

MINUTES

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a Regular Meeting on April 13, 1959, at 7:30 P.M., o'clock with the following present: Mayor Cornwell; Aldermen Calhoon, Davis, Robinson, Wager, Strowd and Walters; Town Attorney LeGrand and Town Manager Rose.

Minutes for the March 9 Regular Meeting and March 18 Special Meeting were approved on a motion by Alderman Robinson, seconded by Alderman Walters, and passed.

Minutes for the April 9 Special Meeting were approved on a motion by Alderman Walters, seconded by Alderman Wager subject to correcting page 21, line 13 by changing the word county to "counties", line 15 to read "counties, Municipalities", and passed.

Oral Petitions.

Swimming Pool Construction and Protection was discussed. Alderman Calhoon moved that Town Attorney LeGrand be authorized to draw an Ordinance that swimming pools on private property must be fenced with at least a four (4) foot fence, seconded by Alderman Strowd, and unanimously passed.

Written Petitions

Curb & Gutter - Country Club Road from Laurel Hill Road to Ledge. Town Manager Rose stated that 71% of the property owners have signed; that the length would be about 650 feet. Alderman Wager moved that Town Manager Rose be authorized to get bids, seconded by Alderman Walters, and passed.

Alderman Robinson moved that Town Manager be authorized to get bids on resurfacing Greenwood Road all the way, seconded by Alderman Wager, and passed.

Requests for Wine Permits

Town Manager Rose submitted requests for permission to sell 20% wine; that the present privilege license held by these parties covers the selling of 14% wine. Alderman Davis moved that the requests be approved, seconded by Alderman Robinson, and passed.

Highland Woods

Mrs. James C. Ingram acting as spokesman for a group of parents requested that permission be given for barricading a road between the hours of 3 and 5 P.M., o'clock so that children may play; that several mothers would be on hand to direct any cars that needed to pass through. Mayor Cornwell stated that the Board would be reluctant in establishing a precedent in the matter which would undoubtedly cause difficulties in the future. No action was taken.

MONTHLY REPORTS

Auditor's Report. Mr. E. E. Peacock stated that he has examined the vouchers for the month of March and found them to be in order and properly supported.

Health Department Report was examined.

Recorder's Court Report was examined.

Police Department Report was examined.

Fire Department Report was examined.

Town Attorney

Alderman Walters moved the adoption of the following:

AN ORDINANCE TO AMEND THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", as adopted March 14, 1955, and as subsequently amended, so as to PERMIT THE ESTABLISHMENT OF REGIONAL SHOPPING CENTER DISTRICTS.

*Reg.
Shopping
center*

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 February 23, 1959, to consider an amendment to the zoning ordinance so as to permit the establishment of Regional Shopping Center Districts; and,

WHEREAS, following said public hearing the Planning Board of the Town of Chapel Hill recommended to the Board of Aldermen the amendment of said zoning ordinance so as to permit the establishment of Regional Shopping Center Districts; and,

WHEREAS, thereafter, the Board of Aldermen, by majority vote, adopted the recommendation of the Planning Board with respect to said amendment;

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", adopted March 14, 1955, and as subsequently amended, be and the same is hereby further amended by adding under Section 4, thereof, entitled "Regulations for Special Types of Uses", a new sub-section to be designated as Section 4-B to read as follows:

A. CREATION. The Board of Aldermen, on recommendation of the Planning Board, may rezone any area as a Regional Shopping Center District on findings that the area has the following characteristics:

1. The area contains at least a minimum of 25 acres.
2. The area does not extend across any major highway.
3. A major shopping center in this location will not have unduly adverse effects upon existing residential properties which abut the district.
4. The street and highway system serving the area is adequate to handle the amount of traffic which the Regional Shopping Center District might reasonably be expected to generate, without creating undue hazards to safety or unreasonable impediments to the flow of other traffic.
5. Adequate utilities to serve the district are available.
6. The site is sufficiently level to accommodate a major shopping center and its required off-street parking spaces.
7. The location of the proposed district is in general conformity with the plan of development for Chapel Hill and its environs.
8. The owner or owners of the entire area to be rezoned have joined in the petition for rezoning.

No area shall be rezoned as a Regional Shopping Center District where the Board of Aldermen fails to make any or all of the above findings.

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B. PROCEDURES. In creating a Regional Shopping Center District, the same procedures shall be followed as those for making any other amendment to the zoning ordinance under Section 10 hereof. In addition, the applicant for rezoning shall be required to submit the following as a prerequisite for consideration of the proposed amendment:

1. A written description of the market area intended to be served by the district, including population, effective demand for proposed business facilities, and such other information as the Planning Board may reasonably require in order to determine the extent of the need for such a major shopping center at this location.

