



Legislation Text

File #: 22-59, **Version:** 1

TITLE:

A Request for a Minor Modification to the Meadow Run Conditional Use Permit

PURPOSE: Town Council is asked to consider approving a Minor Modification to the Conditional Use Permit for Meadow Run subdivision to allow one additional home to be constructed within the subdivision. A resolution approving the modification is attached should the Board choose to approve the request.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 918-7333 or mroupe@carrboronc.gov <mailto:mroupe@carrboronc.gov>

INFORMATION: On January 9, 1990, the Board of Aldermen approved a Conditional Use Permit, now known as Special Use Permit - A, to allow a 13-lot single-family residential subdivision on the west side of Rogers Road near its intersection with Eubanks Road. The original Conditional Use Permit is included as Attachment B, and the subdivision plat is included as Attachment C.

The original approval created thirteen (13) lots in total, twelve (12) of which were designated for construction of a single-family home, use category 1.110. The remaining lot was dedicated as open space to fulfill the associated ordinance requirement. All lots are currently served by well and septic systems approved by Orange County Environmental Health.

The current request seeks to add one additional home within the subdivision on an already approved and built upon lot at 6005 Meadow Run Court in order to build a second home for family members. Dan Waugh, property owner, is acting as applicant on behalf of the Homeowner's Association (HOA), as seen in the attached applicant materials included as Attachment D. The HOA President, Biz Presler-Marshall, has signed the application and both she and Dan Waugh will be present during the Council meeting to answer any questions.

If Town Council approves the request, the modification will add use category 1.121, Single Family Detached, More Than One Dwelling Unit Per Lot, to the permit. Of note there is a sufficient amount of land in the subdivision to support more than one additional home. Therefore staff discussed with the applicant whether the HOA would want to request authorization to construct more than one additional home within the subdivision at this time. In response, they have indicated that they are only seeking one additional unit, and that they will return to Town Council in the future if another property owner wants to do something similar.

Additional information:

OWASA:

If the request is approved, the new home will be connected to the recently completed sewer infrastructure

installed to serve the Historic Rogers Road Neighborhood, which is adjacent to the subject property and available for use. When issuing a zoning permit for the new home, town staff will coordinate with both OWASA regarding this connection and with Orange County Environmental Health regarding well permitting and any potential impacts to the septic system which will continue to serve the existing home.

Open space issue:

The amount of open space provided for the subdivision complied at the time the subdivision was approved, but does not comply with the current 40% requirement. The applicant requests that Town Council consider this a nonconforming situation to remain in place, as they are not reducing the amount of common open space provided in any way.

Recreation facilities issue:

As indicated on the CUP, the developer chose to address recreation facilities requirements for the subdivision by way of payment in lieu of providing facilities. The original payment, covering the 12 homes currently there, has been paid, but the additional home will add 10.39 recreation points to the total required for the subdivision. Of note, staff discussed with the applicant the possibility of adding a recreation facility to the open space area in order to satisfy the additional 10.39 points. As it turns out though, the open space area is actually located on the opposite / east side of Rogers Road, in Chapel Hill's jurisdiction, and a facility placed in Chapel Hill's jurisdiction cannot satisfy a Carrboro ordinance requirement. Therefore, two options exist to address this matter, as outlined below:

-Payment in lieu. The applicant can provide payment in lieu funds to cover the additional 10.39 points. The current fee is \$210.30 for point, resulting in a total fee of \$2,185.02.

-Flexible Administration of Recreation Facilities Requirements. Land Use Ordinance Section 15-202 is excerpted below:

Section 15-202 Flexibility in Administration Authorized.

(a) *The requirements set forth in this article concerning the amount, size, location and nature of recreational facilities and open space to be provided in connection with residential developments are established by the Board as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted town plans. The Board recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing body is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.*

(b) *Whenever the permit issuing board authorizes some deviation from the standards set forth in this article pursuant to subsection (a), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.*

As noted, this section provides Town Council the possibility of finding that the peculiarities in the developer's tract of land, as described above, make it unreasonable to require strict adherence to the standards. Staff requests that Council choose to require the payment or allow flexible administration, as noted on the attached resolution.

FISCAL & STAFF IMPACT: No fiscal or staff impacts are noted beyond additional taxes associated with the new home and staff time to process a zoning permit for the home.

RECOMMENDATION: Town staff recommends that Council consider, deliberate, and make a decision regarding the CUP Minor Modification request. A resolution approving the request is included as Attachment A should the Board choose to approve the request.