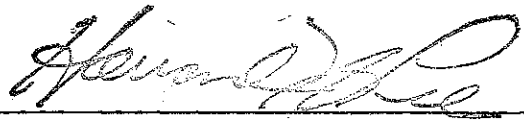


TAXES

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.

REZONING--LEGION ROAD--R-5

Mayor Lee read the request by Wilson, High, and Bisbing, Inc. to rezone from R-10 to R-5 a lot containing approximately 16.32 acres, located on the south of Legion Road, bounded on the southwest by Kings Arms Apartments, on the south by the Ephesus Church Road School site, and on the east by the American Legion property; shown on Orange County Tax Map 27 and a portion of Lot 17 of Block D. Austin Bisbing asked that the request for a Special Use Permit for Marlboro Meadows be discussed at the same time as the rezoning request. Town Attorney Denny approved the request to discuss those items at the same time. Mayor Lee read the request by Austin C. Bisbing and W. C. McFarland for a Unified Housing Special Use Permit, to construct an apartment development of six buildings containing a total of 128 dwelling units on a tract of land of approximately 16.32 acres, located on the south side of Legion Road between Ephesus Church Road and Henderson Street, and shown on Orange County Tax Map 27 as a portion of lot 17 of Block D. Harry Palmer showed the area on the map. Joseph Hakan, the planner for the apartment development described the plan for the apartments, the recreational facilities, and the parking. He said the development would include two and three-story buildings and of the 16 acres, over 7 acres would be used for play areas. He said the project had been discussed with Dr. Hanes, Superintendent of Schools, and he approved of the project and his suggestions regarding buses and the play area have been incorporated into the design of the project. Alderman Smith asked who owns the area where the power line is. Mr. Hakan said University Service Plants, but that the area can be used for this development. Town Attorney Denny asked if the road is to be dedicated to the Town as a public road. Mr. Hakan said no, it will be maintained by the developer. Glenn McFarland spoke in favor of the request and Glenn Guy supports the rezoning request if a fence is constructed on the back property line if no night lighting is used on the recreational areas, and if he has protection at his property line. Mr. Wallace of the Planning Board said that there was no guarantee that if the rezoning were granted, that the Special Use would be sought or granted. Joel Schwartz asked if the recreational areas would be open to everyone. Mr. Bisbing said they would be used for organized sports by groups like the Little League and organized similarly to those at Glenn Lennox. Alderman Nassif said he was concerned about the plans for this entire area, not just for the 16 acres for which a rezoning request was being made. He said that the Planning Department should be a leader in planning the larger areas so that specific requests for small areas could be considered with regard to a larger plan. He said that he would like to see the Planning Department Plan what it wants the area to look like in five years. Alderman Nassif moved, seconded by Alderman Welsh, to refer to the Planning Board, the request by Silson, High, and Bisbing, Inc. for rezoning from R-10 to R-5 a lot containing approximately 16.32 acres shown on Orange County Tax Map 27 as a portion of lot 17 of Block D. This motion was unanimously carried.

SPECIAL USE--LEGION ROAD--MARLBORO MEADOWS

Alderman Nassif complimented the developers on their Special Use request indicating that they have incorporated the recommendations made by the Board of Aldermen for developments of this type. Alderman Welsh commended the developers for the amount of open space planned in this project and said that she hoped that it would become a precedent for other developers. Bland Simpson asked how the density of this development compared to Glenn Lennox. Mayor Lee said that the density and amount of open space was relatively the same as Glenn Lennox. Mr. Palmer said that the zoning was the same as Glenn Lennox, and the amount of open space was at least as great. Alderman Welsh asked if the developer would be willing to dedicate open space to the Town. Mr. Bisbing said it was a possibility, but depended on the lender. Alderman Smith asked if Mr. Bisbing would pursue that possibility with the lender. Mr. Bisbing said yes. Richard Helwig, Chairman of the Recreation Commission, commended the developer on the recreational facilities, and said he hoped it would

set an example for other developers. Alderman Nassif moved, seconded by Alderman Smith, to refer this request to the Planning Board for study and recommendation. This motion was unanimously carried.

