

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting on February 8, 1971 at 7:30 P.M. with the following members present: Mayor Lee; Aldermen Welsh, Scroggs, Smith, Nassif, Bernholz and Coxhead. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Welsh moved, seconded by Alderman Smith, to approve the minutes of the meeting of February 1, 1971 as corrected. This was unanimously carried.

The Town Manager told the Board that the action of the Board approving a contract with Carrboro for sewage treatment had been omitted in the minutes of December 21, 1970. Alderman Nassif moved, seconded by Alderman Scroggs, to amend the minutes of the meeting of December 21, 1970 as follows:

"CARRBORO SEWER

The Town Manager reported on the terms for an agreement with Carrboro to jointly use the Chapel Hill treatment plant. Alderman Coxhead moved, seconded by Alderman Smith to approve the proposal and authorized the Mayor and Town Clerk to sign a contract with the Town of Carrboro. This was carried unanimously."

This was unanimously carried.

COMMUNITY APPEARANCE COMMISSION

Sidney Cohn, Chairman of the Appearance Commission, distributed copies of a memorandum to the Board and said that he would like to discuss it. Alderman Nassif moved, seconded by Alderman Bernholz, to receive the petition and discuss it at the end of the agenda. This was unanimously carried.

MASON FARM ROAD

Mayor Lee read a letter from MRS. William S. Joyner complaining about the condition of Mason Farm Road. Alderman Nassif moved, seconded by Alderman Welsh, to receive this and discuss it at the end of the agenda, along with other street problems. This was unanimously carried.

SPECIAL USE-UNIFIED HOUSING-NC 54 BYPASS

Mayor Lee read a transmittal from the Planning Board recommending approval of this project with a number of stipulations. Mr. Palmer discussed the Thoroughfare Plan in connection with this project. Alderman Welsh asked about the present status of thoroughfare planning? It is to be restudied in 1971 and 1972 by the State Highway Department. Alderman Welsh asked what was meant by the stipulation that the number of entrances onto the Bypass be minimized. She noted that there was only one access shown on the plan. This came from a discussion by the Planning Board indicating a desire to consider a joint access with the proposed project immediately west of this one. Alderman Welsh asked for a discussion of the zoning in this area. Mr. Palmer pointed out the various districts surrounding this project and noted that apartments could be built in any of these districts. He located on the map the Kingswood apartments across the Bypass, with 288 units about half of which are completed, and Laurel Ridge, just west of the Okun property, for which a special use permit for 170 units has been approved. Alderman Coxhead told the Board that he felt special use should have the same safe guards as zoning, that this apartment project was near an old established single family district in which property values could be damaged, that this was the third time in a number of years apartment projects had been proposed in this general area and that the first two were not permitted, that he didn't think this land was suitable for the project as there was no access to shopping and the terrain was quite irregular. He said that in light of these and the large amount of neighborhood opposition he would oppose the project.

AN ORDINANCE AMENDING "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED JANUARY 19, 1970 AND AS SUBSEQUENTLY AMENDED.

WHEREAS after due advertisement as provided by law, two public hearings were duly called and held by the Board of Aldermen the Planning Board of the Town of Chapel Hill on December 14, 1970 and January 4, 1971 to consider the changes as set forth in Section I below in the zoning ordinance; and

WHEREAS following said public hearings the Planning Board of the Town of Chapel Hill recommended to the Board of Aldermen adoption of certain amendments to the zoning ordinance; and

WHEREAS thereafter the Board of Aldermen adopted certain of the recommendations of the Planning Board; 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 January 19, 1970, and as subsequently amended, be and the same is hereby further amended as follows:

Amend Section 1-B. by adding the words "University A" and "University B" after the words "Industrial District."

Amend Section 3-A by adding the following after Section 3-A-14:
(See page 2 of this ordinance.)

Amend the notes accompanying the Table of District Regulations by adding to Note 3 in line 3 of the second paragraph the word "University" after the word "Commercial."

Amend Section 12, definitions by adding the following:

Controlled Streets:

For the purposes of this ordinance, controlled streets shall include all or section of the following streets as shown on the Zoning Map:

Airport Road
Battle Lane
Boundary Street
Cameron Avenue
S. Columbia Street
Country Club Road
East Franklin Street
Estes Drive Extension
Manning Drive

McCauley Street
North Carolina 54
Pittsboro Road
Pittsboro Street
Raleigh Street
Ridge Road
South Road
U.S. 15-501-54 Bypass.

District Regulations

15. University A

Section 3-A-15

a. Permitted Uses

Land in a University A district shall be used, and buildings shall be erected, altered, enlarged, or used only for uses permitted in the University A column of the Table of District Regulations-Uses Permitted.

b. Minimum Lot Width:

No minimum lot width is required.

c. Minimum Lot Size:

No minimum lot size is required.

d. Minimum Setbacks

The minimum required setback shall be fifty (50) feet from the center-line of any controlled street designated by this ordinance.
(See Section 12: definitions)

e. Maximum Building Height: (See Note G-3, page 32)

No maximum limit, except as provided by Note G-3

16. University B

Section 3-A-16

a. Permitted Uses

Land in a University B District shall be used and buildings shall be erected, altered, enlarged, or used only for uses permitted in the University B Column of the table of District Regulations-Uses Permitted.

b. Minimum Lot Width:

No minimum lot width is required.

c. Minimum Lot Size:

No minimum lot size is required.

d. Minimum Setbacks:

The minimum required setback shall be fifty (50) feet from the center-line of any controlled street designated by this ordinance.

e. Maximum Building Height: (See Note G-3)

No required maximum except as provided by Note G-3.

