Legislation Details (With Text)

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Title:	Continuation of Public Hearing for a Conditional Use Permit for a Watershed Residential Subdivision at 721 Jones Ferry Road PURPOSE: Mr. Phil Szostak has submitted a conditional use permit application to subdivide a 6.79 acre lot at 721 Jones Ferry Road to create a second lot. Prior to reaching a decision on a request for a CUP, Council must hold a public hearing to receive input. Town Council is asked to continue the public hearing and consider whether to approve the CUP request.		
Indexes:			
Code sections:			
Attachments:	1. Attachment A - Vicinity Map, 2. Attachment B - Land Use Permit Application and Project Plans, 3. Attachment C - Staff & Advisory Boards Recommendations Summary Sheet, 4. Attachment D - CUP Worksheet		

Date	Ver.	Action By	Action	Result

TITLE:
Continuation of Public Hearing for a Conditional Use Permit for a Watershed Residential Subdivision at 721 Jones Ferry Road

PURPOSE: Mr. Phil Szostak has submitted a conditional use permit application to subdivide a 6.79 acre lot at 721 Jones Ferry Road to create a second lot. Prior to reaching a decision on a request for a CUP, Council must hold a public hearing to receive input. Town Council is asked to continue the public hearing and consider whether to approve the CUP request.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 919-918-7333 or mroupe@townofcarrboro.org <mailto:mroupe@townofcarrboro.org>

INFORMATION: Mr. Phil Szostak has submitted an application to subdivide a 6.79 acre lot at 721 Jones Ferry Road to create a second lot (see Attachment A, Vicinity Map, and Attachment B, Project Plans). The property is located at the southwest corner of the Jones Ferry Road and Old Fayetteville Road / Berryhill Drive intersection (see yellow lot on Attachment A - Vicinity Map), and is zoned Watershed Residential. If approved, the CUP would allow for the creation of one additional lot, for a total of two lots. One lot is proposed to be 4.79 acres and the other lot 2 acres. Town Council is asked to continue the public hearing opened on Tuesday, February 23.

Density

Whereas this district typically requires a five acre minimum lot size, LUO Section 15-181(b) allows for subdivision of the lot into up to five lots a minimum size of two acres each, which would allow a total density of three lots. Instead, the application seeks to create only one new lot, for a total of two lots. One being approximately 4. 79 acres and the other being approximately but at least two acres in size. The provisions of this subsection may only be utilized once, so no additional lots under the standard five acre minimum size may be created subsequently.

Natural Constraints, Site Layout

The existing lot is vacant but old roadbeds are identifiable providing access to previously existing homes or structures, and is covered by a mix of tree types.

Per the provisions of Section 15-267 of the LUO, the applicant has submitted drawings showing locations for proposed homes and access points that can comply with the impervious surface limits for construction in the WR district. The subdivision proposes to create an approximately 4.79 acre lot on the western end of the lot and a lot at least two acres in size on the eastern end of the lot.

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. The two lots will be allowed the amount of impervious surface identified in the LUO for lots smaller than five acres. In this case, the 4.79 acre lot is allowed 8,400 square feet of impervious, or 4.10%, and the 2 acre lot is allowed 5,700 square feet of impervious, or 6.54 %.

Staff recommends that the permissible impervious surface be included on the final plat that is recorded if the subdivision is proposed, and the following condition is recommended:

- That the final plat for the project include the exact amount of impervious surface allowed on each lot, in accordance with LUO Section 15-266.

Stormwater, Erosion Control, Drainage

Since the application does not seek the approval of specific building plans, the applicable LUO provisions relating to these sections will be further reviewed when zoning permits are submitted for construction of single family homes. No specific conditions are needed or recommended at this time.

Open Space and Recreation Requirements

Per the provisions of section 15-197(a), Town Council 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 Town Council 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 reviewed and found to be acceptable for purposes of issuing a conditional use permit but formal well and septic permits from this agency will need to be issued before a zoning or building permit can be issued for either of the lots. This in mind the following condition is recommended since the permits have not yet been issued:

- That Orange County Environmental Health well and septic permits be issued prior to final plat approval.

Further, as required by Section 15-245, all new utilities are to be placed underground necessitating the following condition:

- That all new utilities required by the subdivision be placed underground per the provisions of Section 15 -246 of the Land Use Ordinance.

Transportation

Except for the addition of a driveway for each respective lot, the only specific transportation related issue involves the existing deed for the property, which indicates ownership of property to the centerline of Jones Ferry Road as indicated on the project plans. The applicant has agreed to modify this situation by dedicating right of way along Jones Ferry Road when the final plat for the project is approved. Related to this matter, the following condition is recommended:

- That the final plat for the project will indicate right of way dedication to NCDOT thirty feet from the centerline of Jones Ferry Road, consistent with the historically maintained right of way along the road.

Notification

All property owners and renters within 1000' of the subject property have been given notification of the Joint Review Meeting. Similar notification has been given for the project's public hearing before Town Council.

Screening

Section 15-308 of the LUO does not require the proposed *single-family residential* use of the lots to provide screening with respect to adjacent properties.

Tree Protection

Tree protection measures will be further considered when reviewing zoning permits for construction of single family homes if the project is approved. No specific conditions are needed or recommended at this time.

Lighting

No special site lighting. Lighting will be considered when reviewing zoning permits for construction of single family homes if the project is approved, as needed. No specific conditions are needed or recommended at this time.

Parking

Parking will be considered when reviewing zoning permits for construction of single family homes if the project is approved. No specific conditions are needed or recommended at this time.

Miscellaneous

Neighborhood Information Meeting:

A formal Neighborhood Information Meeting was not held.

Advisory Board Concept Plan Review Comments:

A list of staff recommended conditions and advisory board comments is included as Attachment C.

Voluntary Annexation:
Staff has discussed with the applicant whether they are interested in voluntary annexation into the municipal limits. The applicant is considering the matter now and will be prepared to discuss during the Council meeting.

FISCAL & STAFF IMPACT: Permitting and application fees paid by applicant. No additional fiscal impacts noted at this time.

RECOMMENDATION: Town staff recommends that Council continue the public hearing and consider whether to approve the CUP request. A CUP worksheet is included as Attachment D.