REZONING--PHI DELTA CHI FRATERNITY

Mayor Lee read the request by Phi Delta Chi fraternity to rezone from R-10A to CBD a lot containing approximately 4,620 square feet, located on the west side of Fetzner Lane, bounded on the north and south by parking lots, and on the west by the Hillel Foundation; shown on Orange County Tax Map 86 as Lot 20 of Block C. Harry Palmer showed the area on a map and said this request has previously been before the Board. Mr. John Foushee, agent for the party wanting to purchase the property, said that the parking lots on each side of the Phi Delta Chi house and the fraternity house are no longer suitable for the fraternity's use. The past president of the fraternity said that membership had increased, that a new fraternity house was being built, and that the fraternity would like the property rezoned. He said that Hillel has consented to the rezoning. Mrs. Urquhart asked if the property was being bought by a pizza company. Mr. Foushee said that the prospective purchaser wanted to use the property for a bakery for pizzas, not for a restaurant. Anne Queen said she opposes the "creeping commercialism," the increased traffic that would result from rezoning this commercial, and another eating place in the area. Also opposing the rezoning were Alton Sadler, Isabelle Lewis, Walter Cheever, and D. Maurice. Mrs. Urquhart read the covering letter from the petition in opposition to the rezoning request. Mayor Lee read a petition from the residents of the area opposing the request and a staff memo from the Planning Department indicating that the location of the property makes CBD zoning infeasible, and that the logical use for this property is parking which is permitted under the present zoning. Alderman Smith said he had voted against the request before, and would oppose this request. Alderman Nassif moved, seconded by Alderman Welsh, to deny the request by the Phi Delta Chi fraternity. This motion was unanimously carried.

REZONING--OLD OXFORD ROAD--H.B. McFARLING

Mayor Lee read the request by H. B. McFarling to rezone from Agricultural to R-10, a lot containing one acre, located on Old Oxford Road, bounded on the west by a portion of Booker Creek Subdivision, on the north by agricultural property of John Williams, Sr., and on the south by agricultural property of E. C. McFarling; shown on Orange County Tax Map 27 as a part of lot 5, Block A. Mr. Hugh McFarling said that there is a state highway right-of-way, that a sewer line is available and that he would like the lot rezoned. Harry Palmer said that the right-of-way was 18 feet, not 60 feet. Mr. McFarling said that part of the right-of-way is 60 feet, and is recorded as such in Hillsborough. He read a memo indicating that the right-of-way was built by the state and is maintained by it. Alderman Coxhead asked the size of the lot. Mr. McFarling said it is one acre. Alderman Coxhead asked if the lot were rezoned R-10, how many units could be built there. Mr. Palmer said it depended on how much was to be dedicated as right-of-way. Mr. Wallace of the Planning Board asked how many acres around the lot were zoned Agricultural. Mr. Palmer said about 20 acres. Alderman Nassif said that rezoning should not be done by one and two acre lots. Alderman Nassif moved, seconded by Alderman Marshall to refer this request to the Planning Board for study and recommendation. Alderman Smith said he would like the question about the road, including its actual size, resolved before the request is referred back to the Board of Aldermen. He said that if these lots were to be rezoned, it should be with the stipulation that a 60-foot right-of-way be provided. This motion was unanimously carried. Mayor Lee said that he agreed that a general plan for an area should be developed so that spot zoning would not be done without a general plan.

SPECIAL USE PERMIT--FIRST CITIZEN'S BANK

Mayor Lee read a request by First Citizen's Bank for a Unified Business Special Use Permit to construct a branch bank and an office building on the southwest corner of E. Franklin Street and Elliott Road, said lot shown on Orange County Tax Map 46 as Lot 5 of Block B. Harry Palmer showed the area on the map. Mr. Jon Condoret, an architect from City Planning and Architectural Associates, described the plan for the bank and a three-story office building. Alderman Marshall asked what the office building would be used for. Mr. Condoret said it would be a professional office building. Alderman Smith asked if the driveways line up with the shopping center. Mr. Condoret said that they are lined up now. Alderman Welsh said she was concerned about curb cuts on Franklin Street and about the bike lane on Franklin Street. Mr. Condoret said that the development would not tie up traffic on Franklin Street. Alderman Smith moved, seconded by Alderman Welsh, to refer this request to the Planning Board for consideration and recommendations. This motion was unanimously carried.