Amend paragraph b of Section 4-D-4 to read as follows:

- b. Permitted Districts: Commercial Parking Lots in a Non-Business District are permitted under Special Use Permit in an R-10A District, University A District, or University B District.

Amend paragraph b of Section 4-D-5 to read as follows:

- b. Permitted Districts: Commercial Residence Hall for Students are permitted under Special Use Permit in Central Business, Limited Business, and University A.

Amend paragraph b of Section 4-D-8 to read as follows:

- b. Permitted Districts: Fraternity and Sorority Houses are permitted under Special Use Permit in R-10A districts, and University A.

Amend paragraph b of Section 4-D-9 to read as follows:

- b. Permitted Districts: Fraternity or Sorority House Courts are permitted under Special Use Permit in Agricultural, R-20, R-15, R-10, R-10A, R-6, R-5, R-4 and University A districts.

Amend paragraph b of Section 4-D-10 to read as follows:

- b. Permitted Districts: Garages for the storage of automotive vehicles as an accessory to a public institution are permitted under Special Use Permit in Agricultural, R-20, R-15, R-10, R-10A, R-6, R-5, R-4, University A and University B.

Amend paragraph b of Section 4-D-17 to read as follows:

- b. Permitted Districts: Radio and TV Stations and Towers, Water and Sewage Treatment Plants and Water Towers are permitted under Special Use Permit in Agricultural, R-20 and University A and University B.

Amend Section 3 Table of District Regulations-Uses permitted to read as follows:

TABLE OF DISTRICT REGULATIONS-USES PERMITTED

USES PERMITTED (See Section 4 for Special Uses permissible on approval by Board of Adjustment or Board of Aldermen) Districts in which particular uses are permitted are indicated by X Districts in which particular uses are prohibited are indi- cated by a blank.	DISTRICT												
	Agricultural	R-20	R-15	R-10	R-10A	R-6	R-5	R-4	R-3	Central Business	Limited Business	Suburban Commercial	Regional Commercial
Above ground low-voltage electric power distribution lines, telephone lines, water and sewerage lines, low or medium-pressure gas distribution lines. The foregoing may include poles, wires, lines, guys, pipes, apparatus or appliances but shall not include utility stations or substations or towers (See Note 3).	X	X	X	XX	X	XX	X	X	X	X	XX	XX	X
Above ground high-voltage electric power transmission lines (see Note 3).													X
Accessory uses and structures incidental to any permitted use, such as servants' quarters, garages, greenhouses or workshops, provided that none shall be occupied as a residence for gain, that no accessory building shall be inhabited by other than employees of the owner, lessee, or tenant of the premises.	X	X	XX	X	X	XX	X	XX	X	XX	X	XX	X
Agricultural or farm use	X	X	XX	X	X	XX	X	XX	X	XX	X	XX	X
Agricultural products grown on premises, retail sale thereof on premises.	X												
Animal hospitals and clinics											X	XX	
Antique shops with operations conducted within a building.									X	X	X		

USES PERMITTED	DISTRICT															
	Agric.	R-20	R-15	R-10	R-10A	R-6	R-5	R-4	R-3	Central Bus.	Limited Bus.	Sub. Com.	Reg. Com.	Industrial	Univ. A	Univ. B
Arboretums or botanical gardens	x	x													x	x
Art Galleries, commercial										x	xx	x				
Art Galleries or museums, Non-profit										x	xx	x	x			
Auditoriums, University															x	x
Automobile off-street parking, Commercial										x	xx				x	x
Automobile off-street parking required by this ordinance	x	x	x	xx	x	xx	x	x	x	x	xx	x	xx	x	x	x
Automobile repair garages, excuding junk car storage										x	x					x
Automobile repair garages, excluding junk car storage, and with operations entirely within a building										x	x	x				x
Automobile sales, new and used										x	x					
Automobile sales, new and used, with outdoor storage completely shielded from view from adjacent lots and from public rights-of-way										x	x	x				
Automobile service stations										x	x	x				
Banks and Building and Loan Associations										x	x	x				
Barber and Beauty shops										x	x	x				
Boarding houses				x	x		x	x	x	x	xx	x				
Bottling plants										x	x	x	x			
Carnivals and circuses												x			x	x

Section 3

TABLE OF DISTRICT REGULATIONS - USES PERMITTED

USES PERMITTED	DISTRICT												
	Agric.	R-20	R-15	R-10	R-10A	R-6	R-5	R-4	R-3	Gen. Bus.	Lim. Bus.	Sub. Com.	Reg. Com.
Churches	x	x	x	xx	x	xx	x	x	xx	x	x	x	x
Classrooms, Laboratories, and similar instructional or research uses, University													x
Clinics (for public Clinics see Hospitals, public)										xx	x	x	
Contractors' yards and outdoor storage											x	x	
Dental offices (for public Dental offices, see Hospitals, public)										x	xx	x	
Dormitories													x
Drive-in curb service, transactions between patrons in automobiles and employees in buildings conducted at a distance, indirectly, or with the assistance of messengers										x	x		
Drive- in windows, transactions conducted directly between patrons in automobiles and employees in buildings										x	x	x	
Dry cleaning plants										x	x	xx	x
Dwellings, multiple family (see Note I)	x	x	xx	x	xx	x	xx	x	xx	x	x	x	x
Dwellings, single family	x	x	xx	x	xx	x	xx	x	xx	x	x	x	x
Fire stations	x	x	xx	x	xx	x	xx	x	xx	x	x	xx	xx
Funeral homes										x	x	x	
Gift shops with operations conducted with in a building										x	x	x	

