

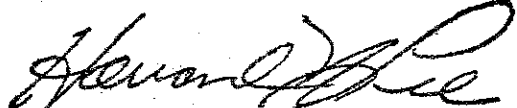
## SIGN-DURHAM BOULEVARD

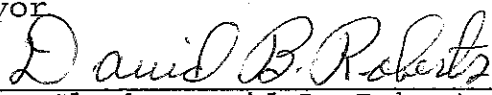
The Town Manager reported that the billboard which had been questioned was partially in Durham County and partially in Orange County. It apparently had been constructed entirely in Durham County and that a year or more ago when the county line had been adjusted the line had been run through this particular sign. Alderman Smith moved, seconded by Alderman Bernholz, to notify the sign company that the sign was illegal and should be corrected. This was carried by a vote of 4-2 with Alderman Coxhead and Nassif opposing.

## MCCAULEY STREET

The Town Manager reported on the property that had been acquired for the extension of McCauley Street and requested the Board's permission to make the contract with Mr. Queen Davis to move his house onto a piece of town-owned land in return for a deed for the land on Merritt Mill Road. Alderman Coxhead moved, seconded by Alderman Scroggs, to approve this trade. Mayor Lee said that he did not approve this that he felt the McCauley Street extension was questionable and that he would like to have it reconsidered. Alderman Welsh suggested no more action be taken on acquisition of property in this area. Alderman Smith said that there was more information that should be made available. Alderman Coxhead requested that the Thoroughfare Plan not be killed in this manner. Alderman Scroggs said that the Thoroughfare Plan had been studied for a long time and this particular section could be justified by traffic. Alderman Welsh said she had not felt satisfied with the Thoroughfare Plan, that the existing traffic should be accommodated to existing streets. She suggested a public hearing on the extension of McCauley Street. Alderman Smith moved, seconded by Alderman Welsh, to hold a hearing before obtaining any more property. Alderman Nassif said he felt the Board had already taken this position and said that he disliked the Thoroughfare Plan. He was in favor of one-way streets. Alderman Scroggs said that they felt their plan had been adopted after years of discussion and that it was working. He noted that there had been several restudies and changes made in the plan. The motion was carried by a vote of 5-1 with Alderman Coxhead opposing.

The meeting adjourned at 6:40 P.M.

  
Mayor

  
Town Clerk, David B. Roberts

## MINUTES

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met with the Planning Board at a regular hearing on February 22, 1971 at 7:30 P.M. with the following members present: Mayor Pro Tem Nassif; Aldermen Welsh, Scroggs, Smith, Bernholz and Coxhead. Mayor Lee was absent. Planning Board members present were: Weiss, Mitchell, Hurow, Shearin and Hemmens. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

Mayor Pro Tem Nassif announced that five matters had been advertised for hearing at this time and outlined the procedure for conducting the hearing.

## REZONING-EPHESUS CHURCH ROAD - R-15 to R-10

Mr. Palmer explained a request by Paul Seibel to rezone from R-15 to R-10 about 10 acres of land lying southwest of Ephesus Church Road between Ridgefield Park and the Colony Apartments. He noted that this tract contained about 10 acres and that the Thoroughfare Plan showed the connecting road from Ephesus Church Road to Willow Drive through the property. He noted that the Board had considered recently a request to rezone this to R-5 and had denied the request. Alderman Scroggs told the Board

that this had been rezoned to R-15 at the time that Colony Apartments were approved and that he felt committed to leave it that way. Mr. Seibel told the Board that he had previously planned condominiums if the R-5 zoning had been approved but that his present tentative plans were for single family residences at R-10 density. He asked for more details on the proposed road through this property. Mrs. Gertrude London, Mr. Claude Paoloni, Mrs. Vera Wolfe, Mrs. J. W. Edgerton and Mr. Kenneth Shearer opposed the rezoning. Mayor Pro Tem Nassif read a letter from Mrs. Wolfe and a petition signed by a number of nearby residents opposing the rezoning. He noted that this petition was received in the mail on February 18 and questioned its validity as a legal petition which would require a three fourths vote for rezoning? Attorney Denny said that it did not meet the time required by the statutes.

