



**CONSIDER AN APPLICATION FOR MINOR SUBDIVISION REVIEW – 124 WINDSOR PLACE (Project #20-028)**

**SUMMARY REPORT**

TOWN OF CHAPEL HILL PLANNING  
 Judy Johnson, Interim Director  
 Anya Grahn, Senior Planner

<b>PROPERTY ADDRESS</b> 124 Windsor Place	<b>MEETING DATE</b> October 20, 2020	<b>APPLICANT</b> Kevin R. Hornik, The Brough Law Firm Pamela Zeman, property owner
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**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission review and adopt Revised Resolution A, with a revised stipulation that should the payment-in-lieu for the sidewalk and street improvements not be used to make improvements to this site, the Town will return the funds to the applicant.

**PROCESS**

Minor subdivision applications are submitted to the Planning Commission for consideration and action. Minor subdivision applications are evaluated based on compliance with the procedural and dimensional requirements of the Land Use Management Ordinance.

The Planning Commission approved this minor subdivision on August 18, 2020. The applicant is requesting that the Planning Commission amend the Adopted Resolution to update condition of approval #10 as it relates to the payment-in-lieu for street improvements.

**DECISION POINTS**

Tonight’s proposal is for amendments to approved Resolution A that include the following modification:

- 10. That prior to recordation of the Final Plat, the property owner of 124 Windsor Place will provide a payment-in-lieu not to exceed five thousand dollars (\$5,000), amount to be approved by the Town, to the Town for future sidewalk construction. If the Town does not use these funds for street improvements adjacent to this lot in 5 years’ time, the applicant may request the funds be refunded.

**PROJECT OVERVIEW**

- On August 18, 2020, the Planning Commission approved the minor subdivision at 124 Windsor Place to create two lots. (See [Meeting Materials](#)<sup>1</sup> + [Minutes](#)<sup>2</sup>)
- The Planning Commission included Condition of Approval #10 requiring that the applicant provide a payment-in-lieu not to exceed \$5,000 for future sidewalk improvements.
- The Planning Commission told the applicant after the subdivision was approved that they could request the Town to return the payment-in-lieu should the Town not use the funds for street improvements; however, in order for the applicant to request the refund, it needs to be stipulated in the condition of approval.
- On September 25, 2020, the applicant emailed staff requesting that the condition of approval be amended to reflect that a refund could be granted in 5 years if the funds were not utilized.

**PROJECT LOCATION**



**ATTACHMENTS**

1. Revised Resolution A (Approving the amendment)
2. Resolution B (Denying the amendment)
3. Approved Resolution (Approved on August 18, 2020)

<sup>1</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4613754&GUID=9ABB24D2-7A0E-4DEB-B51D-B013277082F4>

<sup>2</sup> <https://chapelhill.legistar.com/View.ashx?M=M&ID=801515&GUID=690D4660-4D0A-404A-A99E-99001B1FE99D>

**REVISED RESOLUTION A**  
(Approving the Amendments)

**A RESOLUTION APPROVING AMENDMENTS TO ADOPTED RESOLUTION APPROVING THE MINOR SUBDIVISION FOR 124 WINDSOR PLACE (FILE NO. 20-028)**

BE IT RESOLVED by the Planning Commission of the Town of Chapel Hill that it finds that the amendments to Adopted Resolution approving the 124 Windsor Place Minor Subdivision, proposed by Pamela Zeman, on the property identified as Orange County Property Identification Number 9789-18-8398, if subdivided per the preliminary plat revision dated January 2, 2020 and approved on August 18, 2020 and the conditions listed below, would comply with the provisions of the Land Use Management Ordinance:

