

MINUTESBOARD OF ALCERRENTOWN OF CHAPEL HILL

The Board of Aldermen met at a regular meeting on Monday September 23, 1968, at 7:30 p.m. with the following members present: Mayor McClamroch; Aldermen Kage, Ethridge, Varley, Smith, Giduz and Prothro. Planning Board members present for the special hearing were: Tuttle, Wilson, Umstead, Cleaveland, Scroggs and Welsh. Also present were Town Manager Peck, Town Clerk Roberts.

PUBLIC HEARINGREZONING-EAST FRANKLIN-LIMITED BUSINESS

Mayor McClamroch told the Board that a special hearing had been called to hear two petitions, the first of which was the request by Wilbur Kutz to rezone one lot on East Franklin Street from RA-10 to Limited Business. Mr. Kutz told the Board that he wanted to build an office for his personal use on this site. Alderman Giduz asked if there were other Limited Business districts in that area? There are none. In reply to a question about uses permitted, Bob DeMaine told the Board that generally it allows offices and commercial parking that are not permitted in the Residential District. Alderman Kage moved, seconded by Alderman Varley, to refer this request to the Planning Board for consideration and recommendation. This was unanimously carried.

SPECIAL USE-APARTMENTS-UMSTEAD

Joe Hakan, representing the owners, explained the plan of a development of 458 apartment units on the Umstead property along Bolin Creek at the northwest end of Umstead Drive, on land recently rezoned to Multi-Family.. He told the Board that Phase I, which they were asking for at this time, would be ten buildings each three stories high with a total of 120 dwelling units, and that Phase II & III for which the details had not been worked out would be high rise buildings in order to preserve open space. He showed plans of Phase I including a red cedar screen at the top of a bank along the property lines near Elkin Hills. He indicated on the map the location of nearby houses. Mr. DeMaine asked if approval of this plan would commit the Board to approve the high rise apartments? Mr. Hakan said that was what they wanted. Dr. Cleveland asked if this would be a single development or three separate developments? It would be all one and facilities provided in any part would be available to all residents of the project. Alderman Prothro asked about the height? Whatever height the Zoning Ordinance would allow. This is 90 feet at present. Alderman Smith asked about the bank shown on the north and east edges of the project? Mr. Hakan said that this would be two to one slope, grassed, and would not be dangerous. Mr. DeMaine asked about the location of extension of Estes Drive. Will it conform to the Thoroughfare Plan? There is considerable variation from the approved Thoroughfare Plan. He also asked about the dedication of open space? Mr. Umstead said that dedication was possible but that he would like to have some sort of a maintenance agreement. Alderman Smith noted that the change in the Thoroughfare Plan would have to be approved by the State and by Carrboro. Mrs. Welsh asked about the natural trees and vegetation? Mr. Hakan said that over 50% of the land would be left natural. Alderman Ethridge asked about the thoroughfare through the property? It would be dedicated 90 feet in width and contain about 2.25 acres. Mayor McClamroch read a petition presented by neighbors of the project opposing it and asking that Umstead Drive be left a dead end road, that there be no high rise near the airport and opposing the density and the size of the total development. They asked that part of this land be obtained for open space. Mrs. Lorie told the Board that the legal notices for the zoning hearing were not sufficient to identify the property and that the rezoning itself was therefore illegal. She said that there were still houses within 500 feet of Pleasant Drive that were not shown on the map and she felt that the dimensions on the plan were inadequate. Mr. Slifkin said that he would give \$25.00 to oppose this in court. Mrs. Walters asked if this would be integrated housing?

1AA762

Mr. Umstead said that it would have to be, to comply with the law. Several persons expressed opposition on the basis of traffic, tree cutting and grading and the general size and density of the project. The need for apartments was questioned. Howard Lee told the Board that he thought this should be disapproved until the In-Chu-Co project was approved. Several people talked about a revision of the Thoroughfare Plan to eliminate Umstead Drive as a major traffic carrying street. Alderman Prothro moved, seconded by Alderman Giduz, that the request be referred to the Planning Board for study and recommendation. This was unanimously carried.

#### MINUTES

Alderman Prothro moved, seconded by Alderman Smith, that the minutes of the meeting of September 9th be approved as distributed. This was unanimously carried. Alderman Smith moved, seconded by Alderman Prothro, that the minutes of the meeting of September 18th be approved as distributed. This was unanimously carried.

#### TAXI CAB RATES

Mayor McGlamroch read a proposed ordinance amending the taxi cab rates to include the territory just recently annexed to the Town. The Town Manager told the Board that this had been explained to the taxi owners by Captain Durham and by Emery Denny, and appeared to be acceptable to them. Alderman Smith moved, seconded by Alderman Prothro, that the following ordinance be adopted.