Section 3

TABLE OF DISTRICT REGULATIONS - USES PERMITTED

USES PERMITTED	DISTRICT												
	Agrie.	R-20	R-15	R-10	R-10A	R-6	R-5	R-4	R-3	Cen. Bus.	Lm. Bus.	Sub. Com.	Reg. Com.
Golf, miniature, outdoor and for profit												x	
Greenhouses, commercial	x									x	xx	x	
Greenhouses, private and public	x	x	x	xx	x	x	xx	x	xx	x	xx	x	x
Grounds and facilities for recreational and community center buildings, country clubs, lakes, parks and similar facilities operated on a non-profit basis	x	x	x	x	xx	x	xx	x	xx	x	xx	x	xx
Home occupations	x	xx	x	xx	x	xx	x	xx	x	xx	x	xx	xx
Hotels, University													x
Hotels, general commercial										x	x	x	
Hospitals, Private	x									x	xx	x	
Hospitals, Public including medical and dental clinics and offices of the hospital staff members	x									x	x	xx	xx

Section 3

TABLE OF DISTRICT REGULATIONS - USES PERMITTED

USES PERMITTED	DISTRICT															
	Agric.	R-20	R-15	R-10	R-10A	R-6	R-5	R-4	R-3	Cent. Bus.	Lim. Bus.	Sub. Com.	Reg. Com.	Industrial	Univ. A	Univ. B
Industrial uses not otherwise prohibited by law except the following: acid manufacture, cement, gypsum, or plaster of paris manufacture; fat rendering, tallow grease or lard refining, or the manufacture of candles from fats; garbage, offal, or dead animal reduction or dumping; gas (illuminating or heating) manufacture or storage; glue manufacture; explosives manufacture or storage; paper or pulp manufacture; storage or baling of scrap paper, iron, bottles, rags or junk; tannery; mining, other than Limited Extractive Uses for which a Special Use Permit has been granted pursuant to Section 4 hereof; any other use which the Board of Adjustment may find to be noxious or offensive by reason of vibration or the emission of dust, odor, smoke, gas or noise															X	
Laundries										X		X	XX			X
Libraries	X	X	XX	X	XX	X	XX	X	XX	X	XX	X	XX	X	XX	
Livestock raising for commercial purposes or on scale deemed objectionable by Board of Adjustment because of odor or noise	X															
Medical offices (for medical offices, Public, see Hospitals, Public)										X	X	XX				
Motels and motor courts										X		XX				

Section 3

TABLE OF DISTRICT REGULATIONS - USES PERMITTED

USES PERMITTED	DISTRICT															
	Agric.	R-20	R-15	R-10	R-10A	R-6	R-5	R-4	R-3	Cent. Bus.	Lim. Bus.	Sub. Com.	Reg. Com.	Industrial	Univ. A	Univ. B
Offices with no on-premises stock of goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of verbal, written, or mechanically reproduced communications material										x	x	x	x			
Offices, Governmental including University										x	x	xx		x	xx	
Planetariums															x	
Plant nurseries	x									x	x	xx			xx	
Police stations	x	x	xx	x	xx	x	xx	x	xx	x	xx	xx	x	xx		
Printing Commercial										x		x	xx			
Printing and Duplication, Governmental including University										x	x	xx			xx	
Public utility offices, Commercial										x	x	xx		x		
Public utility offices, Governmental including University										x	x	xx		x	xx	
Processing establishments with operations conducted with in a building										x		xx		x		
Public utility storage yards												x		x		
Public utility storage yards with any operations conducted or merchandise stored outside a building completely shielded from view from adjacent lots or from public rights-of-way												xx		x		x

USES PERMITTED

USES PERMITTED	DISTRICT															
	Agric.	R-20	R-15	R-10	R-10A	R-6	R-5	R-4	R-3	Cent. Bus.	Lim. Bus.	Sub. Com.	Reg. Com.	Industrial	Univ. A	Univ. B
Recreation uses conducted outdoors and for profit										X		X				
Recreation uses conducted inside a building and for profit										X		X	X			
Retail stores and service establishments, dining rooms, coin laundaries, snack bars indoor recreational facilities and similar facilities on University premises, but not including such general service facilities as general laundry and dry cleaning plants, and buildings and ground maintenance facilities															X	X
Retail stores and service establishments with operations conducted and merchandise stored inside or outside a building and not otherwise listed herein										X		X				
Retail stores and service establishments with operations conducted and merchandise stored entirely within a building and not otherwise listed herein										X		X	X			
Rooming houses					X	X	XX	X	XX	X	X	X	X			
Schools, public, primary and secondary including ancillary facilities	X	X	XX	X	XX	X	XX	X	XX	X	X	XX	XX	XX		
Signs - See Section 7																
Stadiums or Coliseums															X	X

Section 3

TABLE OF DISTRICT REGULATIONS - USES PERMITTED

USES PERMITTED	DISTRICTS													
	Agricultural	R-20	R-15	R-10	R-10A	R-6	R-5	R-4	R-3	Cent. Bus. L. Bus.	Sub. Com.	Reg. Com.	Industrial Univ. A	Univ. B
Tourist homes	x	x	xx	xx	x	x	x	xx	x	x	x			
Underground low voltage electric power distribution lines, telephone lines, water and sewerage lines; low or medium-pressure gas distribution lines (See Note 3)	x	x	xx	x	xx	x	xx	x	x	x	x	x	x	x
Wholesale establishments with any operations conducted of merchandise stored outside a building completely shielded from view from adjacent lots or from public rights-of-way											x	x	x	
Wholesale establishments with operations conducted and merchandise stored inside or outside a building											x		x	

SECTION II.

Any ordinance or portions of ordinances in conflict herewith are hereby repealed.

This is the ____ day of _____, 1971.

