

MINUTESBOARD OF ALDERMENTOWN OF CHAPEL HILL

The Board of Aldermen and the Planning Board met at a regular quarterly hearing on Monday February 26, 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 were: Welsh, Shearer, Tuttle, Cleaveland, Scroggs, Fitch, Wallace, Umstead, Kyle and Wilson. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

COMMUNITY APPEARANCE COMMISSION AWARDS

Mayor McClamroch called on Mrs. Alice Welsh, Chairman of the Community Appearance Commission to present two awards. Mrs. Welsh presented a certificate to Mr. Charles Bolin of the First Union National Bank and read the following citation:

FIRST UNION NATIONAL BANK
147 East Franklin Street

In the opinion of the Chapel Hill Community Appearance Commission, the First Union National Bank has exhibited excellent taste in its renovation on Franklin as well as Rosemary Streets. Specifically, the building is notable for its use of compatible colors, its obvious attempt to relate harmoniously with its surroundings and the excellent standards of maintenance.

In addition, the Bank placed its power lines underground and planted a tree on Franklin Street and in other ways has made a definite contribution towards the visual improvement of the Central Business District. For this excellent endeavor, the Commission unanimously has agreed to present the Bank the Commission's award for its outstanding contribution to the appearance of Chapel Hill.

She then presented a second award to Collier Cobb III for the office building occupied by Collier Cobb and Associates, Inc. with the following citation:

COLLIER COBB & ASSOCIATES, INC.
1407 East Franklin Street

The members of the Chapel Hill Community Appearance Commission unanimously have agreed that the Collier Cobb & Associates Insurance Building should receive the Commission's award for its excellent contribution to the appearance of Chapel Hill. In the opinion of the members, the architectural style is unusual for Chapel Hill, a significant landmark in the best sense and is an influential leader for future construction in this area. Signs, planting and the general effect of the structure are commendably handled. The Commission regrets that to date the development around the building has failed to follow the fine lead that the Insurance Building has taken.

PUBLIC HEARING

Mayor McClamroch then called the advertised public hearing to order and announced that all persons wishing to discuss or comment on any of the items advertised to do so at this time and that all matters would be referred to the Planning Board for consideration and recommendation to the Alderman. Pearson Stewart asked to be allowed to make a general statement which would apply to several of the matters before the Board this evening because he could not stay for the hearing. He noted that a study is being conducted by the Planning Board concerning the Thoroughfare Plan and Open Space and its relation to allowable density might be needed in the Zoning Ordinance. He also indicated that the Planning Board was studying cluster development which in some cases might be a desirable type of development although not now permitted by the Ordinance.

REZONING-PENDERGRAFT-MULTI FAMILY

Mayor McClamroch read a request by Elmer Pendergraft to rezone from RA-10 to Multi-Family about one acre lying at the eastern end of Park Road shown on Orange County Tax Map #90 as Lot 10 in Block A. Mr. DeMaine showed several maps indicating the general and specific location of this area and noted that it was an extension of an existing Multi-Family District. There were no further questions or comments. Alderman Varley then moved, seconded by Alderman Kage, that this request be referred to the Planning Board for study and recommendation. This was unanimously carried.

EXTRACTIVE USE REQUIREMENTS

Mayor McClamroch read a proposed ordinance prepared by the Planning Board which would require a special use permit for Limited Extractive Use and prohibit mining in the Planning Area. Alderman Smith questioned whether there should be more provision for screening and whether the 100-foot setback was adequate? Alderman Giduz asked if this was similar to the county ordinance? This is different from the County ordinance, being more restrictive, and was prepared by the Planning Board with the help of Mr. Greene of the Institute of Government. Alderman Prothro moved, seconded by Alderman Smith, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

SPECIAL USE FOR DRIVE IN BUSINESSES

Mayor McClamroch read a proposed amendment to the Zoning Ordinance which would require all drive in businesses to obtain a special use permit from the Board of Aldermen. As presently written it would pertain to service stations, some eating places, banks, savings and loans and other drive in facilities. The proposed requirements for screening and fencing were questioned. Mr. Anderson stated that it could cause more problems than it would solve as the walls could be made attractive from the inside but very unattractive from the outside. Dr. Wallace asked that more flexibility be allowed in the matter of screening and fencing. This was referred to the Town Attorney for study. Mr. Anderson also suggested that the wording which would eliminate hazards of driveway was incorrect, that it should minimize hazards. Alderman Kage moved, seconded by Alderman Varley, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