#### AN ORDINANCE TO AMEND THE TAXICAB ORDINANCE OF THE TOWN OF CHAPEL HILL AS ADOPTED ON FEBRUARY 15, 1946, AND AS SUBSEQUENTLY AMENDED

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

#### SECTION I.

That the taxicab ordinance, as originally adopted on February 15, 1946, and as subsequently amended is hereby further amended as follows:

Under Section 6A Rates revise the described zones to include the areas annexed by the Town of Chapel Hill in 1967 and 1968 by supplementing the described numbered and lettered zones as follows:

#### Amendment to Zone One

Include in Zone One, that area of Chapel Hill on either side of Merritt Mill Road that can be served without travelling on or crossing NC 54 Bypass.

#### Amendment to Zone Two

That portion of Chapel Hill lying north of Bolin Creek, served from Airport Road (NC 86) shall be in Zone Two.

That portion of Chapel Hill lying south of Merritt Mill Road that must be served by traveling on or crossing NC 54 Bypass shall be Zone Two G.

#### Amendment to Zone Four

That portion of Chapel Hill lying north of Bolin Creek, south of Eastgate Shopping Center, west of US 15-501 Bypass and east of a line parallel to and 200 feet east of East Franklin Street shall be Zone 4B. This can be further described as an area annexed in June 1968.

SECTION II.

All ordinances or portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of September, 1968.  
This was unanimously carried.

SEWER PETITION

The Town Manager presented a petition for sewer at the intersection of Church and McMasters Street. Alderman Varley moved, seconded by Alderman Kage, that this be accepted. This was unanimously carried.

ZONING-REGIONAL COMMERCIAL-AIRPORT ROAD

Mayor McGlamroch read a ordinance rezoning from RA-20 to Regional Commercial of land on the west side of Airport Road and the north side of Critz Drive owned by Willie Marlowe. Alderman Kage moved adoption of this ordinance.

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREA", AS ADOPTED MARCH 14, 1955, AND AS SUBSEQUENTLY AMENDED, SO AS TO REZONE THE AREAS HEREINAFTER DESCRIBED

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 26, 1968, to consider requests for rezoning the area hereinafter described; and;

WHEREAS, following said public hearing the Planning Board of the Town of Chapel Hill recommended to the Board of Aldermen rezoning of the area hereinafter described as requested; and

WHEREAS, thereafter the Board of Aldermen adopted the recommendation of the Planning Board with the respect to the rezoning of this area; NOW, THEREFORE,

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

SECTION I.

That the "Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas", as adopted on March 14, 1955 and subsequently amended, be and the same is hereby further amended so that the following area be and the same is hereby rezoned from RA-20 to Regional Commercial and the uses permitted in the areas designated as Regional Commercial, as set forth in said Zoning Ordinance, shall hereafter apply to the following described area:

BEGINNING at the North West corner of the intersection of NC 86 (Airport Road) and Critz Drive, thence north 85° 27' west along the northern edge of Critz Drive 196.7'; thence north 87° 42' west 21.3 feet; thence north 7° 12' west along the western property line of the Marlow property 331'; thence south 87° east along the north property line of the Marlow lot 218 feet to the western now line of NC 86; thence with the western now line of NC 86 in a southerly direction 335 feet to the point of beginning; being all of lot 37 A, Orange County Tax Map #24 (revised 1-1-67).

SECTION II.

All ordinances or portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of September, 1968.

IAA762

This was seconded by Alderman Giduz and carried by a vote of 4-2 with Aldermen Ethridge and Prothro opposing.

### REZONING-MULTI FAMILY-KUTZ

Mayor McClamroch read an ordinance which would rezone from Agriculture to Multi-Family 65 acres of land on the north side of the Boulevard east of Bolin Creek as requested by Wilbur Kutz. Alderman Prothro moved adoption of this ordinance:

#### AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED MARCH 14, 1955 AND AS SUBSEQUENTLY AMENDED, SO AS TO REZONE THE AREA HEREINAFTER DESCRIBED

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 26, 1968, to consider requests for rezoning the area hereinafter described; and,

WHEREAS, following said public hearing the Planning Board of the Town of Chapel Hill recommended to the Board of Aldermen rezoning of the area hereinafter described as requested; and

WHEREAS, thereafter the Board of Aldermen adopted the recommendation of the Planning Board with the respect to the rezoning of this area; NOW, THEREFORE,

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

#### SECTION I.

That the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas", as adopted on March 14, 1955 and subsequently amended, be and the same is hereby further amended so that the following area be and the same is hereby rezoned from Agriculture and RA 20 to Multi Family and the uses permitted in the areas designated as Multi Family, as set forth in said Zoning Ordinance, shall hereafter apply to the following described area:

