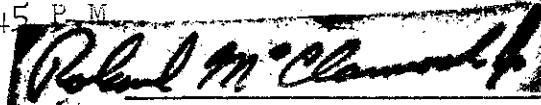
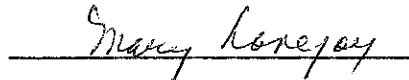


7. Town Manager read Proposed Ordinance to Amend the Zoning Ordinance under Uses that begins "Public Utility Stations or SubStations" be amended to include electric power transmission lines involving constructing of towers or structures other than single poles ----- There was much discussion in this matter. Mr. W. T. Ward, Charlotte attorney for the Power Company, stated that under this amendment, it would be a hardship for a company to purchase the right of ways, and then might not be able to secure a Special Use Permit to construct such lines; that Utility Line Easements are for one specific purpose and nothing else; that power companies as well as public utilities are charged with exercising discretion in putting these lines through for the best of all concerned; that rapidly growing towns have shown the power lines to be a permanent thing long after the houses have lost their best values. Several persons stated it would greatly decrease property values; that in case of a breakdown the proposed loop line is greatly needed; transmission lines are not merely distribution lines. Alderman Giduz moved that this matter be referred to the Planning Board for recommendation, seconded by Alderman Strowd, and passed.

Whid Powell requested that Town Attorney LeGrand get a ruling from the Attorney General in the above matter; that a description be given (in re: Legal Domain). Watts Hill stated that it was hoped that any help that could be given to aid the University and Duke Power to try to get a power line & to establish it where it would injure the least number of people, would be appreciated.

There being no further business to be considered at this time, the meeting was adjourned at 9:45 P.M.

 Mayor

 Town Clerk

August 28, 1961

#### MINUTES

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a Regular Meeting on September 11, 1961, at 7:30 P.M. o'clock with the following present: Mayor McClamrock; Aldermen Wager, Page, Walters, Strowd, Giduz and Robinson: and Town Attorney LeGrand.

Minutes for the August 14, 17, 22 and 28 were approved on a motion by Alderman Giduz subject to correcting page 263 under ordinance - first paragraph by deleting "request for" as it is a repetition; page 267, line 8 by inserting after the word months, "to the next increment value from \$3,624 yearly to \$3,804 yearly"; page 271 first paragraph show motion by Alderman Giduz and seconded by Alderman Walters, seconded by Alderman Strowd, and passed.

#### Oath of Office

William S. Stewart as Judge of Recorder's Court administered the Oath of Office to ROBERT H. PECK as Town Manager.

The new Town Manager was seated.

#### Traffic Safety Award

Mr. Jim Coleman of the N.C. Motor Club, Inc., presented Police Chief Blake with an award for No Traffic Fatalities for the 1960 year, also for more than two (2) years period.

Certificate of Award to Lt. Creel

Graham H. Creel was presented with a certificate from the Institute of Training in Municipal Administration as he has satisfactorily completed an extension course in Municipal Police Administration.

Northside School - Paving and Sidewalk

Dr. Kempton Jones, a member of the school board, discussed the street under consideration by Northside School for which provision was made at the last bond election; that \$45,000 from the bond issue money is to be spent to try to bring this school up to standard of other schools; that sidewalks repaired, are an important safety factor.

Alderman Robinson said that while the paving is being done on West Rosemary that he would like to see School Lane paved; that the petition which was circulated to McGutter Church Street has not been turned in as yet; that he had hoped that School Lane could be paved before school opened. Town Attorney stated that right of ways must be secured before proceeding with the sidewalk. Mayor recommended that action be delayed until Town Manager can get costs in the matter and report back at the next meeting of the board. Mr. Rose said Town should know this week if money is available from paving which is being completed.

