raleigh has submitted an application (**see attachment C**) for a minor modification to the existing Conditional Use Permit (CUP) (**see attachment D**) to allow the relocation of the sanitary sewer easement in Phase 8 & 9 of the townhouse phase of Lake Hogan Farms Subdivision. Pursuant to Section 15-64(b) of the Town of Carrboro Land Use Ordinance, a minor modification to a CUP is permissible with the approval of the Board of Aldermen. Town staff requests that the Board review, deliberate and make a decision regarding the minor modification to the existing CUP.

### INFORMATION

The CUP for the Lake Hogan Subdivision was originally issued on March 7<sup>th</sup>, 1995. The application currently before you amounts to a minor modification to the existing CUP. If approved, the minor modification would allow the sanitary sewer easement (**see attachment B**), which currently follows the eastern and northern property lines to be re-platted to follow a more eastern to western direction.

The reasoning for this relocation of the sanitary sewer is to meet OWASA requirements for sanitary sewer pipe depths. In other words, if the sanitary sewer was required to be installed in the existing platted sewer easement, it would be too deep to meet OWASA requirements. With the proposed new sanitary sewer easement location, depth requirements of OWASA will be met.

### Additional Information Related to Antenna Addition

#### Background

M/I Homes of Raleigh is proposing a subdivision at the property addressed as 8110 Old Highway 86, further identified as Orange County Tax Map Number 7.23.C.31. With this development and future development, extension of sanitary sewer will be required. This being the case, the extension of the existing sanitary sewer line located in Phase 8 & 9 of Lake Hogan Farms Subdivision will need to be extended. With the filing of final plat for Phase 8 of Lake Hogan Farms Subdivision, a thirty (30) foot sanitary sewer easement was recorded running along the eastern and northern property lines.

Upon further review of the installation of the sanitary sewer for the M/I Homes subdivision and other future developments, it was discovered that the installation of the sewer pipes would be too deep to meet OWASA requirements.

A new thirty (30) foot sanitary sewer easement (**see attachment B**) has been established that will meet OWASA requirements. This sanitary sewer easement will be crossing Jones Creek in two (2) locations and these aerial crossings have been reviewed by Sungate Design Group (**see attachment E**) to verify that there will be no water backup onto adjacent properties.

In addition, a letter (**see attachment F**) from OWASA has been supplied preferring the new thirty (30) foot sanitary sewer easement.

The approval of this sanitary sewer easement will be serving not only the M/I Homes subdivision, but also the future Public Works Facility, the future park off Old Highway 86 and any further development in this general area.

### **Effects on Phase 8 & 9 of Lake Hogan Farms Subdivision**

Phase 8 & 9 of Lake Hogan Farms Subdivision has its own Homeowner's Association in addition to the existing Homeowner's Association for the overall subdivision of Lake Hogan Farms. This is due to these being townhouses and having common grounds, exterior maintenance requirements etc.

Jim Bradewie, builder of the townhouses and owner of Homescape Development Company, Inc. is still in control of the Homeowner's Association for Phase 8 & 9 (**see attachment C**) and has approved the revised location of the sanitary sewer easement.

It should be noted that many of these townhouses have been sold to individual owners that presently reside in the townhouses.

With the installation of the sanitary sewer, thirty-one (31) trees will be removed. These trees range from oaks, to sweet gums, to pines (**see attachment B**).

### **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."

### **RECOMMENDATION**

The town staff recommends that the Board of Aldermen adopt the attached resolution approving the Minor Modification to the Lake Hogan Farms Subdivision Conditional Use Permit that would allow the relocation of the thirty (30) foot OWASA sanitary sewer easement in Phase 8 & 9.