BEGINNING at a point formed by the intersection of the northwest right-of-way line of the Old Chapel Hill-Durham Road (U.S. 15-501) and the property line between properties owned by Clyde McFarling to the west and Pearl McFarling to the east, said point being approximately 700 feet west of Mt. Moriah Church Road; thence along the right-of-way line of Old Chapel Hill-Durham Road south 55° 30' west 397 feet to a point; thence along said right-of-way south 56° west 397 feet to a point; thence north 45° west 264 feet to a point; thence south 43° west 942 feet to a point; thence north 76° west 256 feet to a point located on the west side of Booker Creek; thence along Booker Creek due north 172 feet to a point; thence along Booker Creek north 39° east 500 feet to a point; thence along Booker Creek north 50° west 235 feet to a point; thence along Booker Creek north 25° west 265 feet to a point; thence along Booker Creek north 40° west 100 feet to a point; thence along Booker Creek north 15° west 260 feet to a point; thence along Booker Creek north 55° west 100 feet to a point; thence north 53° east 630 feet to a point; thence north 78° east 1125 feet to a point; thence south 15° east 1320 feet to the point of beginning, containing a portion of lot 3, Block A, Orange County Tax map #27 (revised 1-1-67).

#### SECTION II.

All ordinances or portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of September, 1968.

This was seconded by Alderman Giduz and carried by a vote of 5-1 with Alderman Smith opposing.

#### TOPOGRAPHIC MAPPING

Mayor McClamroch suggested that the Board support topographic mapping program proposed by the State and the U.S.G.S. Alderman Prothro moved, seconded by Alderman Kage, to support this program and to address letters to the Advisory Budget Commission and local representatives. This was unanimously carried.

#### SURPLUS PROPERTY

Alderman Smith moved, seconded by Alderman Varley, to declare surplus the 1959 Harley Davidson motorcycle #59G1353 owned by the Police Department. This was unanimously carried.

#### SEWER ASSESSMENT

The Town Manager presented the assessment roll for the sewer improvement in Knolls Development. Alderman Giduz moved, seconded by Alderman Smith, that this assessment roll be accepted and that a hearing be advertised for October 14, 1968.

#### WATER

Alderman Kage introduced a resolution asking for conservation of water until the draught terminated. Alderman Smith moved, seconded by Alderman Kage, that the following resolution be approved. Whereas the summer of 1968 has been deficient in rainfall to the extent that the reserve in University Lake is inadequate to supply normal demands until there has been substantial rainfall, now therefore:

Be it resolved by the Board of Alderman of the Town of Chapel Hill that all citizens and residents of the Town are requested to conserve water until such time as the supply is determined to be adequate. Conservation measures should include, but not be limited to the following: no sprinkling or watering of grass, trees or shrubs; no car washing; no use of water cooled air conditioners; and all practical reduction of household uses. This the 23rd day of September 1968. This was unanimously carried.

#### REDEVELOPMENT COMMISSION

Mayor McClamroch circulated a list of names that have been suggested for appointment to the Redevelopment Commission and suggested Jim Nelson, J. Kempton Jones, Ben T. Perry and Thomas Hoyt, Jr. Alderman Ethridge recommended Rebecca Clark for the fifth position on the Commission, noting that she was a resident of Knolls Development as well as a leader in the community. Alderman Prothro agree, stating that she would also represent the women in the community. Alderman Giduz asked if the University shouldn't be represented. The Board voted and Mayor by a secret ballot and Mayor McClamroch announced that Mr. Jim Nelson, 1 year term, Dr. J. Kempton Jones, 3 year term, Mr. Ben T. Perry, 5 year term, Rev. Thomas Hoyt, Jr., 4 year term, and Mrs. Rebecca Clark, 2 year term, were appointed as the Redevelopment Commission.

#### PETITIONS

Mr. Williams asked about the street cut charge in Knolls Development. The Town Manager explained that this was a standard charge that was made for a street cut for any purpose to anyone in Town not a sewer charge as such. Mr. Williams also asked about the street paying schedule and was informed that the contract would be let late this fall or early winter and that work could be started this winter and the paving probably would be done early in the spring. He asked what could be done about the dust and it was suggested if they could

IAA762

obtain the oil that the Town would put it on the road for them.

MUFFLERS

Alderman Smith asked that the Police be requested to enforce the Muffler Ordinance more strictly.

STREET COMMITTEE MEETING

Alderman Giduz called a meeting of the Street Committee at 8:00 a.m. Wednesday, October 2, 1968 at the Town Hall.

JOHN CATES

Alderman Ethridge brought up the matter of John Cates placing trash in front of the Town Hall and asking why Mr. Cates had not been arrested for this littering. The Town Manager told the Board that he considered this to be a childish trick on Mr. Cates' part not worth being dignified by a warrant. Alderman Smith moved, seconded by Alderman Giduz, that Mr. Cates should be written a letter informing him that the Board did not consider his pranks amusing and notifying him that any further occurrence of this kind would be taken more seriously. This was unanimously carried.

The Meeting adjourned at 10:40 P. M.

-----  
MAYOR

-----  
David B. Roberts, Town Clerk