SERVICE STATIONS IN CENTRAL BUSINESS DISTRICT

Mayor McClamroch told the Board that the Planning Board had recommended that service stations be removed from the list of Approved Uses in the Central Business District. Alderman Giduz asked for the reasons for this recommendation. Mrs. Welsh said that the main reasons were traffic hazards where the driveways to service stations conflicted with large amount of pedestrian traffic and that the location of service stations tended to hurt other types of businesses. It was stated that existing service stations would become nonconforming uses. A representative of Humble Oil told the Board that this was done in High Point in 1942 and resulted in unimproved and unattractive service stations and had been rescinded in 1967. Mr. Scroggs read the applicable section of the Zoning Ordinance dealing with nonconforming uses which would allow not more than 10% of the value of the property to be spent in remodeling in any year. It was not felt that this was a sufficient amount to keep stations up to date and attractive.

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Mr. Mallard, Kenan Oil Company, said that all oil companies were stressing improvements of their stations and that they should be allowed to keep them up to date. Mr. Umstead noted that service stations, as a general thing, are detrimental to the Central Business District, that we did not need any more service stations and would be better off if we could lose the ones we do have. Mr. DeMaine pointed out that if they were uses that should be prohibited, the nonconforming uses should not be given a monopoly and allowed to enlarge themselves. Alderman Kage stated that he did not feel that existing businesses should be forced by not allowing them to keep up to date. Alderman Ethridge agreed but did not feel that they should be allowed to expand. Mr. Umstead said that he thought that economics would eventually force the service stations out of the Central Business District as was now the case in Durham. The representative of Humble Oil Co. said that they were out of Durham because there had been very poor planning by the oil companies and that the lots on which the stations existed were too small for modern stations. Mr. Denny suggested that combined with the special use for service stations that it might be possible to prohibit any new stations from coming into the Central Business District but would allow existing stations to remodel effectively. Alderman Smith moved, seconded by Alderman Kage, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

SET BACK LINES IN THE CENTRAL BUSINESS DISTRICT

Mayor McClamroch read a recommendation from the Planning Board to establish a minimum set back ordinance in the Central Business District as 30 feet from the center line of any public street and to rescind all present ordinances which required a greater set back on a few particular streets. In answer to a question Mr. DeMaine said that there were a few buildings that did not need the set back which would become nonconforming uses and if destroyed would have to observe the regulation. Alderman Prothro moved, seconded by Alderman Smith, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

SPECIAL USE-DR. NATHAN-APARTMENTS

Mayor McClamroch presented a request made by James Ford as agent for Dr. Nathan for the construction of 120 apartment units on the south side of Bolin Creek at the end of Elizabeth Street. Mr. Ford presented his plans for development of the area. In reply to a question, Mr. DeMaine showed the zoning surrounding this area, mostly RA-10 but RA-20 across the creek. Mr. Ford said that they would like to donate the area between the apartments and the creek to the Town for open space but would like to get credit for the acreage in computing their density. Mayor McClamroch read a petition opposing this development signed by 195 persons. He noted that the Thoroughfare Plan through this property in the section proposed for open space. Mr. DeMaine was asked to show the Board the Thoroughfare Plan and how it affected this property. Alderman Prothro questioned the tennis court which appeared to be dug out of the side of the hill. Mr. Ford said this was primarily to obtain dirt for a driveway fill and was just making use of the borrow pit. Mr. Smith asked if this would require a traffic light on Franklin Street? It probably would not. Mr. Ford told the Board that Elizabeth Street went to this property although the tax map did not show it extending this far. Mr. Hogan told the Board that Carl Durham who had signed the petition opposing this had told him he did not object to the project. Mr. Denny, in answer