5A

AN ORDINANCE AMENDING THE "ORDINANCE PROVIDING FOR THE ZONING OF CHAPEL HILL AND SURROUNDING AREAS", AS ADOPTED JANUARY 19, 1970 AND AS SUBSEQUENTLY AMENDED TO REZONE THE AREA HEREINAFTER DESCRIBED

WHEREAS, after due advertisement as provided by law, two public hearings were duly called and held by the Board of Aldermen and the Planning Board of the Town of Chapel Hill on December 14, 1970 and January 4, 1971 to consider the following change in the Zoning Ordinance; and

WHEREAS, following said Public Hearings the Planning Board of the Town of Chapel Hill recommended to the Board of Aldermen adoption of the following amendments to the Zoning Ordinance; and

WHEREAS, thereafter the Board of Aldermen adopted the recommendation of the Planning Board, 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 January 19, 1970 and subsequently amended be and the same is hereby further amended so that the following areas, as delineated on Chapel Hill Township Tax Maps 64,66,73,86 and 87 as revised January 1, 1970 and on the map entitled "Property of the University of North Carolina at Chapel Hill as of March, 1970," be and the same hereby are rezoned from Agricultural, R-20, R-10, R-10A and R-6 to University "A", and the uses permitted in the areas designated as University "A", as set forth in said zoning ordinance, shall hereafter apply to the following described areas:

(1) Beginning at the intersection of the northern right-of-way line of Estes Drive Extension with the western right-of-way line of Airport Road (NC 86), and proceeding

Thence, in a northerly direction approximately 3000 feet along said western right-of-way line of Airport Road (NC 86) to its intersection with a property line of University of North Carolina property, and

Thence, in a westerly and northerly direction approximately 2500 feet along said University of North Carolina property line to its intersection with the northern boundary line of the Chapel Hill Planning District, and

Thence, in a southwesterly direction approximately 4000 feet along said Chapel Hill Planning District line to its intersection with the boundary line separating the Chapel Hill Planning District and the Carrboro Planning District, and

Thence, in a southwesterly and southerly direction approximately 2100 feet along said Chapel Hill-Carrboro Planning District line to its intersection with a property line of University of North Carolina property, and

Thence, in a southeasterly, northerly, easterly and southerly direction approximately 5100 feet along said University of North Carolina property line to its intersection with the northern right-of-way line of Estes Drive Extension, and

Thence, in an easterly direction approximately 4000 feet along the northern right-of-way line of Estes Drive Extension to its intersection with the western right-of-way line of Airport Road (NC 86),

The same being the point and place of beginning.

(2) Beginning at the intersection of the northern right-of-way line of Country Club Road with the southern right-of-way line of Boundary Street, and proceeding

Thence, in an easterly and northerly direction approximately 650 feet along said southern right-of-way line of Boundary Street to its intersection with an extension of the northern right-of-way line of Senlac Road, and

Thence, in a northwesterly direction approximately 100 feet along said extension of the northern right-of-way line of Senlac Road to its intersection with a property line of University of North Carolina property, and

Thence, in a northerly direction approximately 450 feet along said University of North Carolina property line to its intersection with the southern right-of-way line of Hooper Lane, and

Thence, in an easterly direction approximately 200 feet along said southern right-of-way line of Hooper Lane and said line extended to its intersection with the eastern right-of-way line of Boundary Street and a property line of University of North Carolina property, and

Thence, in an easterly direction approximately 470 feet along said University of North Carolina property line to its intersection with the western right-of-way line of Park Place, and

Thence, approximately 100 feet in a southerly direction along said western right-of-way line of Park Place to a point opposite a corner of the University of North Carolina property known as Battle Park, and

Thence, in a generally easterly, southerly, westerly and southwesterly direction approximately 7,200 feet along a property line of University of North Carolina property, which line constitutes the northern, eastern, and southern boundaries of that property known as Battle Park, to its intersection with the northern right-of-way line of Country Club Road, and

Thence, in a southeasterly direction approximately 50 feet across Gimghoul Road along the northern right-of-way line of Country Club Road to its intersection with a property line of University of North Carolina property, and

Thence, in an easterly and southerly direction approximately 500 feet along said University of North Carolina property line and said line extended to the intersection of the southern right-of-way line of South Road (N.C. 54) and the western right-of-way line of Country Club Road, and

Thence, in a southeasterly direction approximately 220 feet along said western right-of-way line of Country Club Road to its intersection with the eastern right-of-way line of Ridge Road, and

Thence, in a southerly direction approximately 1,100 feet along said eastern right-of-way line of Ridge Road to the point at which said line diverges from a property line of University of North Carolina property, and

Thence, in a generally southerly and southeasterly direction approximately 4,400 feet along said University of North Carolina property line to its intersection with the northern right-of-way line of U.S. 15-501 Bypass, and

Thence, in a southeasterly direction approximately 200 feet across the right-of-way of U.S. 15-501 Bypass to its southern right-of-way line, and

Thence, in a northeasterly direction approximately 850 feet along the southern right-of-way line of U.S. 15-501 Bypass to its intersection with a property line of University of North Carolina property, and

Thence, in an easterly direction approximately 275 feet along said University of North Carolina property line to the southwestern corner of Lot 19, Block A, Tax Map 64, and

Thence, in a generally easterly, northerly, westerly and southwesterly direction approximately 4,010 feet along the rear property lines of all lots constituting Block A of Tax Map 64, to the southwestern corner of Lot 1, Block A, Tax Map 64, (the area known as Highland Woods) and,

Thence, in a generally southwesterly and westerly direction approximately 490 feet along a property line of University of North Carolina property to its intersection with the southern right-of-way line of U.S. 15-501 Bypass, and

