

curb and gutter. Town Manager Peck said yes, but that it was not ideal. Alderman Marshall asked if paving a street with that grade would be a violation of the ordinance. Town Manager Peck said yes. Mayor Lee said that the two paving problems, Burris Place and Kings Mill Road, be referred to the Streets Committee. Town Manager Peck said the Town had intended to pave Kings Mill Road this month and requested prompt action. Mayor Lee asked Dr. Cohn if he would work with the Streets Committee on this problem. Dr. Cohn said yes.

SPECIAL MEETING

The Board of Aldermen and Mayor Lee agreed to meet in a special executive session on Wednesday, May 10, 1972 at 4:00 P.M. in the Conference Room at the Municipal Building.


PAVING--NORTH COLUMBIA AND CALDWELL STREETS

Mayor Lee said that it was dangerous to come out of the housing project on to N. Columbia Street and suggested that paving N. Columbia and Caldwell Streets be referred to the Streets Committee for study and recommendation.

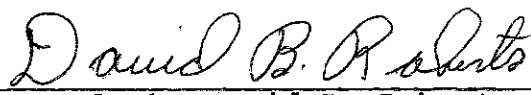
APPOINTMENT--PUBLIC TRANSPORTATION COMMISSION

Mayor Lee announced that Chancellor Ferebee Taylor appointed Mr. John L. Temple to replace Dr. George Nicholson on the Public Transportation Commission.

The meeting was adjourned at 10:30 P.M.



 Mayor



 Town Clerk, David B. Roberts

MINUTES

May 15, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M. on Monday, May 15, 1972, with the following members present: Mayor pro tem Smith, Aldermen Scroggs, Welsh, Marshall, Nassif, and Coxhead. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny. Mayor Lee was absent.

MINUTES

Alderman Welsh moved, seconded by Alderman Scroggs, to adopt the minutes as corrected. This motion was unanimously carried.

TRAFFIC--BARCLAY ROAD

Mr. Bill Nicholson of Barclay Road said he consulted seventy-five (75) residents in his area and requested better enforcement of the traffic regulations, in addition to reducing the speeding problem on Barclay Road by other means. Mayor Pro tem Smith read a petition requesting that the speed limit on Barclay Road be reduced. Alderman Scroggs moved, seconded by Alderman Welsh, to accept the petition and discuss it when the Street Committee report is given. This motion was unanimously carried.

D.U. HOUSE--ROSEMARY STREET

Mrs. Walter Baum of Rosemary Street asked to submit a proposal with a petition signed by residents on Rosemary Street regarding the D.U.

Road rather than backwards, and that the Police Department be asked to check the speed in that area. He said that he did not recommend that a stop sign be placed at the intersection of Williams Circle and Barclay Road as requested. Alderman Scroggs agreed, and recommended that the Town Manager request the Police Department to check Barclay Road with radar devices. Alderman Welsh asked if the speed limit could be reduced to 15 or 20 miles per hour. Alderman Marshall said that speeding was a problem all over town, and that the Police Department should try to enforce speed limits in all areas.

SERVICE STATION REGULATIONS

Alderman Nassif said that the questions that he had regarding the proposed service station ordinance had been resolved, and that the Board could pass this ordinance and could pass another concerned for existing service station in the CBD. Alderman Welsh circulated a picture of an award-winning service station in California and said that the changes needed in the present ordinance were important for public safety. She said that:

"the uncontrolled location of the service stations can cause congestion and interference on arterial and adjacent streets in the movement of traffic and since the main function of arterials is movement the main function of the street or roadway is destroyed. Traffic hazards (are) created."

She said:

"there is a need for location of points of access to protect the non-user and the non-motorist as well as other motorists... in the interest of public safety. There is a legitimate purpose in separating auto traffic circulation on sidewalk public rights-of-way clearly from auto traffic on private property...the purpose (of the ordinance) is to separate... pedestrians from autos. Pedestrians have been so discriminated against by automobiles in built-up areas that the time has come to protect their rights to safety.

The concept embodied in h-4 is in the present ordinance and is carried over. It's appropriate not to work in the front yard (of a business)--neither can any (other business)."

Alderman Scroggs said that he objected because he objects to Special Use in principal, but he does not object to the ordinance. Mayor pro tem Smith read the proposed amendment to the Zoning Ordinance. Alderman Nassif moved, seconded by Alderman Welsh, to adopt the ordinance as presented. This motion was carried by a vote of four to two with Alderman Scroggs and Coxhead opposing.

