



PLANNING  
Town of Chapel Hill  
405 Martin Luther King Jr. Blvd.  
Chapel Hill, NC 27514

phone (919) 968-2728 fax (919) 969-2014  
www.townofchapelhill.org

**CONCEPT PLAN REVIEW SUMMARY MINUTES  
COMMUNITY DESIGN COMMISSION  
WEDNESDAY, FEBRUARY 21, 2007, 7:00 P.M.**

Chairperson Jonathan Whitney called the meeting to order at 7:00 p.m. Commission members present were Mark Broadwell, Mary Margaret Carroll, George Cianciolo, Chris Culbreth, Kathryn James, Laura King Moore, Scott Nilsen, Glenn Parks, Amy Ryan, and Robin Whitsell. Staff members present were Senior Planner Kay Pearlstein, and Administrative Clerk Renee Zimmerman.

**ORANGE COUNTY ANIMAL SERVICES**  
**(File 9870-77-4584)**

A request for a Concept Plan proposal has been submitted to the Town for the Orange County Animal Services Building. The 5.96-acre site is located on the south side of Eubanks Road between the Orange County Landfill and Millhouse Road. The project proposes to construct approximately 30,000 square feet of floor area for the Orange County Animal Services Building including an outdoor exercise area, service yard, and outbuilding. The proposal includes 53 parking spaces. Proposed access to the site is from Eubanks Road. The site is located in the Joint Planning Transition Area, in the Residential-1 (R-1) zoning district, the Resource Conservation District, and is outside the Town limits. The site is identified as Orange County Parcel Identifier Number 9870-77-4584.

**CONCEPT PLAN PRESENTATION**

Ellen Weinstein, Dixon Weinstein Architects, presented the application to the Commission.

**CITIZEN COMMENTS**

1. Judy Nunn-Snipes, previous owner of the Orange County Animal Services site, spoke about selling the property to Orange County, a small parcel of a larger land holding that has been in her family since the early 1900s. She handed out copies of Recommendations to the Landfill Owners Group from Orange County, Chapel Hill, and Carrboro and Nunn family members. Ms. Nunn stated that the family has been wronged by the government projects established and proposed for the Neville Tract: the landfill, a Duke Power sub-station, and now the animal shelter. She said that they have to keep their pets indoors because of the coyotes from the landfill and the noise from the animal shelter will be a problem.

Access to the Nunn family's homes is by Genestu Drive named after family members. This is the proposed service drive for the animal services building. She stated that her family seeks additional collaboration with the Town and County (Handout attached).

#### COMMISSIONER COMMENTS AND QUESTIONS

1. Commissioner Mark Broadwell wanted more information for Ms. Nunn's statements. He also suggested that the parking area be more compact and not incorporate tree islands.
2. Commissioner Mary Margaret Carroll wanted additional history of the site also.
3. Commissioner George Cianciolo recommended a larger buffer on the south side of the site in order to help muffle noise from adjacent homes. He also wanted to revisit the parking to compact the area. He suggested moving the building further to the north to get the noise as far as possible from the neighbors.


He wanted to investigate sidewalks proposed on Eubanks and Millhouse Roads and believed the adjacent railroad tracks may be a future rail corridor to Carolina North.

4. Commissioner Chris Culbreth supported a bigger southern buffer. He liked the meandering drive.
5. Commissioner Amy Ryan stressed that entrances to the building should be clearly marked and visible when one arrives at the building. She thought that there appeared to be a lot of parking area. She recommended that the walking trails be extended into the Resource Conservation District on the site.
6. Commissioner Kathryn James and Robin Whitsell wanted to incorporate Ms. Nunn's comments into the design. Commissioner Whitsell liked the design for the site.

Commissioner Robin Whitsell liked the passive solar elements and suggested that the applicant choose appropriate ground covers for maintenance of animal wastes.

7. Commissioner Glenn Parks thanked the applicant for a clear presentation. He was excited about the design and is concerned about Ms. Nunn-Snipe's comments. He explained that greenways were proposed to be connected near the Nunn Property.

Attachment

Prepared by: Jonathan Whitney, Chair   
Kay Pearlstein, Planning Staff

# Dispute Settlement Center

OF ORANGE COUNTY

May 10, 2000

Hand out @ 2/2/07  
COC meeting  
(Orange Co. Annual Settlement)

Dear Ms. Nunn and Judy (and Roger and Irving and Ashley),

I'm sorry I was not available when Judy and Ms. Nunn called me at the office. The messages I received said that you needed copies of the document the Neville Tract work group had produced. Here they are. Please let me know if I can be of further assistance. I hope you all are well.

Love,

Andy

Andy Sachs

Submitted by:  
Judy Nunn-Super  
\*Ochode Nunn  
Ashley Nunn

1621 Geneva Drive  
Chapel Hill, NC.

\*(919) 929-9365



302 West Weaver Street, Carrboro, NC 27510 • 919. 929. 8800  
FAX: 919. 942. 6931 • EMAIL: ocdsc@aol.com • www.disputesettlement.org

Mediations in Hillsborough by appointment



October 19, 1995

RECOMMENDATIONS TO THE LANDFILL OWNERS GROUP

we recommend that the Landfill Owner's Group recommend that the three governing bodies (Orange County, Chapel Hill and Carrboro) purchase the Neville tract under the following three conditions:

1. Establish a Monitoring Group to participate in the environmental assessment and Special Use Permit (SUP) application processes. The Monitoring Group should be composed of the citizens who participated in the development of these recommendations (representatives of the Nunn family, representatives of the Northwest Chapel Hill Neighborhood Association) at a minimum plus other affected citizens as needed, and technical resource people identified by the citizens to assist them in understanding the technical discussions and to supplement the expertise of the SUP applicant's consultant.
2. Generate through the environmental assessment and special use permit application process, with the continuing good faith participation of the citizens and governments who participated in the development of these recommendations, the information and decisions needed to resolve the following 22 issues. The group developing these recommendations believes that it cannot resolve these 22 issues without further technical information and informed discussions based on that information.
3. The above-mentioned environmental assessment will be performed in conjunction with development of the above-mentioned special use permit and will include a description of the proposed actions, identification of their potential environmental impacts, strategies to minimize and mitigate potential impacts on the environment and resources, and consideration of short-term and long-term benefits and effects of the project.