SPECIAL USE PERMIT--PI BETA PHI SORORITY HOUSE

Mayor Lee read a request by Pi Beta Phi sorority for a Sorority House Special Use Permit to make an addition to the existing sorority house, on the southwest corner of Rosemary and Hillsborough Streets, said lot shown on Orange County Tax Map 80 as Lot 3 of Block D. Mr. George Hackney, the architect for the sorority, said that the sorority wanted to add a new dining room, enlarge the kitchen, and convert the present dining room into a T.V. room. Mrs. Marian Saunders said the addition would not be seen from Hillsborough or Rosemary Streets. Alderman Welsh asked if the sorority needed the additional eating space. Mrs. Saunders said yes. Alderman Welsh said that it seemed that sororities are changing their functions, and that one change seems to involve becoming eating clubs. Alderman Smith asked how many square feet would be involved in the addition. Mr. Hackney said 171 square feet. Mr. Werner Housler said he opposes the request, that he objects to "creeping Institutionalism," that he is concerned about the adequacy of the parking facilities and about what determines the 60% valuation. Town Manager Peck said that the request could be granted with the stipulation limiting the expenditure to 60%. Also opposing the request were Mrs. Carolista Baum and Mr. Mason Thomas. Mr. Spike Saunders spoke in favor of the request, indicating that traffic and parking are not the issues. Alderman Smith said the architect would have the responsibility to ensure that the renovation would be done within the defined limits. Mrs. Saunders said the sorority would have to stay within the lot limit. Alderman Scroggs said that the present ordinance states that if renovation exceeds the 60%, additional parking spaces would have to be provided. Alderman Coxhead moved, seconded by Alderman Scroggs, to refer this request to the Planning Board for consideration and recommendation. This motion was unanimously carried.

SPECIAL USE--HOLLAND

Mark Burnham, representing the Community Church, questioned the legality of this special use request, indicating that under Unified Housing Development, Section F of the Zoning Ordinance, one ownership of all property is required, and that the Holland property represents two ownerships. Town Attorney Denny said that Section F was not applicable in this case because it is concerned with the development of condominiums and Townhouses, and the request is for neither. Mr. Burnham said the Subdivision Ordinance should be applied to this property. He read a section of the deed to the Community Church property, indicating that there must be a 60 foot right-of-way and if the present request is granted, the Community Church would be liable for half of the maintenance of the road. Town Attorney Denny asked what is proposed for the entrance road. Gordon Battle, attorney for Dr. Holland, said the road would be an entrance to the apartment development. Town Attorney Denny asked if it would be dedicated to the Town. Mr. Battle said that it could be. Town Attorney Denny said that at the present time no public right-of-way is involved. Mr. Burnham said the Community Church requests that this property be subject to the Subdivision Ordinance. Mayor Lee read the request by Dr. Murray Holland for a Unified Housing Special Use Permit to construct an apartment development of two buildings containing a total of 37

