

MINUTESBOARD OF ALDERMENTOWN OF CHAPEL HILL

The Board of Aldermen met at a regular meeting on Monday September 9, 1968 at 7:30 p.m. with the following members present: Mayor McClamroch; Aldermen Varley, Kage, Smith, Giduz and Prothro. Alderman Ethridge was absent. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Varley moved, seconded by Alderman Prothro, that the minutes of the meeting of August 26, 1968 be approved as distributed. This was approved by a vote of 3-0 with Alderman Smith and Kage abstaining because they had not attended that meeting.

SEWER-COLONIAL HEIGHTS

Lindy Pendergrass presented a petition asking for sewer to be constructed in Colonial Heights. Alderman Kage moved, seconded by Alderman Smith, that this petition be accepted. This was unanimously carried.

IN CHU CO PROJECT

Mr. Brooks submitted a petition supporting the In Chu Co project signed by members of the faculty of the School of City and Regional Planning. Alderman Kage moved, seconded by Alderman Giduz, that this be accepted. This was unanimously carried.

SUBDIVISION-BOLIN CREEK-FINAL PLAT

Mayor McClamroch read a transmittal from the Planning Board recommending approval of a final plat of Bolin Creek Subdivision with the stipulation regarding drainage. Mr. Olsen presented a copy of the plat which had been amended to satisfy the stipulation. Alderman Prothro moved, seconded by Alderman Smith, that this be approved as correct@d. This was unanimously carried.

SUBDIVISION-COLONY WOODS-SECTION 3, PHASE 2-FINAL PLAT

Mayor McClamroch read a recommendation from the Planning Board to defer action on this project until paving is more nearly completed. Alderman Kage moved, seconded by Alderman Varley, that the recommendation of the Planning Board be upheld. This was unanimously carried.

REZONING & SPECIAL USE-IN CHU CO

Mayor McClamroch read a transmittal from the Planning Board recommending, by a vote of 4-3, disapproval of the rezoning proposal on the north side of Elliott Road and the Special Use Permit requested by the Inter Church Council. Attorney ruled that the zoning and Special Use would require separate actions by the Board. Alderman Kage moved, seconded by Alderman Giduz, to uphold the recommendation of the Planning Board to disapprove the rezoning. Alderman Smith told the Board that the Town had, through actions on open housing and Human Relations, tried to eliminate the inequities in Town and the proposed development. He said that he thought that the Planning Board had been inconsistent in their recommendations by saying that no action on this zoning should be taken until the matter of apartment zoning was resolved and that the Board should help those who wanted to improve the housing situation. Mr. Tuttle, Chairman

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of the Planning Board, told the Board the Planning Board was divided down the middle on this, and that although he had not voted at the Planning Board meeting he would have voted for the project. Dr. Cleaveland, who had been absent at the Planning Board meeting, spoke for the proposal, and related it to the 65-acre multi-family zone which was recommended by the Planning Board, and said that in his opinion this was a matter of property interest versus human interest. Mr. DeMaine posted maps showing this rezoning proposal and a rezoning proposal for 65 acres of multi-family on the Boulevard and discussed the topography. Alderman Kage asked if the land near Booker Creek could be used. In Mr. DeMaine's opinion that development would probably have to stay away from the creek because of possible flooding. Alderman Prothro told the Board that they should be consistent about their voting on these two projects. Mayor McClamroch questioned the matter of human interest versus property interest. He noted that a similar rezoning of this project had been turned down several years ago, and said that human interest as used here was actually a special group interest. Dr. Cleaveland said that this zoning was needed regardless of who was going to use the land and also that he felt there was a difference between a non profit organization building apartments for low income persons and apartments being built for profit. Alderman Kage noted the high cost of land and questioned whether it would be approved by the federal agency. Mr. Seymour said this was held up only by the Workable Program. The Board voted to carry the motion by 3-2 with Aldermen Giduz, Kage and Varley voting for the motion and Alderman Smith and Prothro voting against the motion. The rezoning was declared denied so no action was taken on this Special Use Permit.

UNIFIED HOUSING--NC 54

Mayor McClamroch read a transmittal from the Planning Board recommending disapproval of a special use request for Unified Business on NC 54 at Finley Golf Course Road, because the parking did not meet the requirements for Unified Business Development. It was noted that the parking requirements as presently shown in the ordinance might be unreasonable for a strictly office development. Alderman Kage moved, seconded by Alderman Varley, to defer action on this matter until the Planning Board had had a chance to study the parking requirements and proposed a change if found desirable. Dr. Wallace told the Board that it should come back to the Planning Board for additional review if parking requirements are changed. The motion was carried by a vote of 3-2 with Aldermen Prothro and Smith voting against the motion.