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

WHEREAS, after due advertisement as provided by law, a public hearing was duly called and held by the Board of Aldermen and the Planning Board of the Town of Chapel Hill on May 8, 1972, to consider the changes in the Zoning Ordinance as set forth in Sections I, II, and III below, and;

WHEREAS, that after said public hearing the Board of Aldermen adopted certain recommendations of the Planning Board; NOW THEREFORE

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

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 hereby is further amended as follows:

SECTION I

1. Amend Section 3--Table of Districts Regulations--Uses Permitted to delete "Automobile Service Stations"--from the Central Business District.
2. Amend Section 4-D-6, Drive-in-Business to delete any reference to "Automobile Service Stations."
3. a. Amend Section 13 to change the Definition of Service Station to read as follows:

Automobile Service Station. Any lot, tract, or parcel including structures thereon, that is used for the dispensing of gasoline or any other motor fuel.

b. Place Automobile Service Station definition in alphabetical order.
4. a. Amend Section 13 by changing the heading above the list of Major Streets on page 123 to read as follows:

Major Streets. The Major Streets for Zoning Purposes consist of the following named streets.

b. Place the Major Streets definition and list in alphabetical order.
5. Amend Section 3 by changing Note N-2 to read as follows:

2. The area is located within five-hundred (500) feet, by road, of a Major Street as defined by this Ordinance and has direct access thereto.

SECTION II

Amend regulations for Special Use Permits to include a new section. Section 4-D-2 (Renumber succeeding sections).

Automobile Service Stations*

a. Approved By:

Special Use Permits for Automobile Service Stations shall be approved by the Board of Aldermen.

It is the intent of this ordinance to encourage excellence in architectural and site design, and to discourage the use of stock or standard designs not prepared for the specific site.

b. Permitted Districts:

Automobile Service Stations shall be permitted only in Suburban Commercial and Regional Commercial Districts, except as provided within Unified Business developments as defined by Section 4-D-21.

c. Minimum Lot Area:

- (1) The size of any lot shall not be less than 20,000 square feet in area.
- (2) No lot shall have a width of less than one hundred fifty (150) feet, as measured at the building line.

d. Parking and Loading:

Parking shall not be permitted between the curb line of public streets and the property line. No vehicular overhang shall be permitted from from service station property onto public rights-of-way.

e. Screening and Separation

(1) Automobile service stations shall be screened from the view of abutting residential districts or uses by solid continuous walls or fences or by solid appearing evergreen hedges; such screen walls or fences shall be constructed not

*Any lot, tract, or parcel including structures thereon, that is used for the dispensing of gasoline or any other motor vehicle fuel.

less than six (6) feet high, and hedges shall be not less than six (6) feet high within two years after planting; required height of walls, fences or hedges shall be measured from the highest ground floor level of the automobile service station; no such wall, fence or hedge shall be so located as to obstruct the required line of sight. The required line of sight shall be from a point on the centerline of any driveway and fifteen (15) feet from the right-of-way of any abutting street, to each of two points on the street centerline located one-hundred fifty (150) feet on each side of the intersection of any driveway centerline and the centerline of any street.

(2) Automobile service stations shall be separated from abutting public rights-of-way by continuous masonry walls three (3) feet high, or by a combination of curbing not less than six (6) inches high together with solid appearing continuous evergreen hedges maintained at three (3) feet in height. Such walls or hedges shall be along the entire length of the property lines which abut public rights-of-way, except at driveway entrances and five (5) feet on each side thereof. The height of hedge or wall shall be measured from the level of the driveway at the property line. Planting, though not required, is either side of the wall.

f. Minimum Yard Size:

(1) Front Depth - The depth of any front yard shall be not less than sixty-five (65) feet from the front property line or one-hundred (100) feet from the centerline of the right of-way of the street on which the use fronts, whichever is greater. Automobile Service Station pump islands shall be set back twenty-five (25)

feet from any street right-of-way line. (See Note C)

(2) Rear Depth - The depth of any rear yard shall be not less than twenty-five (25) feet. (See note D)

(3) Side Width - The width of any side yard shall be not less than thirty (30) feet on each side.

g. Location, Number and Spacing within Districts:

(1) In Suburban Commercial and Regional Commercial Districts, Automobile Service Stations shall be permitted only along Major Streets, as defined by this Ordinance, having a median barrier or center turning lane, and no less than 300 feet from any intersection.