Signs and Marquees on East Franklin Street

Mr. Y. Z. Cannon representing local merchants appeared before the aldermen to discuss metal awnings to be placed in front of business establishments on East Franklin Street. He stated that the merchants seek permission to erect metal awnings; that a petition has been circulated on the North Side of Franklin Street from Henderson to Columbia Street and that all but four have signed; that such awnings are a protection to the sidewalks and to pedestrians from bad weather, and do not detract from the general appearance; that awnings, if permitted, would be installed with metal posts like the awning which was installed on a trial basis; that in the matter of sign regulations that the Board could consider regulatory measures. Town Attorney stated that if merchants know exactly what they want, a permissive provision could be put in the Ordinance. Alderman Giduz moved that the Board seek a recommendation from the Planning Board on sign controls in the business district, also on permission to construct metal awnings in the business district, seconded by Alderman Wager, and passed.

School Property - W. Franklin Street

Alderman Wager as chairman of the Finance Committee stated that this purchase of property would be costly and a long range project. He recommended that the Mayor appoint a committee to study the matter and report back.

Burlage Drive

Alderman Robinson, chairman of the Street Committee stated that his committee failed to get together for a meeting set for September 7th, and asked Stuart Chapin who resides on Burlage Drive to speak in the matter of renaming Meadowbrook - Burlage Drive. Mr. Chapin stated that confusion might be avoided by changing the name. Town Attorney stated that because the street was called Meadowbrook Drive when most of the land was sold in the area, that difficulty might arise in determining deed descriptions. Alderman Robinson moved that the matter be studied further before making recommendation, seconded by Alderman Walters, and passed.

Park Lots on Oakwood Drive

Alderman Walters moved the adoption of the following:

Resolution

BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill, that:

WHEREAS, the then owners and developers of a subdivision known as "Oakwood Development" did, on or about February 19, 1949, cause to be recorded, in the Office of the Register of Deeds of Orange County, a map of the "Oakwood Development", which is recorded in Map Book 4, Page 94, said registry, on which map are delineated numerous lots by number and also certain areas designated as streets and alley-

ways, or connecting streets, and various other areas, hereinafter described in detail, which are designated as "Park" areas and, thereafter, conveyed lots within the development by deeds containing descriptions referring to said map; and,

WHEREAS the recording of such subdivision map constituted in law a dedication of the streets, alleys and "Park" areas, thereon designated, to public use; and,

WHEREAS, subsequent to the recording of said map, as aforesaid, the area thereon described and delineated and designated as Oakwood Development was annexed to and became a part of the Town of Chapel Hill; and,

WHEREAS, the Town of Chapel Hill now desires to accept the continuing offer of the dedication of the areas hereinafter described and on said map designated as "Park" areas and to take over, maintain and operate said areas for public use as park areas;

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Chapel Hill that the said Town of Chapel Hill does hereby accept the following described areas located within the subdivision known as "Oakwood Development" and dedicated as "Park" areas, as heretofore set forth, for public use for park purposes:

#### First Area

On the West side of Oakwood Drive, immediately North of and adjoining Lot 13 of Oakwood Development, extending 125 feet on Oakwood Drive, with an approximate depth of 162 feet.

#### Second Area

On the West side of Oakwood Drive, immediately South of and adjoining Lot 19, extending 125 feet on Oakwood Drive, with an approximate depth of 162 feet.

#### Third Area

On the East side of Oakwood Drive, immediately South of and adjoining Lot 22, extending 250 feet along the East side of Oakwood Drive, with an approximate depth of 161 feet.

#### Fourth Area

On the West side of Oakwood Drive, immediately South of and adjoining Lot 1 and being also North of the Northern property line of Highway 54, extending approximately 103.9 feet on Oakwood Drive.

#### Fifth Area

On the East side of Oakwood Drive, immediately South of and adjoining Lot 2 and being North of the Northern property line of Highway 54, extending approximately 131.4 feet on Oakwood Drive, with a depth of approximately 156 feet.

This the 11th day of September, 1961.

seconded by Alderman Robinson, and unanimously adopted.

