

SUMMARY OF PLANNING BOARD ACTION

- Subject:** Creekside Subdivision - Application for Preliminary Plat
- Meeting Date(s):** December 3, 2002, January 7, 2003, and January 21, 2003
- Recommendation:** That the Council approve this application for a Preliminary Plat, with conditions, subject to the following changes and/or stipulations to the Resolution below. Note that the Planning Board met three times to discuss this application and looked at an earlier Resolution than that before the Council.
- That stipulations #2, 11, 12, and 14 be revised as follows:
- **Number of Lots:** That this approval shall authorize the creation of no more than 11 lots on 11.42 acres, providing that a resurvey of the site, by Town staff, does not determine that there is additional Resource Conservation District area on the site that prevents the creation of that many lots.
 - **Affordable Housing:** That the applicant shall provide one affordable housing unit on-site, for families earning 80% or less of median 3-person family income for the Raleigh-Durham-Chapel Metropolitan Statistical Area (MSA). That the applicant shall have the option to provide a payment-in-lieu of affordable housing, if the Town Council determines that this alternative is acceptable. The payment in-lieu shall be calculated in the following manner: $15\% \times 11 \text{ lots} \times \$52,500/\text{lot} = \$86,625$. The payment-in-lieu shall be contributed to the Town's Revolving Acquisition Fund to subsidize affordable housing, prior to the issuance of a Zoning Compliance Permit.
 - **Landscape Protection Plan:** That a detailed Landscape Protection Plan, clearly indicating which rare and specimen trees shall be removed and preserved and including Town standard landscaping protection notes, shall be approved by the Town Manager prior to issuance of a Zoning Compliance Permit. Special attention shall given to identifying and protecting significant stands of trees.
 - **Landscape Bufferyards:** That the applicant shall provide a minimum of 20-foot wide Type-C buffers along the Morgan Creek Road frontages. The applicant shall comply with regulations as specified by the Ordinance in place at the time of approval. The landscape bufferyards shall be located on land owned and controlled by a Homeowners' Association.

- That the following stipulations be removed, due to the property boundary dispute that is preventing access to Morgan Creek Road, along the western frontage (these stipulations are not included in Resolution A, the Manager's Preliminary Recommendation, before the Council):
 - Recreation Area Requirements: That the applicant shall provide a 35-foot wide strip of land along the north property line of lot 11 and a 60 foot wide strip, connecting to Morgan Creek Road, to be provided as recreation area and dedicated to the Homeowners' Association, to be approved by the Town Manager, prior to the issuance of a Zoning Compliance Permit. This recreation area shall comprise approximately 13, 470 square feet.
 - Town Pedestrian Easement: That a public access easement shall be recorded on the Homeowners' Association recreation area and that the following users be entitled to use the recreation area: pedestrians, users of non-motorized vehicles, and motorized wheelchairs.
 - Pedestrian Trail Signage: That the applicant shall provide pedestrian trail signage identifying the trail at both ends of the pedestrian connection, along the north property line of lot 11. The signs shall comply with sign design standards contained in the Ordinance.
- That the following stipulations be added:
 - Pedestrian Access to Conservation Land: That the applicant shall provide a 10-foot wide pedestrian trail easement between lots 5 and 6, with signage, with access to the conservation land to be deeded to the Botanical Garden Foundation, Inc.
 - Pedestrian Access to Conservation Land: That the applicant shall provide pedestrian access for residents of the Creekside Subdivision to the conservation land to be deeded to the Botanical Garden Foundation, Inc.
 - Conservation Land Access Agreement: That the applicant and the Botanical Garden Foundation, Inc. shall agree to provide long-term access across the proposed conservation land near Morgan Creek, to ensure area-wide connectivity of greenway trails.
- The Planning Board agrees with the following stipulations, #4, #5 and #24 in Resolution A, the Manager's Preliminary Recommendation, before the Council:
 - On-Site Road Improvements: That the applicant build the 20-foot road cross-section to Town standard, as well as 3-foot wide shoulders, and 3-foot wide drainage swales, to be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit.

- **Right-of-Way or Public Easement:** That the road cross-section, shoulders, and drainage swales shall be located inside dedicated public right-of-way.
- **Integrated Management Practices:** That the applicant shall employ Integrated Management Practices, such as vegetative filter strips, infiltration swales, reduced impervious surface, pervious pavements, infiltration trenches, bio-retention facilities, dry wells, cisterns, rain barrels, and level spreaders, to manage the rate, quality, and volume of runoff, based on best available information. Final design and locations shall be approved by the Town Manager prior to the issuance of a Zoning Compliance Permit. These stormwater management features shall not be permitted within approved landscaped bufferyard areas. The applicant shall comply with regulations as specified by the Ordinance in place at the time of approval.

Vote:

9-0

Aye: Julie Coleman, Coleman Day, Timothy Dempsey, Gay Eddy, Thatcher Freund, Nancy Gabriel, Suzanne Haff, Scott Radway, and Ruby Sinreich.

Issues Raised:

The Planning Board discussed the following topics:

- The board agreed that another Resource Conservation District assessment should be done by Town Staff because the neighbors believe there are more intermittent stream segments and therefore more Resource Conservation District onsite.
- There was discussion about the Small House Ordinance, affordable housing and payments-in-lieu for affordable housing. The board agreed that a small house in this subdivision may not be affordable and therefore the 15% affordable housing option to 25% small houses would be the preferable. The board also agreed that the developer should be allowed to make a payment-in-lieu of affordable housing, if the Council allows such an option, but to be calculated at the full fraction of units (i.e. $11 \times 15\% = 1.65$) rather than rounding down.

Prepared by:

Ruby Sinreich, Acting Chair, Chapel Hill Planning Board
Phil Mason, Senior Planner

PM for RS