Thence, in a northeasterly direction approximately 1,700 feet along the southern right-of-way line of U.S. 15-501 Bypass to a property corner of University of North Carolina property, and

Thence, in a generally easterly and southerly direction approximately 8,450 feet along a University of North Carolina property line to its intersection with the Orange-Durham County line, and

Thence, in a southerly direction approximately 1,800 feet along said Orange-Durham County line to its intersection with the southern boundary line of the Chapel Hill Planning District, and

Thence, in a southwesterly direction approximately 3,850 feet along said Chapel Hill Planning District line to its intersection with a property line of University of North Carolina property, and

Thence, in a generally northerly and northwesterly direction approximately 5100 feet to the southeastern corner of an existing Industrial zoning district, and

Thence, in a northerly, westerly and southerly direction approximately 2450 feet along the boundary line of said Industrial zoning district to the southwestern corner of said Industrial zoning district, and

Thence, in a generally westerly, northerly and northwesterly direction approximately 3900 feet property line of University of North Carolina property to its intersection with the southern right-of-way line of U.S. 15-501 Bypass, and

Thence, in a northwesterly direction approximately 200 feet across the right-of-way of U.S. 15-501 Bypass to its northern right-of-way line, and

Thence, in a southwesterly direction approximately 800 feet along the northern right-of-way line of U.S. 15-501 Bypass to a property corner of University of North Carolina property, and

Thence, in a generally northerly and westerly direction approximately 6900 feet along a University of North Carolina property line to its intersection with the western right-of-way line of Old Pittsboro Road, and

Thence, in a generally northerly direction approximately 3180 feet in a continuous line along the western right-of-way lines of Old Pittsboro Road, Pittsboro Road, and Pittsboro Street to its intersection with a existing R-10A zoning district line lying approximately 250 feet south of the southern right-of-way line of McCauley Street, and

Thence, in a westerly direction through Lot 11, Block D, Tax Map 87 approximately 120 feet along said R-10A zoning district line to its intersection with an existing R-4 zoning district line, and

Thence, in a westerly direction approximately 100 feet along an existing R-4 zoning district line, lying parallel to and approximately 200 feet south of McCauley Street, to its intersection with the rear property line of Lot 11, Block D, Tax Map 87, and

Thence, in a northerly direction approximately 50 feet to a property corner, and

Thence, in an easterly direction approximately 110 feet along the northern property line of Lot 11, Block D, Tax Map 87, to the southeastern property corner of Lot 8, Block D, Tax Map 87, and

Thence, in a northerly direction along the eastern property line of Lot 8, Block D, Tax Map 87 to its intersection with the Southern right-of-way line of McCauley Street, and

Thence, in an easterly direction approximately 25 feet along the southern right-of-way line of McCauley Street to a point opposite the southwestern property corner of Lot 11, Block B, Tax Map 87, and

Thence, in a northerly direction across McCauley Street and along the western property line of Lot 11, Block B, Tax Map 87, to the northwestern corner of said Lot 11, Block B, Tax Map 87, and

Thence, in a northerly and westerly direction along a property line of University of North Carolina property to a point approximately 50 feet south of the southeastern property corner of Lot 3, Block E, Tax Map 87, and

Thence, in a northerly direction approximately 50 feet across University of North Carolina property to said southeastern property corner of Lot 3, Block E, Tax Map 87, and

Thence, in a northerly direction approximately 200 feet along the eastern property line of Lot 3, Block E, Tax Map 87 to a point on the western right-of-way line of Wilson Street west of the southwestern property corner of Lot 12, Block E, Tax Map 86, and

Thence, in an easterly direction approximately 30 feet across Wilson Street to said southwestern property corner of Lot 12, Block E, Tax Map 86, and

Thence, in an easterly direction approximately 220 feet along the southern property line of Lot 12, Block E, Tax Map 86 to the northwestern property corner of Lot 10A, Block E, Tax Map 86, and

Thence, in a southerly and easterly direction approximately 490 feet along a property line of University of North Carolina property to its intersection with the western right-of-way line of Pittsboro Street, and

Thence, in a northerly direction approximately 520 feet along said western right-of-way line of Pittsboro Street to its intersection with the southern right-of-way line of Cameron Avenue, and

Thence, in an easterly direction approximately 350 feet along the southern right-of-way line of Cameron Avenue to a point opposite the southeastern corner of Lot 12, Block C, Tax Map 86, and

Thence, in a northerly direction approximately 680 feet across Cameron Avenue and along the western right-of-way line of South Columbia Street to its intersection with an existing CBD zoning line, and

Thence, in a generally northerly and easterly direction approximately 1,850 feet along said existing CBD zoning district line to its intersection with the northern right-of-way line of East Franklin Street, and

Thence, in a easterly direction approximately 1,310 feet along said northern right-of-way line of East Franklin Street to a point opposite the intersection of the southern right-of-way line of East Franklin Street with the western right-of-way line of Battle Lane, and

Thence, in a southerly direction approximately 1,400 feet across Franklin Street and along the western right-of-way line of Battle Lane to its intersection with the northern right-of-way line of Country Club Road, and

Thence, in a southeasterly direction approximately 30 feet across the intersection of Battle Lane, Country Club Road and Boundary Street to the intersection of the northern right-of-way line of Country Club Road and the southern right-of-way line of Boundary Street,

The same being the point and place of BEGINNING.

(3) That University of North Carolina property designated as Lot 4 on Tax Map 73.

SECTION II.

