


SUMMARY OF PLANNING BOARD ACTION

ATTACHMENT 7

Subject: Stargate– Application for Preliminary Plat Approval 

Meeting Date: October 4, 2005

Recommendation: That the Council approve the subdivision with the adoption of Resolution A, included as Attachment 3 to the October 4, 2005 Staff Report, with the following changes:

1. That the stipulation regarding sidewalk improvements be adjusted to read as follows:

Sidewalk Improvements: That a payment-in-lieu for future sidewalk construction, along the site's Weaver Dairy Road frontage, be made to the Town of Chapel Hill prior to issuance of a Zoning Compliance Permit. The amount shall be determined and approved by the Town Manager, **and shall not exceed \$5,000.**

(The Board agreed that amount of the payment-in-lieu should have a specific limit.)

2. That the stipulation regarding the existing access easement be adjusted to read as follows:

Existing Access Easement: That the existing 15-foot wide gravel driveway that extends to the east, shall be widened to a minimum width of 20 feet, from Weaver Dairy Road to the ~~east property line~~ **first driveway.**

(The Board agreed that the width of the current driveway should be widened only to the first driveway rather than its entire length.)

3. That the following condition be deleted:

~~Payment in Lieu for Minimum Recreation Requirements: That prior to the issuance of a Zoning Compliance Permit, the applicant provide a payment in lieu for the minimum 7,790 square feet of recreation area. The payment amount shall be approved by the Town Manager in accordance with Land Use Management Ordinance, Section 5.5.2 or subsequent ordinance revisions as approved by the Town Council.~~

(Given the size of the proposed subdivision, the Board recommended that the proposal be exempted from the recreation area requirement.)

4. That the landscape bufferyard stipulation be adjusted to read as follows:

Landscape Bufferyards: That the applicant shall provide a minimum of 30-foot wide Type-D buffer along the Weaver Dairy Road frontage. The applicant shall comply with regulations as specified by the Ordinance in place at the time of approval. ~~The landscape bufferyard shall be located on land owned, controlled and maintained by a Homeowners' Association.~~ A landscaping planting plan for the bufferyard shall be reviewed and approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

(The Planning Board recommended deletion of the requirement that the Homeowners' Association own the landscape bufferyard in order to ensure that each lot had frontage on a public road.)

5. That the following stipulations be eliminated:

~~**Homeowners' Association:** That a Homeowners' Association be created that has the capacity to place a lien on the property of a member who does not pay the annual charges for maintenance of common areas, however designated. The Homeowners' Association documents shall be approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and shall be cross referenced on the final plat. The Homeowners' Association documents shall comply with Section 4.6.7 of the Land Use Management Ordinance.~~

~~**Dedication of Recreation Areas:** That the applicant provide for Town Manager review and approval, a deed conveying to the Homeowners' Association all common, open space and recreation areas. These documents shall be reviewed and approved by the Town Manager prior to recordation at the Orange County Register of Deeds Office and cross referenced on the final plat.~~

(The Planning Board recommended deletion of these stipulations because the Board recommended exemption from the recreation area requirement. With no recreation area requirement, a Homeowners' Association is not necessary.)

6. That the following stipulation be eliminated:

~~**Fire Hydrant Spacing:** That maximum spacing between fire hydrants shall not exceed 400 feet, subject to approval by the Town Manager.~~

(The Board recommended deletion of this standard stipulation because new fire hydrants are not recommended with this subdivision proposal.)

Vote: 8-0

Ayes: Rebecca Boyles, Margaret Campion, George Cianciolo, Nancy Milio, Gene Pease, Ruby Sinreich (Chair), Mitch Strobin, James Stroud

Nay: None

Prepared by:

Ruby Sinreich, Chair *JS*
J.B. Culpepper, Staff