2. An ultimate site development plan for the proposed district, showing the following features:

- (a) The location and general exterior dimensions of main and accessory buildings, and the types of uses proposed for each;
- (b) A traffic and circulation plan showing ingress and egress to and from the highway and the internal plan of circulation;
- (c) Off-street parking and loading spaces; parking spaces shall be provided at a ratio such that there shall be at least three square feet of parking space for each one square foot of enclosed floor area in the shopping center; loading spaces shall be provided in the ratio of at least one space for each 10,000 square feet of enclosed floor area;
- (d) Topography at contour intervals no greater than five feet;
- (e) The general drainage system, including both natural and man-made features, and the proposed treatment of ground cover, slopes, banks, and ditches;
- (f) The location and materials of walls and fences.

No amendment creating a Regional Shopping Center District shall be enacted without concurrent approval by the Board of Aldermen of an ultimate site development plan for the district. The approved plan may differ in any respect specified by the Board of Aldermen from the plan submitted by the applicant for rezoning. Where the Board of Aldermen finds that any of the requirements of this ordinance have not been met, or that the site plan fails to provide unity of development with other business properties, or that it fails to adequately protect residential property from the adverse effects of a business operation, or that it fails to provide safe conditions for pedestrians, the Board may refuse to approve the site plan.

After approval of an ultimate site development plan, a copy of the approved plan shall be filed with the Building Inspector, and no building permit shall be issued for any property within the area except in conformity with the approved plan. No certificate of occupancy shall be issued for any building or structure within the district until the Building Inspector finds that the required off-street parking and loading space for the building or structure and any other necessary facilities shown on the plan have been constructed.

C. AMENDMENT OF DISTRICT BOUNDARIES OR OF APPROVED SITE PLAN. The Board of Aldermen may from time to time amend the ordinance so as to enlarge or diminish a Regional Shopping Center District or to rezone it entirely for other purposes; provided, however, that no amendment shall reduce the size of such district to less than 25 acres, unless the entire district is rezoned for other purposes. In making any such amendments, the same procedures specified for creation of the original Regional Shopping Center District shall be followed.

The owner or owners of property included in a Regional Shopping Center District may at any time file a request for amendment of the approved site development plan. Such a request shall be treated in the same manner as an amendment to the zoning ordinance, as provided in Section 10 hereof.

D. USES PERMITTED. Only the following uses shall be permitted in a Regional Shopping Center District:

Retail stores; Bakeries, candy-makers, dairies, selling at least 50% of their products at retail on the premises; banks, shoe shops, barber shops, beauty parlors, dry-cleaning businesses and similar service establishments; restaurants, indoor theatres, indoor recreational facilities; hotels and motels; offices; news-stands; service stations; public garages (but no outdoor storage of junked cars for more than two (2) weeks); accessory signs complying with the provisions of Section 7 hereof.

E. DIMENSIONAL REQUIREMENTS. No building or structure in a Regional Shopping Center District shall be located nearer than 50 feet to any street line of a highway abutting the district boundary or nearer than 20 feet to any other property line along the district boundary.

Section II

All ordinances, laws and clauses of laws in conflict herewith are hereby repealed.

This the 13th day of April, 1959.

seconded by Alderman Calhoon, and adopted. Four members voted "aye", Aldermen Davis and Strowd voted "nay".

Alderman Walters moved the adoption of the following:

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 FROM "AGRICULTURAL" TO "RA-15, RESIDENTIAL"

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 February 23, 1959, to consider a request for rezoning the area hereinafter described from AGRICULTURAL to RA-15, RESIDENTIAL; and,

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

WHEREAS, thereafter the Board of Aldermen unanimously adopted the recommendation of the Planning Board with respect to the rezoning of said 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 March 14, 1955, and as subsequently amended, be and the same is hereby further amended so that the following area be and the same is hereby rezoned from Agricultural to RA-15

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RESIDENTIAL, and that the uses permitted in areas in areas designated as RA-15, RESIDENTIAL, as set forth in said zoning ordinance shall hereafter apply to the following described area:

BEGINNING at a point the intersection of By-pass U.S. 15-501 and Bolin Creek; thence with Bolin Creek in an easterly direction 2150 feet to the intersection of Bolin Creek and Booker Branch; thence along said Booker Branch in a northerly direction 2300 feet to a point, the intersection of Purefoy line in an easterly direction 1350 feet to an iron stake in the Farrell line; thence North 8 degrees 12 minutes West 1950 feet to an iron stake; thence in a westerly direction along the Cheek line 1350 feet to a point in Booker Branch; thence along Booker Branch to the intersection of said creek and Robinson Corner; thence South 4 degrees 24 minutes West 150 feet to a point; thence South 77 degrees West 267 feet to a point on By-Pass U.S. 15-501; thence along the east side of said Highway 2600 feet to the point of BEGINNING in Bolin Creek excepting therefrom a tract of land known as Ridgefield and previously zoned RA-10.