That the "Ordinance providing for the zoning of Chapel Hill and Surrounding Areas," as adopted on January 19, 1970 and subsequently amended be and the same is hereby further amended so that the following area, as delineated on the map entitled "Property of the University of North Carolina at Chapel Hill as of March, 1970," be and the same is hereby rezoned from Agricultural and R-20 to University "B", and the uses permitted in the area designated as University "B", as set forth in said zoning ordinance, shall hereafter apply to the following described area:

Beginning at the intersection of the western right-of-way line of Airport Road (N.C. 86) with the southern right-of-way line of Estes Drive Extension, and proceeding

Thence, in a southwesterly direction approximately 4,000 feet along said southern right-of-way line of Estes Drive Extension to its intersection with a property line of University of North Carolina property, and

Thence, in a generally easterly, northerly and easterly direction approximately 4,200 feet along said University of North Carolina property line to its intersection with the western right-of-way line of Airport Road (N.C. 86), and

Thence, in a northerly direction approximately 1,500 feet along said western right-of-way line of Airport Road (N.C. 86) to its intersection with the southern right-of-way line of Estes Drive Extension,

The same being the point and place of BEGINNING.

SECTION III.

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

This the 25th day of January, 1971.

Alderman Bernholz said that the Board had a record of approving special use permits for apartment units and that there would have to be some specific reason, as defined in the ordinance, to vote against this particular project. He noted that due process was to protect citizens against arbitrary government action and that he felt that the special use provided more protection than not having special use. He said that the Board should be consistent in their treatment of special use apartments for unified housing. He asked that the Board disregard the discussion of the tenants or the method of financing this project and to consider it on its merits, considering density and design. He then enumerated the findings required by the ordinance and indicated that in his opinion this project met all those findings. On the matter of being in harmony with the neighborhood, he noted that any development causes some change but that he felt this was in harmony as far as any change would be in harmony with the neighborhood. He said that it would be unfair for the Town to stop a man from making reasonable use of his land.

Alderman Scroggs said that citizens protesting a special use should have the same protection as those protesting a zoning change and that rezoning in this case would have required a three fourths vote.

Alderman Smith said that he agreed with Alderman Bernholz, that all of the findings required by the ordinance had been met. He noted that almost all apartment projects had some protest. He said that in his opinion the property values in this area would not be hurt, as the growth of the town has and will continue to support property values. He noted that there were several hundred apartments constructed or approved adjacent to this project. He said that he had and would try to protect residential areas from encroachment by apartments where he felt there was damage.

Alderman Smith then moved that the Board make the following findings as discussed by Alderman Bernholz and himself:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted and approved,
2. That the use meets all required conditions and specifications,
3. That the use will not substantially injure the value of adjoining or abutting property and,
4. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Chapel Hill and its Environs; and that in accordance with these findings the project be approved and the special use permit be granted with the following stipulations:
 1. That curb be provided on the entrance drive and parking lots.
 2. That sanitary sewer and drainage easements be provided as approved by the Town Manager and in such locations as to cause the minimum disturbance to the site.
 3. That the Community Appearance Commission review the landscape and lighting plans prior to issuance of a building permit.
 4. That ingress and egress to the site be at this time from N. C. 54 Bypass only, and be so arranged that the number of entrances onto the Bypass be minimized.
 5. That all grading and site preparation be subject to any ordinance on grading and erosion control which may be in effect when site preparation begins.
 6. That a right-of-way for a public thoroughfare as proposed in the Thoroughfare Plan be provided as approved by the Board of Aldermen prior to the issuance of a building permit.
 7. That an adequate walkway and drive be provided across Pritchard Branch connecting the parking lots, which is convenient and safe both for pedestrians and vehicles, and which does not in any way impede the stream.

8. That the project start within one year and be completed within two years.

This motion was seconded by Alderman Welsh and carried by a vote of 3-2 with Aldermen Smith, Welsh and Bernholz voting affirmatively, Aldermen Coxhead and Scroggs voting against and Alderman Nassif abstaining because of financial interest in the project.

Alderman Nassif then briefly discussed the project for which he had been unable to vote, spoke of zoning in general with the differences between R-5 and R-10 and the older RA-10 and the apparent lack of general understanding of this by the public. He suggested that an information brochure be published annually by the town which would provide such information.

Attorney John Manning, representing some persons in the Westwood area, presented a notice of appeal addressed to the Town of Chapel Hill. Mr. Mason Thomas, President of the Inter-Church Council, and Mr. Daniel Okun. He questioned whether the Board had even discussed the findings which would be approved by the motion. It was pointed out that these had been discussed in some detail by Alderman Bernholz. Mr. Manning then said that he would contest all special use. Alderman Nassif pointed out that the special use provided a great deal of protection and if there were none that this project noted could be built without review other than meeting the building code. He then discussed the general application of special use for apartment developments and asked that the Board be consistent in its voting. He said that considering a matter of who has to live in a particular project was discrimination. Alderman Scroggs said that the special use, as used in Chapel Hill, was not uniform across the district and therefore violated the principles of zoning and that he had consistently opposed a special use permit in which a petition which would have been legal had it been a zoning matter was submitted. He felt that persons in opposition to a particular project were being deprived of a chance to make a legal protest. Alderman Welsh said that the matter had to be decided on what the ordinance said not what some persons felt that it should say. Alderman Scroggs agreed that he couldn't object to the findings that had been discussed and approved by the Board. Alderman Bernholz said that people in Chapel Hill were concerned with the nature and extent of development in Chapel Hill and wanted to know how much and where the town should grow? He suggested perhaps the town should attempt to slow down the growth. Alderman Smith asked that this discussion be continued at a later time. Alderman Welsh asked that the Planning Board be asked to restudy the 1965 Open Space Plan and report on an updating of and make recommendation on it, as soon as possible.

