

# BOARD OF ALDERMEN MEETING

ITEM NO. (2)

## AGENDA ITEM ABSTRACT

OCTOBER 28, 2008

**SUBJECT: PUBLIC HEARING ON A CONDITIONAL USE PERMIT FOR A WATERSHED  
RESIDENTIAL SUBDIVISION LOCATED AT 219 OLD FAYETTEVILLE ROAD**

<b>DEPARTMENT: PLANNING DEPARTMENT</b>	<b>PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></b>
<b>ATTACHMENTS:</b> A. PROJECT PLANS B. LAND USE PERMIT APPLICATION C. VICINITY MAP D. PLANNING BOARD RECOMMENDATION E. CONDITIONAL USE PERMIT WORKSHEET	<b>FOR INFORMATION CONTACT:</b> JAMES THOMAS, 918-7335

### PURPOSE

Marilyn Kille, owner of the property addressed as 219 Old Fayetteville Road is seeking permission to subdivide her existing 19.47 acre parcel into two lots. Prior to reaching a decision on a request for a CUP, the Board of Aldermen must hold a public hearing to receive input. Town staff recommends that the Board of Aldermen hold a public hearing and consider issuing the requested Conditional Use Permit.

### INFORMATION

#### Background

The subject property is zoned WR (Watershed Residential) and is listed on the Orange County Tax Map as number 7.114..19. The property is located across the street from the Autumn Woods Apartments (Attachment C).

Marilyn Kille submitted an application for a Conditional Use Permit (7-10-08) for the subdivision of her 19+ acre lot into two lots (Attachment B). All such subdivisions in the watershed district require a CUP and therefore must satisfy the applicable provisions of the Land Use Ordinance (LUO).

#### Density

Per Section 15-181(b) of the LUO allows no more than five (5) lots containing a minimum of two acres to be created with all remaining lots to be a minimum of five acres in size. The applicant has taken advantage of this section of the LUO and created lot# B, which is 2.70 acres in size and lot# A that is 16.77 acres in size.

A note has been placed on the "final plat" that the property owner has the right to further subdivide lot# A with four (4) additional lots that will be a minimum of two acres in size and all other lots five acres in size.

#### Impervious Surface Allocation

Per the provisions of Section 15-266(b), impervious surface (i.e. driveways, patio, roofs) is regulated on lots in the WR district. Lot# A is allowed a maximum of 6,400 square feet of impervious surface and is

using 6,140 square feet. The allowable impervious surface for lot# B is 29, 215 square feet and is using 18,590 square feet.

### **Stream Buffers**

The additional 20 foot impervious surface setback from the drainage buffer is required per the provisions of Section 15-184(g). The layout does not encroach upon this setback, though it is not shown on the drawing. The setback will be required to be shown on the recorded final plat. Because of this, the following condition is recommended:

- That the 20 foot impervious surface setback from the site's regulatory stream buffers be shown on the final plat as required per the provisions of Section 15-184(g) of the Land Use Ordinance.

### **Stormwater, Erosion Control, Drainage**

Since this subdivision requires a conditional use permit, it is also subject to the Drainage, Erosion Control and Stormwater provisions of Article XVI of the LUO, but this statement is not required due to the applicant not doing any additional building, land clearing etc., but only subdividing the property.

### **Open Space and Recreation Requirements**

Per the provisions of section 15-197(a), the Board may authorize an exemption from the open space and recreation requirements of the LUO for projects that do not seek improvements (i.e. water, sewer, or road extensions). The proposed subdivision satisfies these provisions. For this reason the following condition is recommended:

- That the Board finds this subdivision exempt from the open space and recreation requirements of the Land Use Ordinance per the provisions of Section 15-197(a) of the Land Use Ordinance as it does not seek improvements (i.e. water, sewer, or road extensions).

### **Utilities**

The new lots will be served by well and septic systems which require permits from Orange County Environmental Health Division. Each lot has been found to be *provisionally suitable* for Well and Septic permits from this agency, which is sufficient for receipt of a Conditional Use Permit.

Further, as required by Section 15-245, all new utilities are to be placed underground.

Note that OWASA review is not required for well and septic systems.

### **Notification**

All property owners and renters within 1000' of the subject property have been given notification by mail of this public hearing.

### **Miscellaneous**

#### **Neighborhood Information Meeting:**

A formal Neighborhood Information Meeting was not held by the applicant.

### **Advisory Board Recommendations**

This item went to Joint Review on October 2, 2008 and the Appearance Commission, Transportation Advisory Board and Environmental Advisory Board had no comment.

The Planning Board further reviewed this item at their October 16, 2008 meeting and voted in favor of the item with staff's recommendations (**Attachment D**).

### **STAFF RECOMMENDATION**

Town staff recommends approval of the Conditional Use Permit to subdivide the property at 219 Old Fayetteville Road subject to the condition below:

1. That the Board finds this subdivision exempt from the open space and recreation requirements of the Land Use Ordinance per the provisions of Section 15-197(a) as it does not seek improvements (i.e. water, sewer, or road extensions).
2. That the 20 foot impervious surface setback from the site's regulatory stream buffers be shown on the final plat as required per the provisions of Section 15-184(g) of the Land Use Ordinance.