to a question, said that he had checked out the dedication of Elizabeth Street in Hillsborough and that it did extend to the Nathan property line. He also told the Board that an access across this property to the Danziger property was being relocated by mutual agreement of the owners. Dr. Willis questioned the adequacy of the open space proposed, particularly if it needed for a thoroughfare across it. Dr. Nash objected to the density which would be allowed even if the open space and thoroughfare were deducted. Dr. Haisley objected stating that it should have been zoned RA-20 not RA-10 that the density allowed in RA-10 was too high. He read a portion of a letter from Dr. Slifkin indicating that he felt it would hurt the land value of surrounding property. Mrs. Haisley said that she felt any apartments in the area would be a neighborhood blight. Mr. Holloway, owner of the property through which Elizabeth Street would be extended to this property asked who would be responsible for improving the street to the project. The Town Manager said that in the past the developer had been required to improve streets to the project. Mr. Ford said that they would be willing to do whatever was required. Dr. Cleaveland asked how many apartments could be built if the open space thoroughfare were deducted? Ninety to ninety-five units. Alderman Giduz asked if there was anything in the ordinance to allow credit for density if land is dedicated? It is not. Mrs. Brock said that the dedication of open space offered was very little open space dedication and most of it would be used for the thoroughfare. Mr. Denny questioned the signature on the application as not indicating the owner. This was changed to show Mr. Ford as agent for Dr. Nathan. Alderman Varley moved, seconded by Alderman Giduz, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

SPECIAL USE-VINE-APARTMENTS

Mayor McClamroch told the Board that a special use request had been submitted for 46 apartment units between the eastern end of Valley Park Drive and Camelot Apartments on land owned by Dr. Vine. Mr. Scott spoke for Dr. Vine and exhibited his plans for the development. He noted that 46 was the maximum density allowed, and that 16 units now exist but Dr. Vine proposed to add another 16 units immediately and an additional 14 at some later time. Mr. Welsh asked about a connection with Hargrave Terrace? Mr. Scott said that it could easily be connected to Hargrave Terrace. Mr. Smith questioned the extension of the drive from Camelot through the middle of the apartment project to Hargrave Terrace. Several suggestions were made for improving the layout of the project by relocating some of the buildings and the driveway. Mrs. Stewart asked that a pedestrian easement be provided connecting the Town Open Space across this property to Camelot. Alderman Smith moved, seconded by Alderman Kage, that this be referred to the Planning Board for study and recommendation. This was unanimously carried.

REZONING-UMSTEAD-MULTI FAMILY

Mayor McClamroch read a request from Frank Umstead for rezoning from RA-15 to Multi Family about 35 acres of land along Bolin Creek between the cemetery line, Umstead Drive, Estes Drive and Colonial Heights. Mr. Gardner asked about entrances to this property? Entrances would be from Estes Drive and Umstead Drive. Mr. Riddle asked about the effect of this rezoning on Northside? He said that land for the expansion of low income housing is needed. This land lies some distance north of existing development in the Northside area. Mrs. Haisley noted that a letter recently sent to FFA stated that there was no development in the area of the airport and asked what effect this would have? It was noted that the FFA was told that the Town had no long range plans in which would conflict with the airport development. This would not have any immediate effect as it was not near

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the runway for which development was proposed. Alderman Kage moved, seconded by Alderman Varley, that this be referred to the Planning Board for study and recommendation.

REZONING-KESSING-MULTI FAMILY & COMMERCIAL

Mayor McClamroch read two requests from Jonas Kessing for rezoning from RA-15 to Multi-Family and from RA-15 to Regional Commercial of land along Bolin Creek north of Estes Drive near the airport. Mr. Anderson showed plans for the proposed development of the area including single family areas, highways, thoroughfares, commercial areas, school site and open space. Mr. Smith questioned the difference in alignment of the highways from that shown on the thoroughfare plan. Mr. Anderson said that the topography was such that strict alignment of the thoroughfare would be detrimental both to the roads and to the development of the property. He felt that the spirit of the thoroughfare plan had been maintained in the design. Mr. DeMaine questioned the timing of the Regional Commercial development? Mr. Anderson said that this would come sometime after the residential development. Mr. DeMaine then suggested that it might be better to do it by special use rather than by rezoning so that there would be unified development not a haphazard type of development. Mr. Smith questioned the effect of the airport on this development? Mr. Anderson pointed out that the runway for which improvement was proposed was north of the project and that the secondary runway which would remain in grass would have an approach south of the proposed school area over an area of single dwellings. He noted that the total number of residences in the area would be not much more than if it were all developed single family because of the land being taken out for open space, school and the commercial section. Alderman Prothro moved, seconded by Alderman Kage, that these two requests be referred to the Planning Board for study and recommendation. This was unanimously carried.