(2) Because of the traffic hazard created by vehicles turning into and out of Automobile Service Stations, it is the intent of the Town of Chapel Hill that along such Major Streets having a median barrier or center turning lane there should be a minimum distance of seven hundred fifty (750) feet between Automobile Service Stations, measured between the closest property lines or property corners and along the right-of-way line.

h. Other Requirements:

(1) Ingress and egress to any street shall follow the North Carolina Manual on Driveway Entrance Regulations and Chapter 17 of the Chapel Hill Code of Ordinances.

(2) On all streets having curb and gutter, a sidewalk, either of concrete or of brick construction, shall be built along the entire frontage of the property abutting public streets. The outside edge of the sidewalk shall lie along the right-of-way line. Such sidewalk shall be graded to a minimum width of eight (8) feet and paved to a minimum width of five (5) feet. Such sidewalks shall be separated from automobile service station areas as described in Item E, paragraph (2) above.

(3) Access driveways shall be well defined by approved curbs and planting.

(4) In any front yard required by this ordinance, no merchandise shall be offered for sale, lease, rental or promotion, nor displayed or stored nor shall any other business be conducted; except for the dispensing of gasoline or other motor fuel or motor oil, and for routine servicing of vehicles accomplished at the gasoline pump.

(5) Lighting fixtures shall be designed and arranged so that the source of light shall not be visible from public rights-of-way and adjacent properties.

(6) Use of exterior pole-mounted signs is discouraged. All other regulations for signs shall be as contained in Section 7 of this Ordinance.

(7) It is the intent of this ordinance that refuse and litter containers shall be attractive and conveniently located for service station and public use. Bulk trash and garbage collection containers shall be approved by the Town Manager, and shall be screened from public view by walls or fences or by solid evergreen planting.

(8) The developer shall prepare a list of the owners of all properties within 500 feet of the property for which the Special Use Permit is requested, and provide the Building Inspector with two copies of the list. The developer shall obtain from the Building Inspector copies of the Legal Notice for the Public Hearing at which his request is to be considered, and shall return these copies to the Building Inspector, in stamped envelopes, properly addressed to all property owners on the list described above, no later than eight (8) work days prior to the date of the Public Hearing. The Building Inspector shall mail these copies of the Legal Notice to the property owners no later than one (1) day following this receipt.

I. General Plans:

The following plans are required to be submitted with the initial application for a special use permit:

(1) The developer shall submit a sketch map, at a scale of not less than 100 feet to the inch nor more than 20 feet to the inch, showing the following:

(a) The property for which the Special Use Permit is requested, with location and approximate size of existing and proposed buildings easements, rights-of-way, and open space;

(b) A perimeter line 500 feet from and surrounding the property lines of said property;

(c) Property lines, names of property owners, existing buildings and structures, and existing land uses for all properties within said 500 foot perimeter line;

(d) The area within a 1000 foot radius of said property, showing existing public streets and rights-of-way, and existing zoning districts.

(2) EXISTING SITE CONDITIONS SURVEY at a scale not less than 1 inch to 30 feet showing site boundaries, trees and natural elements, easements and rights-of-way, above ground and below ground utilities.

(3) PRELIMINARY SITE DEVELOPMENT PLAN at the same scale as in item (2) above, showing all proposed and required building construction, grading, paving, location of signs, lighting, and trash disposal facilities.

(4) PRELIMINARY LANDSCAPE PLAN as in item (2) above, showing existing trees and natural elements to be preserved and all proposed and required planting of trees, shrubs, vines, ground cover, and grass.

(5) PRELIMINARY BUILDING ELEVATIONS and PERSPECTIVES OF A SCALE not less than 1/4 inch to 1 foot indicating its Visual character in sufficient detail to ascertain its relationship to the appearance of the surrounding neighborhood, AND showing proposed exterior materials for all building elevations.

(6) PRELIMINARY SIGN PLAN at a scale of not less than 1/4 inch to 1 foot showing location, size, construction, materials and color and type face for all proposed signs.

j. Detailed Drawings

The following plans are required to be submitted with the application for a building permit:

(1) Detailed construction scale drawings and material specifications for site development and building construction, all of professional quality.

(2) Detailed fabrication scale drawings and material specifications for all signs.