In line with this matter, the board discussed lots 1 and 2 and that Mr. Muirhead has agreed to curb, gutter and pave these lots that border his property and will assume 1/2 the cost if the Town will pay the balance (about \$310.00) to connect Glen Lennox to Oakwood. Alderman Walters moved that the Town accept Mr. Muirhead's offer, seconded by Alderman Strowd, and passed.

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#### Town Attorney

Alderman Walters moved the adoption of the following:

#### ORDINANCE RELATING TO TRAFFIC ON N. COLUMBIA STREET

BE IT ORDAINED by The Board of Aldermen of the Town of Chapel Hill:

#### SECTION I.

That from and after the 1st day of October, 1961, it shall be unlawful for the driver of an automobile or vehicle of any kind which enters North Columbia Street between the southern property line of Rosemary Street and the northern property line of Franklin Street from property adjoining North Columbia Street on the east or west sides thereof to make a left turn on North Columbia Street and all vehicles so entering North Columbia Street between Rosemary and Franklin Streets shall, upon reaching North Columbia Street, make a right turn and, thereafter, proceed in that direction without crossing the center line of North Columbia Street between the southern property line of Rosemary Street and the northern property line of Franklin Street.

## SECTION II.

No vehicle shall make a left turn across the center line of North Columbia Street while traveling thereon between the southern property line of Rosemary Street and the northern property line of Franklin Street.

## SECTION III.

All ordinances in conflict herewith are hereby repealed.

This the 11th day of September, 1961.

seconded by Alderman Page, and unanimously adopted.

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## ZONING - REGIONAL COMMERCIAL ZONE

Recommended Amendment to the Zoning Ordinance - Adding a Regional Commercial District. Mayor McClamroch read the proposed amendment as transmitted from the Planning Board. Alderman Strowd read a letter of protest wherein he stated the following <sup>reasons</sup> for the protest: 1. That the request for variances before the Board of Adjustment would increase. 2. That this amendment would be devastating. 3. That if this body passes this amendment it would be party breaking the agreement signed by parties in good faith, and not the applicants. 4. That this type of zoning is applicable to scenic parkways. Alderman Strowd moved that the board postpone action on this proposed amendment to the Ordinance, as read, seconded by Alderman Robinson. Whid Powell, chairman of the Planning Board stated this proposed amendment is recommended by the Planning Board to get this into the zoning ordinance; that it does not point to any particular area or person; that another transmittal deals with the Jennings petition; that the Planning Board agrees that purchasers of property do not know what they can do with it; that the Planning Board hopes to study the over-all planning. Pearson Stewart, John Manning, Ted Danziger and several others commented on the proposed amendment.

Alderman Walters moved that the Board accept the recommendation of the Planning Board to add the proposed amendment to the zoning ordinance adopting a Regional Commercial District, seconded by Alderman Wager.

The question arose as to whether the proposed amendment and the one as advertised were identical. Aldermen Walters and Wager offered to withdraw the motion if there is a question. The motion was withdrawn for the present time, during which time Town Attorney et al studied the ordinance.

The letter of transmittal was checked with the printed ordinance and it was found that the press erred in copying the ordinance. Alderman Walters moved that the recommendation of the Planning Board be accepted as advertised, seconded by Alderman Wager. Alderman Strowd voted "No", 5 members voted "yes". The Motion was carried:

## Amendment to the Zoning Ordinance by adding a REGIONAL COMMERCIAL DISTRICT

An Ordinance to Amend Various Sections of the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas", as adopted March 14, 1955, and as subsequently amended, so as to Provide for Regional Commercial Districts.