REZONING-REGIONAL COMMERCIAL - AIRPORT ROAD

Mayor McClamroch read a transmittal from the Planning Board recommending approval of rezoning from RA-20 to Regional Commercial of one lot at the intersection of NC 86 and Critz Drive belonging to Willie Marlowe. A petition was presented supporting the change. Alderman Prothro told the Board that there appeared to be no change in the circumstances under which this had been denied in the past. Alderman Kage noticed that the highway had been a problem in the past and was now under construction as a four lane road. He also noted that there was some commercial district on each side of the road and that this was an addition to this commercial district of one lot not a new one-lot zone. Alderman Smith suggested that it would be safer to have a store on each side of the road because pedestrian crossing of this road would be difficult after it was four laned. Alderman Prothro noted that there was no safe guard on what could be constructed on this corner after the zoning was allowed and the Board should agree that the worst possible use allowed under the zoning might be placed in this location. Alderman Giduz moved, seconded by Alderman Varley, that they uphold the recommendation of the Planning

Board and prepare an ordinance for rezoning this area. This motion was carried by a vote of 4-1 with Alderman Prothro opposing.

US 15-501 BYPASS

Mayor McClamroch read a transmittal from the Planning Board recommending that the Aldermen notify the Highway Commission of proposed developments in this area which will increase traffic on US 15-501 Bypass and request the Highway Commission to make plans for increasing the capacity of this highway. Alderman Prothro moved, seconded by Alderman Kage, that the Highway Commission be kept fully informed of proposed and actual developments along 15-501 and be encouraged to plan improvements as soon as possible.

REZONING-MULTI FAMILY-ESTES DRIVE

Mayor McClamroch read a transmittal from the Planning Board recommending by a 6-1 vote to rezone about 10 acres from RA-20 to Multi-Family on the south side of Estes Drive west of the Bypass and adjacent to the present Camelot Apartments. Alderman Smith noted that this was inconsistent with the recommendation on the Elliott Road rezoning. Mr. Tuttle told the Board that the statement concerning no residential rezoning until a study had been completed was a statement by one Board member and not apparently concurred in by the rest of the Board. Alderman Prothro noted that the flooding situation here was very similar to that across the Bypass and that the Board had recommended delaying action on that until flooding information could be obtained. She also noted that this was low land subject to flooding and could be better used as open space than intense development, and that she opposed the rezoning. In reply to a question from Alderman Kage, the Town Manager discussed the flooding situation and pointed out that the Corps of Engineers had provided information on the west side of 15-501 Bypass and had been requested to provide information on the east side by that it was not yet available. He also noted that the flooding had been taken into account in the design of the Camelot #2 project west of the Bypass but not in the proposed project east of the Bypass. Alderman Kage pointed out that open space should be acquired by donation or purchase but just not kept open by the zoning. Alderman Smith spoke against the appearance of a project built on stilts to keep it above the flood plain. Alderman Smith moved, seconded by Alderman Prothro, that this rezoning be denied. This was carried by a vote of 3-2 with Alderman Giduz and Kage voting against the motion.

SPECIAL USE PERMIT-UNIFIED BUSINESS-WILLOW & ESTES DRIVE

Mayor McClamroch read a transmittal from the Planning Board recommending approval of a special use request for two buildings and a future third building on the northwest corner of Estes Drive and Willow Drive submitted by Phil Rominger. Alderman Prothro moved, seconded by Alderman Giduz, that this be approved with the stipulation that more detailed plans for development, signs, and lighting be submitted before a building permit is issued and approved by the Planning Board and Board of Aldermen and that plans be submitted and approved for the future building noted in the special use permit. This was carried by a vote of 4-1 with Alderman Smith opposing.

SPECIAL USE REQUEST-UNIFIED BUSINESS DEVELOPMENT-ESTES DRIVE

Mayor McClamroch read a transmittal from the Planning Board unanimously recommending the approval of a special use permit for a shopping center on Estes Drive between 15-501 Bypass and Willow Drive with a number of stipulations. The question was raised whether the third stipulation requiring a special use permit for the service stations, motel and restaurant would require another public hearing. Mr. Tuttle told the Board that in his opinion that the Planning Board had not intended that an additional public hearing be required. The Aldermen agreed that Mr. Tuttle's interpretation would be accepted, and that the submission of details for these portions of the project would be treated as amendment to the special use request with the understanding that the Aldermen could, after seeing the plans, either approve, send to the Planning Board for study and recommendation, or require a public hearing. Alderman Kage moved, seconded by Alderman Prothro, that this special use request be approved with the following stipulations:

1. that Estes Drive be paved to a minimum width of 48 feet face-to-face of curb, and curbed and guttered from Franklin Street to US 15-501 Bypass,
2. that no access to US 15-501 Bypass be allowed between Willow Drive and Estes Drive,
3. that the developer be required to obtain a Special Use Permit for the service stations, motel, and restaurant before requesting a building permit for these facilities,
4. that the service areas and loading zones for the shopping center be identified on the site plan,
5. that detailed sign and lighting plans be submitted prior to issuance of a building permit for the shopping center,
6. that 3 square feet of parking space be provided for every square foot of enclosed floor area,
7. that a landscaping plan showing the general landscape intentions of the developer be submitted prior to issuance of a building permit for the shopping center.

Dr. Wallace asked that the parking be checked for adequacy prior to the issuance of a permit as there was some question about it. Mr. DeMaine told the Board that the parking appeared to be adequate and met the 3 to 1 requirement of the ordinance. Alderman Smith asked about the architectural design? Mr. Brandon, representing the development, discussed briefly the treatment of store fronts. The motion was carried unanimously.

REZONING-MULTI FAMILY-DURHAM BOULEVARD

Mayor McClamroch read a transmittal from the Planning Board unanimously recommending approval of rezoning from RA-20 and Agriculture to Multi-Family of 65 acres on the north side of the Boulevard east of Booker Creek as requested by Mr. Kutz. The Mayor then said that he was very surprised at the recommendation for so large of an area for Multi-Family with as little discussion as apparently had taken place. Mr. Tuttle, speaking for the Planning Board, said that the Board had considered the topography, the limited development in the area and the highway access and arrived at the conclusion that this would be a good location for dense development. Mrs. Welsh said that this would also help relieve the pressure for commercial zoning along the Boulevard and to develop the residential developments, even if dense, would be more attractive than a commercial zone. Mr. Wallace said that he felt that this was more suitable for apartment development than single family. Mr. DeMaine noted that, with special use requirements, there is some control over appearance and that he felt that this is a calculated risk as to the best type of development in this particular area. Alderman Prothro said that density and traffic problems notwithstanding, she moved that this zoning be approved and an appropriate ordinance drawn. This was seconded by Alderman Giduz, and carried by a vote of 4-1 with Alderman Smith opposing.

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SPECIAL USE-UNIFIED HOUSING-BYPASS

Mayor McClamroch read a transmittal from the Planning Board recommending unanimously that action be deferred on a request for Unified Housing by Allan & O'Hara for 30 days so that additional information could be obtained on the flood problem in the area and the proposed solution. Alderman Giduz moved, seconded by Alderman Kage, to defer action on this until the next meeting of the Town Board. This was unanimously carried. Dr. Wallace then told the Board that he felt the Planning Board should have an opportunity to review this and that their next meeting would be on October 1st. He said that there were other matters for consideration in addition to the flood problem. Alderman Prothro then moved, seconded by Alderman Smith, that this matter be reconsidered. The vote for reconsideration was unanimously carried. Alderman Giduz moved, seconded by Alderman Kage, that the original recommendation from the Planning Board be upheld and that action be deferred for 30 days. This motion was unanimously carried.

SUBDIVISION-FINAL PLAT-FARRINGTON-HILLS

Mayor McClamroch read a letter from Mr. E. L. Gray referring to a final plat of Lot #17 to 33 which had previously been approved by the Board subject to completion of a section of road in front of Lot 23. Mr. Gray told the Board that he had been unable to get the street work done and would like to amend his final plat to eliminate Lot #23 and have approval of the other six lots. Alderman Kage moved, seconded by Alderman Varley, that the final plat be approved for Lots 17 through 22 inclusive. This was unanimously carried.

ZONING CHANGES

Alderman Prothro moved adoption of the following amendments to the Zoning Ordinance: (See attached pages). This was seconded by Alderman Smith and unanimously carried.

Alderman Smith moved adoption of the following ordinance: (See attached pages). This was seconded by Alderman Prothro and unanimously carried.

TAXI CABS

The Town Manager recommended amending the taxi cab ordinance to set the rate schedule for areas recently annexed, illustrating his recommendation on maps. Alderman Kage moved, seconded by Alderman Smith, that the proposed changes should be submitted to Taxi owners and an ordinance be considered at the next meeting.