(3) Detailed planting plans drawn to scale and plant material specifications for all landscaping.

(4) Any other submissions required under conditions designated by the Board of Aldermen in granting the Special Use Permit.

K. Landscaping

(1) Landscaping shall be completed within the first planting season following the date of issuance of the Certificate of Occupancy.

(2) All landscaping required for issuance of Special Use Permits shall be maintained in healthy condition for the duration of the Certificate of Occupancy.

NOTE: For existing structures, the requirements to a preliminary elevations, detailed elevation and bird's eye perspective may be met by submission of one or more photographs of such structures or by elevations or perspectives from the original plans.

SECTION III

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

This the 15 day of May, 1972.

REGION J

Mr. Pearson Stewart said that the charter for Region J was nearly complete and should be available soon. Mayor pro tem Smith said a group of citizens had submitted a new proposal for representation. Town Manager Peck said the budget request for Region J was \$3,697.00.

RESIDENTIAL BUILDINGS IN THE CBD

Mayor pro tem Smith said he was concerned about commercial buildings being built on the property line of residential property. He said that recommendations about this problem would be made by the Planning Board.

SPECIAL USE MODIFICATION--UNIVERSITY MALL, WINN-DIXIE

Van Opdenbrow described the project modification involving the Winn-Dixie sign in University Mall. Alderman Coxhead moved, seconded by Alderman Marshall, to approve the request for modification of the University Mall Special Use Permit to allow the Winn-Dixie logo subject to the following stipulation: that the cable for the Winn-Dixie sign and logo be concealed behind the pre-cast concrete panel, as agreed to by the developer, and subject to the approval of the Appearance Commission. This motion was unanimously carried.

SPECIAL USE MODIFICATION--CAMINO RIDGE

Regarding the Camino Ridge modification of the Special Use Permit, Van Opdenbrow said that the Design Review Committee recommended that this request be granted with the one stipulation recommended by the Planning Board. Alderman Marshall said that if the Planning Board had asked for a detailed landscape plan, that the Board of Aldermen should not take action on this request. Alderman Welsh asked if there were any problem with the landscape plan. Mr. Seibel said no, that the architect's time was the problem. Alderman Scroggs moved, seconded by Alderman Coxhead, to approve the request for modification of the Special Use Permit, subject to the approval of the Appearance Commission, with the stipulation recommended by the Planning Board: that the detailed landscape plan be reviewed by the Planning Board as well as the Appearance Commission and approved by the Board of Aldermen prior to issuance of a Building Permit. Alderman Nassif said that he would vote in favor of the approval, but opposes adding new stipulations in modifications. Van Opdenbrow said the stipulations are applicable to the detailed landscape plan, not to the modification. This motion was unanimously carried. Alderman Nassif said that a list of all stipulations related to requests for Special Use Permits should be made available to the Board of Aldermen at the time that action is being requested.

LANDSCAPE PLAN--ORANGE BUILDERS

With regard to Orange Builders' request Van Opdenbrow said the Design Review Committee recommended that the Board of Aldermen approve the detailed landscape plan with two stipulations. He said that the recommendation from the Planning Department staff and the Public Works Department was to move the trash container to another location. Alderman Coxhead asked if this would be agreeable to the developer. Van Opdenbrow said yes. Alderman Welsh moved, seconded by Alderman Marshall, to approve the detailed landscape plan, subject to the approval of the Appearance Commission, with the following stipulations:

- a. That appropriate planting be provided at both sides of the entrance drive;
- b. that the bulk trash container be relocated to the satisfaction of the Appearance Commission.

This motion was unanimously carried.

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BONDS

Mayor pro tem Smith said the Local Government Commission recommended that a bond in the amount of \$300,000.00 be sold in June, 1972 to cover the \$80,000.00 sewer bond, the \$95,000 Park and Playground Bond, and \$125,000.00 for streets in the Redevelopment Area. Town Manager Peck said that the Local Government Commission suggested that the Town sell the bond on June 13, 1972 for \$300,000 and that the Town name the bank or banks it wishes to serve as paying agents. Alderman Coxhead moved, seconded by Alderman Nassif, to proceed with the issuance of the \$300,000 bond, designating First City Bank of New York and N.C.N.B. locally as the paying agents. This motion was unanimously carried.