Stipulation Specific to the Development

1. That this approval shall be valid for one year from the date of approval subject to reapproval by the Town Manager in accordance with the provisions of the Land Use Management Ordinance.
2. That this approval shall authorize the creation of no more than two lots.
3. That future development must comply with *Section 5.4 Stormwater Management* of the Land Use Management Ordinance.
4. No portion of the drainage system may be located within the setbacks or rights-of-way. This includes any underdrains or the downgradient toe of French drains. All dwellings shall discharge roof runoff, at least five (5) feet from the foundation in a non-erosive and diffuse manner using techniques approved by the Town.
5. That easement documents as required by OWASA and the Town Manager shall be recorded concurrently with the final plat. That the final plat shall be approved by OWASA prior to Town Manager approval.
6. That the property owner provides the necessary Certificate of Adequacy of Public Schools or an exemption prior to the recordation of the Final Plat.
7. That the name of the development and its streets and house numbers be approved by the Town Manager prior to recordation of the Final Plat.
8. That future site improvements or redevelopment of either of the newly created lots requires issuance of a Zoning Compliance Permit.
9. That the property owner provides the necessary owner(s) signatures, notarized, on a reproducible mylar, with paper copy, prior to Town Manager approval of the Final Plat.
10. That prior to recordation of the Final Plat, the property owner of 124 Windsor Place will provide a payment-in-lieu not to exceed five thousand dollars (\$5,000), amount to be approved by the Town, to the Town for future sidewalk construction. If the Town does not use these funds for street improvements adjacent to this lot in 5 years' time, the applicant may request the funds be refunded.

BE IT FURTHER RESOLVED that the Planning Commission of the Town of Chapel Hill hereby approves the amendments to Resolution A for the approval of the 124 Windsor Place in accordance with the plans and conditions listed above.

This the 20th day of October, 2020.

**RESOLUTION B**  
(Denying Application)

**A RESOLUTION DENYING AMENDMENTS TO ADOPTED RESOLUTION THAT APPROVED THE MINOR SUBDIVISION FOR 124 WINDSOR PLACE (FILE NO. 20-028)**

BE IT RESOLVED by the Planning Commission of the Town of Chapel Hill that it finds that the amendments to Resolution A approving the 124 Windsor Place Minor Subdivision, proposed by Pamela Zeman, on the property identified as Orange County Property Identification Number 9789-18-8398, if subdivided per the preliminary plat revision dated January 2, 2020 and approved on August 18, 2020 and the conditions listed below, would not comply with the provisions of the Land Use Management Ordinance.

These findings are based on the following:

(INSERT REASONS FOR DENIAL)

BE IT FURTHER RESOLVED that the Planning Commission of the Town of Chapel Hill hereby denies the application for a Minor Subdivision for 124 Windsor Place.

This the 20th day of October, 2020.

## ADOPTED RESOLUTION

### **A RESOLUTION APPROVING AN APPLICATION FOR A MINOR SUBDIVISION FOR 124 WINDSOR PLACE (FILE NO. 20-028)**

BE IT RESOLVED by the Planning Commission of the Town of Chapel Hill that it finds that the 124 Windsor Place Minor Subdivision, proposed by Pamela Zeman, on the property identified as Orange County Property Identification Number 9789-18-8398, if subdivided per the preliminary plat revision dated January 2, 2020, and the conditions listed below, would comply with the provisions of the Land Use Management Ordinance and Design Manual:

These findings are based on the following supplemental stipulations:

#### Stipulation Specific to the Development

1. That this approval shall be valid for one year from the date of approval subject to reapproval by the Town Manager in accordance with the provisions of the Land Use Management Ordinance.
2. That this approval shall authorize the creation of no more than two lots.
3. That future development must comply with *Section 5.4 Stormwater Management* of the Land Use Management Ordinance.
4. No portion of the drainage system may be located within the setbacks or rights-of-way. This includes any underdrains or the downgradient toe of French drains. All dwellings shall discharge roof runoff, at least five (5) feet from the foundation in a non-erosive and diffuse manner using techniques approved by the Town.
5. That easement documents as required by OWASA and the Town Manager shall be recorded concurrently with the final plat. That the final plat shall be approved by OWASA prior to Town Manager approval.
6. That the property owner provides the necessary Certificate of Adequacy of Public Schools or an exemption prior to the recordation of the Final Plat.
7. That the name of the development and its streets and house numbers be approved by the Town Manager prior to recordation of the Final Plat.
8. That future site improvements or redevelopment of either of the newly created lots requires issuance of a Zoning Compliance Permit.
9. That the property owner provides the necessary owner(s) signatures, notarized, on a reproducible mylar, with paper copy, prior to Town Manager approval of the Final Plat.
10. That prior to recordation of the Final Plat, the property owner of 124 Windsor Place will provide a payment-in-lieu not to exceed five thousand dollars (\$5,000), amount to be approved by the Town, to the Town for future sidewalk construction.

BE IT FURTHER RESOLVED that the Planning Commission of the Town of Chapel Hill hereby approves the application for a Minor Subdivision for 124 Windsor Place in accordance with the plans and conditions listed above.

This the 18<sup>th</sup> day of August, 2020.