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WHEREAS, after due advertisement as provided by law, a joint public hearing was duly called and held by the Board of Aldermen and the Planning Board of the Town of Chapel Hill, on August 28, 1961, to consider various amendments to the zoning ordinance of the Town of Chapel Hill and to provide for a new district in said ordinance to be known as, "REGIONAL COMMERCIAL DISTRICT" and,

WHEREAS, following said public hearing the Planning Board of the Town of Chapel Hill recommended to the Board of Aldermen various amendments to the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas"; and,

WHEREAS, thereafter the Board of Aldermen adopted the recommendations of the Planning Board with respect to such changes;

NOW, THEREFORE, BE IT ORDAINED by the Board of Aldermen of the Town of Chapel Hill that the "Ordinance Providing for the Zoning of Chapel Hill and surrounding Areas", as adopted March 14, 1955, and as subsequently amended, be and the same is hereby further amended, as follows:

SECTION I.

Amend the section entitled, "Section I. Districts and Boundaries Thereof", as follows:

1. Delete from Subsection "B" thereof the word, "ten" and insert in lieu thereof, the word, "eleven" before the words, "classes of districts", in the first paragraph of said subsection.
2. Add to the list of district classifications appearing in Subsection "B" thereof, a new district classification to be designated as follows: "11. Regional Commercial Districts".

SECTION II.

Amend the Table of District Regulations as set forth under Section 3 of said ordinance entitled, "Section 3. District Regulations", so as to make the following additions applicable to Regional Commercial Districts:

1. Add to the bottom of the list of classes of districts appearing under the column entitled, "Districts", the following words, "Regional Commercial".
2. Add to the bottom of the list of uses permitted in various districts appearing under the column entitled, "Uses Permitted", the following:

RA-10 uses except single-family dwellings; greenhouses and plant nurseries; off-street parking areas and facilities; retail stores and service establishments, the principal activity of which is the selling of merchandise or operations which are principally and customarily stored or conducted within a building; motels, service stations, commercial recreation establishments providing service and facilities within a building; wholesale houses with operations and storage conducted within a building; and specifically excluding repair garages, curb service, restaurant drive-in trade, outdoor facilities or service except as required by drive-in windows or goods pick-up stations incidental to a principal use carried on within a building, or off-street parking areas.

3. Add to the bottom of the columns entitled, "Minimum Lot Sizes", the following:
  - a. At the bottom of the sub-column entitled "Area Square Feet", insert the word, "None", and at the bottom of the sub-column entitled, "Width in Feet", insert the words, "250 feet".
4. Add to the bottom of the columns entitled, "Minimum Yard Sizes" the following:
  - a. At the bottom of the sub-column entitled, "Front Depth in Feet", insert the words, "100 feet".
  - b. At the bottom of the sub-column entitled. "Rear Depth in Feet", insert the words, "25 feet".
  - c. At the bottom of the sub-column entitled, "Side

Width in Feet", insert the words, "50 feet".

5. At the bottom of the columns entitled, "Maximum Building Heights", insert under each sub-column thereof the words, "None".

### SECTION III.

Amend the section of said ordinance entitled, "Section 6. Off-Street Parking and Loading Space", as follows:

1. Add under the subsection entitled, "A. General Requirements", three (3) additional paragraphs to be numbered 5, 6 and 7, as follows:
  5. All parking, loading outdoor operations, and outdoor storage areas or facilities for fuel, material, incineration and products in any Suburban Commercial, Regional Commercial, or Industrial District shall be enclosed by a wall or fence of solid appearance or a tight evergreen hedge not less than 6 feet high where necessary to conceal such areas or facilities from Residence Districts adjoining or facing across a street in the rear or on the side of the principal building or use provided that no such enclosure is required in or adjacent to any principal front yard or corner side yard or within 25 feet of the intersection of a driveway centerline and a street line.
  6. In any Suburban Commercial or Industrial District no required parking area shall be within 10 feet of any street right-of-way. In any Regional Commercial District no required parking area shall be located in any required front yard.
  7. No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of off-street parking requirements in this Ordinance shall be included as part of any off-street parking area similarly required for another building or use unless the type of structures or usage of such structures will not be simultaneous, as determined by the Board of Adjustment.
2. Immediately following the title of the subsection entitled, "B. Off-Street Parking", and before the first paragraph thereof as now written, insert the following:
 