UNIVERSITY MALL-MODIFICATIONS

Mayor Lee read a transmittal from the Planning Board recommending approval of this project with certain stipulations. Alderman Smith asked about the possibilities of Conner Drive ever connecting to Elliott Road? Alderman Welsh moved, seconded by Alderman Nassif, that because all required information was not available (Appearance Commission report) that this matter be deferred until the meeting of February 22. Alderman Scroggs asked if the matter of sidewalks as discussed in previous consideration of this project had ever been settled? No. Alderman Nassif made a substitute motion, seconded by Alderman Bernholz, that until all Boards had considered any project, that such project not be put on the agenda of the Board of Aldermen. This motion was carried by a vote of 5-1 with Alderman Coxhead opposing. The original motion was then unanimously carried.

322 ROSEMARY STREET

Alderman Nassif discussed a general policy for remodeling of frame buildings in the fire district and recommended that it become the policy of the town. Alderman Smith moved, seconded by Alderman Welsh, that the town adopt this as a policy and a copy of this policy be made available. This was unanimously carried.

POLICY FOR APPROVAL OF BUILDING PERMITS WITHIN THE FIRE DISTRICT

1. No new frame building shall be permitted in the fire district.

2. No addition to a frame structure shall be permitted except for residential purposes. Any such addition must meet the requirements of the zoning ordinance and building codes for residential construction.
3. Prior to any repair or alteration, the building must be inspected by the building inspector and the fire inspector.
4. If the building is structurally unsound, the building inspector shall not approve, or recommend for approval by the Insurance Commissioner, remodeling of the building without detailed plans and specifications.
5. If the building is structurally sound and otherwise meets requirements, minor alterations which do not structurally affect the building will be approved by the building inspector and recommended for approval by the Insurance Commissioner. Alterations which affect the structure of the building will not be approved unless detailed plans and specifications are presented.
6. Any addition of interior partitions or other alterations must meet code requirements.
7. All new wiring must meet code requirements. The electrical inspector shall inspect the building and may require rewiring of part or all of the building before any alteration or addition to the building is approved. All such rewiring shall be done according to the code for the fire district.
8. If a roof is replaced, it must be done with Class 1 or 2 roofing.
9. If the use of a building of structurally sound construction is changed from residential to commercial, the building must be rewired to meet the standards of the electrical code for the fire district.
10. No additions to a frame structure for commercial use will be permitted.
11. When there is any commercial use in the building, the entire building will be considered commercial.

DRIVE-IN BUSINESSES IN THE CBD

It was noted that this matter had been referred to a sub-committee of the Planning Board for study and report so no action was taken by the Aldermen.

SUBDIVISIONS-REQUIREMENTS FOR OPEN SPACE

Attorney Denny said that it was desirable to get special acts in as soon as possible and that two other proposed acts would be submitted very shortly, one on elections to cover the area of Chapel Hill in Durham County and one on the authority to improve streets and assess for the improvement without petition. Alderman Scroggs said that he had reservations concerning the subdivision bill and would like to have the Planning Board study it. Attorney Denny said that he felt this would be controversial both here and in the legislature and should be carefully studied and prepared before submitting. Alderman Smith said that he would prefer to wait for the Planning Board review. Mayor Lee suggested that the Planning Board be asked to have a special meeting to consider this. Alderman Nassif said that he felt that this was similar to the requirement that a subdivider provide streets, sewer etc. and that open space or recreation area could be considered equivalent to other utilities. Alderman Scroggs said that in some cases it could be classed as confiscation of property or extortion and that open space could be handled better by zoning and arrangements along that line to be made between the town and the developer. It was agreed that the Planning Board should be requested to meet prior to February 22 to consider this matter and make recommendations and it was asked that the Aldermen be notified of the date for such meeting.

LIQUOR BY THE DRINK

Alderman Bernholz said that he had had almost no community response to this matter. Alderman Smith asked if a public hearing was being considered? It was agreed to let this drop for the time being. The Manager was asked to bring matters of legislation concerning cities to the attention of the Board of Aldermen as they arose.

STREET COMMITTEE REPORT

Alderman Coxhead told the Board that the Street Committee had inspected the area on Kings Mill Road for which a petition had been received for paving without curb and gutter. He moved, seconded by Alderman, adoption of the following:

WHEREAS, a petition has been received and properly certified by the Board, signed by a majority of the property owners owning majority of the frontage on the street;

NOW, THEREFORE, BE IT RESOLVED that Kings Mill Road between Laurel Hill Road and the end of the existing pavement east of Sourwood Drive be improved by adding the necessary base material and asphalt surfacing in accordance with town standards.

The cost of this improvement shall be assessed against the property fronting on the street except that the Town shall pay all costs in excess of \$6.00 per front foot. This assessment may be paid over a period of 10 years with one tenth of the total assessment being due each year with an interest charge of 6% per annum on all unpaid balances.

This was seconded by Alderman Scroggs and unanimously carried.

It was recommended that this be considered in the 1971-72 Budget.

PARKING-ROBERSON STREET

Alderman Coxhead told the Board that Reverend Manley has asked that parking be allowed on both sides of the street during certain hours so the children at the nursery school could be picked up and dropped off. The Town Manager said that traffic counts were being made on this street to indicate the size of the problem. No action was taken.

EAST FRANKLIN AND BOUNDARY

Alderman Coxhead reported that the Street Committee felt the State should be asked to make improvements at this intersection, and at the Lawson curve just east of this point. The Board asked that traffic counts be obtained and the information be sent to the Highway Commission with a request for improvement.

RELEASES AND REFUNDS

Alderman Smith moved, seconded by Alderman Scroggs, that the following taxes be released or refunded as erroneously charged. This was unanimously carried.