Dr. Weiss inquired about the thoroughfare? Mr. Palmer showed the general alignment on the map. Dr. Mitchell asked about the requirements for notification? They were met. Mrs. London said that she received her notification on February 12th. Alderman Welsh spoke in favor of continuing the present zoning and then moved, seconded by Alderman Smith, to deny the request for rezoning. Alderman Smith said that he felt committed from the previous action of the Board to leave it R-15. Alderman Scroggs said that the previous request for rezoning had been denied without referring it to the Planning Board but that there had been a legal petition which would require a three fourths vote and that it obviously could not pass, but as this did not require that kind of vote, he felt this should go to the Planning Board for recommendation and made a substitute motion, seconded by Alderman Coxhead, to refer this to the Planning Board. Alderman Bernholz said that this was a futile gesture and a waste of time. The substitute motion was defeated by a vote of 4-2 with Alderman Scroggs and Coxhead voting for the motion. The original motion to deny the rezoning was carried by a vote of 5-1 with Alderman Coxhead opposing.

#### AMENDMENT TO TABLE OF DISTRICT REGULATIONS

Mr. Palmer told the Board that telephone exchanges were not covered in the Zoning Ordinance except by implication and that the suggestion of the Board that a proposal had been advertised to allow them in any commercial district, industrial district and University A & B. There were no opponents or proponents to this proposal. Alderman Smith moved, seconded by Alderman Scroggs, to refer this to the Planning Board for study and recommendation. This was unanimously carried.

#### SPECIAL USE-UNIFIED BUSINESS-AIRPORT ROAD

Mr. Palmer explained that at the time the University A & B Districts were approved that general authority to allow governmental office buildings in residential districts had been deleted and that this would make the New Municipal Building, which is nearing completion, a non conforming use, so the town had advertised for a special use permit for Unified Business for this office building and the fire station on Airport Road. He showed maps of the area and explained the plan. Attorney Denny told the Board that there was a general rule that governmental construction for a government function could be done even if it did not comply with the Zoning Ordinance so that this Special Use might not be needed. It was agreed that it was desirable to clarify the status of these buildings. Mr. Palmer told the Board that the remaining parking spaces should be developed to meet the parking requirements and parking needs but this was not covered under the existing construction contract or within the existing budget. There were no opponents or proponents of the proposal. Alderman Welsh moved, seconded by Alderman Scroggs, to refer this to the Planning Board for study and recommendation. This was unanimously carried.

#### REZONING-R-6 to R-10A-EAST ROSEMARY STREET

Mr. Palmer explained the request by Mr. Gerald D. Bell to rezone the rear portion of a lot on the north side of East Rosemary Street between Cottage Lane and Friendly Lane. The lot is eighty four feet at Rosemary Street and ninety one feet back and two hundred and fifty feet deep. Of this lot the front 200 feet is currently zoned R-10A and the rear 50 feet R-6. This is next to the existing

Kappa Alpha Theta Sorority. The petitioner was not present to speak for the request. Dr. Mitchell asked if the rezoning was necessary to build a fraternity or sorority on this lot. Yes. Mr. Jim Igoe, who lives east of Cottage Lane, asked what uses were permitted uses in R-10A and then opposed the request. Alderman Welsh noted that his opposition appeared to involve density in that the R-10A would allow less density than R-6. Alderman Smith moved, seconded by Alderman Coxhead, to refer this to the Planning Board for study and recommendation. Alderman Scroggs said this probably could be handled by the Board of Adjustment without rezoning. The motion was unanimously carried. Alderman Scroggs asked if the Planning Board could consider other lots in this area where the R-10A district boundary divided the lot.