RELEASES AND REFUNDS

Alderman Nassif moved, seconded by Alderman Scroggs, to approve the following resolution:

RESOLUTION - TAX RELEASES

WHEREAS, taxes listed below were erroneously levied through clerical error on properties belonging to the following:

James M. Carroll	1002	\$64.85	Mr. Carroll lived in the county on Jan. 1, 1971. He moved to Northampton Plaza in May and listed late.
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WHEREAS, the above list of people have made application for release of said taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that it finds that taxes on the above listed people were levied through clerical error, and in the discretion of the Board should be released to the taxpayer, IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such release.

RESOLUTION - TAX REFUNDS

WHEREAS, taxes listed below were erroneously levied and collected through clerical error on properties belonging to the following:

Edwin Caldwell	\$54.00	Mr. Caldwell has been charged sewer for two units. He should have been charged with only one. This refund is for three years: 1969, 1970 and 1971.
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WHEREAS, the above listed people have made application for refund of said taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL, that it finds that taxes on the above listed people were levied and collected through clerical error, and in the discretion of the Board should be refunded to the taxpayer, IT BEING FURTHER RESOLVED that the Tax Collector is authorized and empowered to make such refund.

This motion was unanimously carried.

APPOINTMENT--CBD PLANNING COMMITTEE

Town Manager Peck said that Chancellor Ferebee Taylor appointed Mr. Gordon H. Rutherford, University Director of Physical Plant Planning, to serve on the CBD Planning Committee.

TAXES

Alderman Coxhead commended the Tax Collector and the Town Attorney for the high percentage of taxes collected to date.

The meeting was adjourned at 5:50 P.M.



Mayor



Town Clerk, David B. Roberts

MINUTES

May 22, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a public hearing with the Planning Board at 7:30 P.M. on May 22, 1972 with the following members present: Aldermen Smith, Scroggs, Coxhead, Nassif, Marshall, and Welsh. Also present were Town Manager Peck, Town Clerk Roberts, and Town Attorney Denny. Mayor Lee was absent at the beginning of the hearing. The Planning Board members present were: Messrs. Hemmens, Shearer, Weiss, Wallace, Cooke, Hurow, Helton, and Mrs. Parker.

PUBLIC HEARING:

Mayor pro tem Smith told the audience that the zoning and special use requests and amendments to the Subdivision Ordinance were advertised for a hearing at this time, that no action would be taken on these other than turning them down or referring them to the Planning Board for study and recommendation.

REZONING--EPHESUS CHURCH ROAD--ERVIN COMPANY

Mayor pro tem Smith read the request by the Ervin Company to rezone from R-15 and R-10 to R-3 two lots, each containing approximately five acres, located on the south side of Ephesus Church Road, bounded on the northwest by Colony Apartments and on the southeast by single-family residence; shown on Orange County Tax Map 27, as Lots 3 and 4 of Block F. Harry Palmer showed the area on the map and said a similar request had been made at least three times before. Howard Manning, the attorney representing the Ervin Company, described the zoning of the surrounding areas. Mayor Lee arrived. Mr. Manning said that single-family dwellings would never be built in the area for which the request was being made, and that his company would build 112 units renting for \$150.00 to \$230.00. He said the Ervin Company would build a six-foot redwood fence along the southeast property line if the zoning request was approved. Glenn Guy, owner of the Oxford Apartments, described the tenants in his building indicating that there were no children, no pets, and that most of the tenants were professional people or elderly people who desired a quiet place to live. Opposing the rezoning request were Vera Wolfe, Claude Taoloni, Gertrude London, Joel Schwartz, and Mrs. Marianna Edgerton, indicating that the land is beautiful, that the area is peaceful and quiet, that the land is a buffer between the apartments and the single-family units, and that increased density would be undesirable because of the nature of the area and the traffic that would result. Mayor Lee read a valid petition from the residents of the adjoining property opposing the rezoning request. Alderman Scroggs said that in 1963 when he was a member of the Planning Board he made the commitment to maintain this area as a buffer and he will continue to maintain that commitment. Alderman Nassif commended the Ervin Company for the quality of its work but said that he opposed the zoning request. Alderman Welsh said that sidewalks were being built by the property owners and the school and that she was committed to maintaining the area as a buffer. Alderman Nassif moved, seconded by Alderman Marshall, to deny the request by the Ervin Company to rezone from R-15 and R-10 to R-3 two lots shown on the Orange County Tax Map 27, as lots 3 and 4 of Block F. This motion was unanimously carried.