dwelling units on a tract of land of approximately 8.72 acres, located between Purefoy Road, and Chase Avenue, and shown on Orange County Tax Map 89 as Lot 8 of Block D. Nelson Bensing, the architect for the development, said that Dr. Holland had purchased another lot to ensure pedestrian and bicycle access to the development. He said that there would be no automobile access to the development from Chase Avenue. He said that changes in the plan were made with respect for the single-family dwellings in the area, with respect for the church, and that the units would be built 60 feet below the elevation of Chase Avenue so they would not be seen from there, and would fit into the topography of the land. He said that several covered play lots, 800 square feet each, were planned for the development. Alderman Welsh expressed appreciation for the preservation of the natural beauty in the development. Speaking in opposition to the request were John Alcott, Dan Olsen, Bill Olsen, Jr., and Phillips Russell. They expressed concern for the beauty of the area, the traffic problem that would result, including motorcycle traffic, the drainage of the land, and the change that would result in the value of the land and of the neighborhood. Mr. Burnham said the Church should not be made responsible for right-of-way serving 38 families, and he said that there seemed to be a discrepancy between the tax map and the plans, with the tax map showing the access road being 20 feet, not 25 feet. Dr. Holland said Mr. Ayers surveyed the property, and that the tax map was taken from an aerial survey. Mayor Lee read a petition from the First Church of Christ, Scientist, opposing the request, and a petition from the residents of Chase Avenue opposing the request. Alderman Nassif asked if this land could be considered for a subdivision. Harry Palmer said yes. Alderman Nassif asked if there were any requirements of the Subdivision Ordinance that this land could not meet. Harry Palmer said that it would be subject to all the Subdivision Ordinance regulations. Alderman Marshall said that this area was very special, and that the land was beautiful, but that Dr. Holland had submitted a legal plan. She said that the legal, planning, and drainage questions raised in the public hearing should be considered. Alderman Marshall moved, seconded by Alderman Coxhead, to refer the request for Unified Housing Special Use Permit to the Planning Board for study, particularly of the legal question and consideration of the traffic and drainage problems. This motion was unanimously carried.

READOPTION--ZONING ORDINANCE AND SUBDIVISION ORDINANCE

Alderman Nassif moved, seconded by Alderman Scroggs, to refer to the Planning Board the matter of the readoption of the Ordinance Providing for the Zoning of Chapel Hill and Surrounding Areas, and of the Ordinance Providing for the Approval of Land Subdivisions within the Town of Chapel Hill and Surrounding Areas for study and recommendation. This motion was unanimously carried.

AMENDMENTS--SUBDIVISION ORDINANCE

Mayor Lee read the proposed amendments to the Ordinance Providing for the Approval of Land Subdivisions within the Town of Chapel Hill and Surrounding Areas. Town Attorney Denny called attention to the section dealing with utilities and easement. Alderman Nassif moved, seconded by Alderman Scroggs, to refer the proposed amendments under paragraphs A-E as read to the Planning Board for study and recommendation:

This motion was unanimously carried.

Mayor Lee read the amendment to Section 6-B-1:

F. Amend Section 6-B-1 by adding the following after Section 6-B-1-c:

d. Driveways to parking areas accommodating more than thirty (30) automobiles and which are two-way shall have a minimum width of twenty (20) feet. All other driveways to parking areas shall have a minimum width of ten (10) feet. A joint driveway may be used to serve abutting parking areas. Driveways to parking areas shall have a sidewalk on one side if the parking area accommodates more than thirty (30) automobiles. Sidewalks shall be paved to a minimum

width of five (5) feet.

Alderman Coxhead said he opposed restricting parking in the CBD as it is proposed in this amendment. Harry Palmer said that the amendment results from several studies of the Central Business District. Mr. Weiss of the Planning Board said that parking in the front yard of businesses does not make a good appearance. Alderman Scroggs said the amendment will push all buildings to the front property line. Alderman Welsh said that some businesses have voluntarily chosen to set back, and that this amendment would not necessarily result in all buildings being built on the front property line. Alderman Marshall said that it was important to consider the separation of pedestrians and automobiles. Alderman Nassif said he would like to see variety and that the ordinance should be considered with regard to how much variety it would permit. Alderman Marshall said that height as well as set-back would add variety. Alderman Nassif said that nothing was gained with the proposed wording of the amendment. Harry Palmer said that the ordinance provides for a buffer strip, but that it does not provide for a height and set-back variety recommended by the CBD Study Group. Town Manager Peck said that unless some arrangements for common parking lots is encouraged, a series of driveways will result in the CBD. Alderman Scroggs said that the wording in Section F was unclear. Town Attorney Denny clarified the intent of the amendment. Art Berger said the studies of the Central Business District recommended that it be pedestrian-oriented, and that this amendment was one step toward making the CBD pedestrian-oriented (by having structures near the street). He said that having structures near the streets would strengthen turning the corners. Alderman Nassif said that if the ordinance had been pedestrian-oriented, parking would not have been permitted in front of University Square. Art Berger said that buildings located on the property line resulted in a pedestrian-oriented area in contrast to when they are set back as at Fowler's. He said that when one street intersects another street the corner is strengthened when its space is filled by two masses of buildings. Henry Whitfield, Jr. said that he disagreed with defining corners that specifically. He said that the masses of buildings at a corner would obstruct views and force parking to the rear. He said that there needed to be a division between pedestrian and automobiles, but that it could be defined by curbs and plantings. He said that he liked the diversity. Alderman Smith moved, seconded by Alderman Scroggs, to refer the amendment to Section 6-B-1 and 6-B-2 to the Planning Board for study and recommendation. Alderman Scroggs said Section F amending Section 6-B-1 needed to be reworded. This motion was carried by a vote of five to one with Alderman Coxhead opposing.