#### SPECIAL USE-UNIFIED BUSINESS-AIRPORT ROAD

Mr. Palmer explained a request by Mr. Henry Edmiston for a small shopping center on the east side of Airport Road near the intersection of Barclay Road. He pointed out the location, the surrounding zoning and explained the plans. Alderman Welsh asked how far this was from the nearest commercial development? About one half mile to Hillsborough Street. Mr. Edmiston called on Arthur Cogswell, Architect, to explain the proposal. He explained that there would be a small shopping center with several stores, a drive-in bank and a service station. He said that the service station would be far back from the road, and that he hoped this design would be a good example for the service stations in the Chapel Hill area. Dr. Weiss asked if there was a justification for an additional gas station? It is necessary in a shopping center to provide certain cash flow advantages. Dr. Mitchell asked about the timing? It could be started in 90 days and completed in nine months. General Hurow asked how there could be a guarantee that the gas station would be maintained properly even it was well designed? He said he felt this development was not necessary as it was quite close to the existing shopping center at Hillsborough Street. Mr. John Rigdon, owner of the property across the street from the center on Airport Road supported the proposal. Mrs. Ann Barnes, resident on Severin Street, said that an additional shopping facility was not needed and that she thought there should be no additional commercial development on Airport Road until a complete plan for the length of this highway was adopted. Mr. James Peace opposed. Mayor Pro Tem Nassif read a letter from Mr. Unks, owner of property on Maple Drive, opposing. Mr. Edmiston said that he would deed the area shown as park in the proposal to the Town and give up any further claims he had to refunding on the sewer line built by him to serve this portion of Airport Road. A memorandum from the Community Appearance Commission on this project was read. Alderman Welsh said that she felt the Planning Board should think of the whole area development rather than just this single development. Alderman Coxhead moved, seconded by Alderman Welsh, to refer this to the Planning Board for study and recommendation. Mr. Peck asked if it was the intention that approval by the Board of Aldermen of drive-in businesses within a Unified Business development should be final or whether they should go to the Board of Adjustment for additional review and approval. It was agreed that there was no requirement that drive-in businesses within a special use project approved by the Board of Aldermen should go to the Board of Adjustment. The motion was carried by a vote of 4-0 with Alderman Bernholz and Nassif abstaining because of financial interest in the project.

The Public Hearing adjourned at 9:30 P.M. and the Regular Meeting was called to order.

#### MINUTES

Alderman Coxhead moved, seconded by Alderman Bernholz, to approve the minutes of the meeting of February 15, 1971 as corrected. This was unanimously carried.

#### UNIVERSITY MALL-MODIFICATIONS

A transmittal from the Planning Board recommending approval of the modification of the University Mall with certain stipulations and one from the Community Appearance Commission with other stipulations was read. Alderman Smith asked if the covered walk requested by the Appearance Commission would be required?

It is shown on the latest plan. Mr. W. E. Brandon, representing the owner, briefly described the changes and called on Mr. Benzing, Architect, for other comments. He noted that the floor elevation of the main mall was 361.5 feet which would be above the 100 year flood. Mrs. Ann Barnes, representing Binkley Church, asked about the traffic access from church property to the shopping center? There would be none. She asked about the trees screening the theatre from the church property? Trees of suitable height would be planted screening the theatre from the church parking lot and screening the service area behind the super market from the church driveway. A double screen of trees would be placed here at the suggestion of the Appearance Commission. The drainage from the church property onto the shopping center property would be improved. Mr. J. Ewell asked a number of questions which were answered by the developer. The Town Manager asked for plans on the storm and sanitary sewer and streets. These were made available at the hearing but there was no chance to study them. Alderman Smith asked about the height of the planting for the screen of the service area from Willow Drive? Six feet high and on top of the bank. Alderman Nassif asked about the street. The design calls for 55 feet face to face with curb from the Bypass to Willow Drive and not less than 48 feet between Franklin Street and Willow Drive. The Town Manager asked that Estes Drive west of Willow Drive be wide enough to allow a fifth lane for west turn movement onto Willow Drive. The developer agreed that the street construction work should be done before the main mall building was open. It was agreed that the landscaping should be completed about the time the building was completed. Sidewalks were shown on the plan for Willow Drive and Estes Drive. The street trees requested in the previous stipulation as shown on these plans. Mr. Horn, Traffic Engineer, described the internal traffic movements as shown on the plans. Mr. Brandon asked that the proposed stipulation that would require re-alignment of the entrance near Conner Drive at such time as Conner Drive was extended to intersect Elliott be changed to say that it either be re-aligned or closed at that time. Alderman Welsh then moved that the Board approve the modifications of the existing special use permit as shown on the drawings presented at the meeting with the following stipulations:

1. That the detailed design for the proposed Texaco Station and theater building be submitted for review by the Appearance Commission and recommendations be submitted from the Appearance Commission to the Town Board for approval prior to the issuance of the building permit.
2. That the covered walk as shown on the plan be provided between the enclosed mall and the super market building.
3. That the developer consult with the Mass Transportation Commission regarding possible bus stops on the University Mall property.
4. That detailed plans for landscaping and screening be submitted for review by the Appearance Commission and approval by the Board of Aldermen prior to the issuance of building permits.
5. That if and when Conner Drive is cut through to Elliott Road, that a revision be made to the entrance to the mall nearest Conner Drive and that plans for this revision be submitted for approval by the Board of Aldermen at that time.
6. That the pole sign for the Texaco station be permitted only if placed at the northeastern corner of the service station site oriented toward the Mall and be not more than 17 feet high.
7. That trash and garbage facilities be provided and indicated on plans for all buildings on the site as approved by the Town Manager.
8. That curb and gutter on both sides of Estes Drive and 15-501 Bypass to Franklin Street be provided to town standards as approved by the Public Works Department and the Town Manager, to be completed prior to the issuance of a certificate of occupancy for the mall.
9. That plans for sanitary and storm sewer facilities be submitted and approved by the Town Manager prior to construction.
10. That the project shall be started within one year and completed within three years of the date of this approval. (February 22, 1971)

This motion was seconded by Alderman Smith and unanimously carried.

Alderman Bernholz moved, seconded by Alderman Smith, that the proposed special act allowing Chapel Hill residents living in Durham County to register on the Orange County books for Chapel Hill elections be submitted to the General Assembly with the request for passage. The motion was unanimously carried.

Alderman Bernholz moved, seconded by Alderman Smith, that the proposed special act allowing the Town to make street improvements and assess these improvements against the adjacent property without first receiving a petition from the property owners be submitted to the General Assembly with their request for passage. Alderman Coxhead asked if this was customary? Attorney Denny said that it was not unusual and that a number of cities in North Carolina had this authority. Alderman Bernholz said that there was a provision for hearings on any projects proposed for improvements by this method. The motion was unanimously carried.

The proposed special act which would allow the Town to require land for parks or recreation in new subdivisions was discussed. Alderman Scroggs suggested that the proposed act be simplified by the elimination of all of the detailed provisions and limitations and merely ask for additional powers to those given under GS 160-226.3 to authorize a requirement for the dedication or reservation of parks, recreational areas or open space in the subdivision ordinance. Alderman Nassif asked if he intended to omit the 10% maximum? Attorney Denny said that in any case the requirement must be reasonable. Alderman Scroggs said that although people may consider 10% too high they would be more likely to accept no limit because the 10% might be interpreted as a fixed figure. Adger Wilson, Chairman of the Chapel Hill Board of Realtors, said that he felt that the Board's action on this bill was too hasty and that the Board should solicit comment from the realtors and other interested persons in town and from other towns. Alderman Scroggs said that such would necessarily be done before an ordinance under this authorization would be enacted. Mr. Wilson said that he favored parks and recreation areas but not this approach, that he would prefer a limit to an unlimited authorization, and that the Town should encourage open space by cluster development or otherwise, not require its dedication and reservation. Alderman Nassif said that the Town did not necessarily want to own this land that they just wanted it to exist. Alderman Bernholz moved, seconded by Alderman Scroggs, to submit the proposed special act with the omission of paragraph 3 as suggested by Alderman Scroggs. Alderman Coxhead said that he felt that the Town should work with developers and try to encourage them to provide space not require it. He also said that it should be tied into a comprehensive plan for recreation if it is done. Alderman Scroggs said that the Town has existing authority for open space and that this action is designed to acquire small play areas. He said that it would be impossible to make a complete recreation plan of this type but that he would favor more recreation planning. The motion was unanimously carried.

