



## Legislation Text

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**File #:** 13-0404, **Version:** 1

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**TITLE:**

CUP Minor Modification, Lake Hogan Farm subdivision; Conversion of reserved lot to allow residential use.

**PURPOSE:** Yogi Patel, as represented by Pabst and Hillburn, PA, has submitted an application for permission to use the vacant parcel identified as 303 Hogan Hills Road (PIN 9860822266) within the Lake Hogan Farms subdivision to build a single family residential home. A permit modification is required because this lot is part of the Lake Hogan Farms (LHF) subdivision and, in the original permit, was originally reserved for a possible public fire station.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Jeff Kleaveland, 918-7332

**INFORMATION:** The Conditional Use Permit for the Lake Hogan Farm Subdivision located off of Homestead Road was originally approved by the Board of Aldermen in 1994. (Attachment B).

The lot identified by Orange County PIN 9860822266, was originally placed in reservation as a fire station as part of the permit and therefore was unable to be built upon. The Fire Department did not pursue use of the lot and the original property owner ceased to pay taxes on the lot whereby it was taken over by the county. Note that the Fire Chief and Fire Marshall have been made aware of this proposal and have stated that, in the event that another fire station can be built, the next desired location is on Highway 54 West, not, on this lot.

For context, the Lake Hogan Farm subdivision has excess density capacity and exceeds its open space and recreation requirements. The proposed residence will not cause the CUP to become non-conforming to the regulations in place at the time of its permitting (Attachment C).

The plans have been reviewed and given approval by the LHF homeowner's association (HOA) pursuant to provision of a vegetative buffer between the new home and existing homes on Dairy Glen Road (Attachment D). See Attachment E for the proposed building elevations.

The owners of the property located at 111 Lategan Lane (the property located to the south, not a part of LHF) requested that the applicant provide a permanent 8' vegetative buffer between the two lots in the attached letter (Attachment E).

The applicant has not provided such a buffer and shows the subject property cleared to the property line of 111 Lategan Lane (Attachment C). The recorded plat, CUP plans, and Construction Plans for the LHF subdivision show no permanent recorded vegetative buffers on this lot. As a point of reference, were the lot developed as a fire station, a type A, opaque screen would have been required adjacent to the 111 Lategan property.

The 111 Lategan Lane owners also ask that the Board consider a discussion with the applicant that they consider subdividing the property and dedicated the newly created lot to the Lake Hogan Farms HOA as permanent open space. As this was not a part of their application, the HOA has not offered approval of such a proposal.

Utilities: Providing sewer service to the property will require utilizing an existing OWASA easement on the adjacent properties (201 and 203 Dairy Glen Road) (Attachment C). A sewer main extension is proposed within this easement which will necessitate the removal of an existing fence. Access to water will be via the existing waterline along Hogan Hills Road. OWASA has reviewed the plans and finds them acceptable subject to construction plan review.

Stormwater: The project will need to deal with stormwater quantity per the provisions of the stormwater ordinance in place at the time of permitting. The existing receiving basin for the lot's run-off is at full capacity presently and therefore stormwater is required to be detained on site. The applicant proposes an underground vault to serve this purpose. The plans have been reviewed by the Town Engineer and have been found to be satisfactory subject to additional refinement during construction plan review. A private drainage easement is provided over the stormwater system allowing the HOA to access the facility if necessary though it is assumed it will be the ongoing responsibility of the property owner to maintain the device. As is customary for such devices, the following conditions are recommended:

1. That the applicant shall provide to the Zoning Division, prior to issuance of a certificate of occupancy for the project or before the release of a bond, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
2. Per Section 15-263.1, that the applicant shall include a detailed stormwater system maintenance plan, specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for the stormwater BMP, performance evaluation protocol, and frequency of self-reporting requirements (including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to Town engineer and Environmental Planner for approval prior to construction plan approval.

Parking: The site plan satisfies the parking ordinance by providing at least two off-street parking spaces.

Pedestrian/Traffic Safety: A site triangle is required in place at the driveway and the street tree plantings have been adjusted to protect site distance.

**FISCAL & STAFF IMPACT:** Staff time; fees collected from the applicant..

**RECOMMENDATION:** Town Staff recommends that the Board of Aldermen review, deliberate and make a decision regarding the applicant's request. If the request is approved it is recommended that the attached resolution (Attachment A) approving the Minor Modification to the Lake Hogan Farm Conditional Use Permit be adopted subject to the following conditions:

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the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.

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