SITE COMMITTEE REPORT

Mayor McClamroch reported that the Site Committee had been examining special use projects that had been approved but not constructed and that there was a possibility that one might be available for low cost housing purposes. He noted that the committee was finding, as others had before it, that sites which meet all of the criteria of low cost housing were very difficult to obtain in Chapel Hill.

CITIZEN'S ADVISORY COMMITTEE

The Town Manager reported that the Citizen's Advisory Committee had requested part-time staff help during the year. He recommended employment of a student from 10 to 12 hours a week at a rate of \$100.00 per month during the school year. Alderman

Kage moved, seconded by Alderman Varley that such a position be established under the General Government with no additional appropriation being made at this time. This was unanimously carried.

BIDS-STREET RESURFACING

The Town Manager reported that four bids had been received for street resurfacing approved in the Budget and that the low bidder was Lee Paving Company with a unit price of \$ .54 (fifty four cents) per yard and a total cost of \$13,500.00. Alderman Kage moved, seconded by Alderman Prothro, that the contract be awarded to Lee Paving Company. This was unanimously carried.

BIDS-AUTOMOBILE

The Town Manager reported that bids had been requested for a 1968 model car for the Plumbing Inspector but none of the local dealers had been able to meet the specifications with cars on hand. Yates Motor Company had submitted a bid on a 1969 Plymouth. He recommended that this bid not be accepted as the specifications called for a 1968 car and he felt that it would not be fair to the other dealers to accept this bid on a 1969 car. Alderman Giduz moved, seconded by Alderman Kage, that this recommendation be accepted and that new bids be taken at a later date. This was unanimously carried.

STREET PAVING

Alderman Smith asked about the timing for the street paving in Knolls Development. The Town Manager said that it was planned to let this contract during the winter so the work could be started and paving done early in the spring.

CAR FOR THE POLICE CHIEF

Alderman Smith asked if the Town should not provide a car for the Police Chief. The Manager agreed to discuss this with the Chief to see what was needed.

AIRPORT

Alderman Giduz asked that plans be studied for zoning control of the airport recommended by the Research Triangle Planning Commission. Dr. Cleaveland said that this work had been started and that their report probably would be submitted at the October meeting of the Planning Board.

THOROUGHFARES

Alderman Kage said that he felt the Thoroughfare Plan should be re-studied and that particularly the priorities reevaluated. The Manager was asked to submit the present list of priorities to the Aldermen and the Planning Board so that they could be discussed.

REDEVELOPMENT COMMISSION

Alderman Giduz asked about the appointment of the Redevelopment Commission. Bob Anderson suggested that among the group should be an attorney, a banker, representative from minority groups, civic leaders and at least one person from the proposed redevelopment area. The Board agreed to consider individual and turn in suggested names to the Town Manager for compilation and consideration at the next meeting.

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HUMAN RELATIONS COMMITTEE

Mrs. Prothro suggested that staff assistance might be require for the Human Relations Commission and said that this would be discussed by the Commission at their meeting on September 10th.

FIRE CHIEF

Alderman Kage reported that the Fire Chief had spoken to the Kiwanis Club recently, as a representative of the Town, in an excellant manner. He suggested that the Chief be encouraged to make more talks to groups in town and that other department heads be encouraged to do likewise.

STATE CODE-FIRE RATINGS

Alderman Giduz moved, secondard by Alderman Kage, that the following Ordinance be adopted.

AN ORDINANCE TO ADOPT THE NORTH CAROLINA STATE BUILDING CODE

1967 EDITION, VOLUME 1-A FIRE RESISTANCE RATINGS

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

Under the authority granted by GS-160-200 (41) the 1967 Edition of the North Carolina State Building Code, Volume 1-A "FIRE RESISTANCE RATINGS" prepared by the North Carolina Building Code Council and the North Carolina Department of Insurance of the State of North Carolina is hereby adopted.

This the 9th day of September, 1968. This was unanimously carried.

The meeting adjourned at 10:35 P.M.

Richard M. McClamroch  
Mayor

David B. Roberts  
Town Clerk

MINUTES

BOARD OF ALDERMEN

TOWN OF CHAPEL HILL

The Board of Aldermen met at a Special Meeting on Wednesday September 18, 1968 at 4:30 p.m. with the following members present: Mayor McClamroch; Aldermen Prothro, Giduz, Ethridge, Varley, Kage and Smith. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINIMUM HOUSING CODE

The Town Manager presented the North Carolina Model Housing Code, 1968 prepared by the North Carolina League of Municipalities approved by HUD in Atlanta. He told the Board that one of the reasons for turning down the Workable Program was the Minimum Housing Code and recommended that the model code be adopted with certain minor changes. Attorney Denny pointed out that