REZONING & SPECIAL USE-PIZER-DURHAM BOULEVARD

Mayor McClamroch called on Mr. McNeely to explain the request by Mr. Pizer for rezoning of various areas to RA-15, RA-10 and Multi Family, and the request for special use for Unified Commercial District. Mr. McNeely presented maps showing the proposed development of the area lying north of the Boulevard just west of the Durham County line. He told the Board that there were two areas in which apartments were being proposed for which they were asking for Multi-Family zoning and would come in later with a special use request for the apartments. He pointed out two other areas which were suitable for single family dwellings and asked that they be rezoned to RA-15 because they were a few difficult lots but pointed out that the average lot in each of these areas would be an excess of one-half acre. He pointed out another area which had some problems of drainage in which they were proposing to construct a five-acre lake and would like to construct a cluster development of condominiums around the lake. He told the Board that this could not be done under the present Town regulations but that he hoped could be done under future regulations that might be adopted by the Board. Mr. Fitch asked about the three private lots in the middle of the development and asked if that was to be rezoned. No request for rezoning of these lots had been made but they had been considered carefully in the proposed development. Mr. Wilson asked about the time table for this development and was told it was about a six year project. The residents of the one house now in this area said that she liked the development and felt that the designs around their house had been very well

worked out. Mr. Wade, representing N. C. Blue Cross and Blue Shield, spoke in favor of the development and submitted a letter to the Board supporting it. Mrs. Herring asked if the utilities were to be under ground? They will be all under ground. Alderman Kage moved, seconded by Alderman Varley, that the request for rezoning from RA-20 to RA-15, RA-10 and Multi-Family and the special use request be referred to the Planning Board for study and recommendation. This was unanimously carried. Alderman Giduz moved, seconded by Alderman Smith, that the Hearing be adjourned at 11:20 P.M. This was unanimously carried.

Mayor McClamroch then declared the regular meeting of the Board of Aldermen in session.

MINUTES

Alderman Prothro moved, seconded by Alderman Giduz, that the minutes of the meeting of February 12, 1968 be approved as corrected. This was unanimously carried.

NORTHAMPTON APARTMENTS

Attorney Robert Page asked that the special use permit for Northampton Apartments which had specified that the landscaping plan be submitted to the Planning Board for approval prior to the issuance of a building permit be amended so that a permit could be issued prior to the submission of the plan. Mrs. Welsh told the Board that the Appearance Commission had reviewed the landscaping plan and found it deficient in their opinion. She stated that the allowance of at least 1% of the total cost of a major project should be made for landscaping. Mr. Tuttle said that the Planning Board would be willing to have this amended so that the building could go ahead provided that an acceptable plan was submitted prior to the issuance of an Occupancy Permit. Alderman Giduz moved, seconded by Alderman Smith, to amend the special use permit issued October 9, 1967 to provide that the landscaping plan must be submitted and approved by the Planning Board prior to the issuance of an occupancy permit. This was unanimously approved.

PUBLIC HOUSING

Mayor McClamroch read a resolution approving an application by the Housing Authority for 100 new housing units to be built on the turnkey program and for rent supplement for 50 units. It was pointed out that the application that the Housing Authority proposes to submit and a resolution which they asked the Board to adopt did not seem to coincide and there were no satisfactory answers to a number of the questions by the members of the Board. The Town Attorney was asked to try to find answers to the questions and further consideration of this matter was postponed until the next regular meeting.

SPECIAL USE APPLICATION-CATES

Alderman Giduz moved, seconded by Alderman Kage, to approve a modification of the special use permit for 11 apartment units on Green Street originally issued on June 14, 1965. The permit is now in accordance with the plans dated February 11, 1968, submitted by John Cates. This was unanimously carried.

SPECIAL USE-GUY

Alderman Varley moved, seconded by Alderman Smith, that a modification of the special use for apartments on Ephesus Church Road issued to Glen Guy on March 14, 1966 be amended in accordance with a plan dated April 22, 1968. This was unanimously carried.

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BONDS

Alderman Ethridge moved, seconded by Alderman Varley, to approve placing on the ballot for May 4, 1968 a bond issue for \$125,000 for Street Improvements and another \$95,000 for Parks, Playgrounds and Neighborhood Facilities. This was unanimously carried.