Notwithstanding any other provision or standards contained in this ordinance, parking areas of sufficient size to provide parking for all patrons, customers, suppliers, visitors, and employees shall be provided on the premises of each use in any Regional Commercial District and Regional Shopping Center.
3. Strike out, under the subsection entitled, "B. Off-street Parking", all of paragraph 8 thereof entitled, "8. Business and Commercial Uses".
4. Change the number of the paragraph under Sub-section "B" entitled, "Industrial Uses", from 9 and 10.
5. Add under the subsection entitled, "B. Off-street Parking", two additional paragraphs to be numbered 8 and 9, to read as follows:

8. Grocery stores, drug stores, variety stores, banks, apparel stores, specialty shops, department stores, personal service stores, and similar types of businesses: 1 space for each 200 feet of gross commercial floor area. The parking areas of such spaces shall be within 100 feet of the use to which they pertain or within 200 feet in the case of areas containing more than 75 spaces.

9. Furniture stores, appliance stores, automobile showrooms, and similar types of businesses: 1 space for each 500 square feet of gross commercial floor area. The parking areas of such spaces shall be within 200 feet of the use to which they pertain or within 400 feet in the case of areas containing more than 75 spaces.

### SECTION IV.

Amend the section of said ordinance entitled, "Section 7. Signs", as follows:

1. Strike out the period at the end of the paragraph numbered "7", insert in lieu thereof a comma, and add the following, "except that in any Regional Commercial Districts a maximum of three identification signs, each no larger than 12 square feet in area, may be located in a required front yard."
2. Add at the end of the paragraph numbered "6" the following:
 

"The permitted sign area shall be divided among not more than three

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signs."

3. Add two additional paragraphs to be numbered 9 and 10, to read as follows:

9. In any Regional Commercial District any advertising sign shall pertain solely to the identification of the principal use on the premises and shall not advertise products that differ in name from the principal use.

10. Any illuminated sign shall be lighted only with non-flashing and non-animated illumination. Any lights used for illumination shall be so arranged as to reflect light away from any adjoining residence districts and any light used for illumination and not an integral part of the sign shall be so arranged as to reflect light away from streets.

#### SECTION V.

All ordinances in conflict herewith are hereby repealed.

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#### Rezoning from Suburban Commercial to Regional Commercial Sion Jennings Petition

William Stewart, counsel for Sion Jennings stated that there is a discrepancy in the area as studied by the Planning Board as the distances were taken from an old plat before the Highway Department reduced the area; that if a proposed gas station were set back, it would leave very little usable land.

John Manning, counsel for Gertrude White, stated that his client owns 20% or more of the area in question, and asked that the zoning change be denied; that if the change is made his client will be damaged; that the stop-gap agreement was made for a period of nine (9) months during which time the zoning was to be made applicable to their properties; that it might make these properties non-conforming; that he believes the Board has used this ~~Board has used this~~ agreement for a stepping stone, and had in mind to upzone the area all the time; doesn't see why his client should be penalized. Alderman Strowd stated that he thinks that regional commercial is something entirely different than what Jennings, Adnocker and White's signed and <sup>as it</sup> would be breaking good faith. Alderman Strowd moved that the Board postpone action on the recommendation of the Planning Board, seconded by Alderman Robinson.

Alderman Wager stated that he would like for the Board to wait two (2) weeks and have time to study the matter, and not accept the Ordinance at this time as it might have the effect of depriving one man from making use of his property.

Alderman Giduz made a substitute motion that the recommendation of the Planning Board to rezone this area from Suburban Commercial to Regional Commercial, be upheld, seconded by Alderman Wager. Mayor McClamroch stated that a substitute motion is in order. On substitute motion made by Alderman Giduz, four (4) voted "aye", and Aldermen Robinson and Strowd voted "nay". The Planning Board's recommendation was defeated. Ted Danziger asked that a protest be registered against John Manning's entered protest.