Releases

Name	Rec.#	Amount	Reason
Channing H. Cox, Jr.	1297	15.52 ✓	County reduced valuation from 1500 to 375
Craig C. Benepe	419	44.06 ✓	Personal property in Carrboro
Mary E. Foushee	2028	5.80 ✓	Real property not in town

Refunds

Name	Year	Rec. #	Amount	Reason
Mary E. Foushee	'68	1605	4.87 ✓	Real property not in town
	'69	1915	5.29 ✓	
			<u>10.16</u>	

COMMUNITY APPEARANCE COMMISSION

Dr. Sidney Cohn, Chairman of the Community Appearance Commission, told the Board that the Appearance Commission had not been getting the proper amount of time from the Planning staff. Alderman Scroggs moved, seconded by Alderman Smith, to refer this matter to the Manager for a report at the next meeting. This was unanimously carried.

MASON FARM ROAD

The Town Manager told the Board that Mason Farm Road was on the State Highway system and therefore maintained by the Highway Commission. He said that he would check the complaint and report to the Highway Department on the findings. Alderman Nassif said that open ditches were being left by the Gas Company and Water Company and that the town should insist that the protective barricades be used.

INFORMATION BROCHURE

Alderman Nassif said that he felt that a brochure should be prepared for distribution with tax notices to make information readily available to the general public. He suggested including among other things a zoning map, copies of the Thoroughfare Plan, revenue and expenditure information for the current year and previous years, information on building permits, the Budget, an organization chart and the Recreation Department.

TRIANGLE COMMISSION FOR CRIMINAL JUSTICE

Alderman Bernholz reported that a request for funds had been submitted to provide a legal advisor for the Police Department, communication equipment and other operational equipment.

Alderman Bernholz moved, seconded by Alderman Smith, that the following resolution authorizing participation and the committee work be adopted:

Resolution to Participate in Program of the North Carolina Committee on Law and Order

WHEREAS, the town/county of Chapel Hill by resolution dated February 8, 1971 as agreed to participate in planning effort for the improvement of the criminal justice system in North Carolina; and

WHEREAS, pursuant to statutory authority conferred upon municipalities by virtue of G.S. 160-200 (45) and upon counties by virtue of G.S. 153-9 (60), said municipalities and counties may create joint agencies to act for and on behalf of participating municipalities and counties to plan and execute training and development programs for criminal justice agencies;

NOW, THEREFORE, BE IT RESOLVED that there is hereby created the TRIANGLE COMMISSION ON

Criminal Justice Planning Agency to be composed of the following agencies to wit:

Raleigh	Wake Forest	Carrboro	Johnston County
Wake County	Apex	Hillsborough	Smithfield
Garner	Fuquay	Orange County ABC	Benson
Cary	Durham	Lee County	Kenly
Wendall	Durham County	Chatham	Selma
Zebulon	Orange County	Siler City	Clayton
	Chapel Hill	Pittsboro	

The Triangle Commission on Criminal Justice Planning Agency consists of (1) one member representing each elected government unit (city or county) within the planning region. One member representing each law enforcement unit (city or county) within the planning region. At least two members of the Judiciary (Superior or District). One Solicitor. One member from each Model cities group within the planning region. At least one parole officer stationed within the planning region. At least one probation officer stationed within the planning region. At least five members representing the general public.

Consideration should be given to female, minority and student representation. (2) An executive board shall consist of at least ten percent of the full policy board. No more than fifty percent of the executive board should be law enforcement personnel. There should be at least four members on the executive board being elected officials of the local units of government. At least two at large members (general public representatives) should be on the executive board.

The Planning agency shall have a full-time Planning Director who shall assume responsibility for coordinating the planning efforts for the Triangle Commission on Criminal Justice Planning Agency.

The purpose of the Triangle Commission on Criminal Justice Planning Agency is to prepare and adopt comprehensive criminal justice plans based on their evaluation of local problems of the criminal justice system. The Planning Agency may receive and disburse funds made available for the purpose of planning. It may prepare applications for action programs to improve criminal justice within the particular region involved and to this end may conduct surveys, studies, interviews and any other efforts necessary to prepare plans and programs for the improvement of criminal justice.

Done this 8th day of February, 1971

This was unanimously carried.

MRS. ALPHA B. WETTACH

Alderman Smith told the Board that Mrs. Wettach, who died last week, had been a valuable member of the Chapel Hill Library Board of Trustees for many years and that he felt that a resolution honoring her should be adopted by the Board of Aldermen. Alderman Bernholz moved, seconded by Alderman Smith, that the Manager should have the resolution prepared for this purpose at the next meeting. This was unanimously carried.

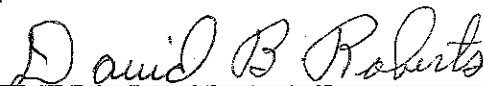
CBD DEVELOPMENT

Mayor Lee said that he would like to have a detailed plan for development of the Central Business District and proposed a task force to look at the existing conditions and recommend plans for development. Alderman Nassif said that the Appearance Commission was working on a visual survey which would do much of this. There was some question as to whether the study underway by the Appearance Commission would cover everything that the Mayor wanted, but it was agreed that more information should be made available on the scope of this study before anything else was done.

The meeting adjourned at 10:30 P. M.



Mayor



Town Clerk, David B. Roberts

MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting on February 15, 1971 at 4:00 P.M. with the following members present: Mayor Lee; Aldermen Coxhead, Bernholz, Nassif, Smith, Scroggs and Welsh. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny.

MINUTES

Alderman Nassif moved, seconded by Alderman Smith, to approve the minutes of the meeting of February 8th as corrected. This was unanimously carried.

HEARING-MAY COURT SEWER

Mayor Lee announced that this was a hearing to consider a sewer assessment for a line recently laid to serve property on May Court.