SUBSTANDARD HOUSING

Mayor McClamroch presented a report by the Building Inspector concerning the condition of the house at 602 Edwards Street and requesting authority to proceed under the Substandard Housing Ordinance. Alderman Smith moved adoption of the following ordinance:

AN ORDINANCE TO IMPLEMENT THE INFORCEMENT OF AN ORDINANCE PROVIDING FOR THE REPAIR, CLOSING OR DEMOLITION OF DWELLING UNFIT FOR HUMAN HABITATION, AS ADOPTED JANUARY 23, 1962, AND SUBSEQUENTLY AMENDED

WHEREAS on the 23rd day of January 1962, an Ordinance entitled "An Ordinance Providing for the Repair, Closing and Demolition of Dwellings Unfit for Human Habitation) was duly adopted as appears in Book 11 at Page 331-333 of the Official Minutes of the Board of Aldermen of the Town of Chapel Hill, and

WHEREAS Section VII of said Ordinance provides that the duties of the Public Officer setforth therein shall not be exercised until the governing body shall have, by Ordinance, ordered the Public Officer to proceed to effectuate the purposes of this Article with respect to a particular property or properties which the Public Officer shall have found to be unfit for human habitation, and

WHEREAS the Building Inspector of the Town of Chapel Hill is designated and appointed to exercise the powers and duties of the Public Officer therein provided, and

WHEREAS the said Public Officer has filed with the governing body, a report finding certain properties described therein, and hereafter designated as unfit for human habitation.

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

SECTION I.

That the Building Inspector of the Town of Chapel Hill be, and he is hereby authorized, ordered and directed to proceed with all of the duties and procedures described in the Ordinance recorded in Book 11 at Page 331-333 of the official minutes of the Town of Chapel Hill, with respect to the repair, closing or demolition of the dwelling unit situated on the following particular properties:

602 Edwards Street, Chapel Hill, N. C.

The property of Mr. & Mrs. Paul Hairston

SECTION II.

All ordinances in conflict herewith are hereby repealed.

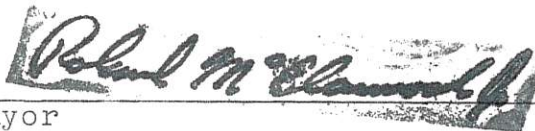
This the 26th day of February, 1968.

This was seconded by Alderman Prothro and unanimously carried.

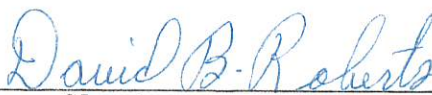
BIDS-TRUCKS

The Town Manager reported bids had been received for two trucks one for the Street Department and one for the Sewer Department. Alderman Smith moved, seconded by Alderman Prothro, that the bid be awarded to the low bidder, Miller Equipment Company in Durham, N. C. This was unanimously carried.

The Meeting adjourned at 12:35 A.M.



Mayor



Town Clerk

MINUTESBOARD OF ALDERMENTOWN OF CHAPEL HILL

The Board of Aldermen and Planning Board met at a Special Hearing on Monday March 11, 1968 at 7:30 p.m. with the following members present: Mayor McClamroch; Aldermen Smith, Giduz, Prothro, Varley and Kage. Alderman Ethridge was absent. Planning Board members present were: Wilson, Cleaveland, Scroggs, Kyle, Shearer, and Welsh. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

Mayor McClamroch announced that this was a special hearing to consider application for rezoning and a special use permit by Allen & O'Hara, Inc. for a residence hall for students on the Eubanks property. He told the audience that they would be given an opportunity to speak for or against the proposal and that the only action that could be taken at this time would be a referral to the Planning Board.

Tony Gobbel, N.C.N.B., Trustee for the Eubanks estate, explained to the Board that they had been ordered to sell this property for the best use and they felt that the best use for this property was for a residence hall for students such as would be constructed by Allen & O'Hara, Inc. and that the next best use would be for fraternities or sororities. Frank Hitchings, of Allen & O'Hara, told the Board that many of the trees on this property could be saved under the plan they proposed, that they would screen the parking lot from the street with a brick wall about 30 inches in height, would pave the sidewalk and provide plantings between the sidewalk and the street to assist in the screening and that the entire lot would be screened from adjacent property as required in the Ordinance. He presented plans and photographs of the site to explain their proposal. Dr. Dobbins, resident and property owner across Cameron Avenue spoke in favor of the proposal. Dr. D. C. Phillips, Mallette Street, spoke for the proposal. John B. James, Jr., Colony Court, said that he had no objection to the proposed construction. Dee Strowd, Mallette St. & Colony Court, said that he had no objection to the proposed construction. Mayor McClamroch read a letter from the Chamber of Commerce, signed by E. J. Owens, President, supporting the project. Mr. Gobbel then read a letter from Dean C. O. Cathey saying that such accommodations were needed for students of the University, that the University had had very good relations with University Square and their other dormitories, and supporting this project.

Dr. Cleaveland questioned the exit and entrances to the parking

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