Attorney Denny said that there would be another special act needed on the Transportation Commission. Alderman Nassif asked that a letter be written to the Recreation Commission reporting the action taken and thanking them for their efforts in this matter. Alderman Smith moved, seconded by Alderman Scroggs, that this be done. This was unanimously carried.

#### LOCAL OPTION SALES TAX

Alderman Nassif said that he would prefer to have the local Option Sales Tax, if enacted, tied into the Scott Bill with a homestead type tax exemption for elderly persons with limited income. The Town Manager was asked to give additional information on those bills.

#### LOADING ZONES-ROBERSON STREET

Alderman Coxhead moved the adoption to the following ordinance providing for pedestrian loading zones on the east side of Roberson Street. This was seconded by Alderman Smith and unanimously carried.

AN ORDINANCE TO PROVIDE A PASSENGER LOADING ZONE AND CONTROL THE PARKING THEREIN

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

SECTION I.

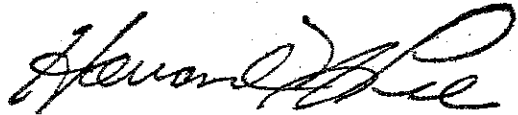
That in the space along the curb on the east side of Roberson Street described as follows: Beginning at a point 104 feet south of the centerline of Rosemary Street to a point 148 feet south of said centerline; parking for the purpose of loading and unloading of passengers will be permitted from 7:30 to 8:30 A.M. and from 4:30 to 5:30 P.M.

SECTION II.

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

This the 22nd day of February, 1971

The Meeting adjourned at 11:50 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 at 4:00 P.M. on March 1, 1971 with the following members present: Mayor pro tem Nassif, Aldermen Coxhead, Bernholz, Smith, Scroggs and Welsh. Mayor Lee was absent at the beginning of the meeting. Also present were Town Manager Peck, Town Clerk Roberts and Town Attorney Denny.

MINUTES

Alderman Bernholz moved, seconded by Alderman Scroggs to approve the minutes of the meeting of February 22, 1971 as corrected. This was unanimously carried.

SIDEWALKS

Mr. Rollie Tillman told the Board that sidewalks were needed in his area of Town, specifically on Elliott Road, and were also needed in other places in Town. Alderman Bernholz moved, seconded by Alderman Welsh to receive this petition and consider it at the time sidewalks were discussed as an agenda item. This was unanimously carried.

Mayor Lee came in at this time.

Mayor Lee read a letter signed by Mrs. Edward Glassman and Mrs. Frank French asking that an obstruction be removed from the sidewalk on Curtis Road. Alderman Nassif moved, seconded by Alderman Bernholz that this be referred to the Street Committee for investigation. This was unanimously carried.

FIRE CODE

Joe Robertson, Fire Inspector, reported to the Board on changes in the 1970 Fire Code compared to the 1965 edition. Alderman Smith asked how much this would effect the average householder? Very little, most of the changes pertained to fuel and explosives and the transportation thereof. Alderman Scroggs thanked Mr. Robertson for this report.