The public hearing adjourned at 11:30 P.M.

REGULAR MEETING:

MINUTES

Alderman Smith moved, seconded by Alderman Scroggs, to approve the minutes of the meeting of May 15, 1972 as corrected. This motion was unanimously carried.

BONDS

Town Manager Peck said that the Local Government Commission proposed a schedule for the sale of bonds with no principal payment due in 1972-73, but with the payment of \$25,000.00 each year for the next twelve years. Alderman Coxhead moved, seconded by Alderman Smith to approve the sale of bonds as proposed. This motion was unanimously carried.

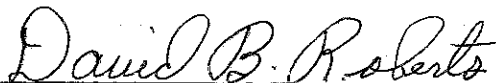
PRESIDENT'S CONFERENCE ON THE HANDICAPPED

Mayor Lee said that Mr. J. Nelson Parker attended the three-day meeting of the President's Conference on the Handicapped in Washington, D. C., that his travel expenses totaled \$125.00, and that he requested payment of this travel expense. The Board indicated that it had already approved this expense.

The meeting was adjourned at 11:33 P.M.



Mayor



Town Clerk, David B. Roberts

MINUTES

June 5, 1972

Board of Aldermen

Town of Chapel Hill

The Board of Aldermen met at a regular meeting at 4:00 P.M. on June 5, 1972, with the following members present: Mayor pro tem Smith, Aldermen Nassif, Welsh, Marshall, Scroggs, and Coxhead. Also present were Town Manager Peck, and Town Clerk Roberts. Mayor Lee was absent.

MINUTES

Alderman Nassif moved, seconded by Alderman Marshall, to approve the minutes of May 22, 1972 as corrected. This motion was unanimously carried.

ASSOCIATION OF COMMUNITY AGENCIES

Reverend James Riddle requested that a proposal by the Association of Community Agencies be discussed. Alderman Welsh moved, seconded by Alderman Nassif, to accept the request and place the item at the end of the agenda. This motion was unanimously carried.

SEWER--MT. BOLUS ROAD

Mayor pro tem Smith read a letter from Loren and Deloris MacKinney, of Mt. Bolus Road, petitioning the Town of Chapel Hill for sewer service for the residents on the south side of Mt. Bolus Road near the intersection of Cedar Street. Alderman Nassif moved, seconded by Alderman Welsh, to receive the petition and refer it to the Town Manager. This motion was unanimously carried.

ADVISORY COUNCIL ON AGING

Mayor pro tem Smith read a letter from Hugh D. McLeese, Chairman of the Advisory Council on Aging, indicating that the terms of three members of the Council terminate on June 30th, 1972. These members are Dr. William T. Hawkinson, Mrs. Gatha Lassiter, and Mrs. George Nicholson. The Council recommends that they be considered for appointment to a second two-year term. Alderman Welsh said that she knew these members and recommended them for reappointment. Alderman Coxhead requested additional time to consider other recommendations.

LANDFILL AND BONDS

Town Manager Peck requested that these items be discussed at the end of the agenda. Alderman Nassif moved, seconded by Alderman Marshall, to place these items at the end of the agenda. This motion was unanimously carried.