#### Rezoning - Valley Drive In

From RA-20 Residential to Suburban Commercial. Alderman Giduz moved that the recommendation of the Planning Board to allow further study in the matter, be accepted, seconded by Alderman Walters, and passed.

#### Zoning - Height Restriction

Proposal to Amend the Zoning Ordinance to Modify Height Restrictions. Alderman Wager moved that the recommendation of the Planning Board to allow further study in the matter, be accepted, seconded by Alderman Strowd, and passed.



Zoning - Side Yard Clarification

Alderman Walters moved that this matter be referred back to the Planning Board for reconsideration, seconded by Alderman Page, and passed.

Zoning - Transmission Towers

Alderman Giduz moved that a Special Public Hearing be held at the earliest legally possible and convenient time, seconded by Alderman Walters, and passed. The Board set October 9th as the meeting date and it was included in the motion.

Rezoning - Senlac Road

The Planning Board advised this Board that this petition has been withdrawn, hence no action was taken.

Parking - W. Rosemary Street

Alderman Page stated that now as West Rosemary has been completed a study for parking meters, should be made. Alderman Strowd recommended that this be referred to the Street Committee.

Alderman Page recommended action on the proposed improvement at Battle Lane at Franklin Street, also on clearing some blind corners.

Alderman Robinson stated that some time ago it was recommended that consideration be given to drainage on W. Franklin Street near Hollywood Grill; that there is a drainage problem at Mrs. Foust's also at Tom Battles off Cameron Avenue; that Graham Street has been done; that Knolls Development annexation request should be studied; that Whitaker Street should be resurfaced, Nunn and Church Streets have bad holes that should be patched. These matters were referred to the Town Manager.

Jack Lasley mentioned bad holes in street in front of Inez Stacy's home on North Street, also that September 20 at 7:30 - Wednesday is the date set for the meeting of the Planning Board and the public for discussion of planning and zoning problems and that constructive recommendations will be studied in order to arrive at a better and more readable zoning ordinance.

Town Attorney stated that he will get with the Mayor and Town Manager for study in the matter of the Bill Board Ordinance, this week.

The Board discussed the possible annexation of Knolls Development, Lake Forrest, also East Gate which is nearly contiguous to the Town's area, and agreed that a general study should be made.

Sales Tax Fund

Town Manager stated that in order to comply with the sales tax which municipalities must pay effective July 1, 1961, he recommends that \$1,000 be set up for such a fund, which will later be refunded by the State. Alderman Page moved that \$1,000 be taken from the Contingency Fund and set up as Sales Tax Account - Account #230, seconded by Alderman Wager, and passed.

Deposit of Funds

The Town Manager recommended that the Board approve \$250.00 each as a limit which may be held without daily deposit for the tax department and for the Police Department. Alderman Robinson moved the adoption of the recommendation, seconded by Alderman Strowd, and passed.

Clarification of Thomas D. Rose's Position

Alderman Wager, chairman of the Finance Committee, moved that the recommendation of the Finance Committee that Thomas D. Rose be employed on a monthly basis at \$250.00 for four (4) months to work out the sewer map plan, and not to commit the Town beyond December 31, 1961, as adopted that \$1,000.00 be appropriated from the Contingency Fund to Acct. #615 for that purpose, seconded by Alderman Giduz, and passed.

Coker Hills Offer of Land to Town

Town Manager stated that a sub-standard piece of land has been offered to the Town by Coker Hills Development and asked to what extent it would

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The Board stated that in reference to the request of Mrs. Isabelle Carter, that the lot can be cleaned up and the old concrete removed; that the Town's policy of mowing and charging the property owner can be done, and the contractor be requested to move the building materials they have left there.