We recomend that these three conditions be addressed prior to the beginning of any operations on either the Greene or Neville tracts for acquiring landfill daily cover.

We recommend that all of the conditions below be addressed and an attempt made to resolve them by the three governing bodies within the guidelines of this document.

We recognize that it will be easier to reach agreement on some issues than on others, and so have separated these unresolved issues into two groups to facilitate resolution:

"Easy Issues for Consensus"

1. Plans for protecting and monitoring water quality in the areas

of the Neville and Greene tracts.

2. Should any contamination or problems surface in regard to environmental damage to soil and water, the governments shall provide solutions to those problems (i.e., providing these areas with water a government expense).
3. Plans for creating appropriate buffers that will minimize the effects of the soil removal operations on adjoining landowners.
4. Future use of the properties by landowners over the next twenty years if the properties are under the management of local governments. This should include the necessary guarantees that stipulate that these sites will not be used for landfills or supplements to any landfills either directly or indirectly.
5. A written guarantee of no blasting.
6. A clear description of the process to be used for dirt removal, including:
  - when and how long (number of years, hours of operation, etc.),
  - where (including buffer, design of site),
  - how
7. Any and all guarantees and agreements be legally enforceable.
8. A plan for future use of the Neville and Greene tracts be developed that is environmentally sound and prohibits use for any type of dumping or storage.
9. No utility roads to the Greene tract be developed unless part of the future use master plan.
10. The optimal solution to the soil deficit problem will be found by utilizing either the Neville Tract or the Greene Tract. The following principles for selecting an area for obtaining soil within the Neville/Greene tracts will be used by the Landfill Owner's Group in developing the special use permit to be submitted to the Town of Chapel Hill:
  - Select area that minimizes removal of "significant" hardwood trees.
  - Select area which will allow utilization of modern erosion control techniques to prevent stormwater problems.
11. Non-monetary alternative for mitigating potential impacts on

(9)

property contiguous to the current landfill and Neville Properties will be considered by the LOG, including:

- Enhanced dust control measures.
- Ensuring that the Neville/Greene tracts will not be utilized in the future to process or dispose of solid waste.

"Issues Needing Significant Discussion"

12. Begin immediately stockpiling any possible sources of dirt now. Can any available dirt from commercial and/or residential construction be stockpiled? Could the Johnson tract (recently logged) be used to stockpile dirt?
13. Is there a 55-acre "land locked" tract behind UPS and the park-and-ride lot that could be used for obtaining dirt?
14. Can a survey and description of the oak trees be conducted and published so that everyone will know what's being lost (e.g.. age of oaks, plans to replant and length of time to grow)? In a broader sense, could a complete assessment of what is actually going to be destroyed be prepared (history of land, streams, trees, topography, and any other nontangible variables) and published?
15. A written report from an environmental impact study on the removal of soil from Neville and Greene tracts.
16. Conduct complete environmental pre-measures of possible effects of dirt removal. Specifically, an independent analysis of current environmental conditions before any dirt is removed. Facts to assess include but are not limited to:
  - noise and vibration
  - dust
  - water run-off patterns and volume
  - well water quality
  - wildlife
17. A periodic independent assessment of environmental factors (e.g., yearly?) once the dirt removal process begins.
18. A process to remedy any environmental damage(s) to neighboring properties. A compensation and restoration process be developed in the event that damage occurs.
19. The following principles for selecting an area for obtaining soil within the Neville/Greene tracts will be used by the Landfill Owners' Group in developing the Special Use Permit (SUP) to be submitted to the Town of Chapel Hill:
  - Select area that minimizes the number of residences

(b)

affected (noise, dust, aesthetics, etc.).

- Select area that minimizes energy expenditure (haul distance).

20. Non-monetary alternatives for mitigating potential impacts on property contiguous to the current landfill and Neville Properties will be considered by the LOG, including:

- Alternative daily cover usage to reduce the need for soil and to minimize odors.
- Extending water lines to residences if the landfill causes chemical or biological contamination to drinking water.

21. A state certified appraiser be hired by the authorities involved to assess the "non-landfill" per-acre value of the Nunn tract and any other affected areas adjoining one proposed sites. A per-acre compensation amount to be paid by the governments to the adjoining landowners shall be determined by subtracting the per-acre value of Neville tract (determined by the purchase price) from the appraised per-acre value of these lands (without the landfill), the difference being fair compensation for value loss due to past, present and future impacts that the landfill has caused to the Nunn and others.

22. options for mitigating potential impacts on property contiguous to the current landfill and Neville properties are:

- Purchase tracts, voluntarily offered, on a fee simple basis. Payment to be based on fair market value, determined by standard governmental procedures, plus a "relocation consideration" for tracts with residences.
- Purchase easements from neighboring residents to ensure maintenance of a buffer (e.g., for noise abatement) and a "relocation consideration" for affected residents.

Signatures of group members participating in the discussions which generated these consensus recommendations:

Stephen F. Nunn  
Arthur B. Nunn  
James H. Bond  
Don Willford  
Andy Nunn - Snipes  
Roger E. Snipes

Irving B. Nunn Jr.  
Joseph M. Gut  
John Brown  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_