Section II.

All ordinances, laws and clauses of laws in conflict hereby repealed.

This the 13th day of April, 1959.

seconded by Alderman Wager, and unanimously adopted.

Alderman Walters moved the adoption of the following:

AN ORDINANCE RELATING TO TRUCK TRAFFIC AND PROVIDING FOR ONE-WAY TRAFFIC THROUGH PART OF BRIARBRIDGE LANE.

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

Section I

That from and after the 15th day of April, 1959, that portion of Briarbridge Lane, located between the northern line of Pittsboro Road and the southern line of Briarbridge Valley, is hereby declared to be a one-way street only for all vehicles using the same and all vehicles moving in, through and over said area shall enter the same only at the intersection of Pittsboro Road and Briarbridge Lane and travel thereon only in a northwardly direction.

Section II

That from and after the 15th day of April, 1959, it shall be unlawful to operate an automobile truck on that portion of Briarbridge Lane, located between the northern line of Pittsboro Road and the southern line of Briarbridge Valley, except local delivery trucks used in making deliveries to or from houses located within said area, it being the intent and purpose of this ordinance to close that portion of Briarbridge Lane, located between the northern line of Pittsboro Road and the southern line of Briarbridge Valley, to use and operation by through trucks and by trucks not engaged

in making deliveries to or from houses located within said area.

Section III

Each and every violation hereafter shall be punishable as a misdemeanor.

Section IV

All ordinances in conflict herewith are hereby repealed.

This the 13th day of April, 1959.

seconded by Alderman Robinson, and unanimously adopted.

Town Manager

Reports from Planning Board. Town Manager Rose stated that the Planning Board recommended the approval of Colonial Heights Extension - Preliminary Plat subject to the developers' amending the storm drainage easements to 30 feet in width, and the renaming the cul-de-sac extension of Wesley Street to Wesley Court. Alderman Strowd moved that the Board of Aldermen accept the recommendation of the Planning Board, seconded by Alderman Robinson, and passed.

New Member of Planning Board

Mayor Cornwell stated that a replacement on the Planning Board to fill the unexpired term of Joe Hakan should be considered at this time. The Board voted by ballot, and C. S. Logsdon was appointed. His term will expire July 1, 1962. Town Manager Rose was requested to advise Mr. Logsdon of his appointment.

Parking on one-side only on Colony Court.

Alderman Strowd moved that parking be allowed on the South Side only of Colony Court, seconded by Alderman Wager, and unanimously passed.

Negro Community Center - New Sink

Town Manager Rose stated that he has secured price on a three-compartment sink; that the cost will be about \$185.00. Alderman Walters moved that Town Manager Rose be authorized to purchase and install a suitable sink, seconded by Alderman Wager, and passed.

Refund - Sewer Rent to Henry V. Dick Company

Alderman Davis moved that the Town refund \$45.00 (year of 1956 and 1/2 the year 1957 sewer rent) to the Henry V. Dick Company which has been erroneously collected, seconded by Alderman Calhoon, and passed.

Extension of Old Mill Road

Town Manager Rose stated that Mr. Watts Hill has requested that Old Mill Road be extended to join Glenwood Drive. No action was taken. The Committee of the Whole agreed to visit the area.

Parking in Front of High School

The Board discussed the matter but decided that the present Ordinance should stand.

Committee Reports. None at this time.

New Business:

Alderman Robinson requested that the Town contact Attorney Whitfield, counsel for Lena Mae Williams who owns property on Nunn Street which is involved in the right a way of the road proposed to be built by the State; that prompt action should be

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taken or the proposed road may be abandoned. Mayor Cornwell and Town Manager Rose stated that they will see Attorney Whitfield.

Alderman Walters requested that a blinker light be installed where the By-Pass meets Arrowhead Road to protect children who cross going to and from Glenwood School.

Alderman Calhoon expressed regret in leaving the Board. He expressed his pleasure and thanks for being appointed to serve as a Town of Chapel Hill Alderman.

Alderman Strowd requested that a street light be placed in the alley at back of Hospital Savings Association on the North Side of West Franklin Street. The Board authorized the installation.

There being no further business to be discussed at this time the meeting was adjourned at 9:25 P.M., o'clock.

Glenn Cornwell Mayor
Harry O. Hayes Town Clerk

April 13, 1959